

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON GENERAL GOVERNMENT & HIGHWAYS

Call to Order: By Chairman Quilici, on January 23, 1991, at 8:05 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)
Lois Steinbeck, Associate Fiscal Analyst (LFA)
Arlene Carlson, Secretary

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

EXECUTIVE ACTION DEPARTMENT OF JUSTICE

Mr. Schenck gave an overview of each division's budget. **EXHIBITS** of January 21 and 22, 1991

Legal Services Division

Motion: REP. PETERSON moved to accept LFA's current level budget for Legal Services Division.

Discussion: CHAIRMAN QUILICI stated the network fees, will be resolved by the LFA in all budgets. Mr. Schenck stated he did not include in his budget the recommendation made by the Department of Justice regarding budget requests for all the agencies.

Vote: Motion CARRIED unanimously.

Motion/Vote: REP. PETERSON moved to accept Issue No. 4, equipment which was included in the Executive. Motion CARRIED unanimously.

Motion: REP. PETERSON moved to accept Modification No. 2, an additional Attorney for Indian Legal Jurisdiction.

Discussion: The committee discussed the \$100,000 that is being requested by the Indian Jurisdiction which is an on-line item and

the money is used for court cost expenditures. If the caseload exceeds their current level budget there is a contingency of \$100,000. Mr. Racicot responded by stating the Indian Tribes have ten lawyers working on legal matters where the Department of Justice has only one--the department has to totally reconstruct history in all the cases involved with the department.

SEN. STIMATZ asked if the Indians are total strangers to each other or do they all cooperate with one another with water rights, clean air acts, etc. Mr. Racicot responded that Indian Jurisdiction is getting more complicated because everything relies on Indian treaties and each tribe has its own treaties.

Vote: Motion CARRIED unanimously.

Motion/Vote: REP. ZOOK moved to accept the language and line-item Issues 1 and 2. Motion CARRIED unanimously.

Agency Legal Services

CHAIRMAN QUILICI stated attorney fees will be \$53 an hour instead of \$48 and paralegal fees will be \$30 instead of \$27.50 and are not out of proportion. Other agencies should have been notified of the increase on salaries for attorneys and paralegals so their budgets could show the increase. Mr. Schenck stated Tort Claims utilizes approximately 60% of the program services, State Fund 20% and remaining don't use as much.

Motion/Vote: REP. PETERSON moved to adopt LFA's current level budget for Agency Legal Services. Motion CARRIED unanimously.

Motion/Vote: REP. ZOOK moved to accept the Network fees. Motion CARRIED unanimously.

Gambling Control Division

Discussion: REP. PETERSON stated Mr. Reiland provided testimony regarding laboratory testing of gambling equipment in Montana being very slow in comparison to New Jersey and Nevada. Mr. Racicot stated the testing equipment Mr. Reiland referred to is new technology but he felt Montana does an adequate job of testing the equipment. It does take more time for the department to do the testing but the equipment is very complicated.

Motion/Vote: REP. PETERSON moved to accept LFA's current level budget for Gambling Control Division. Motion CARRIED unanimously.

Motion: REP. PETERSON moved to accept \$62,000 and \$63,000 for equipment for Gambling Control Division. Motion CARRIED 5 to 1 with Rep. Quilici voting no.

Modifications:

CHAIRMAN QUILICI stated that on the modifications they are asking for ten more FTEs and \$15,000 buy money. He told the following story. On Friday, he had been in Butte and stopped at a local establishment. When he entered the building the owner said "what are you guys in Helena doing?" She told him there were six ladies, all in the seventies, playing pinochle in Val's Alpine Bar in Butte. Two investigators entered the premises to arrest her because she and her friends were playing pinochle and each one had put five dollars in the pot, which was to pay for their lunch and to put a 40 cents in the pot. **CHAIRMAN QUILICI** stated to **Mr. Robinson** "don't tell me, I know it's the law and we are going to try and change the law," but if "you don't have more time than to go after six old ladies playing pinochle for 40 cents, there is something damn well wrong"! **CHAIRMAN QUILICI** further stated he had two witness to testify to the incident for **Marc Racicot** stated that was not what had happened. **Bob Robinson, Administrator, Gambling Division**, stated his office was contacted on Friday, by the Butte police regarding a complaint that was filed regarding a gambling game going on at the Alpine Bar--two investigators investigated, recognized the people were playing pinochle, and they do put five dollars on the table and they do have lunch and they play for pennies but it is gambling and there was no license.

CHAIRMAN QUILICI further stated these group of ladies have been playing pinochle as long as he can remember and for investigators to take time to investigate a small card game where six little old ladies were playing pinochle for 40 cents, then the investigators don't have much to do. **Mr. Robinson** stated they were not aware of what was going on at the Alpine Bar, but were advised by the Butte police department illegal gambling was taking place at the Alpine Bar and when the investigators investigated, they learned what the situation was they advised the owner in order to operate in a legal manner they need to have a license. An older gentleman, who was a party of the incident visited with the investigator for sometime and recognized the situation and went back and spoke to the ladies. **CHAIRMAN QUILICI** stated that one of the ladies was going after the investigator with her cane. **Mr. Racicot** stated his investigators were courteous at all times. They were called by the local authorities and they were not aware of the situation and they simply discussed the law with the people and advised them how to carry on a legal game. Those are the facts as presented to him. **CHAIRMAN QUILICI** stated he received the facts from four of the ladies, in fact, he almost got the cane. **Mr. Racicot** stated this is just one of the incidents of the gambling industry division and he stated "they are all fraud with the lack of evidence."

Bob Robinson, Administrator, Gambling Division, reviewed the schedule that was given to the Gaming Advisory Council regarding licensing equipment.

Motion: REP. ZOOK moved to adopt 15 FTEs for Gambling Control Expansion instead of 23 FTEs as requested by the agency.

