

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **JOINT SUBCOMMITTEE ON GENERAL GOVERNMENT & TRANSPORTATION**

**Call to Order:** By REP. MARY LOU PETERSON, CHAIRMAN, on January 19, 1993, at 7:00 AM.

#### **ROLL CALL**

##### **Members Present:**

Rep. Mary Lou Peterson, Chair (R)  
Sen. Harry Fritz, Vice Chair (D)  
Rep. Marjorie Fisher (R)  
Sen. Gary Forrester (D)  
Rep. Joe Quilici (D)

**Members Excused:** Sen. Larry Tveit

**Members Absent:** None

**Staff Present:** Jon Moe, Legislative Fiscal Analyst  
Terri Perrigo, Legislative Fiscal Analyst  
Clayton Schenck, Legislative Fiscal Analyst  
Dan Gengler, Office of Budget & Program Planning  
John Patrick, Office of Budget & Program Planning  
Elaine Benedict, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: DEPARTMENT OF JUSTICE  
Executive Action: SUPPLEMENTALS

#### **EXECUTIVE ACTION ON SUPPLEMENTALS**

**Tape No. 1:A:000**

#### **DEPARTMENT OF TRANSPORTATION**

##### **BUDGET ITEM MOTOR POOL:**

##### **Informational Testimony:**

Mr. Clayton Schenck, Legislative Fiscal Analyst, reviewed the supplemental request of the department. EXHIBITS 1, 2 and 3

Mr. Bill Salisbury, Administrator, Administration, stated that

without the Motor Pool, other agencies will be forced to turn to the Legislature with individual vehicle requests. It is not a condition of employment in Montana to use personal vehicles and insurance does not cover the use of personal vehicles for business purposes. He said that the department needs the replacement cars by May in order to accommodate the high summer usage.

**Questions, Responses and Discussion:**

**CHAIRMAN MARY LOU PETERSON** asked how it came to be that the \$500,000 for funding was not addressed during the Special Session. **Mr. Salisbury** explained that the usage of the Motor Pool has increased since that time.

**Motion/Vote:** **REP. JOE QUILICI** moved to reconsider previous action taken on the Motor Pool. **THE MOTION CARRIED** with **SEN. GARY FORRESTER** opposing.

**Motion/Vote:** **SEN. HARRY FRITZ** moved to fund the supplemental request for the Motor Pool. **THE MOTION FAILED** with **REP. MARJORIE FISHER**, **SEN. LARRY TVEIT** and **SEN. FORRESTER** opposing.

**DEPARTMENT OF REVENUE**

**Tape No. 1:A: 392**

**BUDGET ITEM PROPERTY TAX ASSESSMENT:**

**Informational Testimony:**

**Mr. Jon Moe**, **Legislative Fiscal Analyst**, reviewed the supplemental request for Property Assessment. **EXHIBITS 1 and 2**

**Mr. Mick Robinson**, **Director, Department of Revenue**, stated that the department cannot absorb the cost without eliminating the appraisal division.

**Questions, Responses and Discussion:**

**REP. FISHER** asked, if the bill passes that eliminates raising taxes for individuals 62 years or older, whether appraisals are necessary for these people. **Mr. Robinson** answered that, although not familiar with the bill, he believes that it may decrease the number of appraisals necessary, but that the division is also involved in taxation, a function that would need to continue.

**REP. QUILICI** asked what the benefits of a timely completion of the work would be. **Mr. Jack Ellery of the Department of Revenue**, answered that it would help to reduce the appraisal cycle from 5 to 3 years and allow for better property values and more current taxation rates.

**Motion/Vote:** **SEN. FRITZ** moved to accept the supplemental request for Property Assessment. He stated that the division "has a good

track record", using fewer employees each cycle and providing visible results of the investments made. THE MOTION CARRIED with REP. FISHER and SEN. TVEIT opposing.

**BUDGET ITEM INCOME TAX PROCESSING:**

**Informational Testimony:**

Mr. Moe reviewed the supplemental request for Income Tax processing. EXHIBITS 1, 2 and 3

**Motion/Vote:** REP. QUILICI moved to accept the \$19,217 supplemental, stating that the Legislature should fund the functions it utilizes. THE MOTION CARRIED UNANIMOUSLY.

**DEPARTMENT OF ADMINISTRATION**

**Tape No. 1:A:267**

**BUDGET ITEM LEGAL DEFENSE COSTS--RISK MANAGEMENT AND TORT DEFENSE:**

**Informational Testimony:**

Mr. Moe reviewed the supplemental request for Legal Defense Costs for the Risk Management and Tort Defense Division. EXHIBITS 1, 2 and 3

Mr. Brett Dahl, Risk Management and Tort Defense, stated that the division has recently become involved in the prison riot cases, increasing the need for funding.

**Questions, Responses and Discussion:**

REP. QUILICI asked if the division hires outside legal counsel to combat the expert witnesses presented by the opposing side. Mr. Dahl answered that it does.

**Motion/Vote:** SEN. FRITZ moved to accept the supplemental for the Legal Defense Costs. THE MOTION CARRIED with REP. FISHER and SEN. TVEIT opposing.

**MILITARY AFFAIRS**

**Tape No. 1:B:145**

**Motion/Vote:** REP. FISHER moved a total \$13,800 for the three supplementals requested by the agency. EXHIBITS 1, 2 and 5 THE MOTION CARRIED UNANIMOUSLY.

**STATE FUND**

**Tape No. 1:B:195**

**BUDGET ITEM COMPENSATION AND MEDICAL BENEFITS:**

**Informational Testimony:**

Mr. Moe reviewed the supplemental request for Compensation and Medical Benefits.

EXHIBITS 1, 2 and 3

Mr. Dan Gengler, Office of Budget and Program Planning, stated that the present administration approves the current request.

Ms. Carla Smith, State Fund, stated that if the requested level of the supplemental is not approved, the agency would have to delay benefit payments. No statute exists to provide for this delay. If the funding were not entirely spent the excess would be reverted.

Motion/Vote: SEN. FRITZ moved the supplemental request for Compensation and Medical Benefits. THE MOTION FAILED with SEN. TVEIT, REP. QUILICI, SEN. FORRESTER, REP. FISHER and CHAIRMAN PETERSON opposing.

HEARING ON DEPARTMENT OF JUSTICE

Tape No. 1:B:388

Informational Testimony:

Mr. Schenck presented an overview of the budget for the agency. EXHIBITS 6 and 7

Mr. Joe Mazurek, Attorney General, stated the priorities of the agency: support police officers; maintain and improve the division; Prevent juvenile crime and drug use; improve aid to crime victims; improve relations with Montana's Native American tribes; and improve the way in which civil legal services are delivered to local governments. He then summarized the issues to be presented by the agency. The agency is requesting \$360,000 for installment purchases, specifically for a new fingerprinting system. He raised policy issues he believes will be confronted in future legislation. Raising the gas tax to fund the Motor Vehicle Division causes concern to the agency because it will take away from the federal highway funding initiative. Also, the agency feels that users will not approve the proposal because they would, in essence, be paying twice for the same service. Another issue is the proposed elimination of the Eastern Montana Coal County Task Force. The task force is the primary drug enforcement effort in the state and should not be eliminated.

FORENSIC SCIENCE DIVISION

Tape No. 2:A

Informational Testimony:

Mr. Schenck reviewed the budget for the Forensic Science Division. EXHIBITS 7 and 8

Mr. Marvin Dye, Administrator, formerly of the Forensic Science

**Division**, distributed an organizational chart and a summary of issues of the division. **EXHIBITS 9 and 10**. The case load for the laboratory has risen from 2,300 cases in 1988 to over 3,000 cases in 1992. Due to the efficiency of the division, the work was accomplished without additional employees. The Breath Test Program trains its operators so that they have the expertise to testify in court cases, therefore saving court costs for outside experts. The number of Firearms and Toolmarks cases has increased from 31 in 1987 to 92 in 1992. He stated that a minimum of one month is required to investigate a homicide case and that an additional employee is necessary to accommodate the increased work load and reduce the immense amount of stress upon the current employee. The bureau provides investigative leads and speeds the solving of cases. During 1986 and 1987 the bureau did not have adequate funding to investigate misdemeanor crimes and, if an employee is not added, the bureau may have to reduce the case load to include only crimes against persons.

The current salary for the latent fingerprint examiner, even at its increased rate of \$34,000/year, is not enough for cost of living increases and cannot attract qualified applicants to the position. Although much work is completed by the computer, an expert is still necessary to testify in court cases. The examiner position was eliminated during special session reductions.

He stated that future needs of the division will include a scanning electron microscope with an attached EDX and the ability to accommodate firearms cases.

#### Questions, Responses and Discussion:

**SEN. FORRESTER** asked what type of degree or training is required for a latent fingerprint examiner. **Mr. Dye** answered that a college degree and three years experience is required. The person for this position must be highly qualified because he/she will not have an overseer.

**Mr. Dye** indicated that a maintenance contract is necessary because the newer equipment is too sophisticated to be maintained in-house. Also a dual detector gas chromatograph is necessary because of the variance in tested material.

**SEN. TVEIT** asked why the position for lab director is vacant. **Mr. Dye** answered that the division experienced recruiting difficulty.

#### **LAW ENFORCEMENT SERVICES DIVISION**

**Tape No. 2:B**

#### Informational Testimony:

**Mr. Schenck** reviewed the budget for the division. **EXHIBIT 11**. He verified that the Governor's Office does recommend retention of the Drug Task Force with general fund monies.

Mr. Bruce Suenram, Department of Transportation, presented testimony concerning the division. EXHIBITS 12-16

Mr. Rick Day, Administrator, Law Enforcement Services Division, attested to the importance of the AFIS system. He views it to be one of the most critical advances in the division. The division, through an oversight, did not include the system in its initial executive budget planning process. The system allows for more efficient and highly expanded ability to compare prints without any prior knowledge of a suspect. It has been substantially funded by the Federal Grant Forfeiture account and has been supported and funded by the Montana Board of Crime Control. The Western Identification Network allows the states to pool resources and has enabled Montana to purchase equipment it would not otherwise be able to afford. The Criminal History Records System has also improved, restoring confidence in its users, since implementing the AFIS system. The positions requested are critical to the continuation of the progress in the various programs affected by the AFIS system.

#### DATA PROCESSING DIVISION

Tape No. 2:B

##### Informational Testimony:

Mr. Schenck reviewed the budget for the division. EXHIBIT 17

Mr. John Matthews, Administrator, Data Processing Division, presented testimony concerning the division. EXHIBITS 18-20

##### Questions, Responses and Discussion:

CHAIRMAN PETERSON asked which agencies wish to join the CJIN system. Mr. Matthews answered that Fish, Wildlife and Parks and several small law enforcement agencies wish to join.

REP. QUILICI asked if the agencies pay for the training. Mr. Matthews answered that the agencies pay a user fee for the network.

REP. FISHER asked who uses the van. Mr. Matthews answered that it is used by various people, but primarily by the systems trainers.

#### CENTRAL SERVICES DIVISION

Tape No. 3:A

##### Informational Testimony:

Mr. Schenck reviewed the budget for the division. EXHIBIT 21

Mr. Dennis Taylor, Deputy Director, Department of Justice, addressed the DARE program. This is the only preventative program within the system. It has been proven to be the most

effective program for educating youth on the harmfulness of drugs and alcohol and the ability to resist them. The modified funding would allow in- state training for instructors at a great cost savings to local government budgets. He assessed that 99% of incidents encountered by police officers are drug or alcohol related. This program would help to decrease this number and also aid in the reduction of child abuse and neglect.

**Ms. JanDee May, Administrator**, presented testimony concerning the division. **EXHIBITS 22-24**

**COUNTY ATTORNEY PAYROLL DIVISION**

**Tape No. 3:B**

**Informational Testimony:**

**Mr. Schenck** reviewed the budget for the division. **EXHIBIT 25**

**Ms. May** presented the issues for the division. **EXHIBITS 24 and 26**

**Discussion:**

The subcommittee concurred that legislation should be put forward that would limit the increases made in attorneys' salaries by the counties.

**EXTRADITION AND TRANSPORTATION OF PRISONERS**

**Tape No. 3:B**

**Informational Testimony:**

**Mr. Schenck** reviewed the budget for the division. **EXHIBIT 27**

**Ms. May** presented testimony concerning the division. **EXHIBITS 24 and 28**

**Questions, Responses and Discussion:**

**SEN. FORRESTER** asked if the division can limit costs by refusing particular extraditions. **Mr. Taylor** answered that Governor Racicot, while Attorney General, did attempt to limit costs in this area and will likely prove effective in doing so in his current position.

**Ms. May** stated that, in addition to the modification requests presented, the division is also requesting that the FTE lost in the 5% personal services reduction be restored.

ADJOURNMENT

Adjournment: 11:45 AM

  
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REP. MARY LOU PETERSON, Chair

  
\_\_\_\_\_  
ELAINE BENEDICT, Secretary

MLP/EB



# HOUSE OF REPRESENTATIVES

Gen. Gov. & Hwys.

