

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT AND HIGHWAYS

Call to Order: By Chairman Quilici, on January 24, 1989, at 8:07 a.m.

ROLL CALL

Members Present: All members were present.

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, LFA
Flo Smith, OBPP
Mary Liedle, secretary

Announcements/Discussion: Rep. Quilici announced that today's hearing would be on the Department of Justice. Rep. Quilici asked Clayton Schenck to give an overview of the entire agency and then the hearing would proceed program by program.

HEARING ON DEPARTMENT OF JUSTICE: LEGAL SERVICES DIVISION
Tape No. 29A

Presentation and Opening Statement: Clayton Schenck provided the committee with a breakdown of the differences between the LFA and executive budgets. (See exhibit 16)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29A 14.59) Marc Racicot, Attorney General, said the department agrees with the LFA with some requested increases. (See exhibit 1) Mr. Racicot explained the need for the requested increases and

prioritized them for the committee. The agency is also requesting a modification for one water rights attorney.

Questions From Subcommittee Members: (29A 26.41) Sen.

Regan: In terms of case travel, what's your current budget and how does that compare with the last three years?

Mr. Racicot said the agency spent \$6500 in 1988. Clayton Schenck said the LFA includes \$6500 for the coming biennium. The appropriation for FY88 and FY89 was \$9500 each year.

(29A 28.19) Sen. Regan: I recognize that attorneys are compelled by the court to have continuing education, but so are teachers. Why should we be paying this?

Marc Racicot said Sen. Regan had a good point that he could not refute. However, the category is not designed only for that.

(29A 30.33) Sen. Regan: Have you used interns before and how successful have they been?

Mr. Racicot responded that they have been used in the past with a high degree of success. Since they were not used in 1988, they were removed from the current level budget.

(29A 31.06) Rep. Swysgood: On the water rights attorney operating expense of \$4500, what is that?

Mr. Racicot said that would be normal travel and support kinds of services.

(29A 31.49) Rep. Swysgood: Wouldn't the case related travel request cover the operating expenses for this lawyer fee?

Mr. Racicot said they did not include that in the estimate.

HEARING ON DEPARTMENT OF JUSTICE: INDIAN LEGAL JURISDICTION
Tape No. 29A

Presentation and Opening Statement: Clayton Schenck presented the differences between the LFA and executive budgets. (See exhibit 17)

DATE 1-24-89

HB

4110 17 00000

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

01:15 PM

23-Jan-89

PROGRAM: REGISTRAR OF MOTOR VEHICLES

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	70.00	73.00	73.00	0.00	73.00	73.00	0.00	4.29%
Personal Services	\$1,255,645	\$1,332,154	\$1,306,020	\$28,134	\$1,334,624	\$1,306,244	\$28,380	3.85%
Operating Expenses	738,028	821,269	732,647	88,622	818,532	728,928	89,604	-0.73%
Equipment	37,978	21,212	31,962	(10,750)	19,612	7,362	12,250	-15.84%
TOTAL EXPENSES	\$2,031,651	\$2,174,635	\$2,068,629	\$106,006	\$2,172,568	\$2,042,534	\$130,034	1.82%
FUNDING								
State Special Rev	\$1,962,056	\$2,174,635	\$2,068,629	\$106,006	\$2,172,568	\$2,042,534	\$130,034	5.43%
Federal Revenue	69,595	0	0	0	0	0	0	-100.00%
TOTAL FUNDING	\$2,031,651	\$2,174,635	\$2,068,629	\$106,006	\$2,172,568	\$2,042,534	\$130,034	1.82%

ISSUES:

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.

2. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

3. VEHICLE VALUATION DATABASE - The Executive includes estimated 10% price increases annually for the purchase of the NADA database, used to determine the taxable value of vehicles. LFA current level allows the fiscal 1989 price, \$35,300.

4. PRINTING COSTS - The Executive includes increases for printing costs that are only slightly above fiscal 1988 base levels, but are over \$40,000 above fiscal 1988 appropriated levels and are over \$50,000 over the amount expended in any prior year. LFA current level allows the fiscal 1988 appropriated amount plus 08pp inflation. A change to a locally printed form for vehicle registration would appear to lower the cost of printing.

5. EQUIPMENT - The Executive allows funding for the same equipment as LFA current level, but shifts part of the expenditure from FY 1990 to FY 1991. LFA current level reduces the amount for typewriter purchases to the Dept. Admin. price estimates.