Discussion: REP. ZOOK stated before the election he made a commitment to the Tavern Owners to support their request for "21" and he will do that if the department will receive the additional FTEs -- if they do not receive the additional FTEs, then he cannot support "21".

CHAIRMAN QUILICI stated the modifications have nothing to do with "21" only to add to the investigation of the existing gambling.

SEN. TVEIT asked if the committee will be addressing the fees. CHAIRMAN QUILICI stated they would not be addressing the fees because they are contingent fees--the only items they will be addressing in this budget is the existing budgets. The fees will be standing on their own and if "21" passes then the committee will review the operations and personal services.

REP. ZOOK withdrew his motion and no action was taken.

Motor Vehicle Division

Motion/Vote: REP. PETERSON moved to accept LFA's current level budget for Motor Vehicle Division. Motion CARRIED unanimously.

REP. PETERSON asked if the committee would be voting on the department's request for driver's license express stations. CHAIRMAN QUILICI stated it depends on legislation now before the legislative assembly and in the event legislation passes, the request for funding driver's licenses express lines will allocated.

Motion/Vote: REP. ZOOK moved to accept the increase of five cents per photo for driver licenses. Motion CARRIED unanimously.

Montana Highway Patrol

Motion/Vote: REP. PETERSON moved to adopt LFA's current level budget for the Highway Patrol Division. Motion CARRIED unanimously.

Issues

CHAIRMAN QUILICI stated he was sure there was a need for the overtime. The budget has been growing over the original base and he is very leafy with the new regulations made from the appropriations that one can draw from operating costs of personnel costs but you cannot draw from personnel into operating costs. Mr. Racicot stated the Highway Patrol watches very carefully the amount of overtime because of the impact of exceeding their budget. When they exceed their budget, the officers have to receive comptime instead of overtime.

Motion/Vote: REP. FRITZ moved authorization of Issue No. 1 overtime pay for Highway Patrol. Motion CARRIED unanimously.

Discussion: REP. PETERSON referred to Issue No. 2, the LFA does not include health insurance, was that an error in their calculations. Mr. Schenck did not include health insurance for it is not paid to those individuals. It was added to the budget inadvertently. They do not pay health insurance to the training recruits because they are not fulltime employees.

Mr. Schenck gave an overview of Issue No. 3, prisoner per diem, the LFA is \$118,000 higher than the executive level. The executive level is based upon the appropriated levels for the 1991 biennium and the LFA is based upon actual expenditures due to the change of the law which allowed the cap of \$25 per day reimbursement.

Tape 2

Motion/Vote: SEN. TVEIT moved to segregate REP. PETERSON's motion and to accept modification Issue No. 1. Motion CARRIED unanimously.

Motion: REP. PETERSON moved to accept executive budget modification Issue No. 1 and Issue No. 2 for hand-held radios.

Discussion: Mr. Racicot stated they are a nationally accredited law enforcement agency. One of the standards is that you must have the ability to maintain radio contact with your officers at all times. If the department is not in contact with their officers at all times, then the department is subject to not be accredited.

Motion/Vote: SEN. FRITZ moved to accept the \$150,000 in FY92 for hand-held radios. Motion CARRIED 5 to 1 with Rep. Peterson voting no.

SEN. TVEIT asked what is the turnover rate in the number of cars each year. Mr. Racicot stated they reduced the number of cars to ninety. CHAIRMAN QUILICI stated LFA has allotted 65 vehicles in FY92 and FY93, with the price of cars they cannot purchase the amount of cars so they are requesting \$160,200 in FY92 and \$156,000 in FY93 to purchase the type of cars they need.

Mr. Schenck stated the LFA allotted 65 cars and the department has come in requesting \$100,000 and \$150,000 the second year based upon a revised estimate costs of the cars.

Motion/Vote: REP. ZOOK moved to combine the appropriations in FY93 and FY92 to be in FY92, Issue No. 3 to move \$87,843 from FY93 to FY92. Motion CARRIED unanimously.

CHAIRMAN QUILICI spoke on the cost of the airplane which is \$900,000 dollars over a five year period of time. He reviewed the Governor's request for his airplane which cost \$661,000,

which was paid over a three year period. The department's airplane will cost \$1.4 million over a five year period of time which was a great concern to the Chairman.

Mr. Racicot stated that included the operating costs and the airplane was only presented to the committee for their consideration.

Law Enforcement Services Division

Motion/Vote: REP. ZOOK moved to accept the LFA's current level budget for the Law Enforcement Services Division. Motion **CARRIED** unanimously.

Motion/Vote: SEN. TVEIT moved to accept the pay plan exception increase for the drug chemist. Motion **CARRIED** unanimously.

Motion: REP. PETERSON moved for modification No. 1 for 31 FTEs for Fire Marshal Bureau Expansion.

Rep. Peterson withdrew her motion until the passage of pending legislation.

CHAIRMAN QUILICI stated that two weeks ago the Legislature had a \$90 million surplus, the surplus is now around \$75 million and the pay plan has not been addressed; SRS is requesting \$19 million.

Mr. Schenck stated there are two special investigation units within the Law Enforcement Division, known as east and west and funded by a coal fund grant. The western taskforce was funded by a federal grant through the Board of Crime Control for Drug Enforcements.

Motion/Vote: REP. PETERSON moved to accept Agency sheet no. 3 to add \$841,309 to the general fund over the biennium. Motion **CARRIED** unanimously.

Mr. Robinson stated at the current level the department is trying to focus on a comparison of the LFA presentation analyzing the executive budget which did not address any of the issues. The department is operating on a reduced level for FY90. He didn't know if the committee had time to address those issues which are critical to the department.

CHAIRMAN QUILICI stated he knew what Mr. Robinson was talking about but the Legislature has always had the executive and LFA budget and the agencies have worked with the Budget Office.

Motion: REP. ZOOK moved to accept Modifications No. 1, 2, and 3.

Motion: SEN. TVEIT moved to segregate REP. ZOOK's motion.

