

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT & HIGHWAYS

Call to Order: By Chairman Quilici, on January 21, 1991, at 8:03 a.m.

ROLL CALL

Members Present:

Rep. Joe Quilici, Chairman (D)
Sen. Larry Stimatz, Vice Chairman (D)
Sen. Harry Fritz (D)
Rep. Mary Lou Peterson (R)
Sen. Larry Tveit (R)
Rep. Tom Zook (R)

Staff Present: Clayton Schenck, Senior Fiscal Analyst (LFA)
John Patrick, Budget Analyst (OBPP)
Arlene Carlson, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Quilici announced the subcommittee will hear the Department of Justice's budget for the following agencies: Legal Services Division, Agency Legal Services, Forensic Science Division, Motor Vehicle Division and Data Processing.

HEARING ON DEPARTMENT OF JUSTICE

Tape No. 1

Clayton Schenck, LFA, gave an overview of the Department's budget. **EXHIBIT 1** The budget increased nearly 3%, due primarily to an over \$1.2 million increase in personal services because of position upgrades for forensic scientists and criminal investigators in the Law Enforcement Services and Forensic Science Divisions, significant vacancy savings, and the FY91 pay plan increase which continues in the 1993 biennium. Operating expenses increased 3.7 percent primarily due to \$107,000 per year increases for the Gambling Control Division over FY90 levels and inflationary adjustments. Other increases include the addition of a fourth basic law enforcement training classes at the Law Enforcement Academy for students paying their own tuition. There was also a continuation of the contingency appropriation for Indian Legal Jurisdiction legal caseloads, an increase for costs of transporting and extraditing prisoners, etc.

Equipment includes replacement of 130 patrol cars and for replacement communications and law enforcement equipment. Debt service is for the purchase of computers in Data Processing

Division. General fund provides 42 percent of total funds for the Department of Justice and supports all or part of the agencies.

State special revenue funds provide 52 percent of total agency funding. The primary state special revenue account is the highways special revenue account which supports over 96 percent of the Highway Patrol Division and 46.5 percent of the Central Services Division. The other major state special revenue funds include the gambling license fee account which supports all of the Gambling Control Division and part of Central Services.

Federal funds provide 3.4 percent of total funding for the agency, including \$1.0 million in the Highway Patrol Division to support the Motor Carrier Safety Assistance program and 65 MPH enforcement squad and \$0.6 million in the Law Enforcement Services Division. Proprietary funds, which provide 2.3 percent of total agency funding are for the operation of the Agency Legal Services Division and support of Central Services Division.

He reviewed the Executive Budget Modifications of \$2.5 million and Elected Official Budget Modifications of \$5.3 million. **EXHIBIT 2** These are in addition to the \$51. million current level budget for the biennium. Gambling Control Expansion is requesting \$1. million, and the Fire Marshall Bureau Expansion is requesting \$1.8 and \$1. million for the automated fingerprint system. The executive budget is \$170,000 dollars higher than LFA in personal services and equipment but is offset in operating expenses and the net difference is \$48,000 for the biennium, but there are a number of issues still to be discussed.

The Executive Budget is higher in personal services for two reasons. First, the Executive Budget includes \$100,000 more overtime in the Highway Patrol Division. Second increase is for more health insurance benefits than in the LFA current level. The 0.45 difference in FTE is due to an adjustment in the LFA current level budget to reflect the actual number of FTEs in the County Attorney Payroll program.

The Executive Budget is lower than LFA current level in operating expenses for a number of offsetting reasons; the most significant are the Issues. The issues will include Highway Patrol Prisoner Per Diem, Academy Operating Costs, Academy Pre-service Course, and Transportation of Prisoners.

The Executive Budget is higher than LFA current level in equipment--the Executive Budget generally includes annual equipment purchases.

Funding includes \$70,057 in the Executive Budget over the LFA current level which includes significantly more funding for the Extradition and Transportation of Prisoners program and for the Law Enforcement Academy Division. Both programs are 100 percent general funds.

Marc Racicot, Attorney General, gave a brief summation of his department stating that Montana is unique because in other states the Attorney General is only Chief Legal Counsel, where in Montana, the Attorney General is the Administrator of the Department of Justice. An important factor was the inflation factor, but the committee is aware of the inflation factor throughout all budgets.

Legal Services Division

Mr. Racicot presented a handout of a modified budget over and above the LFA current level budget showing increases in the areas of operating expenses, equipment and modifications including increased computerized legal research, county prosecutor services and contract paralegal support and dues to the National Association of Attorney Generals, which **Mr. Racicot** stated was a low priority since the dues are \$14,000 a year and they would have to come to the committee for a supplement of \$5000 to pay for the dues. **EXHIBIT 3**

He requested the replacement of two workstations per year. Replacing two computers every two years would be better than to have a maintenance contract.

Mr. Racicot has requested an additional FTE for an attorney to help with the Indian Legal Jurisdiction litigation. There has been a substantial amount of legal work with the Indian tribes over the past years due to changes that have taken place in Congress. With more control for water, natural resources, clean air acts, etc., involving the 350 Indian Tribes around the United States, there has been an increase in litigation with the Indian tribes and all Indian tribes are under different treaties.

There was a request for an FTE for appellate Legal Services Bureau Chief and **Chairman Quilici** asked if the subcommittee had not approved an additional FTE for this agency in the last legislative session. **Mr. Racicot** stated the FTE that was approved was a Water Rights Attorney.

REP. PETERSON asked if the departments are replacing computers with new computers to avoid maintenance contracts. **Mr. Racicot** stated they had some micros before the total conversion, and now the total conversion is for new machines instead of maintenance contracts.

Mr. Schenck gave an overview of Agency Legal Services. **EXHIBIT 4** Agency Legal Services provides legal services to state agencies upon request. Agencies are billed for attorney time and case-related costs to support the program. Operating costs increased 3 percent due to increased rent and other fixed costs and the additional operating costs were for two new staff positions.

Agency Legal services is proprietary funds--the source of revenue is an hourly fee charged to use the Agency and its services. The

hourly fee in the 1989 and 1991 biennia has been \$48 per hour for attorney fees. The user agencies most affected would be the Tort Claims Division, which pays approximately 60 percent of total fees and Workers' Compensation Division, which pays 20 percent. There is no difference between LFA current level and Executive Budget. The network fees is an issue that has been resolved and will automatically be added into the budget.

Forensic Science Division

Mr. Schenck stated the budget increased 10.5 percent due to personal services costs. The costs being higher were due to increased salaries for nine forensic scientists approved by the Department of Administration. The division experienced significant vacancy savings because of recruitment problems for forensic scientists and a medical examiner.

Operating expenses decreased over 7 percent because of the elimination of \$54,000 in renovation costs from the FY90 base. The costs were for an expansion of the west wing of the State Crime Lab in Missoula, which was authorized by the 1989 Legislature. Equipment includes \$110,000 for replacement of a gas chromatograph.

This program is funded by the alcoholism treatment state special revenue funds of \$221,844 in FY92 and \$204,443 in FY93 for the laboratory testing and toxicology equipment maintenance done by the State Crime Lab for the DUI Enforcement program. **EXHIBIT 5**

Marc Racicot stated the department has gone through two pay plan exceptions processes and the reason for pay plan savings was the cooperation with the Department of Administration. The second market factor exception process secured some of the replacements but there are still vacancies for several positions. It is very hard to hire Forensic Scientists at the present grade level and they are being reclassified in order to have the positions filled. **EXHIBIT 6**

CHAIRMAN QUILICI stated the hiring of Forensic Scientists is not as difficult as in the past. **Mr. Racicot** responded by stating the committee and the legislative investments in the Forensic Science Division was a wise investment with the consolidated management system and securing competent people to work in the laboratory facilities. The level of service has changed significantly.