TOTAL ISSUES

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

---EXEC OVER (UNDER) LFA---

FY 90

FY 91

\$27,187

\$27,233

\$38,101

\$35,353

\$3,530

\$7,413

\$46,199

\$43,738

\$1,617

\$3,061 Inflation

(\$10,750)

\$12,250

\$105,884

\$129,048

\$27,187

\$27,233 Executive

\$54,374

\$54,466 LFA C/L

Agency: 4110
Program: 12

DEPARTMENT OF JUSTICE
Driver Services Bureau

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Per LFA	85.20	85.20
1. Increase to Department request	<u>1.85</u>	<u>1.85</u>
	87.05	87.05
Personal Services - Per LFA	1,743,939	1,747,013
Increase per requested increases in FTE	<u>29,718</u>	<u>29,718</u>
	<u>1,773,657</u>	<u>1,776,731</u>
Operating Expenses - Agree with LFA	<u>604,035</u>	<u>597,163</u>
Equipment - Per LFA	54,821	56,856
Requested Increase:		
2. Additional vehicle replacement	<u>19,704</u>	<u>20,400</u>
	<u>74,525</u>	<u>77,256</u>
MODIFICATIONS:		
1. Temporary (summertime) Driver Examiners		
FTE	2.50	2.50
Personal Services	46,900	46,900
Operating Expense	-0-	-0-
Equipment	-0-	-0-
	<u>46,900</u>	<u>46,900</u>
Funding:		
General Fund	37,500	37,500
Motor Vehicle Account	<u>9,400</u>	<u>9,400</u>
	<u>46,900</u>	<u>46,900</u>
2. 100% Federal Grant to install the Commercial Driver License Information System phase of the commercial driver's license program.		
FTE's	-0-	-0-
Personal Services	5,784	5,784
Operating Expenses	20,347	16,140
Equipment	<u>77,000</u>	<u>60,500</u>
	<u>103,131</u>	<u>82,424</u>
Funding sources for this program:		
General Fund	74.3%	
Motor Vehicle Fund	18.5%	
Other fees and grants	<u>7.2%</u>	
	<u>100.0%</u>	

FUNDING - Funding differences occur primarily due to differing estimates of the balance available in the motor vehicle state special revenue fund. The Executive estimates a lower cash balance available from the motor vehicle account, and funds the shortfall with general fund.

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

\$35,931	\$35,991 Executive
\$72,151	\$72,279 LFA C/L

B. The Committee approved the elimination of vacant FTE, including a 1.0 FTE office clerk II in this program. The position will be eliminated unless the subcommittee takes action to restore it.

(\$16,116)	(\$14,123)
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AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: DRIVER SERVICES BUREAU

23-Jan-89

BUDGET ITEM

	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	87.70	86.05	85.20	0.85	86.05	85.20	0.85	-2.85%
Personal Services	\$1,728,632	\$1,775,810	\$1,743,939	\$31,871	\$1,778,763	\$1,747,013	\$31,750	0.89%
Operating Expenses	591,078	659,467	604,035	55,432	649,600	597,163	52,437	2.19%
Equipment	111,635	7,000	54,821	(47,821)	7,000	56,856	(49,856)	-50.89%
TOTAL EXPENSES	\$2,431,345	\$2,442,277	\$2,402,795	\$39,482	\$2,435,363	\$2,401,032	\$34,331	-1.17%
FUNDING								
General Fund	\$1,814,601	\$1,898,577	\$1,786,795	\$111,782	\$1,848,663	\$1,785,032	\$63,631	-1.55%
State Special Rev	428,942	443,700	516,000	(72,300)	486,700	516,000	(29,300)	20.30%
Federal Revenue	187,802	100,000	100,000	0	100,000	100,000	0	-46.75%
TOTAL FUNDING	\$2,431,345	\$2,442,277	\$2,402,795	\$39,482	\$2,435,363	\$2,401,032	\$34,331	-1.17%

ISSUES:

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.

2. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

3. OVERTIME - The Executive includes an allowance for overtime at the fiscal 1988 base level. LFA current level reduces the allowance to the level appropriated by the 1987 legislature. Overtime is for driver examination field personnel.

4. FTE REDUCTIONS - The Executive eliminated 2.0 FTE related to the new comm'l vehicle operator's license program. LFA eliminated 2.85 FTE, including 1.0 related to the comm'l license program and 1.85 related to the drivers' license reinstatement program. Although LFA current level removed more FTE, the Executive is lower due to elimination of higher paid positions.

5. The Executive allowed an increase for rent of field driver's licensing stations. The Agency has recently moved to larger spaces in Missoula/Great Falls, and expects rent increases in other locations. LFA current level is at the fiscal 1988 base.

6. EQUIPMENT - The Executive allows less for equipment than LFA current level, allowing funds for office equipment only. LFA current level includes funds for the replacement of 4 autos per year, replacement of 4 computer terminals per year, and office equipment.

TOTAL ISSUES

---	EXEC OVER (UNDER)	LFA---
FY 90	FY 91	
\$36,220	\$36,286	
\$42,790	\$39,484	
\$5,212	\$5,212	
(\$9,561)	(\$9,750)	
\$12,000	\$12,000	
(\$47,821)	(\$49,856)	
\$38,840	\$33,378	

Agency: 4110
Program: 06

DEPARTMENT OF JUSTICE

Agency Legal Services

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Agree with LFA	10.00	10.00
Operating Expenses - Agree with LFA	<u>89,755</u>	<u>92,423</u>
MODIFICATIONS:		
1. FY90 - 1 Attorney, .5 Secretary		
FY91 - 1 Attorney, 1 Secretary	1.50	3.50
Personal Services	44,144	94,340
Operating Expenses	<u>8,943</u>	<u>17,970</u>
	<u>53,087</u>	<u>112,310</u>
2. Equipment - Computer requests	<u>18,216</u>	<u>4,725</u>

The funding source for this program is a Proprietary
Fund (Agency Legal Services).