SUB-COMMITTEE

ROLL CALL

DATE

1/19/93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Mary Lou Peterson Chair	X		
Sen. Harry Fritz Vice Chair	X		
Rep. Marjorie Fisher	X		
Sen. Gary Forrester	X		
Rep. Joe Quilici	X		
Sen. Larry Tveit			X

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SUPPLEMENTALS – FISCAL 1993  
HOUSE BILL 3  
GENERAL GOVERNMENT AND TRANSPORTATION

EXHIBIT 1  
DATE 1/19/93

HB

<u>Agency/Supplemental</u>	<u>Funding</u>	<u>HB 3 Amount</u>	<u>Requested Amendment:</u>	<u>Total</u>	<u>S/C Action</u>
<u>JUDICIARY</u>					
1) Law Library – Legal Databases	Gen Fund	\$37,712	(\$37,712)	\$0	
<u>GOVERNOR'S OFFICE</u>					
2) Termination Pay – Personal Staff	Gen Fund	0	71,046	\$71,046	
	Federal	0	11,180	\$11,180	
<u>STATE AUDITOR'S OFFICE</u>					
3) Warrant Writing System – Postage	Gen Fund	155,000		155,000	
4) State Payroll – Data Processing	Gen Fund	0	45,620	45,620	
5) Judgments – Personal Services	Gen Fund	0	61,250	61,250	
6) Termination Pay – Personal Staff	Gen Fund	0	34,672	34,672	
7) Personal Services Shortfall	Gen Fund	0	40,712	40,712	
<u>JUSTICE*</u>					
8) County Attorney Payroll	Gen Fund	35,000		35,000	
9) Transportation of Prisoners	Gen Fund	150,000		150,000	
10) Highway Patrol – Retirement	State Spec.	280,000	↔ 100,000	380,000	
11) Highway Patrol – Prisoner Costs	State Spec.	383,000		383,000	
<u>TRANSPORTATION</u>					
12) Motor Pool – Vehicles	Proprietary	593,500		593,500	
<u>REVENUE</u>					
13) Property Assessment	Gen Fund	910,000		910,000	
14) Income Tax	Gen Fund	19,217		19,217	
<u>ADMINISTRATION</u>					
15) Risk Mgt & Tort Defense – Legal Costs	Proprietary	0	450,000	450,000	
<u>STATE FUND</u>					
16) Compensation & Medical Benefits	Proprietary	18,741,000	13,680,553	32,421,553	
<u>MILITARY AFFAIRS</u>					
17) Disaster & Emergency Svcs – Lawsuit	Gen Fund	8,000		8,000	
18) Air National Guard – Lawsuit	Gen Fund	14,352		14,352	
19) Veterans' Affairs Division – Office Rent	Gen Fund	1,800		1,800	

1,331,081	215,588	1,546,669
19,997,500	14,241,733	34,239,233
\$21,328,581	\$14,457,321	\$35,785,902

\* There is a separate bill (HB 77) for an additional supplemental appropriation of \$1,159,200 general fund for litigation costs to the Department of Justice.

E1

EXHIBIT 2  
DATE 1/19/93  
~~HB~~

SUPPLEMENTALS - FISCAL 1993  
HOUSE BILL 3  
GENERAL GOVERNMENT AND TRANSPORTATION  
NARRATIVE

## JUDICIARY

### 1) Law Library - Legal Databases

The Judiciary is requesting \$37,712 general fund to support the cost of automated legal data base searches. Although the service is budgeted in and paid from the general fund, the agency charges fees to persons who use the service. Fees, augmented by a 10 percent surcharge imposed by the January 1992 special session, are deposited in the general fund. Program estimates of database costs for fiscal 1993 anticipate expenditures in excess of the appropriation. If the legal database service function is transferred to the State Bar Association during fiscal 1993 as proposed by the agency, this supplemental would not be necessary.

## GOVERNOR'S OFFICE

### 2) Termination Pay - Personal Staff

This supplemental would provide \$71,046 general fund and \$11,180 federal funds for the termination costs paid to 11 personal staff in the Governor's Office that were not retained by the new Governor during the recent change of administration. Termination pay is required by statute when an employee leaves state employment, and is not a budgeted expense. Similar supplemental requests occurred in fiscal 1989 in agencies where there was a change in the elected official.

## STATE AUDITOR'S OFFICE

### 3) Warrant Writing System - Postage

The Executive Budget includes a supplemental fiscal 1993 request of \$155,000 general fund in the Fiscal Management and Control program for postage costs of mailing state warrants. The request cites a 6 percent growth in the volume of warrants processed above the anticipated level. The request includes the amount needed to cover a \$57,000 appropriation transfer from fiscal 1993 to fiscal 1992. In developing the 1995 biennium budget, both the Executive Budget and the LFA current level included funding for the increased postage in the supplemental in current level.

#### 4) State Payroll - Data Processing

This supplemental would provide \$45,620 general fund for payments to the Information Services Division (ISD) for costs of running the state payroll on the state mainframe computer. The state's bi-weekly payroll costs over \$25,000 per month in data processing costs to run the payroll. The agency projects a shortfall of approximately 1.5 months data processing costs without a supplemental. The 1991 legislature provided a line-item appropriation for payroll program data processing costs. At the end of December, the appropriation was 74 percent expended, although only 50 percent of the fiscal year is completed.

Although the program is 67 percent funded by state special revenue funds from fees charged to non-general fund agencies, there are no available state special revenue funds to fund a share of the supplemental request.

#### 5) Judgments - Personal Services

This supplemental would provide \$61,250 general fund to cover costs already incurred by the State Auditor's office for settlements in four lawsuits filed by employees for violations of the federal Fair Labor Standards Act. The agency was required to pay judgments and attorney fees for two of the cases and settled the other two cases out of court. The agency personal services appropriation for fiscal 1993 included a 12 percent vacancy savings reduction, and the agency states that additional layoffs will be unavoidable if supplemental funding isn't provided for the cost of the lawsuit settlements.

#### 6) Termination Pay - Personal Staff

This supplemental would provide \$34,672 general fund for the termination costs paid to eight personal staff in the State Auditor's Office that were not retained by the new State Auditor during the recent change of administration. Termination pay is required by statute when an employee leaves state employment, and is not a budgeted expense. Similar supplemental requests occurred in fiscal 1989 in agencies where there was a change in the elected official.

#### 7) Personal Services Shortfall

The agency is requesting a supplemental of \$40,712 general fund to fund a shortfall in the appropriation for personal services. The supplemental appropriation would enable the agency to fund payroll costs for the existing staff that is on the payroll as of January 1993. The agency laid off seven employees in January that were on probationary status to reduce the shortfall by over \$65,000, and projects a need for further lay-offs if the additional funding is not obtained. If this supplemental requested is approved plus supplementals #5 and #6 above for additional personal services funds, the agency projects it could meet the payroll for 58.0 of the 70.0 FTE authorized for the agency in the fiscal 1993 appropriation.

## DEPARTMENT OF JUSTICE

The Executive Budget includes five supplemental budget requests for the Dept of Justice for fiscal 1993. One of the requests, \$1,159,200 general fund for litigation funds, is being carried in a separate bill, House Bill 77.

### 8) County Attorney Payroll

The executive is requesting a fiscal 1993 supplemental appropriation of \$35,000 general fund for the county attorney payroll, citing pay increase options exercised by the controlling county governments (supported by statute) and an under-funded fiscal 1992 appropriation. The agency received a fiscal 1992 appropriation transfer from fiscal 1993 of \$95,00, but due to excess funds in the fiscal 1993 appropriation, the shortfall for the biennium was reduced to \$35,000. This program has required supplemental appropriations for the last two biennia. For additional information, see the program current level narrative.

### 9) Transportation of Prisoners

The Executive Budget includes a request for a supplemental appropriation of \$150,000 general fund for travel costs of prisoner transfers and extraditions. Costs of the Extradition and Transportation of Prisoners program have increased 47 percent from fiscal 1988 to fiscal 1992. The agency cites a significant increase in the number of claims and increasing travel costs.

During the January special session, the Executive Budget recommended and the legislature approved a \$50,000 reduction in this program for both fiscal 1992 and 1993. The executive stated that "lower cost options implemented by the Governor's Office and the department for the extradition of prisoners to Montana and department coordination of cost reduction measures will reduce travel and transportation expenses." These cost savings did not materialize. In fiscal 1992, the program required a \$65,000 transfer from the fiscal 1993 appropriations.

This program has consistently needed supplementals. In fiscal 1990, \$44,882 was transferred from the fiscal 1991 appropriations. In fiscal 1991, the program required a \$100,000 supplemental.

### 10) Highway Patrol Retirement

The executive is requesting a supplemental appropriation of \$380,000 highways special revenue to cover a shortfall in funding for the Highway Patrol retirement system, including funding for \$35,000 a fiscal 1993 appropriation transfer to fiscal 1992. House Bill 77 in the 1991 Legislature provided \$578,000 general fund for the 1993 biennium to help fund a 9.53 percent employer's share increase in the plan.

The January 1992 special session reduced the House Bill 77 general fund

appropriation by \$46,240 (8 percent). The supplemental will more than offset the reduction taken in special session, although the reduction was in general fund and the supplemental is from highways special revenue. House Bill 77 will fund only \$531,760, or 58 percent, of the added costs of the retirement program in the 1993 biennium.

#### 11) Highway Patrol Prisoner Costs

The Executive Budget includes a supplemental request of \$383,000 highways special revenue for prisoner per diem paid to local detention centers for prisoners arrested by the Highway Patrol. The agency cites new legislation that eliminated a fixed reimbursement rate and allows charging a much higher rate. The agency made an appropriation transfer of \$114,000 from fiscal 1993 to fiscal 1992 for the increased costs. The agency reduced the amount of the fiscal 1992 appropriation transfer by transferring equipment funds for 10 patrol cars to operating expenses to reduce the shortfall by \$131,000.

### DEPARTMENT OF TRANSPORTATION

#### 12) Motor Pool - Vehicles

The Executive Budget is requesting \$593,500 proprietary fund to replace 53 vehicles in the state motor pool, citing increased demand. This supplemental would effectively reverse the July 1992 special session action that reduced the motor pool appropriation by \$218,000, the amount of the equipment budget in fiscal 1993 for 18 new vehicles. The special session action transferred the fund balance resulting from these savings to the general fund. DOT states that it is not seeking an increase in the number of fleet units, but needs this modification to maintain a fleet size of 197 units and a turndown rate for state agency requests for vehicles of only 14 percent. The agency took no action to attempt to reverse the special session action during the last week of the session.

In addition to a request for \$728,100 to purchase 59 additional fleet units in the Executive Budget current level, the executive includes a budget modification for \$228,000 to increase the fleet size by 20 units in the 1993 biennium.

### DEPARTMENT OF REVENUE

#### 13) Property Assessment

The Executive Budget includes \$910,000 general fund for a supplemental appropriation in the Property Valuation Division (PVD). These funds replace an appropriation transfer of general fund authority from fiscal 1993 to fiscal 1992. When the department originally submitted the request for an appropriation transfer,

it anticipated that it would not be able to absorb the fiscal 1992 transfer in fiscal 1993 and would request another \$525,000 (\$1.435 million total) supplemental appropriation from the 1993 Legislature. However, the Executive Budget includes an amount only for the appropriation transfer.

The Department of Revenue (DOR) stated that the appropriation transfer was necessary because: 1) PVD did not realize anticipated vacancy savings; 2) PVD hired additional, temporary staff to complete the reappraisal cycle by December 31, 1992; and 3) implementation of CAMAS was delayed. The computer-assisted mass appraisal system (CAMAS) is being used for the first time to reappraise property in Montana.

DOR is required to reappraise all property in Montana every three years (section 15-7-111(1), MCA)<sup>1</sup>. The 1989 Legislature extended the current cycle to seven years to allow implementation of CAMAS. The current cycle is statutorily required to be completed December 31, 1992.

DOR has requested two additional general fund appropriations related to CAMAS. PVD received a supplemental appropriation of \$220,984 in fiscal 1990 and a budget modification of \$609,562 for the 1993 biennium for unanticipated CAMAS costs.

PVD began hiring temporary help in January 1991, in time to alert the 1991 Legislature that additional general fund was needed to complete the reappraisal cycle. Neither the department or the OBPP informed the 1991 regular or January 1992 special session of the need for a supplemental appropriation in PVD. The appropriation transfer was approved June 6, 1992.

PVD would have needed to leave about 13 FTE vacant in fiscal 1992 to generate vacancy savings applied by the 1991 Legislature (\$315,535). However, PVD staff estimate that between 30 to 35 additional temporary FTE above the level authorized in House Bill 2 were hired in fiscal 1992. Most of the temporary FTE are clerical staff to input data in CAMAS, although a few of the FTE are appraisers assigned basic appraisal duties such as verification of property characteristics.

DOR, in testimony before the 1989 Legislature, stated that CAMAS would yield efficiencies sufficient to forego hiring temporary FTE needed and (previously) approved during the final year of a manual appraisal cycle. The LFA 1987 Biennium Appropriations Report states that the 1985 Legislature authorized 24.0 temporary FTE--20 clerical and 4 data entry positions--in fiscal 1986 to assist in completing the previous reappraisal cycle.

During the 1993 biennium, PVD implemented and purchased equipment for a new computer system (BEVS) not presented to or approved by the legislature, despite the need to conserve funds to reduce the size of the supplemental appropriation.

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<sup>1</sup>At the request of DOR, the length of the reappraisal cycle was shortened by the 1991 legislature from 5 to 3 years as DOR believes that CAMAS will facilitate more frequent cycles.

#### 14) Income Tax

The supplemental request of \$19,217 general fund is to cover the cost of overtime required by the Department of Revenue to complete income tax processing and deliver the 1991 income tax tape to the Legislative Fiscal Analyst (LFA). This tape was needed by the LFA for the purpose of performing analysis and developing recommendations concerning revenue estimates for the Revenue Oversight Committee (ROC), which is statutorily required to adopt a revenue estimate by December 1 prior to each legislative session. Documentation provided by the department includes a statement of support by the ROC for a supplemental appropriation if needed "to get the job done". Apparently, the Legislative Finance Committee also indicated support for a supplemental for this purpose.

### DEPARTMENT OF ADMINISTRATION

#### 15) Risk Management and Tort Defense - Legal Defense Costs

The supplemental request of \$450,000 proprietary funds is for adequate budget authority through the current fiscal year to cover unforeseen and unanticipated legal fees and court costs which exceed current budgeted levels. The current level budget for this purpose is about \$1.35 million. The supplemental would increase this amount to \$1.8 million. The division is projecting that it will overspend its non-personal services operational budget for fiscal 1993. The division indicates that it requested a budget modification during the last legislative session of \$1,000,000 for contract legal services, but the legislature ultimately approved \$500,000.

### STATE FUND

#### 16) Compensation and Medical Benefits

The supplemental request of \$18,741,000 proprietary funds is for an increase in spending authority for the State Compensation Mutual Insurance Fund to meet the estimated benefit payments for the current fiscal year. The State Fund's fiscal 1993 appropriation for benefits is \$118,060,000. The State Fund's actuarial consultant (letter dated October 20, 1992) estimates benefit payments at \$136,801,412, which is \$18,741,000 higher than the appropriation. The actuary states also that "significant variation from these expected payment patterns are likely; deviation from expected as great as 10% or even higher are possible". Based upon the uncertainty reflected in this statement, the State Fund requested a supplemental of \$32,421,553. The Office of Budget and Program Planning approved the request at the lower level of \$18,741,000.