Mr. Racicot discussed the fire prevention grants as requested by SEN. TVEIT. He stated the department has a staff person who in essence is involved with local fire prevention, training and education materials.

Motion: SEN. TVEIT withdrew his motion to segregate the modifications.

CHAIRMAN QUILICI stated that the committee will revert to the original motion.

Vote: Motion CARRIED unanimously.

County Attorney Payroll

Motion/Vote: REP. FRITZ moved to accept LFA's current level budget for County Attorney payroll. Motion CARRIED unanimously.

CHAIRMAN QUILICI stated in the event there is a supplemental the committee will address the issue.

Motion/Vote: REP. FRITZ moved to accept LFA's current level budget for Central Services Division. Motion CARRIED unanimously.

CHAIRMAN QUILICI stated there are two other important issues, salary adjustments and pay plan.

Law Enforcement Academy

Motion/Vote: SEN. TVEIT moved to accept the amount of equivalent to .5 FTE from operating expenses to personal services. Motion CARRIED unanimously.

Motion/Vote: REP. PETERSON moved to accept the Issue and allow the amount of pay plan exception to be determined by the system. Motion CARRIED with Rep. Quilici voting no.

Tape 2

Central Services Division

Motion/Vote: REP. PETERSON moved to accept the LFA current level budget. Motion CARRIED unanimously.

Motion/Vote: REP. ZOOK moved to accept Issue No. 2, Travel for Central Services Division. No action taken on this issue.

Vote: Motion CARRIED unanimously.

Data Processing

Motion/Vote: REP. ZOOK moved to accept the LFA's current level budget for Data Processing Division and Issues No. 1, Service

Fee; No. 3, Network Fees, and No. 5, Inflation Differences.
Motion **CARRIED** unanimously.

Motion/Vote: SEN. STIMATZ moved to accept Issue No. 2 for Data Processing Division for maintenance contracts. Motion **CARRIED** unanimously.

Motion: SEN. STIMATZ moved to accept the modifications for data processing fee increase and air conditioner.

Mr. Schenck clarified the Department of Administration has the money to do the upgrade of the air-conditioning.

Vote: Motion **CARRIED** unanimously.

Extradition & Transportation of Prisoners

Motion/Vote: REP. PETERSON moved to accept LFA's current level budget for Extradition and Transportation of Prisoners. Motion **CARRIED** unanimously.

Forensic Science Division

Motion/Vote: REP. TVEIT moved to accept LFA's current level budget for Forensic Science Division. Motion **CARRIED** unanimously.

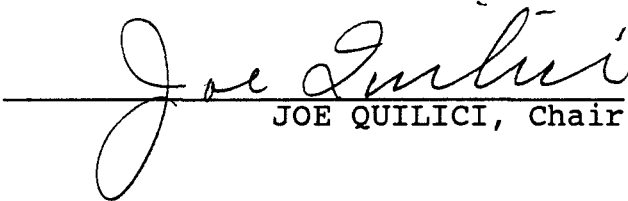
Motion/Vote: SEN. STIMATZ moved to accept Issue No. 1, Forensic Science Division, for pay plan approval and authorized Clayton Schenck to determine the actual total. Motion **CARRIED** 4 to 2 with Sen. Tveit and Rep. Quilici voting no.

Motion/Vote: REP. ZOOK moved to accept the autopsy supplies for Forensic Science Division. Motion **CARRIED** unanimously.

Motion/Vote: SEN. TVEIT moved to approve the overall budget for the Department of Justice. Motion **CARRIED** unanimously.

ADJOURNMENT

Adjournment: 12:06 p.m.


JOE QUILICI, Chair

JQ/amc

HOUSE OF REPRESENTATIVE
GENERAL GOVERNMENT AND HIGHWAYS SUBCOMMITTEE

ROLL CALL

DATE Jan 23, 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	✓		

DEPARTMENT OF JUSTICE
COMPARISON/ISSUES
1993 BIENNIIUM

21-Jan-91

PROGRAM	-----EXECUTIVE----- FTE 93 BIENNIIUM	-----LFA C/L----- FTE 93 BIENNIIUM	-EXEC OVER(UNDER) LFA- FTE 93 BIENNIIUM	ISSUES
✓ Legal Services Division	25.50 \$2,485,628	25.50 \$2,445,860	0.00 \$39,768	Budget Modifications
✓ Agency Legal Services	13.50 \$1,181,474	13.50 \$1,170,579	0.00 \$10,895	
✓ Gambling Control Division	31.00 \$2,901,845	31.00 \$2,824,153	0.00 \$77,692	Equipment Program Expansion
✓ Motor Vehicle Division	159.05 \$10,020,887	159.05 \$10,031,770	0.00 (\$10,883)	Driver's License Express Stations
Highway Patrol Division	261.40 \$22,664,217	261.40 \$22,721,765	0.00 (\$57,548)	Overtime/Equipment/Prisoner Per Diem Budget Modifications
Law Enforcement Services Division	40.00 \$3,629,795	40.00 \$3,509,055	0.00 \$120,740	Budget Base Differences/Equipment Budget Modifications/Funding Funding Level
County Attorney Payroll	19.05 \$2,114,149	19.50 \$2,114,149	-0.45 \$0	
Law Enforcement Academy Division	10.00 \$1,128,298	10.00 \$1,164,311	0.00 (\$36,013)	Academy Operating Costs
Central Services Division	9.00 \$807,737	9.00 \$800,333	0.00 \$7,404	
✓ Data Processing Division	15.00 \$1,827,044	15.00 \$1,916,705	0.00 (\$89,661)	Equipment Budget Modifications Increased Program Costs
Extradition & Transp. of Prisoners	0.00 \$298,021	0.00 \$387,288	0.00 (\$89,267)	
✓ Forensic Science Division	17.00 \$2,129,480	17.00 \$2,054,397	0.00 \$75,083	Equipment
Total Agency	600.50 \$51,188,575	600.95 \$51,140,365	-0.45 \$48,210	