DATE 1-24-89
HB

4110 06 00000 19-Jan-89

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: AGENCY LEGAL SERVICES

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	10.00	10.00	10.00	0.00	10.00	10.00	0.00	0.00%
Personal Services	\$351,675	\$387,894	\$350,765	\$37,129	\$438,889	\$350,974	\$87,915	-0.26%
Operating Expenses	82,079	103,788	89,755	14,033	113,608	91,423	22,185	9.35%
Equipment	7,084	18,216	0	18,216	3,605	0	3,605	-100.00%
TOTAL EXPENSES	\$440,838	\$509,898	\$440,520	\$69,378	\$556,102	\$442,397	\$113,705	-0.07%
=====								
Other Revenue	\$440,838	\$509,898	\$440,520	\$69,378	\$556,102	\$442,397	\$113,705	-0.07%
TOTAL FUNDING	\$440,838	\$509,898	\$440,520	\$69,378	\$556,102	\$442,397	\$113,705	-0.07%
=====								

ISSUES:

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 0% in LFA current level.

2. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

3. TRAVEL - The Executive allows for out-of-state travel at the fiscal 1988 base level. LFA current level allows an increase, but the amount is still well below the FY 1988 appropriation.

4. MODIFIEDS - The Executive includes two modified budget recommendations:

- a. Additional Legal Services Staff - 3.5 FTE
- b. Computer Pilot Project

TOTAL ISSUES

---	EXEC OVER (UNDER) LFA---	
FY 90	FY 91	
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(\$7,015)	(\$7,032)	

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

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FY 90	FY 91	
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\$7,015	\$7,032	Executive
\$0	\$0	LFA C/L

Agency: 4110
Program: 03

DEPARTMENT OF JUSTICE

County Prosecutor Services

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Agree with LFA	3.00	3.00
Operating Expenses - Per LFA	20,360	20,420
Requested Increase:		
1. Travel (case related)	<u>2,300</u>	<u>2,300</u>
	<u>22,660</u>	<u>22,720</u>

The funding source for this program is the General Fund.

EXHIBIT 2
DATE 1-24-89
HB _____Agency: 4110
Program: 02DEPARTMENT OF JUSTICEIndian Legal Jurisdiction

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Agree with LFA	2.00	2.00
Operating Expenses - Per LFA	104,565	4,573
Requested Increase:		
1. Case related travel	<u>1,400</u>	<u>1,400</u>
	<u>105,965</u>	<u>5,973</u>

The funding source for this program is the General Fund.

Agency: 4110
Program: 01

DEPARTMENT OF JUSTICE

Legal Services Division

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Agree with LFA	19.50	19.50
Operating Expenses - Per LFA	139,458	127,248
Requested Increases:		
1. Contract services - 2 Interns	6,000	6,000
2. Contract services - Westlaw	1,200	1,200
3. Case related travel (line item)	3,000	3,000
4. Travel	3,500	3,500
5. Repairs and maintenance	4,000	4,000
	<u>157,158</u>	<u>144,948</u>
Equipment - Per LFA	6,450	13,000
Requested Increase:		
6. Word processing system	13,000	-0-
	<u>19,450</u>	<u>13,000</u>
MODIFICATION:		
1. Water Rights Attorney		
FTE	1.00	1.00
Personal Services	42,000	42,000
Operating Expenses	3,500	3,500
Equipment	-0-	-0-
	<u>45,500</u>	<u>45,500</u>

The funding source for this program is the General Fund.

DAILY ROLL CALL

GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

DATE 1/24/85

NAME	PRESENT	ABSENT	EXCUSED
Representative Joe Quilici, Chair	✓		
Representative Jerry Nisbet	✓		
Representative Chuck Swysgood	✓		
Senator Larry Tveit, Vice Chair	✓		
Senator Pat Regan	✓		
Senator Lawrence Stimatz	✓		

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29A 34.02) Marc Racicot said the agency concurred with the LFA but would request an increase in case related travel. (See exhibit 2)

HEARING ON DEPARTMENT OF JUSTICE: COUNTY PROSECUTOR
SERVICES

Tape No. 29A

Presentation and Opening Statement: Clayton Schenck presented the committee with a comparison between the LFA and executive budgets. (See exhibit 18)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29A 37.51) Marc Racicot presented the agency budget. This program is funded through general fund monies. The agency agrees with the LFA but would request an increase of \$2300 each year of the biennium for travel. (See exhibit 3)

Questions From Subcommittee Members: (29A 42.11) Rep.

Quilici: Do you think there's a reluctance on the part of the counties to call you in, especially in major cases because of the \$30/hr you have to charge?

Marc Racicot said he knows that to be a fact.

(29A 42.37) Rep. Swysgood: If we would decide that you wouldn't need to charge the counties \$30, then your case related travel would probably increase substantially, wouldn't it?

Marc Racicot said the agency would have to implement a screening system because there would probably be some requests just to pass on a problem. However, the agency has to do that with drug cases now and it's not

an extraordinary task, it can be accomplished rather easily. So, the case travel would not increase dramatically.