REP. PETERSON asked if we encourage training through the University of Montana knowing there are jobs available upon graduation in the Forensic Science Division. **Mr. Racicot** stated the department is very active in providing training and an internship program.

Mr. Racicot gave a summation of the operating costs. The inflation factor will be critical with laboratory supplies

especially the chemicals that are used for toxicology examinations. The gas chromatograph, if approved, is a very expensive piece of equipment; it costs \$9,000 for the maintenance contract.

Motor Vehicle Division

Mr. Schenck gave an overview on the division which is responsible for vehicle registration and vehicle operator licensing. **EXHIBIT 7** The Driver Services Bureau implements and administers the laws relating to the examination, issuance, cancellation, suspension, revocation, and reinstatement of drivers' licenses and driving privileges.

The Motor Vehicle Division budget increased 2.8 percent compared to the previous biennium because of personal services and operating expenses. Personal services increased 3.6 percent due to vacancy savings in FY90 and the FY91 pay plan. Operating expenses increased 3.8 percent, primarily due to inflationary adjustments and minor increases in rent. There was a partial offset due to the one-time cost for Commercial Vehicle Operator's License.

The division is funded primarily by general fund including all of the Registrar's Bureau and 94 percent of the Driver Services Bureau. The difference between the LFA current level budget and the Executive Budget was the modification and elected Official modified request.

Mr. Racicot stated **Sen. Stimatz** requested information on the fees generated by the Motor Vehicle Division. This division generates \$8.9 million in revenue and costs \$4.9 million to operate. The data network subscription costs are \$4.20 per license--this cost is for two commercial vehicle operators drivers licenses on the national network required by federal law. The department anticipates there will be 20 thousand commercial drivers who are receiving commercial drivers licenses which amounts to \$84,000. **EXHIBIT 8**

Mr. Racicot stated the driver license photo contract was renewed in 1990 after negotiations, which raised their total photographic contracts to \$23,000 per year. The costs went up 65 cents a license and 70 cents per photo.

Mr. Racicot spoke in the area of modifications with structure problems relating to the express windows for renewal and new issues of drivers licenses. The first express windows were installed in Great Falls and the response has been great. The department wants to put express windows in all the towns to alleviate the problem of lines and to provide faster service to the public.

Data Processing Division

Mr. Schenck gave an overview on the program which provides a full range of automated data processing and telecommunication services for the Department of Justice. **EXHIBIT 9** The Data Processing budget increased because of higher personal service costs and vacancy savings. Operating costs decreased due to the purchase of new personal computers in FY90. Equipment includes \$7,300 per year for priority purchase and replacement of computers and office equipment and \$8,700 per year for three additional computer workstations for new CJIN network users. The department pays a flat fee to the Department of Administration for data processing charges.

The department is requesting the replacement of the air-conditioning system at the National Guard Armory. The current system had been failing in recent years and proper temperatures and humidity levels are critical to proper functioning of the computer system.

Tape 2, Side 1

SEN. TVEIT asked if the department stays off the mainframe would they be saving money. **Mr. Trevor** stated that in 1984 they took the portion of the work the Department of Justice was doing on the shared mainframe in the Mitchell Building and put them on a separate mainframe which was provided by the Department of Administration. The Department of Justice provides the facility to enter the mainframe. The DOA established a flat fee based on the FY84 current level with minor charges since the 1984.

Marc Racicot gave a brief summation of Data Processing operating expenses and inflationary increases. In 1989 the department was served by Telex, a new system installed in the department.
EXHIBIT 10

Mick Robinson stated in 1990 the department was appropriated \$56,000 for repairs and maintenance and \$42,000 for equipment for a total of \$98,000; in 1990 the department spent \$92,000. The total amount for equipment, if approved, would be \$77,000 because of the new telex equipment.

Marc Racicot continued by giving a brief summation on the request to replace the old air-conditioner. They operate a mainframe computer in the basement of the National Guard Armory and the computer maintains all the vehicle registration records, all licensed driver information, all criminal history information, and access to the CJIN network. When the computer system was purchased in 1985, a specialized air condition was purchased also. The proper temperature and humidity have to be maintained in order for the computer to function. Last summer the system was down for 31 hours due to a failure in the compressor of the air-conditioning unit. The unit needs to be replaced.

CHAIRMAN QUILICI asked if the computer is down for 31 hours, does the department transfer all the data to the mainframe. **John Mathews, Administrator, Data Processing**, stated they can move the file information over to the DOA mainframe, but in this instance they knew a compressor would be available within 31 hours and it would take at least 18 hours to move all the data information, therefore, they decided not to transfer any of the information to the DOA. If it had been early in the week, then they would have considered moving all the necessary records.

County Attorney Payroll

Mr. Schenck gave an overview of the program by stating one-half of the salaries and benefits of the 56 county attorneys come from state general fund. **EXHIBIT 11**

The current level budget increased 6.7 percent due to the addition of 0.45 FTE and pay increases averaging 3.3 percent as authorized by statute. Two counties have increased their county attorney position from part-time to full-time. The County Attorney payroll has exceeded the original legislative appropriation in each of the last four years and a supplemental appropriation or a program transfer has been necessary to pay total program costs. The LFA current level does not include a contingency for any of the increases.

Discussion: **REP. PETERSON** asked the committee what if all the county attorneys took all the contingencies. **CHAIRMAN QUILICI** stated there would be a large supplemental because there's nothing in the statute that would prevent them from taking contingencies. **Mr. Schenck** stated there are 36 county attorneys who are not full-time and if they all went full-time there would be a significant increase. One of the major liabilities is the reimbursement for health insurance which is not widely known by all county attorneys; however, if more counties became aware of health and retirement benefits, there would be more county attorneys going full-time.

REP. ZOOK asked about the amount of time the county attorneys can work. **Mr. Schenck** responded they can work half-time, 60%; or full-time at 100% but there is one county that works only 20% and there are no limitations on the hours they work.

Central Services Division

Mr. Schenck gave an overview of the Division description and budget. **EXHIBIT 12** It provides the administrative, personnel, budgetary, accounting, and fiscal support for the Department of Justice and also administers the county attorney payroll and transportation of prisoners program expenditures.

The agency budget increases 8.5 percent over the previous biennium. The agency is supported by a direct allocation from the four major funds that support the Department of Justice in

proportion to their total budgeted costs. The gambling license fees state special revenue account, was added in the 1989 session to the Department to fund the new Gambling Control Division. The increase in proprietary fund allocation reflects an expansion of the program in FY93.

Marc Racicot stated the travel budget was low and would like to have the travel budget increased. EXHIBIT 13

Extradition and Transportation of Prisoners

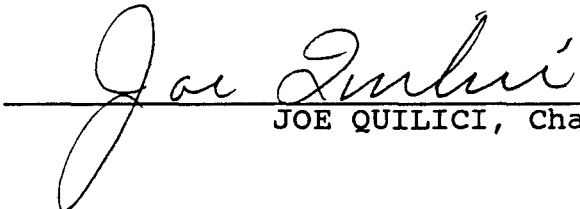
Mr. Schenck gave an overview of the program and budget. EXHIBIT 14 This program reimburses county sheriffs for allowable expenses associated with transporting prisoners to Montana detention centers and for expenses of extraditing prisoners to Montana. The operating costs do not include the supplemental appropriation expenditure of \$44,882.

Marc Racicot stated the department does not have any discretion and the costs are fixed by the events that cannot be controlled because the department has to pay the same price for airplane tickets as others when they have to extradite a prisoner. The department is considering utilization of aircraft for a number of activities that are carried on within the department. There is an investment up-front over a five year period of debt service in access of what is being paid presently for this kind of service. EXHIBIT 15

CHAIRMAN QUILICI stated the committee had worked hard and he appreciated their efforts. There would be testimony given by proponents and opponents on the gambling issue on Tuesday instead of Wednesday.