DATE RECEIVED 23, 1991
BY: [Signature]

LEGISLATIVE ACTION

OBJECT ITEM	FY 1990	Fiscal 1992			Fiscal 1993		
	Actual	Executive	LFA Curr Lvl	Difference	Executive	LFA Curr Lvl	Difference
FTE	25.50	25.50	25.50	0.00	25.50	25.50	0.00
Personal Services	\$890,312	\$990,601	\$990,601	\$0	\$989,277	\$989,277	\$0
Operating Expenses	\$177,348	\$242,328	\$225,323	\$17,005	\$237,743	\$220,580	\$17,163
Equipment	\$31,829	\$12,975	\$10,175	\$2,800	\$12,704	\$9,904	\$2,800
Debt Service	\$2,085			\$0			\$0
TOTAL EXPENSES	\$1,101,574	\$1,245,904	\$1,226,099	\$19,805	\$1,239,724	\$1,219,761	\$19,963
NDING							
General Fund	\$1,104,574	\$1,245,904	\$1,226,099	\$19,805	\$1,239,724	\$1,219,761	\$19,963
TOTAL FUNDING	\$1,104,574	\$1,245,904	\$1,226,099	\$19,805	\$1,239,724	\$1,219,761	\$19,963

--EXEC OVER (UNDER) LFA--
 FY 92 FY 93

NETWORK FEES - As determined by this committee, the Executive fixed costs for network fees and deflation factor for mainframe computer processing have been adopted.

BUDGET BASE DIFFERENCES - The Executive Budget is higher due to using the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

EQUIPMENT - The Executive Budget includes equipment at fiscal 1991 appropriated levels. A current level is based on an historical average. This program had a high equipment allowance in fiscal 1991 to replace a word processing system.

TAL CURRENT LEVEL ISSUES

EXPECTED OFFICIAL BUDGET MODIFICATIONS:

BUREAU CHIEF - The Attorney General is requesting the
 dition of an attorney to fill a new position as Appellate
 al Services Bureau Chief (LFA Vol. 1, A-182).

ATTORNEY - The Attorney General is requesting the addition of an attorney to provide legal expertise with issues involving Indian legal jurisdiction (LFA Vol. 1, A-183).

CAL ELECTED OFFICIAL BUDGET MODIFICATIONS

	FTE		FY 92		FY 93	
Fixed costs for network			\$14,075	\$14,075		
been adopted.						
using the FY 1991			\$3,097	\$3,128		
FY 1990 actual expense.			(\$167)	(\$40)		
1991 appropriated levels.			\$2,800	\$2,800		
had a high equipment			\$19,805	\$19,963		
			\$58,086	\$53,796		
			\$49,543	\$44,941		
			\$107,629	\$98,737		

EXHIBIT

DATE 1-23-91

Don. Derr. Jue

NGUAGE AND LINE-ITEM ISSUES:

Case-related travel was a budget line-item (\$9,500 per year) in the 1991 biennium general appropriations act.

A "contingency" appropriation for caseload costs in the Indian Legal Jurisdiction Bureau was a budget line-item 100,000 for the biennium) in the 1991 biennium general appropriations act and was designated as a biennial appropriation.

110 06

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: AGENCY LEGAL SERVICES

BUDGET ITEM	FY 1990 Actual	Fiscal 1992			Fiscal 1993		
		Executive	LFA Curr Lvl	Difference	Executive	LFA Curr Lvl	Difference
FTE	11.50	13.50	13.50	0.00	13.50	13.50	0.00
Personal Services	\$375,402	\$471,510	\$471,510	\$0	\$471,294	\$471,294	\$0
Operating Expenses	\$104,622	\$114,611	\$109,253	\$5,358	\$114,959	\$109,422	\$5,537
Equipment	\$31,954	\$4,550	\$4,550	\$0	\$4,550	\$4,550	\$0
TOTAL EXPENSES	\$511,978	\$590,671	\$585,313	\$5,358	\$590,803	\$585,266	\$5,537
=====							
Proprietary Fund	\$511,978	\$590,671	\$585,313	\$5,358	\$590,803	\$585,266	\$5,537
TOTAL FUNDING	\$511,978	\$590,671	\$585,313	\$5,358	\$590,803	\$585,266	\$5,537
=====							

ENDING

CURRENT LEVEL ISSUES:

NETWORK FEES - As determined by this committee, the Executive fixed costs for network fees and deflation factor for mainframe computer processing have been adopted.

INFLATION DIFFERENCES

TOTAL CURRENT LEVEL ISSUES

OTHER ISSUES:

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 annuities has been \$48 per hour for attorney services.

--EXEC OVER (UNDER) LFA--	
FY 92	FY 93
\$5,441	\$5,441
(\$83)	\$96
\$5,358	\$5,537
=====	=====

See Chap

20% of total claims

DATE *1-21-81*
Don. Low Sub

007

AGENCY: DEPARTMENT OF JUSTICE LEGISLATIVE ACTION PROGRAM: GAMBLING CONTROL DIVISION

OBJECT ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	31.00	31.00	31.00	0.00	31.00	31.00	0.00
Personal Services	\$878,579	\$963,690	\$963,702	(\$12)	\$962,271	\$962,301	(\$30)
Operating Expenses	\$281,865	\$396,983	\$399,053	(\$2,070)	\$398,359	\$399,097	(\$738)
Equipment	\$225,137	\$90,167	\$50,000	\$40,167	\$90,375	\$50,000	\$40,375
TOTAL EXPENSES	\$1,385,581	\$1,450,840	\$1,412,755	\$38,085	\$1,451,005	\$1,411,398	\$39,607
=====							
State Special Rev	\$1,385,581	\$1,450,840	\$1,412,755	\$38,085	\$1,451,005	\$1,411,398	\$39,607
TOTAL FUNDING	\$1,385,581	\$1,450,840	\$1,412,755	\$38,085	\$1,451,005	\$1,411,398	\$39,607
=====							

CURRENT LEVEL ISSUES:

PERSONAL SERVICES - BENEFITS CALCULATION

BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

EQUIPMENT - The Executive Budget includes equipment at fiscal 1991 appropriated levels. A current level is at a reduced level, and would require prioritization by the agency of equipment requirements.