HEARING ON DEPARTMENT OF JUSTICE: AGENCY LEGAL SERVICES
Tape No. 29B

Presentation and Opening Statement: Clayton Schenck discussed the differences between the LFA and executive budgets and the resulting issues. (See exhibit 4)

Flo Smith explained the modifications the executive is recommending. The 3.5 FTE recommended is over the course of the biennium with 1 attorney and .5 secretary in FY90 and 1 attorney and 1 secretary in FY91. This would help the tort claims division of the Department of Administration. The second recommended modification is for a computer request made by the agency. This would amount to \$18,000 in FY90 and \$5000 in FY91 for computer equipment and a pilot project started in 1986.

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29B 3.31) Marc Racicot presented the program budget and addressed the need for the requested modifications. (See exhibit 5)

Questions From Subcommittee Members: (29B 1.01) Sen. Regan: If we give you the extra attorneys, what assurance do we have that you won't raise the \$48/hr to other agencies in order to help you pay this off?

Marc Racicot said the agency is absolutely sure they will be busy enough to keep the attorneys busy and keep the rates at \$48/hr.

HEARING ON DEPARTMENT OF JUSTICE: DRIVER SERVICES BUREAU
Tape No. 29B

Presentation and Opening Statement: Clayton Schenck gave an overview of the program. This program is

responsible for implementing and administrating the laws related to the examination, issuance, cancellation, suspension and revocation of drivers' licenses. Clayton discussed the issues resulting from the differences between the LFA and executive budgets. (See exhibit 6)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29B 14.37) Marc Racicot, Department of Justice, explained in FY89 a program was begun at the direction of the legislature concerning reinstatement fees of those people convicted of DUI. That consumes 1.85 FTE which are not reflected in the 1988 base year and as a consequence are not included in the budget.

Mr. Racicot also discussed the issue of equipment. There are presently 28 vehicles within the Driver Services Program which the examiners utilize to travel all over the state and service their satellite jurisdiction. Twelve of the vehicles have between 90,000 and 195,000 miles on them. The agency would like to purchase five vehicles each year to replace ten of those twelve vehicles.

Mr. Racicot addressed the program's modified requests for 2.5 FTE for temporary summer driver examiners and 100% federal grant to install the commercial driver license information system phase of the commercial driver's license program.

(See exhibit 7)

Questions From Subcommittee Members: (29B 16.36) Rep.

Quilici: Marc, are they still using some old highway patrol cars in this position?

Marc Racicot said that was correct.

(29B 21.38) Rep. Swysgood: As I understand it, this grant is specifically to continue this program on from the aspect of the informational system of the papers that we get out and the testing and whatever goes on with the driver's examiner. My question is on the enforcement part of this where the patrol checks at the scales. Is the federal government supplying any money

for the enforcement of this program?

Marc Racicot said no, there is no federal money for the program.

(29B 22.29) Rep. Swysgood: It's my understanding that in Idaho, where this program is also being implemented, that patrolmen who check at the port of entries are off duty patrolmen who are funded by the federal government to pull these checks and to see whether there's conformance with the law, whether there's more than one driver's license. I'm wondering why we can't partake of the same system.

Mr. Racicot said he didn't know. Bob Robinson said he's not sure what is being done in Idaho but this grant here will provide the mechanism for us to communicate directly with Texas and whether you do that from the highway patrol vehicle or the driver's license examination station, when you get somebody's license it can be called through to Texas to check and see if the person is licensed in Missouri or Arkansas or somewhere else and insure that there is only one license for the person and that he is properly authorized.

(29B 26.02) Sen. Regan: If you have vacancy savings, why are you paying overtime? I don't like to see overtime because it's an expensive way of dealing with employees and in some ways it's unfair to the employee. How much are you paying for overtime and what is this overtime?

Marc Racicot stated it is generally for personnel involved with Driver's Services examiners that are making long trips to places and waiting until the close of business and returning to their own jurisdiction.

(29B 27.59) Sen. Stimatz: How is the state of Montana complying with the 40 hour federal wage an hour act that we've been in violation of for many years?

Marc Racicot said the state is making every effort to comply with the fair labor standards act and also the Garcia decision that put it in the forefront. We are complying within the highway patrol and within all of the negotiated, union represented units. In our professional staff, we do not even talk about paying overtime, not only exempt but also all of the lawyers and other staff. We just simply don't engender any comp time except in the lawyer area and we just expect them to do that.