ADJOURNMENT

Adjournment: 11:23 a.m


JOE QUILICI, Chair

JQ/amc

HOUSE OF REPRESENTATIVE
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

ROLL CALL

DATE June 21, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. JOE QUILICI, CHAIRMAN	✓		
SEN. LARRY STIMATZ, VICE-CHAIRMAN	✓	✗	
REP. TOM ZOOK	✓		
SEN. LARRY TVEIT	✓		
REP. MARY LOU PETERSON	✓		
SEN. HARRY FRITZ		✓	

COMPARISON OF EXECUTIVE AND LFA CURRENT LEVELS

DEPARTMENT OF JUSTICE

Budget Item	Executive Current Level		LFA Current Level		Executive Over(Under) LFA
	Fiscal 1992	Fiscal 1993	Fiscal 1992	Fiscal 1993	
FTE	600.50	600.50	600.95	600.95	(0.45)
Personal Services	18,300,761	18,289,096	18,243,759	18,232,756	113,342
Operating Expenses	5,932,131	5,939,098	6,004,694	5,989,139	(122,604)
Equipment	1,385,290	1,273,955	1,360,333	1,241,440	57,472
Debt Service	34,122	34,122	34,122	34,122	0
Total Agency	\$25,652,304	\$25,536,271	\$25,642,908	\$25,497,457	\$48,210
<u>Fund Sources</u>					
General Fund	10,629,171	10,729,579	10,685,520	10,743,287	(70,057)
State Revenue Fund	13,453,979	13,369,875	13,448,142	13,352,941	22,771
Federal Revenue Fund	968,419	835,883	913,946	805,926	84,430
Proprietary Fund	600,735	600,934	595,300	595,303	11,066
Total Funds	\$25,652,304	\$25,536,271	\$25,642,908	\$25,497,457	\$48,210

Executive Budget Comparison

The Executive Budget is \$170,814 higher than the LFA current level in personal services and equipment, but this difference is nearly offset in operating expenses. The Executive Budget includes \$122,604 less for operating expenses than the LFA current level budget, for a net difference of only \$48,210 for the biennium.

Personal Services

The Executive Budget is higher in personal services for two reasons. First, the Executive Budget includes \$100,000 more overtime in the Highway Patrol Division than the LFA current level. The amount of overtime included in the Executive Budget is above the average level in recent years. Second, the Executive Budget includes \$13,140 more for health insurance benefits than the LFA current level. The LFA current level budget does not include health insurance benefits for Highway Patrol Division basic training recruits as they do not receive these benefits. The 0.45 difference in FTE is due to an adjustment in the LFA current level to reflect the actual number of FTE in the County Attorney Payroll program. There is no monetary impact.

Operating Expenses

The Executive Budget is lower than LFA current level in operating expenses for a number of offsetting reasons. The most significant differences are discussed below as "Issues". Other operating expense differences are: 1) the Executive Budget is \$60,798 lower than the LFA current level in funding for computer processing costs; 2) the Executive Budget includes \$4,059 higher audit fees due to the inclusion of a modified budget request in the calculation of the audit fee schedule for the Legislative Auditor's Office; 3) the Executive Budget has \$2,113 more than the LFA current level in inflationary adjustments; and 4) the Executive Budget is \$295,500 higher than LFA current level due to the different bases used in preparing the two budgets. The majority of the base differences are reflected in the budgets of the Highway Patrol Division and the Drug Enforcement Units of the Law Enforcement Services Division.

Equipment

The Executive Budget is higher than the LFA current level in equipment in a number of programs. The Executive Budget generally includes annual equipment purchases in each program's 1993 biennium budget up to the amount of

HIGHWAY TRAFFIC SAFETY

<u>Budget Item</u>	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	8.50	8.50	8.00	8.00	-.50
Personal Services	224,534	275,679	251,204	250,954	.39%
Operating Expenses	184,800	193,378	182,941	182,706	-3.31%
Equipment	2,334	3,000	1,500	1,500	-43.76%
Local Assistance	200,000	200,000	200,000	200,000	.00%
Grants	<u>720,000</u>	<u>720,000</u>	<u>520,000</u>	<u>520,000</u>	<u>-27.78%</u>
Total Agency	\$1,331,668	\$1,392,057	\$1,155,645	\$1,155,160	-15.16%
<u>Fund Sources</u>					
General Fund	200,000	200,000	200,000	200,000	.00%
State Revenue Fund	60,950	76,030	71,010	70,931	3.62%
Federal Revenue Fund	<u>1,070,718</u>	<u>1,116,027</u>	<u>884,635</u>	<u>884,229</u>	<u>-19.11%</u>
Total Funds	\$1,331,668	\$1,392,057	\$1,155,645	\$1,155,160	-15.16%

Agency Description

The Highway Traffic Safety Division was established by Title 61, Chapter 2, MCA, to promote public safety, health, and welfare through efforts directed toward reducing death, injury, and property loss resulting from traffic accidents. Projects are developed and initiated in various levels of government primarily through federal grant funds provided through the division to ensure that a long-term, stable, and statewide program exists. Current program priorities include occupant protection and drinking and driving projects.

Current Level Budget

The agency's 1993 biennium current level decreases 15 percent as compared to the previous biennium. Less than 2 percent of the decrease is in normal operating costs. The remainder results from an anticipated decrease in federal pass-through grant funds. Personal services increases due to vacancy savings and the pay plan increase in fiscal 1991 are nearly offset by the elimination of a 0.5 FTE program specialist position that has been vacant for nearly one year.

Operating expenses are based on fiscal 1990 actual expenditures, except for a reduction in appraiser and secretarial fees and other minor adjustments. The equipment request includes \$2,000 for replacement of older computer components and \$1,000 for software upgrades for the traffic accident data collection system. The reduction in pass-through grant funds is due to the sunset in fiscal 1991 of a five-year federal grant of \$200,000 per year for drunk driving awareness programs.

General fund collected from drivers' license revocation reinstatement fees is appropriated to the Highway Traffic Safety Division for distribution to counties with established drinking and driving prevention programs. Funding for operating costs and federal grants is provided by federal funds from the National Highway Traffic Safety Administration. A 50 percent state match on administration and planning costs comes from the highways state special revenue account. The 19 percent decrease in federal funds reflects the elimination of alcohol countermeasure grant funds.

DEPARTMENT OF JUSTICE

the fiscal 1991 biennium equipment appropriation, while the LFA current level budget is based on historical average equipment purchases over the past five years. The equipment included in the Executive Budget is:

1) \$5,600 higher in Legal Services Division, as LFA current level does not include two laptop computers included in the Executive Budget;

2) \$80,542 higher in the Gambling Control Division. The Executive Budget's annual equipment budget is the same as the amount allowed the fiscal 1991 appropriation. Since the fiscal 1991 appropriation included large one-time equipment purchases for the first-year operation of this program, the LFA current level budget does not continue this level;

3) \$100,000 lower in the Highway Patrol Division for equipment other than patrol cars. The LFA current level equipment budget is higher, reflecting the historical average purchases of the division;

4) \$23,750 lower in the Law Enforcement Services Division, as LFA current level allows additional funding for the purchase of a replacement pickup in the Fire Marshal Bureau and replacement investigative equipment in the Drug Enforcement Unit;

5) \$35,080 higher in Data Processing Division. The Executive Budget includes equipment at the fiscal 1991 appropriation level, which included funding for a major upgrade of the Criminal Justice Information Network (CJIN) system;

6) \$60,000 higher in the Forensic Science Division. The LFA current level includes a lower level for replacement laboratory equipment.

Funding

The primary reasons the Executive Budget includes over \$70,057 less general fund is that the LFA current level includes significantly more funding for the Extradition and Transportation of Prisoners program and for the Law

Enforcement Academy Division. Both of these programs are 100 percent general fund. The programs are discussed in the "Issues" section below.