## DEPARTMENT OF MILITARY AFFAIRS

### 17) Disaster and Emergency Services - Lawsuit

The department is requesting \$8,000 for attorney costs for the Disaster and Emergency Services program to defend a termination action. Even though the program is 100 percent federally funded, federal regulations do not allow federal funds to be expended for legal defense costs.

### 18) Air National Guard - Lawsuits

The Air National Guard program is requesting \$14,352 for costs to defend two lawsuits. This program is funded 75 percent by federal funds, but as in the previous case, federal funds may not be used to pay legal costs.

### 19) Veterans' Affairs Division - Office Rent

The Veterans' Affairs Division is requesting \$1,800 for rent of an office in Butte during fiscal 1993. Previously, office space was provided free.

# STATE AUDITOR

STATE OF MONTANA

EXHIBIT 3

DATE 1/19/93

HS

COMMISSIONER OF INSURANCE  
COMMISSIONER OF SECURITIES

Mark O'Keefe  
STATE AUDITOR



January 14, 1993

Rep. Mary Lou Peterson, Chair  
General Government Subcommittee  
State Capitol  
Helena, MT 59620

Dear Rep. Peterson:

Rep. Zook asked that each agency respond to a series of questions regarding supplemental appropriations. The responses for the Auditor's Office are detailed below.

1) Warrant writing system \$155,000

The supplemental is for increased postage costs to mail state warrants. The Auditor's Office does not have the alternative of not mailing warrants that are legitimate obligations of the state. If the supplemental appropriation is not granted or cut, the agency will be in violation of the law for not paying its bills on a timely basis. Our FY94-95 request includes an adjustment to the postage base, thus reducing the risk of future postage supplementals.

2) Payroll data processing costs \$45,620

The supplemental is for increased data processing costs for the state payroll system. The agency does not have the option of not processing payroll checks for state employees. The agency has already eliminated any system enhancements for the remainder of the fiscal year to reduce the amount of the request. The FY94-95 base budget reflects the growth in data processing costs billed by ISD.

3) Judgements \$61,250

The agency was held liable in four cases for violation of the federal Fair Labor Standards Act. The judgements and settlements were already awarded. If the appropriation is not granted or is reduced, it does not eliminate the state obligation to pay a court judgement. It would require the agency to layoff additional staff and not meet other statutory obligations. The

Rep. Mary Lou Peterson, Chair  
Page 2  
January 14, 1993

new administration has taken steps to prevent future Fair Labor Standards Act violations.

4) Severance Pay \$35,672

Severance pay for Auditor Bennett's political appointments is required by statute and has already been paid. Auditor O'Keefe significantly reduced the potential liability by retaining five exempt staff. A supplemental appropriation for severance pay of exempt staff has been granted to other statewide elected officials after transitions. If the appropriation is not granted, it would require additional layoffs and failure to meet other statutory obligations. This expense only occurs during a change of administration.


5) Personal Service Costs \$40,712

This supplemental is the result of overspending by the previous Auditor. Auditor O'Keefe has made layoffs of seven staff, left five additional positions vacant and changed policies to reduce operational expenses. Even with those actions and the above supplemental appropriations, there is still a need for this amount. If the appropriation is not granted, it would require additional layoffs and failure to meet other statutory obligations.

If the agency had taken no action, the supplemental request would have been \$107,290. The new administration will manage personal service expenditures in accordance with the legislative appropriation.

Thank you for your time and energy.

Sincerely,

  
Mark O'Keefe  
State Auditor

MOK/dhp

MONTANA DEPARTMENT OF TRANSPORTATION  
2701 PROSPECT  
PO BOX 201001  
HELENA MT 59620-1001

TO: Representative Mary Lou Peterson, Chairperson  
General Government and Transportation Appropriations  
Committee

FROM: James D. Currie, Budget Section Supervisor  
Financial Management Bureau

DATE: January 15, 1993

SUBJECT: State Motor Pool Supplemental Appropriation Request

The Department of Transportation reduced the Motor Pool fleet size as recommended by the Office of the Legislative Auditor in the June, 1992 Performance Audit of the Equipment and Motor Pool Programs. During the July Special Session, the legislature transferred \$218,000 in cash from the Motor Pool Proprietary Account, and reduced the Motor Pool Equipment budget by a like amount.

Because of dramatically increased usage in FY92, a substantially higher number of units will require replacement in FY93 than was originally planned. Based on the department's standard replacement schedule, 53 units will require replacement on or before June 30, 1993.

This supplemental request is not being submitted to "undo" the actions taken in the July Special Session, but to meet the unanticipated large number of vehicles which must be replaced due to the high usage in FY92.

The following responses are presented to the specific questions asked by Representative Zook.

1. "What will the consequences be if your supplemental request is not approved?... is reduced by 50 percent?"

The current fleet is comprised of 70 leased units, many of which are stationed outside the Helena area, and 127 daily rentals that provide transportation to Helena based agencies. If the supplemental request is not approved, or approved but reduced by 50%, the department will be required to reduce the number of leased vehicles by an amount necessary to continue providing the current level of daily motor pool services to Helena based agencies. The reduction in the number of available leased vehicles will have a negative impact on the leasing agency budgets, and may force them into more expensive transportation alternatives.

2. "Are there funds within your fiscal 1993 budget that could be used

to offset the requested supplemental?"

Because of the high usage in FY92, there is currently sufficient cash in the Motor Pool fund to purchase the vehicles requested in the supplemental. However, there is not currently sufficient spending authority in the program to make the purchase.

The only other significant source of Proprietary Fund budget authority in the department is in the Equipment Program. This authority could be transferred to the Motor Pool and used to purchase the vehicles, however this would have to come from the Equipment category in the Equipment Program, and would result the department's not purchasing badly needed field equipment, (snow plows, sanders, motor patrols, etc.) for the Maintenance and Construction Program activities.

3. "What steps have you taken to ensure that a supplemental will not be required in future biennia?"

Supplemental appropriations will only be requested after all other viable alternatives have been considered. Changes in the State's transportation requirements are normally accounted for in the planning which is part of the Executive Budget process. Barring exceptional circumstances, this planning has prevented the necessity for requesting supplementals. Over the past ten years, no supplementals have been requested for this program.

Thank you for the opportunity to respond to the above questions. If further information is required, please contact me. My number is 444-6031.

cc Director  
Bill Salisbury  
Monte Brown  
Bill Strizich  
Dan Gengler, OBPP  
Clayton Schenck, LFA

# State of Montana

Marc Racicot, Governor

EXHIBIT 3

DATE 1/19/93

HB                     



Department of Revenue

Mick Robinson, Director

Room 455, Sam W. Mitchell Building

Helena, Montana 59620

January 13, 1993

Representative Mary Lou Peterson  
Chair, General Government and Transportation Appropriations Subcommittee  
Capitol Building  
Helena, MT 59620

RE: \$910,000 - Property Assessment Supplemental Request

Dear Representative Peterson:

The reason for the department's supplemental request for the Property Assessment Division is to offset losses in personal services funding that the division incurred as a result of transferring \$910,000 from their FY93 budget appropriation to their FY92 operating budget. This transfer occurred following the approval of the Legislative Finance Committee (April 1992) and Governor Stephens (May 1992 and July 1992).

The following responses are in reply to questions provided to the department by Representative Tom Zook in regard to the department's supplemental requests. These responses are specific only to the agency's Property Assessment Division supplemental request.

1. What will the consequences be if your supplemental request is not approved? Is reduced by 50 percent?

If the Property Assessment Division supplemental request is not approved, we will be faced with massive layoffs, services will have to be cut and the department's ability to provide such services will be drastically reduced.

The department will be faced with further reducing the quality of the current reappraisal cycle it is in the process of completing. Some sacrifices have already been made as a result of the division's current vacancies that the department has been unable to fill because of a Department-wide hiring freeze that has been in place since August 1992. If this supplemental request is not approved, we will be faced with the inability to complete our statutorily mandated

obligations including beginning the next reappraisal cycle (January 1, 1993 to January 1, 1997).

Both of these situations will impact property owners, state and local governments, and schools. Individual property values will not be updated to reflect market value. Consequently, local tax bases will continue to erode and become outdated. As a result, the statutory equalization responsibility of the department will be compromised resulting in additional lawsuits.

If the department's supplemental request is denied and it is forced to make up this reduction in its personal services budget, the division will be forced to layoff 82 employees effective February 1, 1993. These layoffs and the 27 position vacancies which the Division is currently experiencing as a result of the 5% forced vacancy savings would result in a total of 109 position vacancies for the Property Assessment Division, about 1/3 of its total staff. As you can see, this is a reduction in FTE which would adversely affect the division's ability to function.

Any reduction in the amount of the department's supplemental request for the Property Assessment Division will only complicate an already bad situation for the Department. With the currently mandated vacancy savings in personal services, any reduction in the amount of the supplemental will have serious impact and consequences on the Department's ability to meet its statutory obligations.

**2. Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental?**

No. The Department is already projecting insufficient funds to operate for the remainder of FY93. Any budgetary savings will be required to be used to offset forced vacancy savings requirements. The Property Assessment Division has already severely cut into its funding that was provided to do a quality job. We do not have funds available within our FY93 budget that could be used to offset the amount requested in the supplemental.

**3. What steps have you taken to ensure that a supplemental will not be required in future biennia?**

As long as the Property Assessment Division receives full funding for the services it is required to perform, there should be no problem for the division to live within those appropriations. If full funding is not provided, services and the quality of work will need to be reduced. Any reductions in funding or staffing, complicated by new legislation could jeopardize the division's ability to complete its mandated obligations.

The department has completed the third reappraisal with far fewer staff than any

EXHIBIT B 5  
DATE 1/19/93  
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of it's previous reappraisal efforts. The Property Assessment Division is using 397 FTE to complete this reappraisal compared to 465 FTE during it's 1986 reappraisal effort and 784 FTE in it's 1978 effort. The complete automation of our appraisal process using CAMAS and the automation of business equipment and livestock using the Business Equipment Valuation System (BEVS) have all proven beneficial to the department's ability to continually improve the quality of service it provides to the taxpayers of Montana and it's efforts to uniformly and equitably carry out it's responsibilities statewide.

Sincerely,



Mick Robinson  
Director



# State of Montana

Marc Racicot, Governor

EXHIBIT 3  
DATE 1/19/93  
RB



## Department of Revenue

Mick Robinson, Director

Room 455, Sam W. Mitchell Building  
Helena, Montana 59620

January 13, 1993

Representative Mary Lou Peterson  
Chair, General Government and Transportation Appropriations Subcommittee  
Capitol Building  
Helena, MT 59620

RE: \$19,217 - Income and Miscellaneous Tax Supplemental Request

Dear Representative Peterson:

The supplemental request for \$19,217 is attributable solely to staff overtime required to complete income tax processing and delivery of the 1991 income tax tape to the Legislative Fiscal Analyst on November 20, 1992. The requirement to meet this deadline was clearly "unforeseen and unanticipated" In fact, our October 7, 1992 memorandum to the Fiscal Analyst, outlines the required effort of department staff to complete the task requested. Additionally, it points out the fact that we apprised the Legislature on numerous occasions during both Special Sessions that the consequences of the budget cuts would be delays in refund processing and the completion of the income tax tape.

In meetings last fall with the Revenue Oversight and Legislative Finance Committees, the Department received direction and support to complete processing as quickly as possible (see the attached letter from Representative Gilbert and memo from the Legislative Fiscal Analyst). The Legislative Finance Committee also indicated support a supplemental appropriation for this effort.

The Special Session budget reductions enacted by the Legislature have eliminated any flexibility the Department may have had to cover these costs from other programs within the Department. A department-wide hiring freeze has been in place since August 27th of this year to address a \$1,000,000 vacancy savings requirement. We simply do not have excess funding to cover an additional \$19,000 in unanticipated personal services.

The following responses are in reply to questions asked of the department by Representative Tom Zook in regard to the departments supplemental requests. These responses are specific only to the agency's Income and Miscellaneous Tax Division

supplemental request.

1. **What will the consequences be if your supplemental request is not approved? Is reduced by 50 percent?**

Department-wide our current projected shortfall in all operating expense categories is estimated to be \$75,000 to \$100,000. We will continue our department-wide hiring freeze until we are positive that we can make up this shortfall. As a result of holding positions vacant, the current processing of income tax refund claims has already been hampered by our inability to hire seasonal staff. Without the supplemental funding, we will only make matters much worse - to the extent that we could be looking at forcing vacancy savings through reductions in force. This of course would only further the deterioration of taxpayer service.

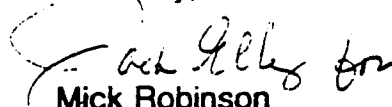
2. **Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental?**

NO. There are no additional funds anywhere in the Department in FY93 available to cover this expenditure. Had we not had the full support of the Revenue Oversight and Legislative Finance Committee's, we would not have committed to the overtime required to meet the income tax tape deadline for the Fiscal Analyst.

3. **What steps have you taken to ensure that a supplemental will not be required in future biennia?**

If we are authorized the funding levels requested in Governor Racicot's budget and the LFA current level recommendation we will not experience this situation in the future. If the reductions we have experienced in FY93 are continued without a commensurate reduction in workload or delivery time expectations, (ie., income tax refunds and completion of tax processing), we will face the same situation in FY95.

Sincerely,

  
Mick Robinson  
Director

DEPARTMENT OF ADMINISTRATION  
RISK MANAGEMENT AND TORT DEFENSE DIVISION

STAN STEPHENS, GOVERNOR

MITCHELL BLDG., ROOM 111

STATE OF MONTANA

TELEPHONE (406) 444-2421  
FAX (406) 444-2812

HELENA, MONTANA 59620

January 15, 1993

Honorable Tom Zook  
Chairman, House Appropriations Committee  
Montana House of Representatives

Honorable Mary Lou Peterson  
Chairwoman, House Appropriation  
General Government Subcommittee  
Montana House of Representatives

Dear Chairman Zook and Chairwoman Peterson:

The Risk Management and Tort Defense Division is submitting a supplemental request of \$450,000 to cover the costs of additional and complex law suits against the State through FY 93.

The request is for legislative authority to spend funds for contract legal services from the self insurance fund (statutory appropriation). This request is not a request for increased funding or costs to state agencies. If all of the authority is not used, the balance remains in the fund.

The division anticipates that five major lawsuits will go to trial before the end of the fiscal year. This represents an increase of three more major cases than at the same time a year ago. The expenditure authority is necessary to pay for legal defense costs in these cases.