HEARING ON DEPARTMENT OF JUSTICE: MOTOR VEHICLE REGISTRAR
PROGRAM

Tape No. 29B

Presentation and Opening Statement: Clayton Schenck gave an overview of the program. The motor vehicle registrar's bureau provides a system of motor vehicle registration, a certificate of ownership, lien filing and licensing of automobile dealers and manufacturers. This program also processes the registrations for boats and snowmobiles. The program is funded by the motor vehicle state special revenue account. Clayton discussed the differences between the LFA and executive budgets and the resultant issues. These issues include central services cost allocation, vehicle valuation database, printing costs and equipment. (See exhibit 8)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (29B 41.29) Marc Racicot told the committee the agency agrees with the LFA's allocation of FTE. They wanted to point out that in the area of operating expenses the computer system was just begun January 3 of this year in twelve major population centers across the state and was expected to be operational on July 1, 1988. As a consequence, all of the forms that are used were bought in 1987. The purchase of those forms was not reflected in base year 1988. That system is now up and operating and the purchase of those services and forms which is reflected in contract services in the amount of \$46,000 is going to be a constant expense that cannot be avoided. Mr. Racicot also addressed the need for increased postage. The bureau currently spends \$100,000 a year sending out re-registration notices. Marc said that is a nice service but he believes the Department of Justice is responsible for more important things. However, the committee noted this is mandated by statute.

(See exhibit 9)

Questions From Subcommittee Members: (30A 2.31) Sen. Regan:
Is there any contemplation that you use the good old

tried and true green and blue that we're all so used to and cost less?

Marc Racicot said they don't fit with the current system. He also stated that this system was put on line by the previous administration and was contracted and developed and although we're happy with it we didn't make all the decisions that bear on the issue.

HEARING ON DEPARTMENT OF JUSTICE: DATA PROCESSING PROGRAM

Tape No. 30A

Presentation and Opening Statement: Clayton Schenck presented an overview of the program. The data processing division provides a full range of automated processing and telecommunications services for the Department of Justice. These services include system development and maintenance of the motor vehicle registration system, driver history system, criminal history record information system, and the Montana Uniform Crime Reporting System; computer operator support for the Armory computer center and system development and support for the Criminal Justice Information Network (CJIN). CJIN links law enforcement/criminal justice agencies with information sources at local, state and national levels by interfacing with the National Law Enforcement Telecommunications System, the National Crime Information Center, and numerous State of Montana files. Clayton discussed the differences between the LFA and executive budgets. These include central services cost allocation, CJIN cost increases, microcomputer support fees, CJIN equipment and funding. (See exhibit 10)

Flo Smith said that the replacement of CJIN equipment the executive budget recommends is at 25 sites, this represents approximately 1/3 of the total sites.

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (30A 18.33) Marc Racicot said the agency agrees with the LFA's allocation of FTE. He said there are three requests the agency would like the

committee to consider in the area of operating expenses. First, in the area of contracted services, there are a number of agencies requesting to be hooked up to CJIN as a new user. That entails \$150 per month line charge and a \$35 per month maintenance charge. Those agencies have already had their requests submitted for a period of time. The agency also requests a user fee increase for the National Law Enforcement Teletype System. Finally, the agency requests an increase in new user maintenance for the \$35 per month fee for 5 new CJIN users the first year and 2 the second year.

Marc Racicot said the agency is requesting 7 terminals and printers for new users and replacement of 10 terminals and printers each year.

Mr. Racicot discussed the program's modified request for micro support personnel to coordinate microcomputer acquisition, training and use.

(See exhibit 11)

Questions From Subcommittee Members: (30A 19.50) Rep.

Quilici: Marc, can you explain the National Center for the committee please?

Marc said the National Center is hooked up to law enforcement agencies throughout the entire nation. In essence it operates in conjunction with all the services provided by the FBI doing everything from record checks to funnelling information pertaining to law enforcement situations as they evolve and present themselves. You can communicate through this system with virtually any other law enforcement agency that is hooked up to the same system. It will query everybody's record systems from the FBI to state record systems pertaining to past criminal charges and criminal records.

(30A 23.23) Sen. Stimatz: Where does CJIN fit into the NCIC?

Marc Racicot responded it is integrated into it and capable of querying anything within the National Crime Information Center.

Tape No. 30A

Presentation and Opening Statement: Clayton Schenck gave an overview of the program. LFA current level allows for 19.5 FTE. This program allows for the payment of 1/2 the salary and benefits of the 56 county attorneys and that comes from the state general fund and is required by statute. Current level provides for a 1.4% increase for the 1991 biennium and that's due to the addition of .45 FTE in the biennium. This is because 8 counties adjusted the percent of time paid to county attorneys. These county attorneys work anywhere from .20 time to full time. By statute the county commissioners can give salary increases equal to 70 percent of the last previous calendar year's consumer price index for all urban consumers. The Department of Justice has requested a 3.5 percent salary increase in each year of the 1991 biennium. The law also gives the county commissioners power to freeze salaries. Seventeen of the salaries are frozen in FY89. Clayton presented two options with regard to this issue. Option A: Appropriate funds for the maximum potential county attorneys' salary raises, at an additional general fund cost of \$123,107 for the biennium. Option B: Do not appropriate funds for county attorneys' salary raises and freeze salaries at the FY89 level as included in current level. Clayton noted the issue of central services cost allocation resulting from the difference between the LFA and executive budgets. (See exhibit 12)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (30A 35.44) Marc Racicot said he thinks the county attorneys will probably stay at the same rate, he doesn't think many more will increase to full time. The salaries are set by classification of county. The agency requests an increase in FTE allocation by .20 in FY90 which would equate with \$55,000 which would reflect what is presently taking place in FY89. There is a request for an additional .4 FTE in FY91 which is a projection as to what the agency thinks will occur. (See exhibit 13)

Questions From Subcommittee Members: (30A 34.03) Sen. Regan: Because they are state employees and state

employees salaries are frozen, we could argue that our half is frozen and they can raise their half if they want to. Does the law specifically say we have to give them half?