The primary reason the Executive Budget is nearly \$23,000 higher in state special revenue is that it provides a higher equipment budget for the Gambling Control Division, funded from the gambling license fee account.

Federal revenue fund differences are due to higher budgets in the Motor Carrier Safety Assistance Program (MCSAP) and the Drug Enforcement programs in the Executive Budget, due to the difference in bases used in preparing the budgets.

The Executive Budget includes more funding for the Agency Legal Services Division, which is supported by proprietary funds.

Issues

Highway Patrol Prisoner Per Diem

The Executive Budget current level is \$236,242 lower than the LFA current level for prisoner per diem costs in the Highway Patrol Division. The division pays prisoner per diem charges for prisoners arrested by the Patrol and held in local jails. These charges have risen significantly due to 1989 legislation that removed the per day reimbursement limit. Since the increases are expected to be on-going costs, the LFA current level continues them at the fiscal 1990 actual expenditure level in the 1993 biennium. The Executive Budget includes an additional \$220,000 for prisoner per diem in a modified budget request, but even with this modification, the Executive Budget is \$16,242 lower than fiscal 1990 costs.

Academy Operating Costs

The Executive Budget includes \$63,900 more for operating expenses at the Law Enforcement Academy, based on the fiscal 1991 appropriation. However, since the state purchased the Academy buildings in July 1988, costs of operating the facility have been significantly less

DEPARTMENT OF JUSTICE

than anticipated when the 1991 biennium appropriation was approved. The LFA current level budget is based on fiscal 1990 actual costs.

Academy Pre-service Course

The Executive Budget current level is \$96,000 lower in the Law Enforcement Academy Division than the LFA current level, which includes the cost of a Pre-service Course at the Academy. This course was first offered in fiscal 1990, in accordance with 1989 legislation authorizing the course. This issue is discussed in more detail in the program narrative.

Transportation of Prisoners

The Executive Budget includes \$89,764 less than the LFA current level for the Extradition and Transportation of Prisoners program, since the Executive Budget for the program is based on the fiscal 1991 appropriation. Fiscal 1990 costs for the program were significantly higher than the fiscal 1991 appropriation, as discussed in the program narrative. The program required a supplemental in fiscal 1990 to fully

fund all transportation needs and is requesting an additional supplemental in fiscal 1991. The LFA current level continues the total actual fiscal 1990 costs (including the supplemental) in the 1993 biennium budget.

Budget Modifications

In addition to the \$51.2 million current level budget for the 1993 biennium, the Executive Budget contains \$2.6 million and 27.0 FTE in modified budget requests for the Department of Justice. These budget modifications are listed in the following agency narrative and discussed in more detail in the program narratives.

The Executive Budget does not include an additional 8 budget modifications for 60.2 FTE and \$5.3 million requested by the Attorney General. Since the Attorney General plans to present these budget modifications to the legislature, details on the modifications are provided in the following agency narrative and discussed in more detail in the program narratives.

Gen. Your Sew

DEPARTMENT OF JUSTICE

<u>Budget Item</u>	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	602.00	600.50	600.95	600.95	.45
Personal Services	17,034,808	18,121,559	18,243,759	18,232,756	3.76%
Operating Expenses	5,662,202	5,903,623	6,004,694	5,989,139	3.70%
Equipment	1,596,258	1,332,320	1,360,333	1,241,440	-11.16%
Debt Service	36,453	0	34,122	34,122	87.21%
Total Agency	\$24,329,721	\$25,357,502	\$25,642,908	\$25,497,457	2.92%
<u>Fund Sources</u>					
General Fund	9,795,293	10,370,991	10,685,520	10,743,287	6.26%
State Revenue Fund	13,085,374	13,354,998	13,448,142	13,352,941	1.36%
Federal Revenue Fund	928,609	1,034,951	913,946	805,926	-12.41%
Proprietary Fund	520,445	596,562	595,300	595,303	6.59%
Total Funds	\$24,329,721	\$25,357,502	\$25,642,908	\$25,497,457	2.92%

Agency Description

The Department of Justice, under the direction of the Attorney General, is responsible for statewide legal services and counsel, law enforcement, and public safety, as authorized in Section 2-15-501, MCA. The duties of the department include: 1) providing legal representation for the state and its political subdivisions in criminal appeals; 2) providing legal services and counsel for the state, county, and municipal agencies and their officials; 3) enforcing Montana traffic laws and registering all motor vehicles; 4) enforcing state fire safety codes and regulations; 5) assisting local law enforcement agencies in bringing offenders to justice; 6) managing a statewide system of death investigations and providing scientific analyses of specimens submitted by law enforcement officials, coroners, and state agencies; and 7) providing for the uniform regulation of all gambling activities in the State of Montana.

Current Level Budget

The agency's current level budget increases nearly 3 percent, due primarily to an over \$1.2 million increase in personal services over fiscal 1990 levels. Personal services

increase due to the following: 1) position upgrades for forensic scientists and criminal investigators in the Law Enforcement Services and Forensic Science Divisions, at a cost of over \$100,000 per year; 2) significant vacancy savings experienced in fiscal 1990 (particularly in the Forensic Science Division), which are not budgeted in the 1993 biennium; and 3) the fiscal 1991 pay plan increase which continues in the 1993 biennium. These increases are partially offset by downgrades that occurred in several Highway Patrol uniformed positions and a reduction in overtime costs.

Operating expenses increase 3.7 percent, primarily due to \$107,000 per year increases for the Gambling Control Division over fiscal 1990 levels and inflationary adjustments of \$157,000 in fiscal 1992 and \$139,500 in fiscal 1993 (mainly in gasoline for the Highway Patrol Division). The current level budget for the Gambling Control Division reflects a fully operational program. The program wasn't transferred to the department until October 1990, so only 9 months of operation occurred in base fiscal 1990. Other increases include: 1) the addition of a fourth basic law enforcement training class at the Law Enforcement Academy for students paying their own tuition, at a cost of \$48,000 per year; 2) continuation of the contingency appropriation for Indian

DEPARTMENT OF JUSTICE

Legal Jurisdiction legal caseloads at \$38,800 per year; 3) inclusion of federal grant funds in the Law Enforcement Services Division at the 1991 biennium appropriated levels, which is \$31,300 higher than fiscal 1990 expenditures; 4) an increase in the Highway Patrol Officers' subsistence allowance of \$23,000 in fiscal 1992 and \$34,000 in fiscal 1993 to reflect a union agreement; 5) an increase of \$46,800 per year for costs of transporting and extraditing prisoners; and 6) increases in building rent and other fixed costs of \$20,000 in fiscal 1992 and \$26,000 in fiscal 1993. Operating cost increases are partially offset by the elimination of fiscal 1990 one-time costs of over \$120,000, including: 1) federal grants to install the new Commercial Vehicle Operator's License (CVOL) system; 2) an expanded Highway Patrol recruit training course in fiscal 1990; 3) funding for used car leases for undercover investigations; 4) costs of renovation for an expansion of the State Crime Lab facility; and 5) contracted services for a pathologist during a vacancy in the chief medical examiner position in the Forensic Science Division.

Equipment included in current level is predominantly for the Highway Patrol Division for the replacement of 130 patrol cars and for replacement communications and law enforcement equipment.

Debt service in the 1993 biennium is for the purchase of computers in the Data Processing Division.

General fund provides 42 percent of total funds for the Department of Justice and supports all or part of the Legal Services Division (100 percent), Motor Vehicle Division (97 percent), Law Enforcement Services Division (66 percent), County Attorney Payroll pro-

gram (100 percent), Law Enforcement Academy (100 percent), Central Services Division (45 percent), Data Processing Division (74 percent), Extradition and Transportation of Prisoners program (100 percent), and the Forensic Science Division (79 percent). The primary reason for the increase in general fund is the addition of the pre-service course at the Law Enforcement Academy, the increase in extradition and transportation costs for prisoners, and the contingency appropriation for Indian Legal Jurisdiction legal costs.