TOTAL CURRENT LEVEL ISSUES

EXECUTIVE BUDGET MODIFICATIONS:

GAMBLING CONTROL EXPANSION - To expand the operations of the program. The department cites significant growth in the gambling industry and higher investigative caseloads than anticipated. The gambling state spec. revenue fund would not have sufficient funds without an increase in regulatory fees (LFA Vol. 1, A-186).

GAMBLING "BUY MONEY" - Funds to be used in undercover investigations of gaming law violations (LFA Vol. 1, A-187).

	EXEC OVER (UNDER) LFA--	
	FY 92	FY 93
	(\$12)	(\$30)
	(\$1,155)	(\$1,155)
	(\$915)	\$417
	\$40,167	\$40,375
	\$38,085	\$39,607
	\$616,490	\$426,843
	\$15,000	\$15,000
	\$631,490	\$441,843

SELECTED OFFICIAL BUDGET MODIFICATION:

... ADDITIONAL GAMBLING CONTROL EXPANSION - The Attorney General is requesting an expansion of gambling control operations in addition to the amount included in Executive Budget Modified # 1. The total expansion requested is 23.0 FTE and \$2.1 million LFA Vol. 1, A-187).

-----FTE-----		--EXEC OVER (UNDER) LFA--	
FY 92	FY 93	FY 92	FY 93
13.0	13.0	\$429,368	\$619,015

CY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: HIGHWAY PATROL DIVISION

ET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
PTE	263.90	261.40	261.40	0.00	261.40	261.40	0.00
Personal Services	\$8,055,987	\$8,312,776	\$8,256,072	\$56,704	\$8,307,050	\$8,250,307	\$56,743
Operating Expenses	\$2,039,596	\$2,056,696	\$2,105,987	(\$49,291)	\$2,066,789	\$2,088,493	(\$21,704)
Equipment	\$1,012,457	\$960,635	\$1,010,635	(\$50,000)	\$960,271	\$1,010,271	(\$50,000)
TOTAL EXPENSES	\$11,108,040	\$11,330,107	\$11,372,694	(\$42,587)	\$11,334,110	\$11,349,071	(\$14,961)
ING							
State Revenue	\$10,630,387	\$10,823,097	\$10,872,520	(\$49,423)	\$10,826,734	\$10,850,830	(\$24,096)
Federal Revenue	\$477,653	\$507,010	\$500,174	\$6,836	\$507,376	\$498,241	\$9,135
TOTAL FUNDING	\$11,108,040	\$11,330,107	\$11,372,694	(\$42,587)	\$11,334,110	\$11,349,071	(\$14,961)

ENT LEVEL ISSUES:

VERTIME - The Executive is higher than LFA current level for overtime. The Executive level is \$30,000 per year over fiscal 1990 appropriated levels. Agency expenditures exceeded fiscal 1990 appropriated levels by \$9,000.

PERSONAL SERVICES -- BENEFITS - The Executive is higher than LFA current level in benefits. LFA current level does not include health insurance for training recruits.

PRISONER PER DIEM - The Executive Budget is lower than LFA current level for prisoner per diem. The Executive includes a smaller increase in Executive Budget Modification # 1 Vol. 1, A-177, A-190).

NETWORK FEES - As determined by this committee, the Executive fixed costs for network and deflation factor for mainframe computer processing have been adopted.

BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

EQUIPMENT - The Executive includes equipment at fiscal 1991 appropriated levels. LFA current level is higher, reflecting historical average equipment purchases.

L CURRENT LEVEL ISSUES

EXEC OVER (UNDER) LFA--	FY 92	FY 93
	\$50,000	\$50,000 ✓
	\$6,704	\$6,743
	(\$118,121)	(\$118,121)
	\$5,178	\$5,478
	\$66,653	\$69,258
	(\$3,001)	\$21,681
	(\$50,000)	(\$50,000)
	(\$42,587)	(\$14,961)

EXHIBIT

DATE 1-23-91

Handwritten: H. D. [unclear] 96% ↑

EXECUTIVE BUDGET MODIFICATION:

ADDITIONAL PATROL OFFICERS AND DISPATCHERS - To fund 4.0 additional patrol officers and 4.0 dispatchers. It also includes \$10,000 per year for increased prisoner per diem, which is included in LFA current level (LFA Vol. 1, A-192).

HAND-HELD RADIOS - To fund 75 hand-held radios for patrol officers (LFA Vol. 1, A-192).

TOTAL EXECUTIVE BUDGET MODIFICATIONS

SELECTED OFFICIAL BUDGET MODIFICATION:

REPLACEMENT AIRCRAFT - The Attorney General is requesting authority to purchase a single-engine transport aircraft financed over five years. It would be funded in part by cost savings and in part by fees and general fund (LFA Vol. 1, A-193).

OTHER ISSUES:

COMMUNICATIONS COST ALLOCATION PLAN - The 1991 biennium general appropriations act included the following language:

"...The Department of Justice shall implement a cost allocation plan for the purpose of recovering the operational cost of regional dispatch centers from all user agencies on an equitable basis. It is intended that after fiscal 1989 the highways state special revenue account should be reimbursed for services provided to user agencies that are not funded by the highways state special revenue account. Revenues collected as reimbursement from user agencies for operational costs of the regional dispatch centers must be deposited in the highways state special revenue account and must equal at least 5% of the total amount of item 6c." (6c is the amount for the Communications Program of the Highway Patrol Division)

cost allocation plan has not been implemented by the department (LFA Vol. 1, A-191, 192).