Marc Racicot said yes, half to be paid by warrant drawn upon the state treasury and half to be paid by the county treasury and then it gives the power to set the salary to the county commissioner.

(30A 37.42) Sen. Tveit: Do all counties have county attorneys?

Mr. Racicot said yes, there's only one that has a county attorney that is not in residence and that's in Petroleum county. It is by law, that each county have one, it's a constitutional office.

HEARING ON DEPARTMENT OF JUSTICE: EXTRADITION AND
TRANSPORTATION OF PRISONERS

Tape No. 30A

Presentation and Opening Statement: Clayton Schenck gave an overview of the program. There are no FTE related to this program, it is strictly operating expenses. The program is funded by the general fund. The extradition and transportation of prisoners program pays claims to sheriffs for expenses of transporting certain prisoners to state prison and for claims of any agent employed by the state to return a fugitive from justice to the state by order of the Governor. Current level is at actual FY88 base levels with the OBPP inflation factors. There were no differences of any significance between the LFA and executive budgets other than central services cost allocation. (See exhibit 14)

List of Testifying Proponents and What Group They Represent:

Marc Racicot, Department of Justice

List of Testifying Opponents and What Group They Represent:

None.

Proponent Testimony: (30A 41.03) Marc Racicot said the agency is requesting an increase in operating expenses of \$60,000 each year of the biennium. The department has no control over this program. The Governor makes the final determinations. (See exhibit 15)

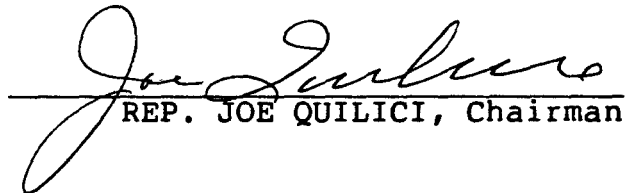
Questions From Subcommittee Members: (30A 41.56) Sen.

Regan: Could you say you're authorized to send two people down for three days and if you can't do it in that stay home or you don't get paid extra or whatever?

Marc Racicot said the Governor's office reviews all arrangements that are made. The review policy is filled with scrutiny. Misdemeanors are presumed not to be extraditable expenses.

ADJOURNMENT

Adjournment At: 10:56 a.m.


REP. JOE QUILICI, Chairman

JQ/ml

2022.min

Agency: 4110
Program: 17

DEPARTMENT OF JUSTICE

Registrar's Bureau

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Agree with LFA	73.00	73.00
Operating Expenses - Per LFA	732,647	728,928
Requested Increase:		
1. Contract Services - printing	46,199	43,738
2. Postage	<u>20,000</u>	<u>20,000</u>
	<u>798,846</u>	<u>791,666</u>
Equipment - Agree with LFA	<u>31,962</u>	<u>7,362</u>

The funding source for this program is the Motor Vehicle Fund.

4110 29

23-Jan-89

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: DATA PROCESSING PROGRAM

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 89-90 % Change
FTE	14.00	15.00	15.00	0.00	15.00	15.00	0.00	7.14%
Personal Services	\$409,663	\$416,083	\$407,591	\$8,492	\$416,916	\$408,408	\$8,508	-0.51%
Operating Expenses	455,290	492,874	458,562	34,512	494,915	459,439	35,476	0.67%
Equipment	12,307	70,000	0	70,000	0	0	0	-100.00%
TOTAL EXPENSES	\$877,260	\$978,957	\$865,953	\$113,004	\$911,831	\$867,847	\$43,984	-1.29%
FUNDING								
State Special Rev	\$877,260	\$978,957	\$865,953	\$113,004	\$911,831	\$867,847	\$43,984	-1.29%
TOTAL FUNDING	\$877,260	\$978,957	\$865,953	\$113,004	\$911,831	\$867,847	\$43,984	-1.29%

ISSUES:

- VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.
- CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.
- CJIN COST INCREASES - The Executive includes increases for additional users of the Criminal Justice Information Network. LFA current level does not include any increases for CJIN, since user fees do not increase commensurate with cost increases. See the discussion on page A-111 of the LFA Budget Analysis Book.
- MICROCOMPUTER SUPPORT FEES - The Executive includes an increase for subscription fees to be paid to the Microcomputer Support Center (Dept. Admin.) in support of additional computer equipment. LFA current level is at fiscal 1988 base levels.
- CJIN EQUIPMENT - The Executive includes funding for the replacement of equipment (computer printers/terminals) at 25 sites in fiscal 1990. LFA current level does not include any CJIN cost increases.
- FUNDING - The Executive utilizes \$25,000 less per year from the CJIN user fees state special revenue account than LFA current level. The difference occurs because LFA current level utilizes an existing fund balance in the user fee account in place of motor vehicle state special revenue funds.