State special revenue funds provide 52 percent of total agency funding in the 1993 biennium. The primary state special revenue account is the highways special revenue account which supports over 96 percent of the Highway Patrol Division and 46.5 percent of the Central Services Division. In the 1993 biennium, this account provides \$22.1 million of funding to the department. The other major state special revenue funds include the gambling license fee account, which supports all of the Gambling Control Division and part of Central Services. Together these funds provide 93 percent of state special revenue funds in the agency.

Federal funds provide 3.4 percent of total funding for the agency, including \$1.0 million in the Highway Patrol Division to support the Motor Carrier Safety Assistance program (MCSAP) and 65 MPH enforcement squad and \$0.6 million in the Law Enforcement Services Division to support drug enforcement programs. The 12 percent decline in federal funding is due to reductions in federal grants for drug enforcement and for installation of the Commercial Operator's Operating License system.

Proprietary funds, which provide 2.3 percent of total agency funding, are for the operation of the Agency Legal Services Division and support of Central Services Division.

DEPARTMENT OF JUSTICE

Executive Budget Modifications
1993 Biennium

<u>Budget Modifications</u>	<u>FTE FY92</u>	<u>FTE FY93</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
1) Gambling Control Expansion	10.0	10.0		\$1,043,333	\$1,043,333
2) Gambling "Buy" Money				30,000	30,000
3) Dr. License Express Station	8.0	8.0	\$350,660		350,660
4) Additional H/P Officers	8.0	8.0		748,004	748,004
5) Hwy Patrol Handheld Radios				51,000	51,000
6) Added General Investigator	0.75	1.0	79,805		79,805
7) Academy Pre-Service Course			96,000		96,000
8) Data Processing Fee Incr.			109,830		109,830
9) Data Processing Air Cond.			49,400		49,400
Total	26.75	27.0	\$685,695	\$1,872,337	\$2,558,032

The Executive Budget includes the budget modifications listed above. These modifications are discussed in the program narratives.

present the following additional budget modification requests to the 1991 legislature. They are discussed in more detail in the program narratives.

In late November 1990, the Department of Justice indicated that it planned to

Elected Official Budget Modifications
1993 Biennium

<u>Budget Modifications</u>	<u>FTE FY92</u>	<u>FTE FY93</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
1) Appellate Svcs Bureau Chief	1.0	1.0	\$ 118,882		\$ 118,882
2) Attorney, Indian Legal Jur.	1.0	1.0	94,484		94,484
3) Dr. License Express Station	12.2	12.2	579,464		579,464
4) Replacement Aircraft			285,000	\$ 285,000	570,000
5) Gambling Control Expansion	13.0	13.0		1,048,383	1,048,383
6) Fire Marshal Bur. Expansion	31.0	31.0	1,888,162		1,888,162
7) Autom. Fingerprint ID Sys.	2.0	2.0	1,008,000		1,008,000
8) Drug Investigations Program - Permanent Funding			NA	NA	NA
Total	60.2	60.2	\$3,973,992	\$1,333,383	\$5,307,375

Agency: 4110
Program: 01

DEPARTMENT OF JUSTICE
Legal Services Division

3

1-21-71

Gen. L. H. Smith

FY92

FY93

CURRENT LEVEL ISSUES:

Operating Expenses

1. General Inflation Increase	3,108	4,778
2. Computerized Legal Research	5,600	5,600
3. County Prosecutor Services - Contract Paralegal Support	8,000	8,000
4. NAAG Association dues underfunded	5,000	5,000

Equipment

1. Replace computer workstations (2 per year)	2,800	2,800
---	-------	-------

MODIFICATIONS:

1. Attorney - Indian Legal Jurisdiction FTE (Grade 19, Step 3)	1.00	1.00
Personal Services	42,543	42,441
Operating Expenses	2,500	2,500
Equipment	<u>4,500</u>	<u>4,500</u>
	49,543	44,941
2. Appellate Legal Services Bureau Chief FTE (Grade 20, Step 8)	1.00	1.00
Personal Services	51,086	51,296
Operating Expenses	2,500	2,500
Equipment	<u>4,500</u>	<u>4,500</u>
	58,086	53,796

AGENCY LEGAL SERVICES

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	11.50	13.50	13.50	13.50	.00
Personal Services	375,402	476,206	471,510	471,294	10.71%
Operating Expenses	104,622	107,468	109,253	109,422	3.10%
Equipment	31,954	4,725	4,550	4,550	-75.19%
Total Program	\$511,978	\$588,399	\$585,313	\$585,266	6.38%
Fund Sources					
Proprietary Fund	511,978	588,399	585,313	585,266	6.38%
Total Funds	\$511,978	\$588,399	\$585,313	\$585,266	6.38%

Program Description

The Agency Legal Services program provides legal services to state agencies upon request. Agencies are billed for attorney time and case-related costs to support the program.

In fiscal 1990, the program spent over \$30,000 for a major computer system upgrade. Equipment in the 1993 biennium includes funds for replacement of older computer equipment (\$3,500) and for purchase of two new laptop portable computers (\$5,600).

Current Level Budget

The Agency Legal Services current level budget for the 1993 biennium increases 6.4 percent compared to the previous biennium primarily due to personal services costs, which are increased by 2.0 FTE in fiscal 1991 for additional attorney staff and secretarial support as approved by the 1989 legislature, and by the fiscal 1991 pay plan increase which continues in the 1993 biennium. Operating costs increase 3 percent due to increased rent and other fixed costs and the additional operating costs related to the two new staff positions.

Agency Legal Services is a proprietary fund operation. The source of revenue is an hourly fee charged to user agencies for its services. The hourly fee in the 1989 and 1991 biennia has been \$48 per hour for attorney fees. The agency is considering a proposal to increase the services fee to \$53 per hour in the 1993 biennium, primarily to fund personal services increases. The user agencies most affected would be Tort Claims Division, which pays approximately 60 percent of total fees and Workers' Compensation Division, which pays 20 percent.

LEGAL SERVICES DIVISION

bureau are currently supervised directly by the Deputy Chief Attorney General, who is also division administrator. The Appellate Legal Services Bureau, one of three bureaus in the Legal Services Division, is the only one without a bureau chief.

Indian Legal Jurisdiction Attorney

The Attorney General requests \$94,484 general fund in the 1993 biennium to add

a 1.0 FTE attorney to provide legal support with issues involving Indian legal jurisdiction. The litigation in Indian jurisdiction issues is expected to increase in the upcoming biennium, particularly with regard to water rights adjudication on the reservations. The 1989 legislature authorized one additional attorney for this program to coordinate the negotiation or litigation of federally reserved water rights.

5
 June 21, 1991
 Hon. Mark Sullivan

FORENSIC SCIENCE DIVISION

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	17.00	17.00	17.00	17.00	.00
Personal Services	470,076	625,331	685,719	685,964	25.22%
Operating Expenses	324,235	266,976	273,409	274,305	-7.36%
Equipment	63,983	108,000	110,000	25,000	-21.50%
Total Program	\$858,294	\$1,000,307	\$1,069,128	\$985,269	10.53%
Fund Sources					
General Fund	665,599	754,708	847,284	780,826	14.63%
State Revenue Fund	192,695	197,599	221,844	204,443	9.22%
Federal Revenue Fund	0	48,000	0	0	-100.00%
Total Funds	\$858,294	\$1,000,307	\$1,069,128	\$985,269	10.53%

Program Description

The Forensic Science program, which includes the State Crime Lab in Missoula and the State Medical Examiner, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis for specimens submitted by law enforcement officials, coroners, and state agencies. The division tests firearms, toolmarks, hair, fiber, drugs, blood, body fluids, and tissues. The laboratory also analyzes blood, breath, and urine samples in connection with Driving Under the Influence of Alcohol or Drugs (DUI) and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

Current Level Budget

The Forensic Science Division current level budget increases 10.5 percent due to increased personal services costs. Personal service costs in the 1991 biennium are over \$215,000 higher per year than in fiscal 1990 for three reasons: 1) the division increased salaries for nine forensic scientists using a market factor adjustment approved by the Department of Administration; 2) the division experienced significant vacancy savings in fiscal 1990 due to recruitment prob-

lems for forensic scientists and a vacancy in the \$90,000 medical examiner's position for nine months in fiscal 1990; and 3) the fiscal 1991 pay plan increase continues into the 1993 biennium.