FUNDING - The Highway Patrol Division is primarily funded by the highways state special revenue account. Account expenditures are exceeding revenues by an average \$28 million per year, and the account will be depleted in fiscal 1994 at current expenditure and revenue levels (See discussion, LFA Vol. 1, A-219).

APPROPRIATION CONTROL - The 1991 biennium general appropriations act provided 5 separate appropriations (line items) for the Highway Patrol Division (General Operations, Cadets, Communications, MCSAP, 65 MPH Squad). The budget as presented in House Bill 2 would consolidate the Highway Patrol Division into one appropriation/line item.

FY 92	FTE	FY 93
8.0		8.0

\$419,600	- \$328,404	- State Spec.
309,000	318,000	

8.0	\$470,600	\$328,404
-----	-----------	-----------

\$285,000	\$285,000	Various
-----------	-----------	---------

Handwritten calculations:

419 / 329 = 93.2
 329 / 93.2 = 3548
 3548 / 1748 = 203.2
 203.2 / 110 = 184.7
 184.7 / 110 = 167.9

1-23-91

Gen. Gov't Sec

110 18

AGENCY: DEPARTMENT OF JUSTICE LEGISLATIVE ACTION PROGRAM: LAW ENFORCEMENT SERVICES DIVISION

UDGET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	40.00	40.00	40.00	0.00	40.00	40.00	0.00
Personal Services	\$1,200,890	\$1,276,674	\$1,276,211	\$463	\$1,276,222	\$1,276,356	(\$134)
Operating Expenses	\$385,127	\$487,962	\$412,324	\$75,638	\$481,204	\$412,681	\$68,523
Equipment	\$89,696	\$71,703	\$82,303	(\$10,600)	\$36,030	\$49,180	(\$13,150)
TOTAL EXPENSES	\$1,675,713	\$1,836,339	\$1,770,838	\$65,501	\$1,793,456	\$1,738,217	\$55,239
UNDING							
General Fund	\$1,006,635	\$1,040,437	\$1,049,652	(\$9,215)	\$1,164,887	\$1,144,563	\$20,324
State Revenue	\$342,855	\$384,493	\$357,414	\$27,079	\$350,062	\$335,969	\$14,093
Federal Revenue	\$326,223	\$411,409	\$363,772	\$47,637	\$278,507	\$257,685	\$20,822
TOTAL FUNDING	\$1,675,713	\$1,836,339	\$1,770,838	\$65,501	\$1,793,456	\$1,738,217	\$55,239

CURRENT LEVEL ISSUES:

- PERSONAL SERVICES - Minor differences in benefits/overtime.
- NETWORK FEES - As determined by this committee, the Executive fixed costs for network fees and deflation factor for mainframe computer processing have been adopted.
- BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.
- INFLATION DIFFERENCES
- EQUIPMENT - The Executive Budget is lower than LFA current level for equipment. LFA current level provides additional funds for a pickup replacement in the Fire Marshal Bureau and replacement investigative equipment in the Drug Enforcement Unit.

--EXEC OVER (UNDER) LFA--	
FY 92	

\$463	(\$134)
(\$3,088)	(\$3,088)
\$79,693	\$71,284
(\$967)	\$327
(\$10,600)	(\$13,150)
\$65,501	\$55,239
=====	=====

TOTAL CURRENT LEVEL ISSUES

EXHIBIT

DATE 1-23-91

Gen. Hart

FTE	
FY 92	FY 93
0.75	1.00

EXECUTIVE BUDGET MODIFICATION:

CRIMINAL INVESTIGATOR - Funding for an additional criminal investigator for investigation of felony crimes (LFA Vol. 1, A-196).

ECTED OFFICIAL BUDGET MODIFICATIONS:

FIRE MARSHAL BUREAU EXPANSION - The Attorney General is requesting expansion of the current staff of the Bureau from 31.00 to 40.0 FTE, to meet all statutory obligations of the Bureau. The agency proposes an increase in the 3/4 of 1 % tax on insurance (statute change) to pay for the increased costs (LFA Vol. 1, A-196).

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM - The Attorney General is requesting additional FTE and funding for the lease of equipment to computerize fingerprint services in the ID Bureau (LFA Vol. 1, A-196).

TAL MODIFICATIONS

HER ISSUES:

PERMANENT FUNDING FOR DRUG INVESTIGATION UNITS - The two drug investigation units are funded by federal and coal board grants, with future funding in doubt. The agency is seeking a more permanent source of funds. Replacement with general fund the 1993 biennium would require an additional \$841,309 general fund (LFA Vol. 1, A-196).

LANGUAGE - The 1991 biennium general appropriations act included the following language:

"The work of the workers' compensation fraud investigator position must include investigations of both employee and employer fraud cases."

The above language applies to a 1.0 FTE general investigator added by the 1989 legislature for workers' compensation fraud investigations, funded by the workers' compensation state special revenue account.

31.00	\$992,229	\$895,933
16	579,063	601,821
	(150,000) 8.f.	
2.00	\$544,000	\$464,000
	471,335	461,735
34.00	\$1,578,694	\$1,397,273
33.75		

ST 1-23-91
P.R.
ED

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: LAW ENFORCEMENT ACADEMY

DOGET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	10.00	10.00	10.00	0.00	10.00	10.00	0.00
Personal Services	\$257,067	\$306,580	\$306,580	\$0	\$306,033	\$306,033	\$0
Operating Expenses	\$212,834	\$250,022	\$267,724	(\$17,702)	\$249,663	\$267,974	(\$18,311)
Equipment	\$20,154	\$8,000	\$8,000	\$0	\$8,000	\$8,000	\$0
Debt Service	\$4,699	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL EXPENSES	\$494,754	\$564,602	\$582,304	(\$17,702)	\$563,696	\$582,007	(\$18,311)
General Fund	\$494,754	\$564,602	\$582,304	(\$17,702)	\$563,696	\$582,007	(\$18,311)
TOTAL FUNDING	\$494,754	\$564,602	\$582,304	(\$17,702)	\$563,696	\$582,007	(\$18,311)

ENDING

CURRENT LEVEL ISSUES:

CONTRACT INSTRUCTORS - The Executive Budget is higher than LFA current level for instructor fees. The Executive Budget is at the fiscal 1991 appropriated level.