In addition, we offer the following responses to Chairman Zook's questions:

- 1) The consequence of not approving the supplemental or reducing it by 50% would be that the division would not have adequate authority to pay legal fees, trial preparation and presentation costs, and directly related expenditures in defense of these trials. This would greatly reduce the likelihood of a successful defense in these critical cases. Loss of these cases in court could have a significant impact on the self-insurance fund.

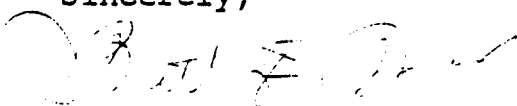
If the supplemental was reduced by 50%, then once \$225,000 had been spent the division would have to consider: 1) not paying law firms, 2) delaying payment and presenting the matter before the legislature, or 3) simply stopping the defense and allowing verdicts against the state and the fund.

- 2) Funds are not available within the existing fiscal 1993 budget that could be used to offset the requested supplemental. The division was authorized \$1,177,950 in FY93 for outside legal services and court fees. By reducing other operations within the division budget, an estimated \$1,340,000 would be available to defend the same level of cases as FY92. In FY92, actual expenditures were \$1,353,058 for these services. These additional cases are above the level of cases defended in FY92. It is extremely difficult to project exactly what the additional defense costs will be. The cost of each case varies as the trial unfolds. But the division does estimate that \$450,000 will be adequate authority. Again if expenditures are less than authority then the balance remains in the fund.
- 3) The division has taken steps to ensure that a supplemental will not be required in the future biennia. It is extremely difficult to project what cases will be tried in the future and at what cost. The division has applied a 20% and 22% rate increase in all agency budgets to generate additional revenues for the fund. This rate increase has been supported by OBPP and the LFA and is greatly appreciated. Claims where the state is at fault are promptly processed. The cases with no merit are vigorously defended. The division will consider statutory authorization to include these defense costs as part of the payment of claims.

Overall, it is of vital interest to the State that we defend these lawsuits. We will respond to any questions and we are certainly open to suggestions.

Thank you for your consideration.

Sincerely,



Brett E. Dahl  
Administrator  
Risk Management and Tort Defense



STATE COMPENSATION MUTUAL INSURANCE FUND  
P.O. BOX 4759  
HELENA, MONTANA 59604-4759

EXHIBIT \_\_\_\_\_  
DATE 1/19/93  
~~HB~~

January 13, 1993

Representative Mary Lou Peterson, Chairman  
Joint Appropriations Sub-committee  
Montana State Legislature  
State Capitol Building  
Helena, MT 59620

Dear Representative Peterson:

The State Compensation Mutual Insurance Fund has requested a supplemental appropriation for Fiscal Year 1993 in the amount of \$18,741,000 to pay benefits to and on behalf of injured workers. Following is the response to questions posed by Representative Zook:

**1. What will the consequences be if your supplemental request is not approved? is reduced by 50 percent.**

If the supplemental appropriation of \$18,741,000 is not approved or is reduced by 50%, the State Fund will be unable to pay compensation benefits to injured workers and medical benefits on behalf of injured workers. The benefit payments are a statutory requirement, and the State Fund has no authority to withhold payments when due.

**2. Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental?**

No. The majority of the State Fund's budget is benefit payments.

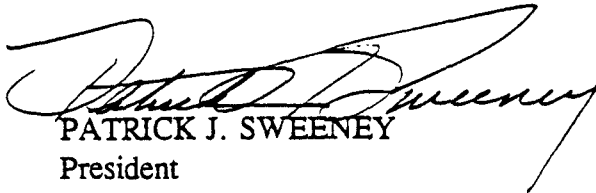
**3. What steps have you taken to ensure that a supplemental will not be required in future biennia?**

The appropriation request for benefit payments is based on the most recent estimates by the independent actuary. The actuary states his projections may vary by as much as 10-15% up or down. Therefore, the request for the next biennium took his base estimate and increased it by 10%. In addition, the State Fund is seeking legislation to have benefit payments statutorily appropriated.

Representative Mary Lou Peterson  
January 13, 1993  
Page 2

We look forward to discussing the FY 1993 supplemental appropriation request with your committee next week.

Sincerely,



PATRICK J. SWEENEY  
President

ATTORNEY GENERAL  
STATE OF MONTANA

EXHIBIT 51 4  
DATE 1/19/93  
HB

Joseph P. Mazurek  
Attorney General



Department of Justice  
215 North Sanders  
PO Box 201401  
Helena, MT 59620-1401

January 15, 1993

Representative Mary Lou Peterson  
Chairman  
General Government and Transportation Appropriation Subcommittee  
State Capitol  
Helena, MT 59620

Re: HB 3 - Department of Justice Supplemental Appropriation  
Request

Dear Representative Peterson:

The Department of Justice is requesting four supplemental appropriations:

1. County Attorney Payroll \$35,000/General Fund

Description: The Department is mandated to pay one-half of each county attorney's salary. Funds appropriated for this program are insufficient for three reasons: 1) vacancy savings was applied to these positions, 2) the projected and appropriated 3.3% cost of living increase was actually 5.4%, and, 3) four counties (Rosebud, Fergus, Toole, and Anaconda-Deer Lodge) increased their county attorney position from part time to full time.

What will the consequences be if your supplemental request is not approved: Our only alternative would be to hold positions in the Department of Justice open and/or initiate layoffs somewhere in the department. Either option would be devastating to department programs already understaffed and shouldering the workload of positions left vacant to meet vacancy savings and special session cuts.

Approved at 50%? Same as above.

Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental? No. Vacancy savings coupled with the reductions made by the special sessions has already forced program and staff reductions in other areas of the department.

Representative Peterson  
Page 2  
January 15, 1993

What steps have you taken to ensure that a supplemental will not be required in future biennia? It is impossible to predict the number of counties that will opt for full time county attorneys. The average has been two to three per year. Anticipating and funding this average, applying an optimistic cost of living adjustment and using no vacancy savings would likely eliminate further supplementals.

**2. Transportation of Prisoners                      \$150,000/General Fund**

Description: The Department is mandated to reimburse counties for their costs of transporting prisoners to a State detention facility and the costs of returning a fugitive from another state (MCA 7-32-2144 and 46-30-411). Accordingly, the Department cannot control the amount expended. Increases in air fare, lodging, meals and a greater volume of prisoners being transported accounts for this request.

What will the consequences be if your supplemental request is not approved? Our only alternative would be to hold positions open or initiate layoffs somewhere in the Department of Justice. Either option would be devastating to programs already understaffed and shouldering the workload of positions left vacant to meet vacancy savings and special session cuts.

Approved at 50%? Same as above.

Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental? No. Vacancy savings coupled with the reductions made by the special sessions has already forced program and staff reductions in other areas of the department.

What steps have you taken to ensure that a supplemental will not be required in future biennia? We hope to have discussions with the new Governor about the fiscal appropriateness of some extraditions. Since the Governor's Office approves extraditions, the number could be reduced in future if a more restrictive policy is adopted by Governor Racicot.



Representative Peterson  
Page 3  
January 15, 1993

**3. Highway Patrol Retirement Fund      \$380,000/Earmarked**

Description: HB77 was passed during the 1991 session and increased the employers share to the Highway Patrolmen's Retirement System. Funding added for this purpose will not be sufficient.

What will the consequences be if your supplemental request is not approved: Deposits to the retirement fund must be made in accordance with the law. Costs of this magnitude this late in the year could only be addressed through laying off highway patrolmen. The impact would be felt by the local communities where highway patrol coverage would be diminished or eliminated.

Approved at 50%? Same as above.

Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental? No. Vacancy savings and reductions made by the special sessions have left insufficient funding to carry out our most basic functions.

What steps have you taken to ensure that a supplemental will not be required in future biennia? The proper percentages have been included in the FY94/95 budget.

**4. Highway Patrol Prisoner Per Diem      \$383,000/Earmarked**

Description: The Highway Patrol has no control over the fees the State of Montana may be charged by the counties for housing prisoners. The mandated \$20 per day charge was repealed by the 1989 session. Most counties are currently charging \$40 per day with increases likely.

What will the consequences be if your supplemental request is not approved: Costs of this magnitude this late in the year could only be addressed through laying off highway patrolmen. The impact would be felt by the local communities where highway patrol coverage would be diminished or eliminated.

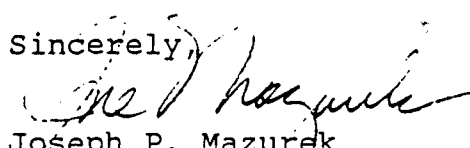
Representative Peterson  
Page 4  
January 15, 1993

Approved at 50%? Same as above.

Are there funds within your fiscal 1993 budget that could be used to offset the requested supplemental? No. Vacancy savings and reductions made by the special sessions have left insufficient funding to carry out our most basic functions.

What steps have you taken to ensure that a supplemental will not be required in future biennia? Historically, the legislature has given minimal increases over base to this program, line itemed the appropriation and directed the department to request a supplemental if needed. To avoid a supplemental, the FY94 and FY95 budget request would need to be increased.

Sincerely,

  
Joseph P. Mazurek  
Attorney General

copies to: Colonel Griffith  
JanDee May  
Dennis Taylor  
John Patrick  
Clayton Schenck  
Representative Tom Zook

## DEPARTMENT OF MILITARY AFFAIRS

EXHIBIT

5

DATE

1/19/93

HB

P.O. BOX 4789

MARC RACICOT, GOVERNOR

STATE OF MONTANA

OFFICE OF THE ADJUTANT GENERAL  
(406) 444-6910

HELENA MONTANA 59604-4789

January 15, 1993

Representative Tom Zook, Chairman  
House Appropriations Committee  
Capitol Building  
Helena, Montana

Representative Zook,

In reply to your letter on supplementals, we would like to offer the following comments to your questions.

1. Consequences to the programs if not approved? Although small in size the Veterans Affairs supplemental request is almost 4% of their operating budget. To absorb this amount this late in the year services would be curtailed. Disaster and Emergency Services would have to layoff one employee immediately to come up with that amount of general fund. The Air Guard, through some hard management decisions, will attempt to absorb the supplemental due to lawsuits by previous fire fighter employees.

This will reduce our request from \$24,152 to \$13,800. Any further attempt to absorb this amount would be difficult due to the lateness in the fiscal year.

We try hard during the year to eliminate any future supplemental, but the ones we are requesting funding for have been out of our control.

Sincerely,



Doug Booker, Administrator  
Centralized Services

4110 00 00000								
DEPARTMENT OF JUSTICE <u>HB</u>								
Agency Summary								
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	650.40	638.40	611.90	640.80	(28.90)	598.40	633.30	(34.90)
Personal Services	19,043,557	19,848,727	20,897,707	21,946,941	(1,049,234)	20,710,784	21,943,251	(1,232,467)
Operating Expenses	6,095,652	6,020,619	6,894,211	6,809,759	84,452	6,874,446	6,750,515	123,931
Equipment	1,626,404	1,414,450	1,648,547	1,455,705	192,842	1,634,916	1,429,227	205,689
Debt Service	64,663	42,178	200,329	188,329	12,000	200,329	188,329	12,000
Total Costs	\$26,830,278	\$27,325,974	\$29,640,794	\$30,400,734	(\$759,940)	\$29,420,475	\$30,311,322	(\$890,847)
<u>Fund Sources</u>								
General Fund	10,807,983	11,041,202	13,255,906	13,463,695	(207,789)	13,050,209	13,430,918	(380,709)
State Revenue Fund	14,586,621	14,603,970	14,812,209	15,430,237	(618,028)	14,806,175	15,367,206	(561,031)
Federal Revenue Fund	897,875	1,047,706	981,312	889,257	92,055	970,916	888,822	82,094
Proprietary Fund	537,797	633,096	591,367	617,545	(26,178)	593,175	624,376	(31,201)
Total Funds	\$26,830,278	\$27,325,974	\$29,640,794	\$30,400,734	(\$759,940)	\$29,420,475	\$30,311,322	(\$890,847)

Page References

LFA Budget Analysis (Vol. I), A 83-94 (Agency Summary)  
 Stephens Executive Budget, A42

Current Level Differences

Differences between the Executive Budget and LFA current level are detailed in the following program listings. Major current level issues in the Department of Justice include:

Elimination of Funding for the Eastern Drug Enforcement Unit (Coal Board Funds)- (\$693,561)  
 5 Percent Personal Services Reductions- 32.5 FTE, \$2.0 million  
 Vacant Positions for Elimination- 20.25 FTE, \$1.1 million  
 Executive Budget Reduction in courses and FTE at the Law Enforcement Academy, \$139,000  
 Executive Program Reductions in the Highway Patrol Division, \$197,000  
 Away-From-Home Allowance, Highway Patrol Division, \$125,800  
 Highway Patrol Division Equipment levels- Executive Higher- \$352,467

Budget Modifications

Executive Budget Modifications - 8 modifications, \$2.5 million  
 Elected Official Budget Modifications- 13 modifications, \$2.2 million

Issues

Executive Policy Initiative- Funding switch in the Motor Vehicle Division - from General Fund to Highways Special Revenue, \$14.2 Million

Savings from Motor Vehicle Registration Automation- The automated vehicle registration and renewal system implemented in the 1993 biennium provides an opportunity for significant reductions in FTE and related operating costs in the Motor Vehicle Division. See LFA Vol. I, page A-93.

Program Increases- The agency requested and the executive included significant operating expense increases in the current level budget. Some of the revisions have already been implemented in the 1993 biennium, and they have not been subject to legislative scrutiny. These increases were not included in LFA current level since they do not qualify under the statutory definition of current level. See LFA Vol. I, page A-94.

