

MINUTES OF THE MEETING OF THE APPROPRIATIONS SUB-COMMITTEE ON
ELECTED OFFICIALS AND HIGHWAYS

January 22, 1983

(Tape 29 and Tape 30, Side A)

The Appropriations Sub-committee on Elected Officials and Highways met at 7:00 a.m. on January 22, 1983 in Room 437 with Chairman Quilici presiding. The following members were present:

Chairman Quilici	Senator Dover
Rep. Connelly	Senator Keating
Rep. Lory	Senator Stimatz
	Senator Van Valkenburg

Also present: Leo O'Brien, LFA, Cliff Roessner, LFA, JanDee May, OBPP, Teresa Cohea, OBPP.

Representing the Dept. of Justice: Bob Kuchenbrod, Susan Hansen, Arnold Melnikoff and Dawn Kangas.

WORK SESSION

DEPT. OF JUSTICE

Forensic Science (Tape 29, Side A)

Senator Van Valkenburg made a MOTION that the Budget Modification Request for an FTE for a Questioned Documents Examiner (QDE) be denied. Senator Dover seconded the motion. Discussion. Motion carried.

Senator Dover made a MOTION that the Budget Modification Request for an additional Forensic Scientist be denied. Seconded by Senator Van Valkenburg. Discussion.

In answer to a question by Senator Keating, Mr. Melnikoff said there are nine people doing this type of work now, eight of whom routinely testify in court on evidence they have examined. He also stated that this FTE would handle the street drug samples and the DUI samples. He felt that the FTE was needed more than the equipment because of the load of work they are experiencing. Senator Keating asked how much time staff actually spends in court. Mr. Melnikoff said approximately 5% of the cases go to court. Discussion.

Rep. Lory made a SUBSTITUTE MOTION that the request for an additional Forensic Scientist be approved. Discussion. The substitute motion failed by a 4-3 vote.

Senator Van Valkenburg made a MOTION that the committee approve the 14 FTE's in current level in the Forensic Science Division. Seconded by Senator Dover. Motion carried. Rep. Lory voted "no".

The committee discussed funding for the lab. (219)

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Senator Dover made a MOTION that the committee approve \$35,000 for FY84 for Alco-Analyzers and if the federal funding can be matched, an additional 8 Alco-Analyzers may be purchased in FY85. Discussion.

Rep. Lory made a SUBSTITUTE MOTION that the committee approve \$17,500 for Alco-Analyzers for the biennium. Discussion.

Senator Van Valkenburg pointed out to the committee that without the Simulators to go with the Alco-Analyzers you won't have the standards to perform the proper tests. In answer to a question from Senator Van Valkenburg, Mr. Melinkoff said the Simulators should also be eligible for federal funding.

Discussion. Senator Van Valkenburg suggested that the Simulators in the amount of \$2,250 be added to Rep. Lory's motion.

Rep. Lory AMENDED his SUBSTITUTE MOTION to read:

The Committee approves \$11,000 in FY84 to replace 8 Alco-Analyzers and 30 Simulators and \$8,750 in FY85 to replace 8 Alco-Analyzers. These funds may be used as matching funds for federal funds that become available for that purpose.

Discussion. Motion carried.

The committee discussed the Budget Request for an Infrared Spectrophotometer. Senator Van Valkenburg suggested that the committee line item \$5,000 for the purchase of this machine in the event that the present machine breaks down during the biennium. The committee discussed the possible use of a machine at the University and decided this would probably not be a solution to the problem. It was noted that this machine gets a great deal of use. Rep. Lory said that this was the number one priority in Mr. Melnikoff's list which the committee requested him to make. Discussion.

Senator Dover made a MOTION that the committee approve the purchase of an Infrared Spectrophotometer for \$30,000. Seconded by Rep. Lory. Motion carried. (Tape 29, Side B)

Senator Dover made a MOTION that the committee approve the figure of \$3,750 to be used as match for one gas chromatograph when federal funds are available for the purchase of this piece of equipment. Seconded by Senator Keating. Discussion. Motion carried.