---EXEC OVER (UNDER) LFA---
 FY 90
 FY 91

\$8,492	\$8,508
\$17,152	\$14,838
\$9,300	\$12,600
\$7,450	\$7,450
\$70,000	\$0
\$112,394	\$43,396

TOTAL ISSUES

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

\$8,491
\$16,983

\$8,509 Executive
\$17,017 LFA C/L

Agency: 4110
Program: 29

DEPARTMENT OF JUSTICE

Data Processing Division

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE's - Agree with LFA	15.00	15.00
Operating Expenses - Per LFA	458,362	459,439
Requested Increases:		
1. Contract Services - New user line charge	9,000	12,600
2. Communications - User fee increase (NLETS)	2,400	2,400
3. Maintenance - New user maintenance	2,285	3,199
	<u>472,047</u>	<u>477,638</u>
Equipment - Per LFA	-0-	-0-
4. 7 terminal and printers for new users	14,075	5,630
5. Replace 10 terminals & printers each year.	28,150	28,150
	<u>42,225</u>	<u>33,780</u>

MODIFICATION:

1. Micro Support Personnel - to coordinate microcomputer acquisition, training and use.		
FTE	1.0	1.0
Personal Services	29,272	29,282
Operating Expenses	1,445	1,445
Equipment	1,169	-0-
	<u>31,886</u>	<u>30,727</u>

The funding source for this program:

Motor Vehicle Fund	24.6%
CJIN User Fees	75.4%
	<u>100.0%</u>

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23-Jan-89

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: COUNTY ATTORNEY PAY/ROLL

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	18.60	19.25	19.05	0.20	19.25	19.05	0.20	2.42%
Personal Services	\$940,862	\$952,316	\$952,316	\$0	\$952,672	\$952,672	\$0	1.22%
Operating Expenses	0	16,983	0	16,983	15,759	0	15,759	0.00%
TOTAL EXPENSES	\$940,862	\$969,299	\$952,316	\$16,983	\$968,431	\$952,672	\$15,759	1.22%
FUNDING								
General Fund	\$940,862	\$969,299	\$952,316	\$16,983	\$968,431	\$952,672	\$15,759	1.22%
TOTAL FUNDING	\$940,862	\$969,299	\$952,316	\$16,983	\$968,431	\$952,672	\$15,759	1.22%

ISSUES:

---EXEC OVER (UNDER) LFA---
FY 90 FY 91

1. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

TOTAL ISSUES

\$16,983 \$15,759
\$16,983 \$15,759

Agency: 4110
Program: 19

DEPARTMENT OF JUSTICE

County Attorney Payroll

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
FTE - Per LFA	19.05	19.05
1. Request an increase in FTE funding	<u>.20</u>	<u>.40</u>
	19.25	19.45
 Personal Services - Per LFA	 952,316	 952,672
- Amount for FTE increase above	<u>55,015</u>	<u>100,562</u>
	<u>1,007,331</u>	<u>1,053,234</u>

This program is funded by the General Fund.

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4110 30

23-Jan-89

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: EXTRADITION AND TRANS OF PRI

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%
Operating Expenses	\$146,855	\$149,621	\$146,869	\$2,752	\$149,432	\$146,875	\$2,557	0.01%
TOTAL EXPENSES	\$146,855	\$149,621	\$146,869	\$2,752	\$149,432	\$146,875	\$2,557	0.01%
FUNDING								
General Fund	\$146,855	\$149,621	\$146,869	\$2,752	\$149,432	\$146,875	\$2,557	0.01%
TOTAL FUNDING	\$146,855	\$149,621	\$146,869	\$2,752	\$149,432	\$146,875	\$2,557	0.01%

ISSUES:

1. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

TOTAL ISSUES

---EXEC OVER (UNDER) LFA---	
FY 90	
FY 91	
\$2,621	\$2,432
\$2,621	\$2,432

Agency: 4110
Program: 30

DEPARTMENT OF JUSTICE

Extradition and Transportation of Prisoners

	<u>FY90</u>	<u>FY91</u>
CURRENT LEVEL:		
Operating Expenses - Per LFA	146,869	146,875
1. Requested Increase	<u>60,000</u>	<u>60,000</u>
	<u>206,869</u>	<u>206,875</u>

Total costs estimated for FY89 could approach \$240,000 if the present trend in prisoner transportation and extraditions continues. We are projecting total costs of \$206,000 for FY89 and have requested a supplemental appropriation to cover the difference between FY89 Appropriated and FY89 Estimated.

The funding source for this program is the General Fund.

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4110 01

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: LEGAL SERVICES DIVISION

18-Jan-89

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	19.00	19.50	19.50	0.00	19.50	19.50	0.00	2.63%
Personal Services	\$668,859	\$694,124	\$681,061	\$13,063	\$695,608	\$682,516	\$13,092	1.82%
Operating Expenses	133,851	158,720	139,458	19,262	147,204	127,248	19,956	4.19%
Equipment	1,149	0	6,450	(6,450)	0	13,000	(13,000)	401.36%
TOTAL EXPENSES	\$803,859	\$852,844	\$826,969	\$25,875	\$842,812	\$822,764	\$20,048	2.87%

FUNDING

General Fund	\$781,823	\$828,925	\$803,469	\$25,456	\$818,923	\$799,264	\$19,659	2.77%
State Special Rev	22,036	23,919	23,500	419	23,889	23,500	389	6.64%
TOTAL FUNDING	\$803,859	\$852,844	\$826,969	\$25,875	\$842,812	\$822,764	\$20,048	2.87%

ISSUES:

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.

2. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

3. WESTLAW - The Executive includes an increase for Westlaw database research, whereas LFA current level is at the fiscal 1988 base level.

4. NAAG INCREASES - The Executive allows a 43% increase over fiscal 1988 base for NAAG publications and a 36% increase for NAAG dues. LFA current level allows a 10% increase.

5. EQUIPMENT - The Executive provides no allowance for equipment. LFA current level allows \$4,850 for computers and \$1,600 for office eqpt. in FY 90, and \$13,000 in FY 91 for the replacement of the 5520 word processing system (1st part of 5 yrs of pmts).

TOTAL ISSUES

EXEC OVER (UNDER) LFA	FY 90	FY 91
	\$13,063	\$13,092
	\$13,995	\$12,835
	\$2,099	\$2,099
	\$3,663	\$3,663
	(46,450)	(\$13,000)
	\$26,370	\$18,689

APPROPRIATIONS COMMITTEE POLICY ISSUES

A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

	\$13,063	\$13,093 Executive
	\$26,126	\$26,185 LFA C/L

EXHIBIT 17

DATE 1-24-89

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18-Jan-89

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: INDIAN LEGAL JURISDICTION

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lvl	Difference	Executive	Fiscal 1991 LFA Curr Lvl	Difference	FY 88-90 % Change
FTE	2.00	2.00	2.00	0.00	2.00	2.00	0.00	0.00%
Personal Services	\$60,256	\$60,340	\$59,108	\$1,232	\$60,368	\$59,136	\$1,232	-1.91%
Operating Expenses	66,119	105,815	104,565	1,250	5,736	4,573	1,163	58.15%
TOTAL EXPENSES	\$126,375	\$166,155	\$163,673	\$2,482	\$66,104	\$63,709	\$2,395	29.51%
FUNDING								
General Fund	\$126,375	\$166,155	\$163,673	\$2,482	\$66,104	\$63,709	\$2,395	29.51%
TOTAL FUNDING	\$126,375	\$166,155	\$163,673	\$2,482	\$66,104	\$63,709	\$2,395	29.51%

ISSUES:

1. VACANCY SAVINGS - Executive applied 2% vacancy savings as compared to 4% in LFA current level.
2. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

TOTAL ISSUES

APPROPRIATIONS COMMITTEE POLICY ISSUES

- A. The Committee approved a no vacancy savings policy, with personal services to be line-itemed. The budget increase for the Executive and LFA current level are shown at right.

---EXEC OVER (UNDER) LFA---

FY 90

FY 91

\$1,232

\$1,232

\$1,212

\$1,125

\$2,444

\$2,357

\$1,231

\$1,232

\$2,463

\$2,464

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4110 03 00000 18-Jan-89

AGENCY: DEPARTMENT OF JUSTICE LEGISLATIVE ACTION PROGRAM: COUNTY PROSECUTOR SERVICE

BUDGET ITEM	FY 1988 Actual	Executive	Fiscal 1990 LFA Curr Lv1	Difference	Executive	Fiscal 1991 LFA Curr Lv1	Difference	FY 88-90 % Change
FTE	3.00	3.00	3.00	0.00	3.00	3.00	0.00	0.00%
Personal Services	\$117,245	\$117,020	\$117,020	\$0	\$117,185	\$117,185	\$0	-0.19%
Operating Expenses	19,956	22,759	20,360	2,399	22,642	20,420	2,222	2.02%
TOTAL EXPENSES	\$137,201	\$139,779	\$137,380	\$2,399	\$139,827	\$137,605	\$2,222	0.13%
General Fund	\$137,201	\$139,779	\$137,380	\$2,399	\$139,827	\$137,605	\$2,222	0.13%
TOTAL FUNDING	\$137,201	\$139,779	\$137,380	\$2,399	\$139,827	\$137,605	\$2,222	0.13%

ISSUES:

1. CENTRAL SERVICES COST ALLOCATION - The Executive includes funds for indirect/admin. costs charged to this program for services provided by Central Services Division (CSD). LFA current level does not include this allocation, as it continues funding for CSD from general fund.

TOTAL ISSUES

---	EXEC OVER (UNDER)	LFA---
FY 90		FY 91
	\$2,449	\$2,275
	\$2,449	\$2,275

VISITOR'S REGISTER

Gout & Highways

SUBCOMMITTEE

AGENCY(S) _____

DATE

1/24/89

DEPARTMENT

Justice

NAME	REPRESENTING	SUP- PORT	OP- POSE
Mick Robinson	Justice	X	
Judy Browning	Justice	X	
Nike Lavin	"	X	
Marc Pacicot	"	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.