BUDGET BASE DIFFERENCES - The Executive Budget is higher due to using the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense. Fiscal 1990 actual costs are significantly lower because costs of operating and maintaining Academy campus were significantly lower than anticipated when the campus was purchased July 1988. The lower operating costs are expected to continue.

INFLATION DIFFERENCES

ACADEMY PRE-SERVICE COURSE - LFA current level includes the pre-service basic training course discussed in Budget Modification # 1 in current level. It is included in current level as is based on current law and legislative intent.

TAL CURRENT LEVEL ISSUES

EXECUTIVE BUDGET MODIFICATION:

ACADEMY PRE-SERVICE COURSE - To provide an additional law enforcement basic training course for up to 32 "pre-service" students who would pay their own tuition, as authorized HB 146 in the 1989 legislature. The cost of the program is recovered by tuition fees FA Vol. 1, A-199).

--EXEC OVER (UNDER) LFA--
FY 92 FY 93

\$3,700 \$3,700

\$28,036 \$28,036

(\$1,438) (\$2,047)

(\$48,000) (\$48,000)

(\$17,702) (\$18,311)

\$48,000 \$48,000 Gen Fund

6T5

AGENCY: DEPARTMENT OF JUSTICE

LEGISLATIVE ACTION

PROGRAM: COUNTY ATTORNEY PAYROLL

BUDGET ITEM	FY 1990 Actual	Fiscal 1992			Fiscal 1993		
		Executive	LFA Curr Lvl	Difference	Executive	LFA Curr Lvl	Difference
FTE	19.05	19.05	19.50	-0.45	19.05	19.50	-0.45
Personal Services	\$977,141	\$1,056,404	\$1,056,404	\$0	\$1,057,745	\$1,057,745	\$0
TOTAL EXPENSES	\$977,141	\$1,056,404	\$1,056,404	\$0	\$1,057,745	\$1,057,745	\$0
DDING							
General Fund	\$977,141	\$1,056,404	\$1,056,404	\$0	\$1,057,745	\$1,057,745	\$0
TOTAL FUNDING	\$977,141	\$1,056,404	\$1,056,404	\$0	\$1,057,745	\$1,057,745	\$0

RENT LEVEL ISSUES: NONE

ER ISSUES:

ADING LEVELS FOR COUNTY ATTORNEY PAYROLL - This program has exceeded the legislative appropriation and has required additional funding in each of the past 4 years. Neither LFA current level nor the Executive Budget includes a contingency for any of the four options for increases provided for in statute that counties may wish to approve (LFA Vol. 1, A-197, 198).

10% of 1000
3.3% of 1000
approx

LEGISLATIVE ACTION

PROGRAM: CENTRAL SERVICES DIVISION

AGENCY: DEPARTMENT OF JUSTICE

BUDGET ITEM	FY 1990 Actual	Fiscal 1992			Fiscal 1993		
		Executive	LFA Curr Lvl	Difference	Executive	LFA Curr Lvl	Difference
FTE	9.00	9.00	9.00	0.00	9.00	9.00	0.00
Personal Services	\$260,354	\$289,230	\$289,230	\$0	\$288,640	\$288,640	\$0
Operating Expenses	\$102,366	\$108,293	\$104,622	\$3,671	\$111,574	\$107,841	\$3,733
Equipment	\$5,407	\$5,000	\$5,000	\$0	\$5,000	\$5,000	\$0
TOTAL EXPENSES	\$368,127	\$402,523	\$398,852	\$3,671	\$405,214	\$401,481	\$3,733
ENDING							
General Fund	\$165,640	\$183,147	\$179,256	\$3,891	\$184,372	\$181,143	\$3,229
State Revenue	\$194,020	\$209,312	\$209,609	(\$297)	\$210,711	\$210,301	\$410
Proprietary Fund	\$8,467	\$10,064	\$9,987	\$77	\$10,131	\$10,037	\$94
TOTAL FUNDING	\$368,127	\$402,523	\$398,852	\$3,671	\$405,214	\$401,481	\$3,733

CURRENT LEVEL ISSUES:

--EXEC OVER (UNDER) LFA--	
FY 92	FY 93
\$1,337	\$1,336
\$2,291	\$2,291
\$103	\$103
(\$60)	\$3
\$3,671	\$3,733

AUDIT FEES - As determined by this committee, the Executive fixed costs for audit fees have been adopted.

NETWORK FEES - As determined by this committee, the Executive fixed costs for network fees and deflation factor for mainframe computer processing have been adopted.

BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

TOTAL CURRENT LEVEL ISSUES

DATE 1-23-91

for Dept. Sec

29

LEGISLATIVE ACTION

PROGRAM: DATA PROCESSING DIVISION

CY: DEPARTMENT OF JUSTICE

ET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	15.00	15.00	15.00	0.00	15.00	15.00	0.00
Personal Services	\$426,751	\$465,800	\$465,800	\$0	\$465,621	\$465,621	\$0
Operating Expenses	\$439,486	\$380,325	\$442,505	(\$62,180)	\$379,974	\$442,535	(\$62,561)
Equipment	\$36,923	\$33,590	\$16,000	\$17,590	\$33,490	\$16,000	\$17,490
Debt Service	\$29,669	\$34,122	\$34,122	\$0	\$34,122	\$34,122	\$0
TOTAL EXPENSES	\$932,829	\$913,837	\$958,427	(\$44,590)	\$913,207	\$958,278	(\$45,071)
ING							
General Fund	\$666,055	\$683,550	\$712,427	(\$28,877)	\$683,079	\$706,278	(\$23,199)
State Revenue	\$266,774	\$230,287	\$246,000	(\$15,713)	\$230,128	\$252,000	(\$21,872)
TOTAL FUNDING	\$932,829	\$913,837	\$958,427	(\$44,590)	\$913,207	\$958,278	(\$45,071)

CURRENT LEVEL ISSUES:

SERVICE FEE - LFA current level is higher than the Executive Budget for dues to the National Law Enforcement Teletype Service.