Rep. Lory made a MOTION that the committee approve the purchase of one co-oximeter for \$12,000. Seconded by Senator Dover. Discussion. Motion carried.

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The committee discussed the fact that the total approved for the Forensic Science equipment was slightly over the \$50,000 which is slightly over the Executive budget recommended.

Mr. Melnikoff was asked if there was any other equipment that was critical in his view. Mr. Melnikoff replied that the fluorescent spectrometer was needed to do the analysis for LSD and hallucinogenic drugs in small quantities. This would be a replacement cost of \$15,000. This is the only machine that can analyze small amounts of drugs and they have no other equipment that can do this. Discussion by the committee.

Rep. Lory made a MOTION that the committee approve the replacement of one fluorescent spectrometer in the amount of \$15,000. Seconded by Senator Dover. Discussion. Motion carried 5-2 with the Chairman and Senator Van Valkenburg dissenting. (170)

It was noted by the Chairman that the remaining equipment on Mr. Melnikoff's priority list was not approved.

Discussion by the committee of the need for the replacement of this equipment. Mr. Melnikoff told the committee without this instrument it is impossible for them to analyze and identify the small amounts of drugs that are submitted to the lab. If they have a large amount of material they can test it in other ways, but if the amount of material is small, they cannot. (194)

Senator Van Valkenburg made a MOTION that the Budget Modification Request for Training of staff at out-of-state conferences be not approved. Seconded by Senator Dover. Discussion. Motion carried.

Senator Van Valkenburg made a MOTION that "Operating Expenses" for Forensic Sciences be approved at the LFA's recommended level with the exception that the category of "Supplies and Materials" be inserted at the Executive budget level. Seconded by Senator Dover. Discussion. Motion carried.

Discussion by the committee with Rep. Bardanouve, Chairman of the Appropriations Committee, regarding the impact on this budget by the Dept. of Institution's need for drug samples at the proposed half-way houses. The committee expressed the opinion that the demand put on the lab by the Department of Institutions should be paid by that department. Rep. Bardanouve said he wanted to hear both sides of the issue on how this should be funded.

The committee discussed the figure under "Other Expenses" and it was noted that these charges include the shipping of samples back to the agencies who send samples in for analysis. The

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handling of this is expensive because it has to be sent certified mail and must be received by the individual who originally sent the sample in order to retain the chain of evidence.

Rep. Lory made a MOTION that the Forensic Science budget be approved as amended. Seconded by Senator Dover. Discussion. Motion carried. (337)

The committee took a short recess at 8:15 a.m.

LENS

Senator Dover made a MOTION that the committee approve 8.05 FTE's in this budget. Discussion. The Chairman told the committee that since this committee is so small, he will not require "seconds" to future motions. Discussion. Motion carried. (417)

Under "Operating Expenses" discussion, Senator Van Valkenburg expressed a desire to hear the data processing portion of the Department of Administration's budget before making any decisions on the computer expenses for this budget.

In answer to a question Mr. Roessner said that the LENS budget for data processing in FY82 was \$60,839 and for FY84 the LFA projected \$98,142. JanDee May, in reply to the question, said the Executive figures for data processing were \$111,000 and \$118,000 for FY84 and FY85. The Budget Office used a base of \$60,000 and \$98,000.

JanDee May also said that the charges are for accessing the host computer and the LENS Bureau has no control over the amount of calls upon the computer from the local agencies.

Senator Van Valkenburg said he had a real concern over the excessive use of the computer by the local agencies accessing the host and felt there should be some way to control inappropriate accessing by the local agencies. (550)

The committee asked for the percentage of increase in usage of the computer. JanDee said there was a 29% increase from 1982 usage to the projected 1984 request.

Senator Van Valkenburg said he felt guidelines as to the utilization of the LENS by local users should be considered. Senator Keating noted that the request is for 100% general fund money in this category and perhaps the fees are being levied in "Other Funds". Mr. Kuchenbrod explained that each user is in a classification 1 through 4 and are charged according to what class they fall into; they are not charged per call. (624)

Senator Van Valkenburg made a MOTION that the committee approve the LFA level in "Operating Expenses" in both years of the biennium. (Tape 30, Side A)

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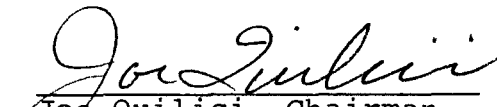
Discussion of addition in the "Rent" category because of an error in the computations of \$3,000.