For the last two biennia, the division has had significant vacancies and turnovers in the forensic scientist positions. In fiscal 1990, the division upgraded the positions from an average grade 15, step 6 to the equivalent of a grade 16, step 10 in an attempt to resolve recruitment and retention problems. The cost of the increases is approximately \$56,000 per year at fiscal 1991 salary levels.

Operating expenses decrease over 7 percent due to the elimination of \$54,000 in renovation costs from the fiscal 1990 base. These costs were for an expansion into the west wing of the State Crime Lab in Missoula, which was authorized by the 1989 legislature. An additional \$9,000 was removed from the operating expense base for a one-time increase in contract services for a pathologist while the chief examiner's position was vacant nine months in fiscal 1990. These decreases are partially offset by a contractual rent increase for the State Crime Lab of \$9,200 per year and \$2,800 in fiscal 1992 and \$3,700 in fiscal 1993 in inflationary adjustments.

FORENSIC SCIENCE DIVISION

Equipment includes \$110,000 in fiscal 1992 for the replacement of a gas chromatograph that has reached its recommended useful life and is becoming costly to maintain. An additional \$25,000 in fiscal 1993 is included for the replacement of additional laboratory equipment on a priority basis.

The program is funded by alcoholism treatment state special revenue funds of \$221,844 in fiscal 1992 and \$204,443 in fiscal 1993 for the laboratory testing

and intoxilizer equipment maintenance done by the State Crime Lab for the DUI Enforcement program. These funds also support part of the cost of a DUI specialist forensic scientist position at the lab. The balance of the program is funded by general fund. Federal funds in fiscal 1991 are a Highway Traffic Safety grant for the purchase of six additional intoxilizer machines for distribution to local law enforcement agencies for DUI tests.

EXHIBIT 42
DATE June 2, 1991
BY Gen. Boir S. S.

Agency: 4110
Program: 32

DEPARTMENT OF JUSTICE
Forensic Science Division

FY92

FY93

CURRENT LEVEL ISSUES:

Personal Services - Pay plan exception	98,919	98,919
---	--------	--------

Operating Expenses

1. General Inflation Increase	3,561	5,476
2. Laboratory Supplies - inflation increase	2,090	4,346
3. Equipment maintenance contracts	17,000	17,000
4. Autopsy supplies - reimbursed	20,000	20,000

Equipment

1. Lab Equipment Replacement	25,000	35,000
------------------------------	--------	--------

MOTOR VEHICLE DIVISION

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	160.05	159.05	159.05	159.05	.00
Personal Services	3,242,249	3,476,218	3,481,930	3,479,218	3.61%
Operating Expenses	1,447,855	1,389,030	1,470,846	1,472,571	3.76%
Equipment	78,718	124,718	63,670	63,535	-37.47%
Total Program	\$4,768,822	\$4,989,966	\$5,016,446	\$5,015,324	2.80%
Fund Sources					
General Fund	4,571,027	4,726,265	4,838,446	4,877,324	4.50%
State Revenue Fund	73,062	75,267	128,000	88,000	45.62%
Federal Revenue Fund	124,733	188,434	50,000	50,000	-68.07%
Total Funds	\$4,768,822	\$4,989,966	\$5,016,446	\$5,015,324	2.80%

Program Description

The Motor Vehicle Division is responsible for vehicle registration and vehicle operator licensing. The Driver Services Bureau implements and administers the laws relating to the examination, issuance, cancellation, suspension, revocation, and reinstatement of drivers' licenses and driving privileges. The Motor Vehicle Registrar's Bureau provides a system for registration, titling, recordkeeping, and licensing of motor vehicles, vessels, and recreational vehicles. The Motor Vehicle Division consists of the combined Driver Services and Motor Vehicle Registrar programs as presented in the 1991 biennium budget.

License (CVOL) implementation and by reductions below fiscal 1990 levels in the Registrar's Bureau in accordance with the agency budget submission.

Equipment includes funds for the replacement of eight vehicles (\$86,080), 20 typewriters (\$12,120), file cabinets (\$4,410), and desks and chairs (\$10,195) in the Driver Services Bureau. An additional \$14,400 is for the replacement of six computer terminals in the Registrar's Bureau.

Current Level Budget

The Motor Vehicle Division current level budget increases 2.8 percent compared to the previous biennium due to increases in personal services and operating expenses. Personal services increase 3.6 percent due to vacancy savings in fiscal 1990 and the fiscal 1991 pay plan that continues in the 1993 biennium. Operating expenses increase 3.8 percent, primarily due to inflationary adjustments and minor increases in building rent. These increases are partially offset by the elimination of one-time costs in fiscal 1990 of \$24,900 for the Commercial Vehicle Operator's

The division is funded primarily by general fund, including all of the Registrar's Bureau and 94 percent of the Driver Services Bureau. License fees collected by the division are deposited in the general fund. In addition, the Driver Services Bureau is funded by state special revenue funds of \$170,000 from 3.3 percent of drivers' license fee collections, \$40,000 for driver rehabilitation fees collected from individuals attending driver rehabilitation and improvement courses to defray course costs, and \$6,000 for fees charged to recover costs of the Montana Highway Patrol Identification Card issues. State special revenues increase primarily due to increased revenues from the 3.3 percent share of drivers' license fee collections. A \$40,000 fund balance carryover is spent down in fiscal 1992. Federal funds, which were received for implementation of the CVOL system, were higher in the 1991 biennium due to one-time funding

21 Jan. 1991
Gen. Hair Su

MOTOR VEHICLE DIVISION

for the implementation of the CVOL system. Federal funding for the CVOL system will probably not be available after fiscal 1993.

Executive Budget Modification

Driver's License Express Stations

The executive budget includes \$350,660 of general fund in the 1993 biennium for additional staffing to reduce customer delays at driver licensing stations statewide. Delays in customer service of up to two hours are attributed by the agency to a 22 percent increase in staff workload with no increase in personnel and the addition of the commercial licensing program in 1988. The agency has responded with extended hours, payment of overtime, and the use of part-time help. This modified budget would add 8.0 FTE, primarily to staff new express licensing stations in larger cities for license renewals only.

If this modified request is approved, overtime included in the current level

budget (approximately \$16,000 per year) could be eliminated.

Elected Official Modified Request

In November 1990, the Department of Justice indicated that it planned to present the following additional budget modification request to the 1991 legislature. It is not in the Executive Budget.

Driver's License Express Station Increase

As discussed above, the Executive Budget includes \$350,660 general fund for 8.0 additional FTE to reduce customer delays at driver licensing stations statewide. The agency had originally requested \$930,124 general fund and 20.2 FTE to accomplish this task. This modification request is for the difference between the Executive Budget and the original request--\$579,464 and 12.2 FTE--to expand driver licensing stations. The agency proposes an increase in the driver's license fee to fund this request.