Exec. Over(Under) LFA  
 Fiscal 1994 Fiscal 1995

## DEPARTMENT OF JUSTICE

EXHIBIT 7

Positions Removed by Joint Committee Action  
House Appropriations & Senate Finance and Claims  
January 6, 1993

DATE 1/19/93HB

Position #	Position Description	Total Personal Services		FTE		Total FTE Removed	Non-Approp. FTE
		Fiscal 1994	Fiscal 1995	Removed by 5% Reduction	Removed by Being Vacant		
General Fund Positions							
Legal Services Division							
05003	Agency Counsel I	\$34,321	\$34,637	1.00	0.00	1.00	
Motor Vehicle Division							
12301	Driver Services Specialist I	26,779	26,801		1.00	1.00	
12310	Driver Services Specialist I	27,386	27,408		1.00	1.00	
12313	Driver Services Specialist I	25,057	25,077		1.00	1.00	
12630	Administrative Clerk I	10,069	10,078		0.50	0.50	
12736**	Administrative Clerk I	16,973	16,989	1.00		1.00	
12761	Administrative Clerk I	16,973	16,989	1.00		1.00	
12813	Administrative Clerk I	9,626	9,634		0.50	0.50	0.50
12961**	Training & Development Spec.	26,101	26,128	1.00		1.00	
17002**	Training & Development Spec.	32,954	32,981	1.00		1.00	
17013	Data Processing Section Supvr.	26,101	26,128		1.00	1.00	
17031	Training & Development Spec.	26,101	26,128		1.00	1.00	
17060	Data Entry Operator II	20,391	20,510	1.00		1.00	
17067	Data Entry Operator II	16,973	16,989	1.00		1.00	
17075	Data Entry Operator II	16,973	16,989	1.00		1.00	
17076	Data Entry Operator II	20,328	20,355	1.00		1.00	
17078	Data Entry Operator II	16,973	16,989	1.00		1.00	
17114	Microfilm Clerk I	16,973	16,989	1.00		1.00	
17115	Data Entry Operator III	18,151	18,169		1.00	1.00	
17117	Data Entry Operator II	19,933	20,080		1.00	1.00	
17119**	Data Entry Operator II	16,968	16,981	1.00		1.00	
17121	Microfilm Clerk I	16,973	16,989		1.00	1.00	
17139	Data Entry Operator II	19,902	19,929		1.00	1.00	
Law Enforcement Services Division							
24002	Fingerprint/Record Tech. Supv.	17,027	17,044		1.00	1.00	
24009**	Identification Specialist	36,647	36,685	1.00		1.00	
24011	Fingerprint Technician	21,826	21,848		1.00	1.00	
25001**	Criminal Investigator	38,236	38,441	1.00		1.00	
25021	Enforcement Pgm Mgr II(DI-W)	10,564	10,621		0.25	0.25	
County Attorney Payroll							
19010**	County Attorney - Silver Bow	31,584	31,612	0.50		0.50	
19020**	County Attorney - Cascade	30,310	30,337	0.50		0.50	
19530	County Attorney - Golden Vall.	18,894	18,961		0.25	0.25	
19550**	County Attorney - Petroleum	6,331	6,337	0.10		0.10	
Law Enforcement Academy							
22003**	Training Services Manager I	21,876	22,001	0.50	0.00	0.50	
Central Services Division							
28010**	Administrative Clerk I	4,248	4,250	0.19	0.00	0.19	
Data Processing Division							
29007	Information Systems Spec. IV	37,383	37,414		1.00	1.00	
29010**	Information Systems Spec. III	32,966	32,999	1.00		1.00	
29014	Data Commun. Coordinator	26,101	26,128		1.00	1.00	
Forensic Science Division							
20003**	Director, Forensic Science Div.	29,753	29,785	0.50		0.50	
32007	Latent Print Examiner	30,449	30,480		1.00	1.00	
Sub-Total		\$873,173	\$874,889	17.29	15.50	32.79	0.50

::							
<b>Non-General Fund Positions</b>							
<b>Agency Legal Services</b>							
01015	Attorney Specialist III	0	0	0.00	0.00	0.00	1.00
06008**	Agency Counsel II	38,888	38,920	1.00		1.00	
<b>Gambling Control Division</b>							
07012	Licence/Cert./Permit Specialist	32,244	32,347	1.00	0.00	1.00	
07017**	Administrative Clerk III	22,239	22,287	1.00	0.00	1.00	
<b>Highway Patrol Division</b>							
13060	Safety Education Officer	40,122	40,318		1.00	1.00	
13122**	Highway Patrol Officer I	33,425	33,653	1.00	0.00	1.00	
13123	Highway Patrol Officer I	33,706	33,869		1.00	1.00	
13129**	Highway Patrol Officer I	33,706	33,869	1.00	0.00	1.00	
13187**	Highway Patrol Officer II	43,319	43,532	1.00	0.00	1.00	
13198**	Highway Patrol Officer II	42,966	43,178	1.00	0.00	1.00	
13204**	Highway Patrol Officer I	32,624	32,782	1.00	0.00	1.00	
13215**	Highway Patrol Officer II	36,785	37,259	1.00	0.00	1.00	
13220	Highway Patrol Officer II	42,614	43,178		1.00	1.00	
14258**	Highway Patrol Officer II	32,624	32,782	1.00	0.00	1.00	
14263**	Highway Patrol Officer II	43,673	43,888	1.00	0.00	1.00	
14272**	Highway Patrol Officer I	31,656	31,808	1.00	0.00	1.00	
14273**	Highway Patrol Officer I	31,656	31,808	1.00	0.00	1.00	
14274**	Highway Patrol Officer I	31,656	31,808	1.00	0.00	1.00	
14275**	Highway Patrol Officer I	31,656	31,808	1.00	0.00	1.00	
14507	Program Officer I (MCSAP)	32,706	32,977		1.00	1.00	
<b>Law Enforcement Services Division</b>							
25021	Enforcement Program Mgr. II	31,691	31,862		0.75	0.75	
<b>Central Services Division</b>							
28010	Accounting Technician	4,732	4,735	0.21		0.21	
<b>Sub-Total</b>		<b>\$704,689</b>	<b>\$708,668</b>	<b>15.21</b>	<b>4.75</b>	<b>19.96</b>	<b>1.00</b>
<b>TOTAL</b>		<b>\$1,577,862</b>	<b>\$1,583,558</b>	<b>32.50</b>	<b>20.25</b>	<b>52.75</b>	<b>1.50</b>

\* Already eliminated in the LFA current level.

\*\* Not on the joint committee vacancy list

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4110 32 00000 DEPARTMENT OF JUSTICE Program Summary			Forensic Science Division					
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	18.00	17.00	17.50	18.00	(0.50)	17.50	18.00	(0.50)
Personal Services	734,503	736,237	833,023	862,776	(29,753)	834,614	864,399	(29,785)
Operating Expenses	310,537	317,150	344,599	332,216	12,383	351,788	339,405	12,383
Equipment	111,727	25,000	30,298	45,500	(15,202)	21,122	25,000	(3,878)
Debt Service	<u>0</u>	<u>0</u>	<u>4,500</u>	<u>4,500</u>	<u>0</u>	<u>4,500</u>	<u>4,500</u>	<u>0</u>
Total Costs	\$1,156,768	\$1,078,387	\$1,212,420	\$1,244,992	(\$32,572)	\$1,212,024	\$1,233,304	(\$21,280)
<b>Fund Sources</b>								
General Fund	906,299	841,205	942,420	974,992	(32,572)	942,024	963,304	(21,280)
State Revenue Fund	<u>250,469</u>	<u>237,182</u>	<u>270,000</u>	<u>270,000</u>	<u>0</u>	<u>270,000</u>	<u>270,000</u>	<u>0</u>
Total Funds	\$1,156,768	\$1,078,387	\$1,212,420	\$1,244,992	(\$32,572)	\$1,212,024	\$1,233,304	(\$21,280)

### Page References

LFA Budget Analysis (Vol. I), A-113  
Stephens Budget Analysis, A51

### Current Level Differences

**5 PERCENT PERSONAL SERVICES REDUCTION**—The Executive Budget eliminated 0.5 FTE (Director position) in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium current level budget. The position is included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended that the 5 percent reductions be permanently eliminated from the budget.

(29,753) (29,785)

**EQUIPMENT MAINTENANCE CONTRACT**—The Executive Budget includes funding for a maintenance contract for a new chromatograph. The division has historically maintained much of the crime lab equipment in-house.

10,680 10,680

**EQUIPMENT**—The Executive Budget and LFA current level include funding for the same equipment as requested by the division, but the Executive Budget reduces the price allowed for the purchase of chromatographs.

(15,202) (3,878)

**MINOR DIFFERENCES (NET)**

1,703 1,703

**TOTAL CURRENT LEVEL DIFFERENCES**

(32,572) (21,280)

**VACANT POSITION**—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 1.0 FTE for this program that were vacant on December 11, 1992. The position is a latent print examiner, and is funded by general fund. The position is shown on the attached position reduction listing.

(30,449) (30,480)

### Elected Official Budget Modifications

**FIREARMS AND TOOLMARKS EXAMINER**—This modification provides for a second professional firearms and toolmarks examiner, funded by general fund. See LFA Vol. I, page A-93.

52,839 52,839

**RESTORE 5 PERCENT REDUCTION**—This modification would restore 0.50 FTE (general fund) deleted in the Executive Budget as part of the 5 percent personal services reduction. This position is included in LFA current level, and is shown on the attached position reduction listing. See LFA Vol. I, page A-93.

29,747 29,747

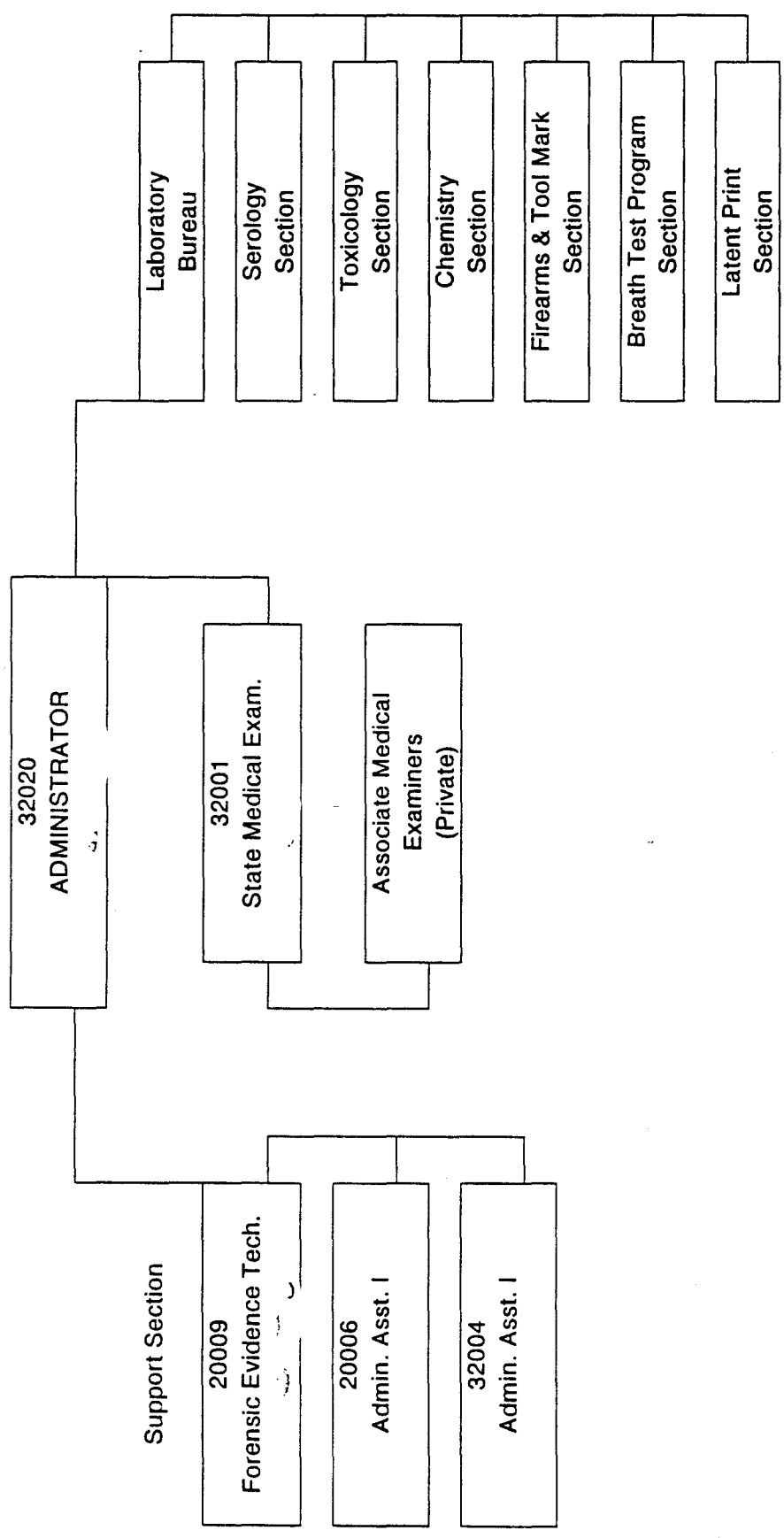
### Language

None.

Exec. Over(Under) LFA  
Fiscal 1994 Fiscal 1995

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DEPARTMENT OF JUSTICE  
FORENSIC SCIENCE DIVISION





DEPARTMENT OF JUSTICE  
FORENSIC SCIENCE DIVISION

LABORATORY BUREAU

1.50 FTE  
5% cut

20003

Laboratory Mgr.

Serology

20001

Forensic Scientist

20005

Forensic Scientist

Toxicology

20002

Forensic Scientist

20007

Forensic Scientist

32011

Forensic Scientist

Chemistry

20004

Forensic Scientist

32003

Forensic Scientist

20008

Forensic Scientist

25029

Forensic Scientist

Firearms & Tool Mark

32006

Forensic Scientist

Breath Test Program

20010

Forensic Scientist

32050

Forensic Scientist

Latent Print

32007

Forensic Scientist

VACANT

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18-Jan-93

**DEPARTMENT OF JUSTICE**  
**1995 Biennium Budget Issues**  
**FORENSIC SCIENCE DIVISION**

**CURRENT LEVEL ISSUES:**

-----FTE-----  
 FY94 FY95  
 -----COST-----  
 FY94 FY95

**Personal Services – Requested Increases:**

1. Reinstate 5% cut for Lab Director	.50	.50	\$29,753	\$29,753
2. Reinstate vacant position for Latent Fingerprint Examiner. This type of expertise makes position difficult to fill.	1.00	1.00	\$30,449	\$30,449

**Operations – Requested Increases:**

1. Repair & Maintenance – Most equipment is repaired by staff. The more sophisticated machinery must be repaired by the manufacturer.			\$10,000	\$10,000
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**Equipment – Requested Increases**

1. Need additional funds to replace a dual detector gas chromatograph...recommended amount would purchase a single detector.			\$4,000	\$4,000
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**Funding – General Fund.****MODIFICATIONS:**

1. Firearms & Toolmarks Examiner – This position is necessary to help relieve the stress & pressure of the one examiner who is trying to deal with a workload which has doubled in the last five years.	1.00	1.00	\$52,839	\$52,839
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\* Assume adoption of LFA base plus 5% and vacant listing reductions.