Senator Van Valkenburg AMENDED his MOTION to include the amounts of \$3,180 in FY84 and \$3,370 in FY85 to the "Rent" category on the LFA budget. Motion carried.

The committee discussed the Budget Modification Request on the terminals and the switcher. Susan Hansen told the committee that the Attorney General, Steve Cohrel, Bob Kuchenbrod and herself are having a meeting with the Department of Administration on Tuesday to work out some specific figures for the committee. She would appreciate it if the committee would delay action on this matter until after they meet with the Department of Administration.

The Chairman said we would postpone action on this portion of the budget until after that meeting.

The meeting was adjourned at 8:45 a.m. (45)



Joe Quilici, Chairman
dm



STATE
OF
MONTANA
DIVISION OF FORENSIC SCIENCE

DEPARTMENT OF JUSTICE

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Ronald L. Rivers, M.D.
State Medical Examiner
Arnold B. Melnikoff
Laboratory Bureau Chief
Dawn M. Kangas
Administrative Assistant

January 14, 1983

Joe Quilici, Chairman
Legislative, Judicial and
Administrative Committee
Capitol Station
Helena, Montana 59620

Dear Mr. Quilici:

Enclosed is the information you requested in reference to the equipment priority list for replacement and new equipment for FY 84 and FY 85.

Should you require any additional information, please do not hesitate to call us.

Sincerely,

DIVISION OF FORENSIC SCIENCE
Criminalistics Laboratory

A handwritten signature in cursive script that reads "Arnold B. Melnikoff".

Arnold B. Melnikoff
Bureau Chief

ABM:ekj

cc: Ronald L. Rivers, M.D.
Chief Medical Examiner
State of Montana

EQUIPMENT PRIORITY LIST FY84

(Includes replacement and new equipment)

1. Replace one (1) Infrared Spectrophotometer, needed in the analysis of controlled substances, paint and trace evidence. (Replacement) \$30,000
 2. Replace eight (8) alco-analyzers per year of the eighteen existing machines in the field due to the life of the machine. These alco-analyzers are operated by the law enforcement agencies in breath analyses. (Replacement) 35,000
 3. Purchase one (1) co-oximeter which would enable the Toxicology Section of the Laboratory of Criminalistics to acquire a co-oximeter, an instrument used for determining - among other things - the level of carbon monoxide in blood. (New - budget modification) 12,000
 4. Replace one (1) fluorescence spectrometer needed in the analyses for identification of LSD and other hallucinogenic drugs in small quantities. (Replacement) 15,000
 5. Replace one (1) ultra-violet spectrometer needed in the quantification of acid phosphatase in rape cases, drug cases and metabolites in toxicology. (Replacement) 15,000
 6. Replace one (1) centrifuge used in analyses to precipitate proteins and other interfering substances. (Replacement) 4,500
 7. Replace one (1) circulator used to maintain electrophoretic plates at a constant temperature. (Replacement) 2,000
 8. Replace thirty (30) simulators used to produce equivalent breath standards for the field alco-analyzers. (Replacement) 9,000
 9. Purchase one (1) Energy Dispersive X-Ray Spectrophotometer (EDAX). This instrument would enable the laboratory to perform analyses on very small quantities of materials, such as glass fragments, soil, paint, etc. EDAX can screen for more than 60 elements simultaneously and does not destroy the material under analysis. (New - budget modification) 100,000
-
- \$222,500

EQUIPMENT PRIORITY LIST FY85

1. Replace one (1) gas chromatograph needed in the DWI section for alcohol analyses. \$15,000
2. Replace eight (8) alco-analyzers per year of the eighteen existing machines in the field due to the life of the machine. These alco-analyzers are operated by the law enforcement agencies in breath analyses. 35,000