Agency: 4110
Program: 12

DEPARTMENT OF JUSTICE
Motor Vehicle Division

8
21, 1991
Gen. York Sw

FY92

FY93

CURRENT LEVEL ISSUES:

Operating Expenses

1. General Inflation Increase	23,945	36,815
2. Data Network subscription - \$4.20 per license	84,000	84,000
3. Driver License photo contract - new contract became effective 7/1/90	23,000	23,000

MODIFICATIONS:

1. Driver License Express Stations		
FTE	20.2	20.2
Personal Services	383,822	383,822
Operating Expenses	59,330	59,330
Equipment	<u>43,820</u>	<u>43,820</u>
	486,972	443,152

9
Jan 21 1991
Hon. Gov. Schw

DATA PROCESSING DIVISION

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	15.00	15.00	15.00	15.00	.00
Personal Services	426,751	453,479	465,800	465,621	5.82%
Operating Expenses	439,486	477,638	442,505	442,535	-3.50%
Equipment	36,923	33,780	16,000	16,000	-54.74%
Debt Service	29,669	0	34,122	34,122	130.02%
Total Program	\$932,829	\$964,897	\$958,427	\$958,278	1.00%
<u>Fund Sources</u>					
General Fund	666,055	691,983	712,427	706,278	4.47%
State Revenue Fund	266,774	272,914	246,000	252,000	-7.73%
Total Funds	\$932,829	\$964,897	\$958,427	\$958,278	1.00%

Program Description

The Data Processing program provides a full range of automated data processing and telecommunication services for the Department of Justice including: 1) system development and maintenance of the motor vehicle registration system; 2) driver history system; 3) criminal history record information system and the Montana Uniform Crime Reporting System; 4) computer operator support for the Department of Justice computer system (which serves as a back-up system for the state mainframe system and is owned by the Department of Administration); 5) 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 (NCIC), and numerous State of Montana files.

account for the personal services increase. Operating costs decrease due to the purchase of new personal computers in fiscal 1990, resulting in a \$30,000 reduction in computer maintenance contracts. Offsetting operating expenses increases include: 1) \$2,100 per year for fixed costs increases in rent and payroll fees; 2) a \$4,000 increase in the annual service fee for the National Law Enforcement Teletype Service; and 3) inflationary adjustments of \$1,900 per year. Debt service payments for the new personal computers increase in the 1993 biennium. Equipment includes \$7,300 per year for priority purchase and replacement of computers and office equipment and \$8,700 per year for three additional computer workstations for anticipated new CJIN network users. The cost of this equipment should be recovered by the fees charged. The 1991 biennium expenditures for equipment were primarily a one-time expenditure for an upgrade of the CJIN network system, funded by a network user fee increase.

Current Level Budget

The Data Processing Division current level budget increases 1.0 percent in the 1993 biennium compared to the 1991 biennium due to higher personal services costs. Vacancy savings in fiscal 1990 and the continuation of the fiscal 1991 pay plan increase in the 1993 biennium

Executive Budget Modifications

Data Processing Fee Increase

The Executive Budget includes \$109,830 general fund in the 1993 biennium for a 10 percent increase in the flat fee paid by the department to the Department of Administration for data processing charges. The fee is a negotiated

DATA PROCESSING DIVISION

reduced fee charged in lieu of the standard mainframe processing fee charged other state agencies. The reduced fee is indirect compensation for the back-up status of the Department of Justice computer system for the state mainframe computer. The fee increase will be used to pay for an upgrade to the Department of Justice computer system, which is nearing capacity.

Data Processing Air Conditioner

The Executive Budget includes \$49,400 of general fund in the 1993 biennium for replacement of the air-conditioning system for the Department of Justice computer system at the Helena National Guard Armory. The current air-conditioning system has been failing in recent years and proper temperature and humidity levels are critical to proper functioning of the computer system.

Agency: 4110
Program: 29

DEPARTMENT OF JUSTICE
Data Processing Division

10
January 24, 1991
Gen. Galt SW

FY92

FY93

CURRENT LEVEL ISSUES:

Operating Expenses

1. General Inflation Increase	566	870
2. Repairs and Maintenance - FY90 actual	5,546	5,546

MODIFICATIONS:

1. Replacement Air Conditioner - Maintenance contract	45,000	4,400
2. D of A - processing fee increase	52,530	57,300

4110 19 00000

COUNTY ATTORNEY PAYROLL

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	19.05	19.05	19.50	19.50	.45
Personal Services	<u>977,141</u>	<u>1,003,551</u>	<u>1,056,404</u>	<u>1,057,745</u>	<u>6.74%</u>
Total Program	\$977,141	\$1,003,551	\$1,056,404	\$1,057,745	6.74%
<u>Fund Sources</u>					
General Fund	<u>977,141</u>	<u>1,003,551</u>	<u>1,056,404</u>	<u>1,057,745</u>	<u>6.74%</u>
Total Funds	\$977,141	\$1,003,551	\$1,056,404	\$1,057,745	6.74%

Program Description

The County Attorney Payroll program pays one-half the salary and benefits of the 56 county attorneys from state general fund, as required by Section 7-4-2502, MCA.

Current Level Budget

The current level budget for the County Attorney Payroll program increases 6.7 percent compared to the 1991 biennium, due primarily to the addition of 0.45 FTE during the 1991 biennium over appropriated levels and pay increases averaging 3.3 percent as authorized by statute. Two counties have increased their county attorney position from part-time to full-time as allowed by statute, resulting in the FTE increase. These increases resulted in the need for a supplemental appropriation in fiscal 1990 of \$35,000 and the agency has submitted a fiscal 1991 supplemental request of \$77,000 to the 1991 legislature.

The current level budget for county attorneys' payroll is based on the fiscal 1991 level as of November 1990. This includes funds for 20 full-time county attorneys, 13 county attorneys at 60 percent time, 22 county attorneys at half-time, and one county attorney at 20 percent time. No funds are included for salary increases, potential changes from part-time to full-time positions, increased health insurance reimbursement claims, or other statutorily allowed increases that counties might exercise.

Issue

Funding Levels for County Attorney Payroll

The County Attorney payroll has exceeded the original legislative appropriation in each of the last four years and a supplemental appropriation or a program transfer has been necessary to pay total program costs. Table 2 compares the initial appropriation to actual or projected expenditures in fiscal 1988 through fiscal 1991.

1-21-91

COUNTY ATTORNEY PAYROLL

Table 2
County Attorney Payroll
Fiscal 1988 through Fiscal 1991

	<u>FY 88</u>	<u>FY 89</u>	<u>FY 90</u>	<u>FY 91</u>
FTE	18.60	19.05	19.30	19.50
Appropriation	\$924,317	\$937,463	\$ 977,179	\$1,003,551
Actual Cost	<u>940,862</u>	<u>960,009</u>	<u>1,012,137</u>	<u>1,050,667*</u>
Additional Cost	\$ 16,545	\$ 22,546	\$ 34,958	\$ 47,116
Percent Increase**	--	2.04%	5.43%	3.81%

* Projected fiscal 1991 cost

**In fiscal 1988 and 1989, at least 17 counties froze pay levels due to fiscal constraints.

The increases in the program result from counties' exercising of options for increased state support provided in statute. Among these options are: 1) county commissioners may authorize salary increases equal to 70 percent of the last previous calendar year's consumer price (CPI) index (3.3 percent in fiscal 1990, as compared to the 2.5 percent budgeted in the state pay plan); 2) counties with part-time county attorneys may elect to increase the authorized time to a higher percent or full time; 3) counties can submit claims for reimbursement of up to 50 percent of the cost of the county attorney's health insurance; and 4) county attorneys can elect to participate in the state re-

tirement program, requiring the state to pay the employer contribution.

The LFA current level does not include a contingency for any of the above increases. The legislature may wish to consider appropriating funds for the maximum potential salary increases and other contingencies. The additional general fund cost for a 3.5 percent pay increase (assuming a 5 percent CPI each year of the biennium) would be \$37,000 in fiscal 1992 and \$75,000 in fiscal 1993. A contingency for other increases (items 2 through 4 above) based on historical costs, would require \$10,000 in fiscal 1992 and \$26,000 in fiscal 1993.