4110 18 00000

DEPARTMENT OF JUSTICE  
Program Summary

Law Enforcement Services Div

HB

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	42.00	46.50	37.50	42.50	(5.00)	37.50	42.50	(5.00)
Personal Services	1,251,538	1,361,426	1,272,424	1,491,762	(219,338)	1,279,828	1,498,905	(219,077)
Operating Expenses	420,535	465,836	403,030	445,000	(41,970)	408,974	451,840	(42,866)
Equipment	81,262	49,180	99,770	110,840	(11,070)	66,520	75,185	(8,665)
Total Costs	\$1,753,336	\$1,876,442	\$1,775,224	\$2,047,602	(\$272,378)	\$1,755,322	\$2,025,930	(\$270,608)
<b>Fund Sources</b>								
General Fund	1,052,835	1,049,908	1,322,529	1,263,192	59,337	1,328,485	1,255,453	73,032
State Revenue Fund	360,611	352,676	53,000	398,266	(345,266)	43,000	391,295	(348,295)
Federal Revenue Fund	339,888	473,858	399,695	386,144	13,551	383,837	379,182	4,655
Total Funds	\$1,753,336	\$1,876,442	\$1,775,224	\$2,047,602	(\$272,378)	\$1,755,322	\$2,025,930	(\$270,608)

**Page References**

LFA Budget Analysis (Vol. I), A 104-105  
 Stephens Executive Budget, A47  
 Racicot Executive Budget, 29

**Current Level Differences**

**5 PERCENT PERSONAL SERVICES REDUCTION**—The Executive eliminated 2.0 FTE (identification specialist and criminal investigator) in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium current level budget. The positions are included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended that the 5 percent reductions be permanently eliminated from the budget.

(74,883) (75,126)

**3.0 FTE, FEDERAL GRANT**—A federal grant in a 1993 biennium budget modification added 3.0 FTE to develop the criminal history identification system (CHIS) in the Identification Bureau. The federal funding was not renewed in the 1995 biennium, and the 3.0 FTE were removed from LFA current level. The Executive Budget retains these FTE with general fund. An elected official budget modification discussed below requests retention of the 3.0 FTE with general fund.

62,703 62,759

**ELIMINATION OF DRUG ENFORCEMENT UNIT**—The Racicot Executive Budget eliminated coal board grant funding for the eastern drug enforcement unit of the Criminal Investigation Bureau, which was entirely funded by a coal board grant. The reduction also eliminates 6.0 FTE. Although the published Racicot Executive Budget does not provide alternative funding for the eastern drug enforcement unit, the Governor's Office has indicated that it supports restoring the unit with general fund.

(345,266) (348,295)

**OVERTIME**—The Executive Budget provides for overtime for criminal investigation activities, based on formation of a collective bargaining unit by agents and a resulting supplemental agreement negotiated with the department requiring overtime payment. In addition, vacancies due to budget shortfalls was cited as justification for the overtime budget. The LFA current level does not provide funding for overtime in order to highlight the bargaining unit negotiations for legislative consideration and since the LFA current level provides for full funding of all investigator positions.

9,275 11,275

**OFFICE RENT**—The Executive Budget provides funding for the move of field deputies in the Fire Prevention and Investigation Bureau from home offices to rented offices. The LFA current level provides a 5 percent increase in office rent for existing offices only.

8,183 8,183

**ONE-TIME ONLY REMODELING EXPENSE**—The LFA current level eliminated one-time costs in fiscal 1992 for remodeling office spaces. The project was unbudgeted.

19,084 19,084

**ID BUREAU PROGRAM EXPANSIONS**—The Executive Budget includes increases in the Identification Bureau budget for costs of the criminal history identification system (CHIS) and the new Automated Fingerprint Identification System (AFIS). Both projects were funded by federal funds in budget amendments and by a one-time federal grant for the CHIS project in a budget modification in the 1993 biennium. The agency certified that there was no commitment of future general fund support due to the budget amendments, although it was indicated that they might seek funding for continued support of the new programs in the 1995 biennium. The increases for the continuation and support of these programs are not included in

13,770 13,770

LFA current level.

**REORGANIZATION, CRIMINAL INVESTIGATION BUREAU**—The Executive Budget includes increases in rent costs in current level for the move of criminal investigators in the Criminal Investigation Bureau to offices in remote sites. The LFA current level did not allow increases for additional office space since it is not a current level service and has not had legislative review.

14,537 14,537

**EQUIPMENT**—The Executive Budget includes more funding for equipment than LFA current level. The LFA current level includes funding for the priority purchase of equipment requested, and does not include funding for equipment for new offices as a result of reorganization or for the CHIS and AFIS systems.

14,961 17,396

**INFLATION DIFFERENCES**

128 209

**MINOR DIFFERENCES (NET)**

5,130 5,600

**TOTAL CURRENT LEVEL DIFFERENCES**

(272,378) (270,608)

**VACANT POSITIONS**—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 3.0 FTE for this program that were vacant on December 11, 1992. Two of the positions (fingerprint specialists) are fully funded by general fund. The third position (enforcement program manager) is in the western drug enforcement unit, and is supported by 75 percent federal funds and 25 percent general fund. The positions are shown on the attached position reduction listing.

(81,108) (81,375)

**EASTERN DRUG ENFORCEMENT UNIT**—The elimination of the entire eastern drug enforcement unit in the Executive Budget is discussed above. If the unit is restored with alternate funding, the committee may wish to consider the following major differences from the Stephens Executive Budget and LFA current level:

Overtime—The Executive Budget includes overtime for the unit for the same reasons discussed for the overtime difference discussed above. The LFA current level does not include any funding for overtime.

5,000 6,000

Vehicle Leases—The LFA current level eliminated funding from the current level base for lease of vehicles for undercover criminal investigation cases. The unit received funding in the 1993 biennium for purchase of used vehicles instead of renting vehicles, and both the Executive Budget and LFA current level provide funding in the 1995 biennium for the purchase of used vehicles.

9,618 9,618

**Budget Modifications****EXECUTIVE BUDGET MODIFICATION:**

**WORKERS' COMPENSATION INVESTIGATOR/SUPPORT STAFF**—This budget modification adds a 1.0 FTE investigator in fiscal 1994 and 1.0 FTE support staff in fiscal 1995 to handle the workers' compensation fraud investigations that are referred to the agency by the State Fund. The division already has one workers' compensation fraud investigator. Funding is provided by the workers' compensation state special revenue account.

65,132 90,204

**ELECTED OFFICIAL BUDGET MODIFICATIONS:**

**CRIMINAL HISTORY RECORDS**—This budget modification would retain 3.0 FTE hired under a federal grant in the 1993 biennium as part of the criminal history identification system project. The federal funds are no longer available, and this modification requests general fund replacement. These positions are not in LFA current level but are in the Executive Budget current level. See LFA Vol. I, page A-92.

101,388 101,388

**RESTORE 5 PERCENT REDUCTION**—This modification would restore 2.0 FTE (general fund) deleted in the Executive Budget as part of the 5 percent personal services reduction. The positions are included in LFA current level, and are shown on the attached position reduction listing. See LFA Vol. I, page A-93.

74,885 74,885

**Other Issues**

**FEDERAL GRANT**—The agency may request federal fund appropriation authority of \$265,000 each year for a grant for a statewide intelligence project.

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BUDGET PRESENTATION

Good Morning! Madame Chair and members of the committee, my name is Bruce Suenram, normally I serve as your State Fire Marshal.

However, today I am appearing as the Acting Administrator for the Law Enforcement Services Division of the Department of Justice. I would like to provide you with a brief overview of the Division, discuss our modification requests and then review with you the budget discrepancies that we feel should be included in our budget. First, however, Rick Day, former administrator of LESD and now Director of Dept. of Corrections and Human Services would like to visit with you about one area of the Division that is critically important to the services we provide. Once Mr. Day is finished then I would like to complete my presentation. Rick!

Rick may be available for questions if he has time.

The Law Enforcement Services Division (LESD) provides a broad spectrum of services to local fire and law enforcement agencies and state agencies through its functional areas of Fire Prevention and Investigation, Criminal Investigation and Criminal History Information.

Fire Prevention and Investigation is responsible for safeguarding life and property from fire, explosion, and arson through inspections, and investigations conducted with local fire agencies and by providing fire code interpretations and enforcement activities. They license the fire protection

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equipment industry and record and store data in the Montana Fire Incident Reporting System. The Bureau provides information and assistance to regulated public and industries regarding the Spill Prevention Control and Countermeasure program for aboveground storage tanks.

Deputy State Fire Marshals are required to inspect some 50,000 facilities including schools, as well as homes for the developmentally disabled, day care centers, Department of Revenue liquor license inspections, State institutions, University facilities, and businesses.

As noted in a recent Associated Press article, Fire Prevention and Investigation was able to inspect only 40% of Montana schools in 1992. While that number may seem low, it actually averages out 18 inspections per day per deputy, for the six deputy state fire marshals who actually conduct inspections. And that does not consider the 100 or so fire investigations these same deputies are also supposed to perform.

Because of the Bureau's inadequate staffing, and its inability to inspect all of the buildings throughout Montana, we have been sued twice in the recent past for failure to inspect. One suit was settled for \$100,000, the other is still pending.

Fire Prevention and Investigation, within the LESD, represents the greatest potential liability to the State of Montana as far as litigation is concerned, due to the number of buildings requiring inspections and the inability of the Deputy State Fire Marshals to inspect them all.

Investigations conducted by Deputy State Fire Marshals include the recent explosion and fire in West Yellowstone. Deputies have been in almost all of your communities in the past few months at the request of or in support of, your local fire or law enforcement agencies.

The second functional area I would like to discuss is Criminal Investigation. The Criminal Investigation Bureau conducts criminal investigations in support of, or at the request of, local law enforcement agencies. They also conduct investigations of suspected criminal activity referred by the Legislative Auditor and investigations of fraud referred by the State Workers Compensation Fund.

Criminal investigators support state agencies and local governments by conducting investigations of homicide, fraud, organized crime, dangerous drug activity and other felony investigations.

Our personnel aided in the investigation, for instance, of the Prison riot and related homicides, with 13 convictions attained to date in FY 93. We also, at the request of the Legislative Auditor, investigated a theft of State property and money that resulted in felony convictions and the return of \$140,000 to the State of Montana last year.

Dangerous drug investigations, performed by criminal investigators, have been responsible for 800 arrests and the removal of illicit drugs valued in excess of eight (8) million dollars. Funding for this program is an issue based on Governor Racicot's proposal to eliminate the Coal Board.

The third functional area is Criminal History Information. The Criminal History Records Program is the state repository for criminal history record information, including fingerprint cards and arrest and conviction records. They collect, store, and disseminate criminal history information, conduct fingerprint searches by means of the Automated Fingerprint Identification System (AFIS), and make this information readily available to the Montana criminal justice community, agencies, and the general public as authorized by state and federal statutes. Criminal History Records acts as an essential link between your local law enforcement agencies and the Federal Bureau of Investigation.



The Criminal History Records Program also serves as the clearinghouse for Missing and Unidentified persons. They collect, store, and distribute information assisting local law enforcement and the public in locating missing children and unidentified persons.

*Handout #3*

In December, Montana entered a new era by joining the Western Identification Network with the AFIS. The Automated Fingerprint Identification System uses computerized fingerprints, improving accuracy and identification, and increasing the Bureau's ability to search fingerprint records in nine (9) western states. This service greatly enhances the assistance the Bureau provides local law enforcement in solving crimes and identifying missing persons. Access to 14 million fingerprints in the Western Identification Network database allows fingerprints developed at a crime scene to be more readily identified and allows criminal activities to be tracked regionally.

Because of improved working relationships with local law enforcement agencies, the Bureau has received a 40% increase in fingerprint submissions and anticipates another 20% increase during the current fiscal year.

All of the functions within the Division provide training or assist cooperatively in providing training to local government fire and law enforcement agencies.

The activities we perform at LESD are essential public safety services provided by the state to your local fire and law enforcement agencies. Any reduction in funding will result in reductions in public safety services we provide to your local agencies.

## II. Modifications to Budget

The LESD has two modification requests:

*Handled #4*

1. We also are asking for \$101,388 for each year of the biennium to cover the cost of three (3) FTE in the Criminal History Records. These positions were funded through FY 93 by Bureau of Justice Statistics grant funds. This modification would continue the positions that were added as part of the federal effort to improve state criminal history records. Because the program reached its goal of increased submission, and because of the interrelationship between CHRP and AFIS we need to keep the staffing at our present levels. The loss of the 3 FTE would hamper the Bureau's ability to process the increased fingerprint submissions and would adversely affect the safety of your local law enforcement officers and the public.

2. We are asking for \$65,132 in FY 94 and \$90,204 in FY 95 for additional investigators, support staff and equipment for the Criminal Investigation Bureau, to expanded our State

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Workers' Compensation Fund fraud investigations. We are requesting this mod because:

- a. State Fund has requested this area of investigation be expanded to improve fraud detection and prosecution efforts which will ensure the availability of benefits to legitimately injured workers.
- b. Currently there is only one (1) investigative position to supply services to a fund that distributes millions of dollars in benefits statewide.
- c. Current funding levels do not provide for support services regarding workers' compensation investigations.

### III. BUDGET DISCREPANCIES

#### Personal Services:

1. Positions vacant on 12/29/92 include:
  - a. Receptionist
  - b. Fingerprint technician

These two positions vacant on the 12/29/92 and the three positions eliminated by the LFA are half the eight total positions assigned to the Criminal History Records Program. The results of not restoring the positions would be devastating to the program and would severely hamper the services we provide local government.

2. An Enforcement Program Manager position in Missoula was technically vacant on 12/29/92, however it had been filled on 12/23/92.

3. OBPP eliminates Identification Specialist for the 5% reduction. This position has been recently reclassified to a position in the Criminal Investigation area and is filled. We ask that the position be reinstated.