MAINTENANCE CONTRACTS - LFA current level reduced maintenance contracts in an amount equal to the increased cost of debt service over fiscal 1990. In 1990, the agency phased computers on a 5 year debt service, citing a reduction in maintenance contracts and the purchase.

NETWORK FEES - As determined by this committee, the Executive fixed costs for network and deflation factor for mainframe computer processing have been adopted.

BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

EQUIPMENT - The Executive includes equipment at fiscal 1991 appropriated levels. LFA current level is lower, reflecting historical average equipment purchases plus \$8,700 per year for CJIN equipment, to be financed by fees for new users. The fiscal 1991 equipment appropriation was artificially high for a major replacement of CJIN equipment.

CURRENT LEVEL ISSUES

--EXEC OVER (UNDER) LFA--	FY 92	FY 93
	(\$2,400)	(\$2,400)
	(\$4,100)	(\$4,100)
	+ 5546	+ 5546
	(\$52,882)	(\$52,882)
	(\$661)	(\$661)
	(\$2,137)	(\$2,518)
	\$17,590	\$17,490
	(\$44,590)	(\$45,071)

DATA PROCESSING DIVISION

Backup to mainframe

EXECUTIVE BUDGET MODIFICATIONS:

DATA PROCESSING FEE INCREASE - A 10 percent increase in the flat fee paid by the agency to the Dept. of Admin. for data processing charges. The fee would be used to pay for an upgrade to the Justice computer system (LFA Vol. 1, A-202).

\$52,530 \$57,300 Gen Fund

DATA PROCESSING AIR CONDITIONER - To replace the air conditioning system for the agency computer system (LFA Vol. 1, A-203).

\$49,400 \$0 Gen Fund

TOTAL EXECUTIVE BUDGET MODIFICATIONS

\$101,930 \$57,300
=====

EX-111-11

DATE 1-23-91

Gen. Govt. Serv.

IO 30

ENCY: DEPARTMENT OF JUSTICE LEGISLATIVE ACTION PROGRAM: EXTRADITION & TRANSPORTATION OF PRISONERS

DGET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenses	\$146,868	\$149,011	\$193,648	(\$44,637)	\$149,010	\$193,640	(\$44,630)
TOTAL EXPENSES	\$146,868	\$149,011	\$193,648	(\$44,637)	\$149,010	\$193,640	(\$44,630)
NDING							
General Fund	\$146,868	\$149,011	\$193,648	(\$44,637)	\$149,010	\$193,640	(\$44,630)
TOTAL FUNDING	\$146,868	\$149,011	\$193,648	(\$44,637)	\$149,010	\$193,640	(\$44,630)

RENT LEVEL ISSUES:

INCREASED PROGRAM COSTS - The Executive Budget is lower than LFA current level for operating costs of this program. The Executive Budget is based on the fiscal 1991 appropriation. LFA current level reflects 1990 actual costs, which were significantly higher than appropriated levels, and required a supplemental appropriation. The increased st levels are expected to continue.

INFLATION DIFFERENCES

TAL CURRENT LEVEL ISSUES

---	EXEC OVER (UNDER) LFA---
FY 92	FY 93
---	---
(\$44,876)	(\$44,876)
---	---
\$239	\$246
---	---
(\$44,637)	(\$44,630)
=====	=====

ENCY: DEPARTMENT OF JUSTICE LEGISLATIVE ACTION PROGRAM: FORENSIC SCIENCE DIVISION

DGET ITEM	FY 1990 Actual	Executive	Fiscal 1992 LFA Curr Lvl	Difference	Executive	Fiscal 1993 LFA Curr Lvl	Difference
FTE	17.00	17.00	17.00	0.00	17.00	17.00	0.00
Personal Services	\$470,076	\$685,587	\$685,719	(\$132)	\$685,745	\$685,964	(\$219)
Operating Expenses	\$324,235	\$280,985	\$273,409	\$7,576	\$282,163	\$274,305	\$7,858
Equipment	\$63,983	\$135,000	\$110,000	\$25,000	\$60,000	\$25,000	\$35,000
TOTAL EXPENSES	\$858,294	\$1,101,572	\$1,069,128	\$32,444	\$1,027,908	\$985,269	\$42,639
NDING							
General Fund	\$665,599	\$873,622	\$847,284	\$26,338	\$814,673	\$780,826	\$33,847
State Revenue	\$192,695	\$227,950	\$221,844	\$6,106	\$213,235	\$204,443	\$8,792
TOTAL FUNDING	\$858,294	\$1,101,572	\$1,069,128	\$32,444	\$1,027,908	\$985,269	\$42,639

CURRENT LEVEL ISSUES:

--EXEC OVER (UNDER) LFA--
FY 92 FY 93

PERSONAL SERVICES - Minor differences in benefits calculation.

JANITORIAL SERVICE - LFA current level is higher than the Executive Budget to allow for projected 10 percent increase in the janitorial contract.

NETWORK FEES - As determined by this committee, the Executive fixed costs for network es and deflation factor for mainframe computer processing have been adopted.

BUDGET BASE DIFFERENCES - The Executive Budget used the FY 1991 appropriation as a base, whereas LFA current level is based on FY 1990 actual expense.

INFLATION DIFFERENCES

EQUIPMENT - The Executive Budget is higher than LFA current level for equipment. LFA current level reflects historical average costs for equipment, and would require iorization by the agency of laboratory equipment requirements. Both budgets provide e replacement of a gas chromatograph in fiscal 1992, \$110,000.

TOTAL CURRENT LEVEL ISSUES

\$32,444 \$42,639
=====