Handwritten:
 4110 28 00000
 2/2/93
 Men. Gair

CENTRAL SERVICES DIVISION

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	9.00	9.00	9.00	9.00	.00
Personal Services	260,354	286,164	289,230	288,640	5.74%
Operating Expenses	102,366	83,514	104,622	107,841	14.30%
Equipment	5,407	0	5,000	5,000	84.95%
Total Program	\$368,127	\$369,678	\$398,852	\$401,481	8.47%
Fund Sources					
General Fund	165,640	174,319	179,256	181,143	6.01%
State Revenue Fund	194,020	187,196	209,609	210,301	10.15%
Proprietary Fund	8,467	8,163	9,987	10,037	20.41%
Total Funds	\$368,127	\$369,678	\$398,852	\$401,481	8.47%

Program Description

The Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the Department of Justice. The program also administers the county attorney payroll and transportation of prisoners program expenditures.

cluded in the fiscal 1991 appropriation. Equipment includes \$5,000 per year for replacement computers and software for four workstations.

Current Level Budget

The Central Services Division current level budget increases nearly 8.5 percent over the previous biennium. Personal services increase 5.7 percent due to vacancy savings and the fiscal 1991 pay plan increase that is continued in the 1993 biennium. Operating expenses increase 14.3 percent over fiscal 1990 levels due primarily to increases of nearly \$7,000 in fiscal 1992 and \$10,000 in fiscal 1993 for fixed costs such as building rent and payroll service fees and over \$500 per year for inflationary adjustments. These increases are partially offset by reduced audit costs. Biennial audit expenditures of \$22,900 were paid in fiscal 1990, while audit costs of \$17,160 per year are budgeted in the 1993 biennium. No audit costs are in-

The Central Services Division is supported by a direct allocation from the four major funds that support the Department of Justice in proportion to their total budgeted costs. This represents a change from last biennium, when only three funds supported the division. The gambling license fee state special revenue account, added late in the 1989 session to the Department of Justice to fund the new Gambling Control Division, was not included in the 1991 biennium allocation. The addition of that account reflects the increased support in the 1993 biennium from state special revenue funds. The increase in proprietary fund allocation reflects an expansion of the program in fiscal 1993. Funding for the division in the 1993 biennium includes 45 percent from the general fund, 46.5 percent from the highways state special revenue fund, 6 percent from the gambling license fee account, and 2.5 percent from the agency legal services proprietary account.

DATA PROCESSING DIVISION

<u>Budget Item</u>	<u>Actual Fiscal 1990</u>	<u>Appropriated Fiscal 1991</u>	<u>- - Current Fiscal 1992</u>	<u>Level - Fiscal 1993</u>	<u>Change 1991-93 Biennium</u>
FTE	15.00	15.00	15.00	15.00	.00
Personal Services	426,751	453,479	465,800	465,621	5.82%
Operating Expenses	439,486	477,638	442,505	442,535	-3.50%
Equipment	36,923	33,780	16,000	16,000	-54.74%
Debt Service	29,669	0	34,122	34,122	130.02%
Total Program	\$932,829	\$964,897	\$958,427	\$958,278	1.00%
<u>Fund Sources</u>					
General Fund	666,055	691,983	712,427	706,278	4.47%
State Revenue Fund	266,774	272,914	246,000	252,000	-7.73%
Total Funds	\$932,829	\$964,897	\$958,427	\$958,278	1.00%

Program Description

The Data Processing program provides a full range of automated data processing and telecommunication services for the Department of Justice including: 1) system development and maintenance of the motor vehicle registration system; 2) driver history system; 3) criminal history record information system and the Montana Uniform Crime Reporting System; 4) computer operator support for the Department of Justice computer system (which serves as a back-up system for the state mainframe system and is owned by the Department of Administration); 5) 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 (NCIC), and numerous State of Montana files.

Current Level Budget

The Data Processing Division current level budget increases 1.0 percent in the 1993 biennium compared to the 1991 biennium due to higher personal services costs. Vacancy savings in fiscal 1990 and the continuation of the fiscal 1991 pay plan increase in the 1993 biennium

account for the personal services increase. Operating costs decrease due to the purchase of new personal computers in fiscal 1990, resulting in a \$30,000 reduction in computer maintenance contracts. Offsetting operating expenses increases include: 1) \$2,100 per year for fixed costs increases in rent and payroll fees; 2) a \$4,000 increase in the annual service fee for the National Law Enforcement Teletype Service; and 3) inflationary adjustments of \$1,900 per year. Debt service payments for the new personal computers increase in the 1993 biennium. Equipment includes \$7,300 per year for priority purchase and replacement of computers and office equipment and \$8,700 per year for three additional computer workstations for anticipated new CJIN network users. The cost of this equipment should be recovered by the fees charged. The 1991 biennium expenditures for equipment were primarily a one-time expenditure for an upgrade of the CJIN network system, funded by a network user fee increase.

Executive Budget Modifications

Data Processing Fee Increase

The Executive Budget includes \$109,830 general fund in the 1993 biennium for a 10 percent increase in the flat fee paid by the department to the Department of Administration for data processing charges. The fee is a negotiated

Agency: 4110
Program: 28

DEPARTMENT OF JUSTICE
Central Services Division

FY92

FY93

CURRENT LEVEL ISSUES:

Operating Expenses

1. General Inflation Increase	623	958
2. Travel - base year was low -increase to FY91 appropriation level	985	985

17
 January 21, 1991
 Ben Davis Sub

EXTRADITION & TRANSPORTATION OF PRISONERS

Budget Item	Actual Fiscal 1990	Appropriated Fiscal 1991	- - Current Fiscal 1992	Level - - Fiscal 1993	Change 1991-93 Biennium
FTE	.00	.00	.00	.00	.00
Operating Expenses	<u>146,868</u>	<u>146,875</u>	<u>193,648</u>	<u>193,640</u>	<u>31.85%</u>
Total Program	\$146,868	\$146,875	\$193,648	\$193,640	31.85%
Fund Sources					
General Fund	<u>146,868</u>	<u>146,875</u>	<u>193,648</u>	<u>193,640</u>	<u>31.85%</u>
Total Funds	\$146,868	\$146,875	\$193,648	\$193,640	31.85%

Program Description

The Extradition and Transportation of Prisoners program reimburses county sheriffs for allowable expenses associated with transporting prisoners to Montana detention centers and for expenses of extraditing prisoners to Montana.

creasing travel costs. Operating costs shown in the table for fiscal 1990 do not include a supplemental appropriation expenditure of \$44,882. Costs of the program jumped dramatically from \$146,855 in fiscal 1988, to \$187,198 in fiscal 1989, and to \$191,751 in fiscal 1990. The 1993 biennium budget is based on actual fiscal 1990 expenditures (including the supplemental) adjusted for inflation (\$1,900 per year), as expenditures are expected to continue at this level. Expenditures during the first five months of fiscal 1991 have been consistent with this level.

Current Level Budget

The Extradition and Transportation of Prisoners program current level budget increases nearly 32 percent compared to the 1991 biennium due to a significant increase in the number of claims and in-

DATA PROCESSING DIVISION

reduced fee charged in lieu of the standard mainframe processing fee charged other state agencies. The reduced fee is indirect compensation for the back-up status of the Department of Justice computer system for the state mainframe computer. The fee increase will be used to pay for an upgrade to the Department of Justice computer system, which is nearing capacity.

Data Processing Air Conditioner

The Executive Budget includes \$49,400 of general fund in the 1993 biennium for replacement of the air-conditioning system for the Department of Justice computer system at the Helena National Guard Armory. The current air-conditioning system has been failing in recent years and proper temperature and humidity levels are critical to proper functioning of the computer system.

Agency: 4110
Program: 30

DEPARTMENT OF JUSTICE

Extradition and Trans. of Prisoners

FY92

FY93

CURRENT LEVEL ISSUES:

Operating Expenses

Agree with LFA current level.

15

1-2-91
Den Gouir Dul