4. OBPP eliminates a criminal investigator for the 5% reduction. We ask that the position be reinstated because it provides essential public safety services to local law enforcement agencies. The position is filled by an investigator, who coordinates the State's intelligence information.

5. The LFA eliminates \$9,275 in FY 94 and \$11,275 in FY 95 in overtime. The Division requests that overtime funds be reinstated. In FY 92, investigators formed a collective bargaining unit and negotiated a supplemental agreement with the department. The agreement includes provision which requires the payment of overtime. In addition, demand for undercover investigative services has required the payment of overtime occasionally.

## OPERATING EXPENSES

The LFA did not include \$60,482/yr in the biennium in operating costs throughout the division:

1. The LFA did not include \$22,557/yr in building rent. \$8,200/yr for Fire Prevention and Investigation for the Deputy State Fire Marshal field offices and \$14,357/yr for the Criminal Investigation field offices. The Deputy's State Fire Marshal's were moved into offices during the last year, rather than working out of their homes and criminal investigators have been moved into field office to increase their availability and reduce travel time. We are requesting that these funds be reinstated.
2. The LFA eliminated \$16,000/yr in operating costs, i.e., consulting and professional services associated the AFIS program, the maintenance contract for the AFIS computers and increases for travel to conduct training for local law enforcement personnel. We request that these operating costs be reinstated to maintain the usefulness of the AFIS program.
3. The LFA did not include \$21,925 in increases due to annualization because of short staffing in FY 92. Requested increases in filing fees and computer maintenance contracts because of computerization throughout the division and changes in rules in division programs. Increases in gasoline and vehicle maintenance, for example, could affect

service delivery to the local fire agencies.

Equipment:

1. The LFA reduces vehicle purchases from 3 to 2 in FY 94 and eliminated the FY 95 purchase of one of the two cars requested. Our Bureau needs a program of vehicle replacement to help reduce high maintenance costs and provide safe, reliable vehicles for law enforcement employees involved in enforcement actions. The Billings office needs to replace at least two cars per year to reduce the liability risk and ensure the safety of the investigators who are driving vehicles with mileage in excess than 90,000 miles! We are asking that these funds be restored.
2. The LFA did not include \$3,000 for radios. The radios we currently use are old highway patrol radios which are not a reliable means of communication. Their failure to operate in some of the areas that we are required to send Deputy State Fire Marshals could endanger lives. We request that the funds be reinstated.
3. The LFA eliminates office equipment purchases of \$1,000 in FY 94 and \$4,500 in FY 95. The Bureau need to purchase 15,000 file folders for fingerprint cards. In FY 95, the Bureau will require additional files and shelves for storage of the additional fingerprint files. The Bureau creates

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about 13,000 new files per year. We are asking that funds be restored.

Again as Mr. Day mentioned, we are requesting spending authority of \$ 360,000 for the AFIS costs for each year of the biennium.

The Division is also a candidate to receive a Statewide Intelligence Sharing grant from Bureau of Justice Assistance - Organized Crime and Narcotics grant fund. We need authority that reads, "

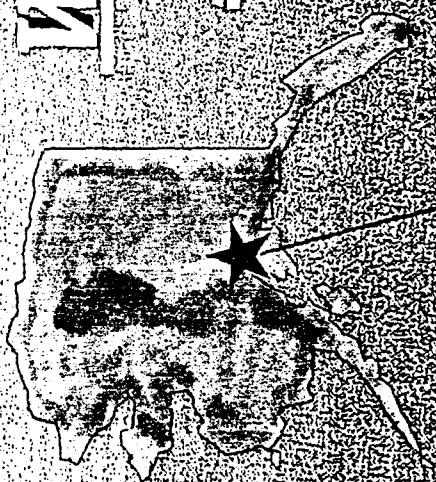
I would be glad to try to answer any questions you may have regarding Law Enforcement Services Division. Thank you.

January 1993

**Western**

**Identification**

**Network, Inc.**



**Central Site Members**

Idaho Montana  
Nevada Oregon  
Portland Utah  
Wyoming

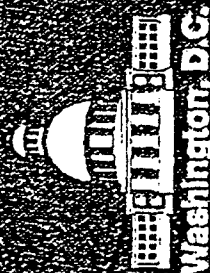
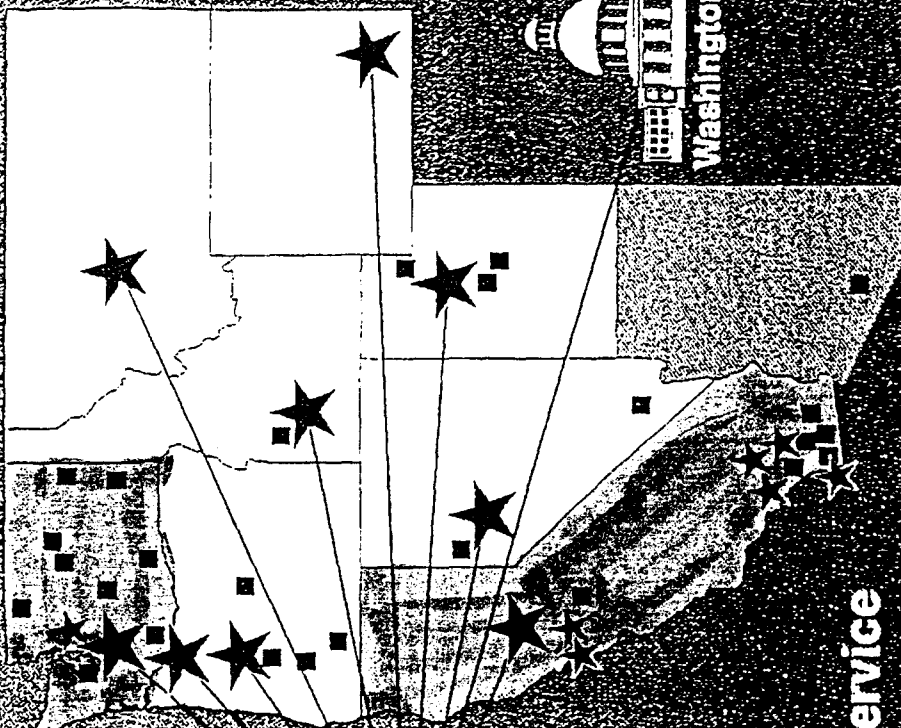


**Interface Members**

Alaska, California, Washington

**Federal Members**

U.S. Secret Service  
U.S. Postal Inspection Service  
U.S. Immigration & Naturalization Service





# WIN Out-of-State Tenprint Hits

December 1, 1991 - November 30, 1992

Thousands

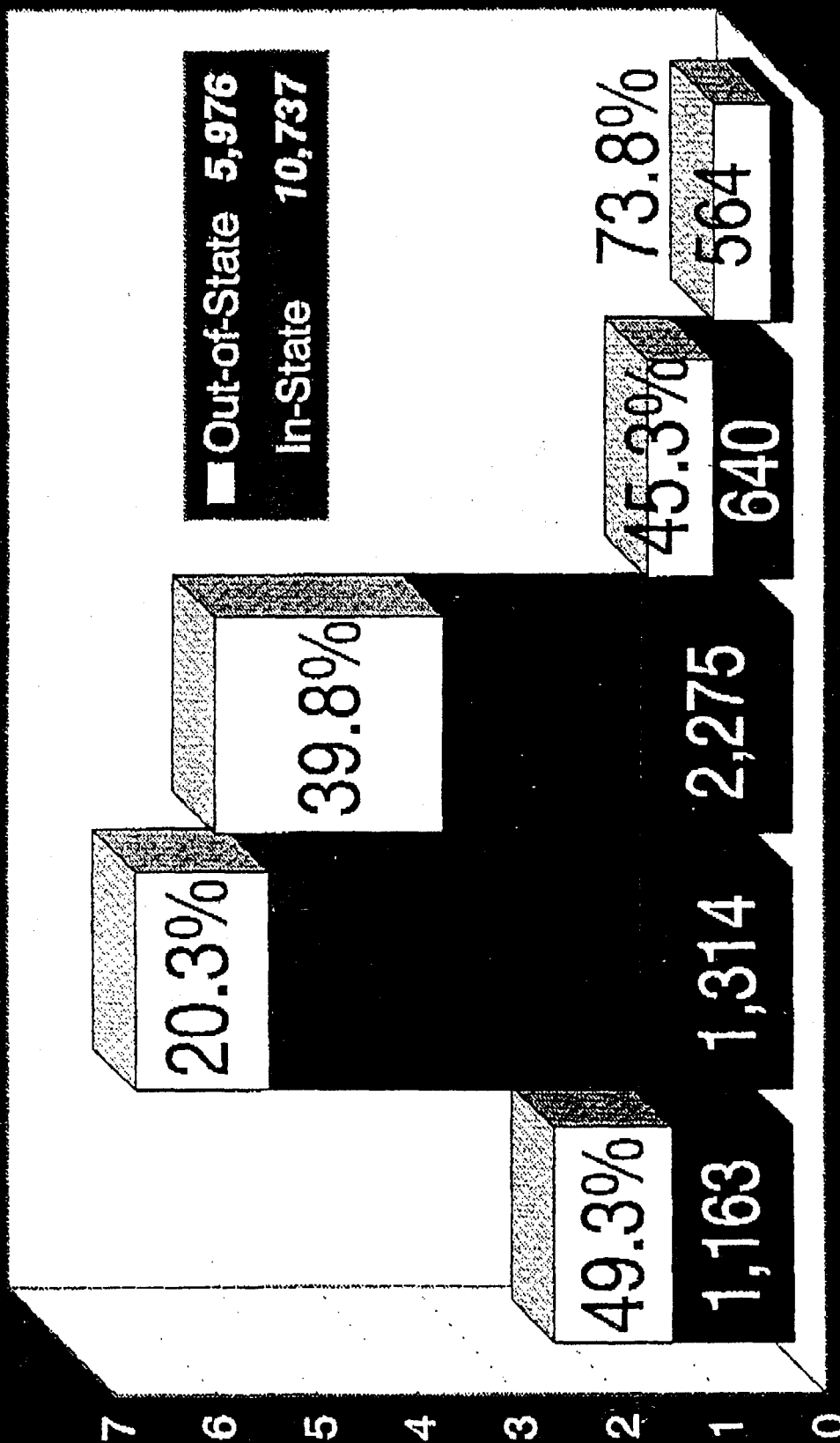


EXHIBIT 13

DATE 1/19/93

~~FBI~~



# Latent Identifications

Through November, 1992

Homicide

71

Rape/Kidnap

33

Drugs

103

Robbery

120

Burglary

1,092

Auto Theft

131

Other

427

TOTAL

1,977

# DEPARTMENT OF JUSTICE LAW ENFORCEMENT SERVICES DIVISION

FIRE PREVENTION AND  
INVESTIGATION BUREAU

10 FTES

CRIMINAL INVESTIGATIONS

NARCOTICS

8 FTES

13 FTES

CRIMINAL HISTORY  
RECORDS PROGRAM

8 FTES

- FIRE SAFETY INSPECTIONS

- CONDUCTS CRIMINAL AND DANGEROUS  
DRUG INVESTIGATIONS STATEWIDE IN  
THE SUPPORT OF LAW ENFORCEMENT  
AGENCIES

- STATE REPOSITORY FOR  
CRIMINAL HISTORY  
RECORD INFORMATION

- FIRE PREVENTION EDUCATION

- JURISDICTION CONCERNING OFFENSES  
INVOLVING ORGANIZED CRIMINAL  
ACTIVITY

- FINGERPRINT SEARCHES  
FOR IDENTIFICATION  
AND AUTOMATED FINGER-  
PRINT IDENTIFICATION  
SYSTEM (AFIS) LATENT  
COMPARISONS

- FIRE INCIDENT DATA  
COLLECTION AND REPORTING

- INVESTIGATES ALLEGED WORKER'S  
COMPENSATION FRAUD REFERRED BY  
STATE FUND

- CRIMINAL HISTORY RECORD  
CHECKS FOR LAW  
ENFORCEMENT AND  
APPLICANT PROCESSING

- FIRE EQUIPMENT DEALER  
LICENSING

- PROVIDES INSTRUCTION, SERVICES TO  
OTHER LAW ENFORCEMENT AGENCIES

- MISSING AND UNIDENTIFIED  
PERSONS CLEARINGHOUSE  
PROGRAM

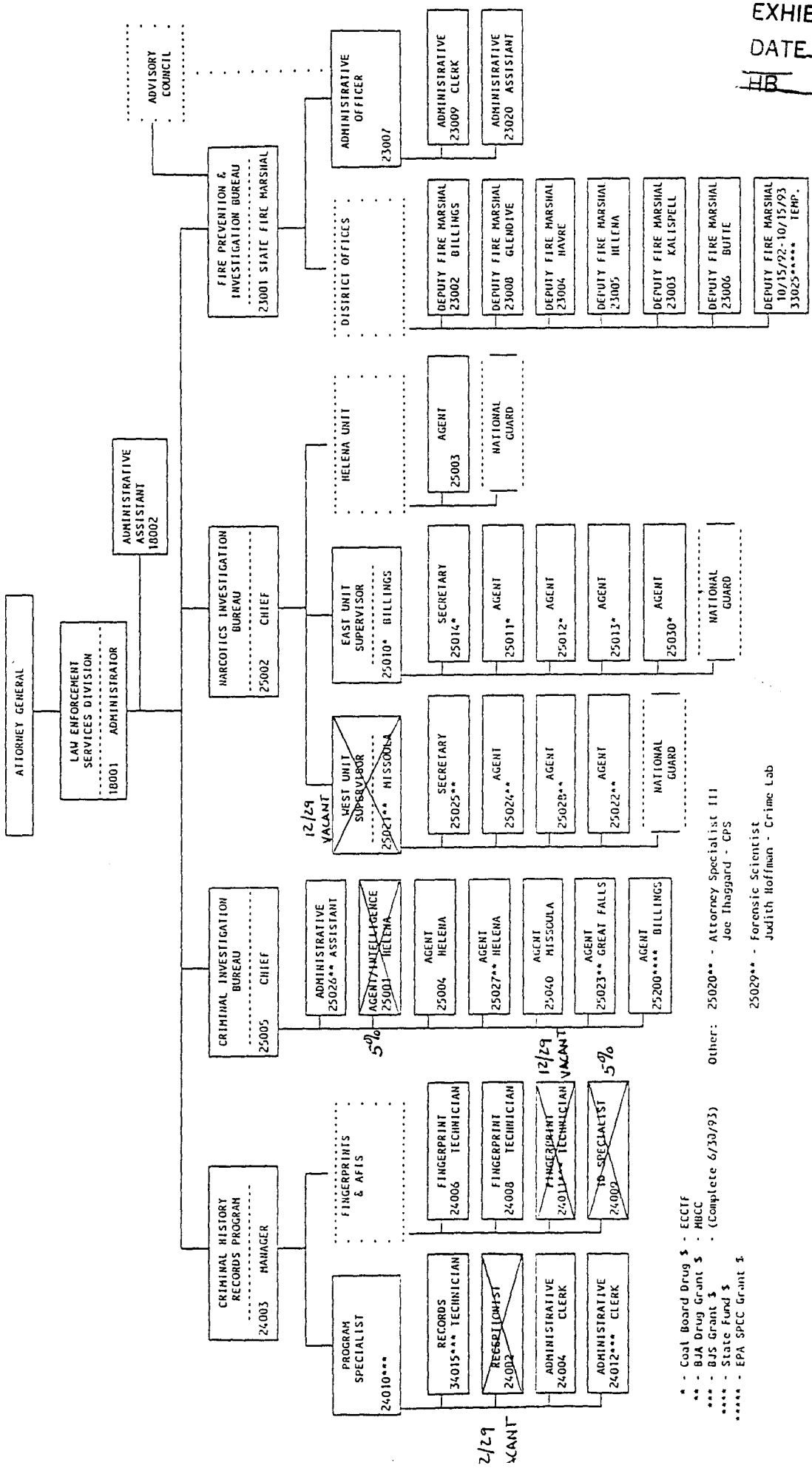
- FIRE INVESTIGATIONS

- SUPPORTS A STATEWIDE CRIMINAL  
INTELLIGENCE SYSTEM

- PROVIDES INSTRUCTION  
SERVICES TO LAW  
ENFORCEMENT AGENCIES

EXHIBIT 17  
DATE 1/19/93

EXHIBIT 14  
DATE 1/19/93  
HB           



- \* - Coal Board Drug \$ - ECCIF
- \*\* - BJA Drug Grant \$ - MUCC
- \*\*\* - BJS Grant \$ - (Comple
- \*\*\*\* - State Fund \$
- \*\*\*\*\* - EPA SPC Grant \$

## **Law Enforcement Services Division Mission**

**To provide essential public safety services that decreases the incidence of uncontrolled fire and fire-related deaths, readily identifies criminals through accurate, automated criminal record checks, resolves major crimes and eliminates the availability of illegal drugs resulting in improved security and quality of life for Montana's citizens.**

The Fire Prevention and Investigation Bureau assisted 444 agencies in the past year conducting inspections, investigations and providing technical assistance. Additionally, the Bureau collected approximately 17,000 fire incident reports from nearly 300 Montana fire departments.

The newly installed Automated Fingerprint Identification System, located in the Identification Bureau, (AFIS) has already assisted in solving one homicide case in Montana! The Bureau creates approximately 13,000 new fingerprint files per year and processes 95 fingerprint cards per day. 50 are entered daily into the AFIS and 20% are found to have criminal records.

The Criminal Investigation Bureau provided assistance to 235 local law enforcement agencies during the past year; 183 were dangerous drug investigations and the remaining 52 were general or internal investigations, involving thefts of State property, homicides and/or fraud.

DEPARTMENT OF JUSTICE  
1995 Biennium Budget Issues  
LAW ENFORCEMENT SERVICES DIVISION

18-Jan-93

EXHIBIT 16

DATE 1/19/93

HB

CURRENT LEVEL ISSUES:

-----FTE-----		-----COST-----	
FY94	FY95	FY94	FY95

Personal Services - Requested Increases:

1. Reinstate 5% cut of 2 criminal investigators. Necessary to respond to law enforcement agencies' requests for assistance. Both positions are filled.	2.00	2.00	\$74,885	\$74,885
2. Reinstate 3 vacant positions. Two fingerprint techs are essential to operation of the Automated Fingerprint Identification System. The 3rd FTE is a criminal invest. who was offered & accepted the job on 12/23/93.	3.00	3.00	\$95,500	\$95,500
3. Overtime - Drug investigators need the flexibility of overtime - no general fund.			\$9,000	\$11,000

Operations - Requested Increases:

1. Rent - Fire marshal deputies were moved out of their homes & into offices for accessibility & accountability. Also more criminal invest. were moved into field offices for better coverage.			\$23,000	\$23,000
2. Annualize misc. expenditure areas to allow for full year staffing...printing, data processing, gasoline, in-state per diem.			\$10,000	\$10,000
3. Operating costs for the three individuals maintaining the criminal history data base.			\$16,000	\$16,000

Equipment - No Issues

Funding - With exception of overtime, all increases would be from the general fund.

LAW ENFORCEMENT SERVICES DIVISION ~~ON~~ Cont.

MODIFICATIONS:	----FTE----		----COST----	
	FY94	FY95	FY94	FY95
1. Criminal History Information - These FTE are necessary to input and maintain the increased volume of criminal history info. sent from local law enforcement and the court system. This request does not include the \$16,000 of operating expenses eliminated from the current level base by LFA. Funding would be from the general fund.	3.00	3.00	\$101,388	\$101,388
2. Workmens Compensation Investigation - These positions were requested from the State Fund to deal with the growing caseload. Funding would come from works comp funds.	2.00	2.00	\$65,132	\$90,204
3. Automated Fingerprint Identification System - Funding for this system was inadvertently left out of the original budget request. Funding is from Federal funds and drug forfeiture money.			\$360,000	\$360,000
4. Statewide Intelligence System Grant - MT is in the process of applying for this rural state pilot grant. Inclusion of language in HB2 would allow the department to pursue funding through the budget amendment process if funding becomes available.			Unknown	Unknown

\*Assume adoption of LFA base plus 5% and vacant listing reductions.

4110 29 00000

DEPARTMENT OF JUSTICE  
Program Summary

Data Processing Division

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	24.00	15.00	23.00	24.00	(1.00)	23.00	24.00	(1.00)
Personal Services	636,634	420,359	768,490	801,464	(32,974)	770,050	803,057	(33,007)
Operating Expenses	375,921	399,502	416,952	416,543	409	424,136	423,250	886
Equipment	22,355	16,000	35,068	26,252	8,816	34,548	40,796	(6,248)
Debt Service	34,122	34,122	34,124	34,124	0	34,124	34,124	0
Total Costs	\$1,069,033	\$869,983	\$1,254,634	\$1,278,383	(\$23,749)	\$1,262,858	\$1,301,227	(\$38,369)
<b>Fund Sources</b>								
General Fund	819,868	609,582	936,634	960,383	(23,749)	932,858	971,227	(38,369)
State Revenue Fund	249,165	260,401	318,000	318,000	0	330,000	330,000	0
Total Funds	\$1,069,033	\$869,983	\$1,254,634	\$1,278,383	(\$23,749)	\$1,262,858	\$1,301,227	(\$38,369)

**Page References**

LFA Budget Analysis (Vol. I), A 110-111  
 Stephens Executive Budget, A50

**Current Level Differences**

5 PERCENT PERSONAL SERVICES REDUCTION—The Executive eliminated 1.0 FTE in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium current level budget. The position is included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended that the 5 percent reductions be permanently eliminated from the budget.

EQUIPMENT—The Executive Budget allows slightly more funding for equipment for the biennium than LFA current level.

**INFLATION DIFFERENCES****MINOR DIFFERENCES (NET)****TOTAL CURRENT LEVEL DIFFERENCES**

VACANT POSITIONS—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 2.0 FTE for this program that were vacant on December 11, 1992. Both positions are funded by general fund. The positions are shown on the attached position reduction listing.

**Budget Modifications**

None.

**Language**

None.

Exec. Over	(Under) LFA
Fiscal 1994	Fiscal 1995

(32,966) (32,999)

8,816 (6,248)

(6) (9)

407 887

(23,749) (38,369)

(63,484) (63,542)



John Matthews

EXHIBIT 18

DATE 1/19/93

~~HB~~

**Data Processing Division  
Budget Impact Summary**

**January 1993**

**Overview**

The Data Processing Division for the Department of Justice supports four major automated systems that are critical to two of the State's major functions, the collection and distribution of revenue and the protection of Montana citizens and property. Collectively these systems are the:

- Criminal Justice Information Network
- Criminal History Information
- Driver License/Driver History
- Vehicle Registration and Titling

The Criminal Justice Information Network (CJIN) is the state's law enforcement telecommunications network. This system interfaces with two national systems - the FBI's National Crime Information Center (NCIC) and the National Law Enforcement Telecommunications System (NLETS). There are currently over 100,000 participating law enforcement agencies on these inter-networks. Collectively, these systems provide each participating law enforcement agency with access to nationwide information concerning:

1. Wanted Persons
2. Stolen Property (Vehicles, Guns, Articles, Securities)
3. Missing & Unidentified Persons
4. Vehicle Registration & Driver License & history information from all 50 states and Canada.
5. Criminal History Record Information from all 50 states.
6. Hazardous Material Information
7. Electronic Massaging between agencies.
8. Aircraft Information

CJIN also plays an integral role in distributing information to county Disaster and Emergency Services (DES) coordinators for severe weather, flooding, national emergencies, and other warnings from the DES Division and the National Weather Service.

There are currently ninety-five law enforcement agencies in the State of Montana participating on the CJIN system. These agencies generate approximately 200,000 transactions monthly on this network. In addition to these in-state messages another 9,000 are received from out-of-state law enforcement agencies accessing Montana files.

Because of the critical nature of the file information and the importance law enforcement places on the system it is vital the system be operational twenty-four hours a day, seven days a week.

The criminal history record system is the states' central repository for criminal history records. These files maintain arrest and conviction information on individuals who have

**Data Processing Division  
Budget Impact Summary**

**January 1993**

committed crimes in Montana. The system also keeps track of any agency that has requested information about a particular crime as required by federal law. The information is collected by local, state and federal criminal justice agencies, sent to the state Identification Bureau for entry into the automated system and then made available to law enforcement agencies nationwide through CJIN.

The driver license/driver control system is a file of all individuals licensed to drive any vehicle in Montana and attached to that record any accident information or action taken against the driver because of violations of Montana driving laws. There are approximately 500,000 licensed drivers in the State of Montana and attached to these drivers are approximately 1.5 million records. The system is primarily used by the Motor Vehicle Division to meet state and federal requirements of licensing the motoring public and tracking of individual driver records to determine if a person may require some type of action because of driving violations.

Nineteen driver exam stations scattered throughout Montana are directly connected to the mainframe system in Helena to update information contained on the system and to check on a person's driving history before issuing or renewing their driver license. This information is also made available to law enforcement agencies nationwide through CJIN.

The Vehicle Registration and Titling system tracks information on over one million vehicles (cars, trucks, motorcycles, boats, snowmobiles, trailers etc.) currently registered in Montana. The information captured includes vehicle type and color, license plate type and number, owner name and address, lien information and fees collected in association with ownership.

This system is responsible for keeping track of the collection of over ten million dollars that flow into the state funds and all vehicle taxes collected and retained by the county to help fund local government.

This information is used by:

1. State and local governments depend heavily on this information for everything from statistics to formulating budgets.
2. Banks for lien information.
3. Auto dealers for sales information.
4. Law enforcement through CJIN.

The Vehicle Registration and Titling system is networked into the county Treasurers Office in all 56 counties and the Registrar's office in Deer Lodge. The file information is captured in all the locations and then stored on the computer in Helena.

**Data Processing Division  
Budget Impact Summary**

**January 1993**

All four major systems are tied together through a network of five mainframe computers and over 690 microcomputer/terminal devices located in more than 150 locations around the state of Montana. The Data Processing Division has the responsibility of supporting these critical systems by providing:

1. Daily management of the CJIN system
2. Operational support for the department computer hardware and networks.
3. Provide application programming support for the department's automated systems.

The CJIN section provides full program support to the criminal justice participants on the state law enforcement telecommunications system. This includes training over 1300 individuals with access to the system, approving new users to the network, and protecting the overall integrity of the data through an aggressive quality control and auditing program.

Approximately 70 percent of this program is funded through fees charged to user agencies.

It is the responsibility of the operations section to run the department's mainframe computer where these programs reside and to protect the state's interest in the million dollar plus investment. In addition the operations section install, sets up, and resolves problems for those using the equipment and provides various levels of support for the local area networks in use throughout the Department of Justice.

The responsibility for developing and providing programming support, both mainframe and microcomputers, for the systems rests with the departments D.P. applications section. This section is also responsible for determining the direction the department should go in utilizing new technology.

**Budget Considerations**

As part of its initiative to automate vehicle registration and title work at the county level, the 1991 Legislature funded six new positions within the Data Processing Division. One of these positions has been eliminated by the budget office as part of the required 5% savings -- a cut the division will not oppose. Moving much of the vehicle registration work down to the county level has allowed for a reduction of eleven positions at the Titling and Registration Bureau in Deer Lodge.

However, the action of the joint meeting of the House Appropriations and the Senate Finance and Claims committees to remove all positions that were vacant as of December 29, 1992, would reduce DP staff by two additional positions - representing

**Data Processing Division  
Budget Impact Summary**

**January 1993**

10% of the entire DP staff and almost 20% of the sections affected. Given that the number of counties served by division systems last year increased from 13 to 56, it would be virtually impossible to adequately maintain and support these important local county functions without adequate staff. If these additional positions are in fact lost, the Data Processing Division will be forced to cut back on the support of all Department of Justice systems.

In the department's budget request we had included funding for a new station wagon car for the data processing staff, but the LFA budget recommendation removes these funds. We are now using refurbished Highway Patrol cars which are difficult to transport equipment in and have in excess of 100,000 miles when they come to us. The D.P staff travels throughout the state providing training and discussing other support issues with local officials and has twice in the past year been stranded out of town with these cars.

If the funding for the car is not provided an addition of \$3,000 in the travel budget would allow the staff to get more reliable cars from the motor pool.

EXHIBIT 19  
DATE 1/19/93  
~~TIBS~~

**The Data Processing Division for the Department of Justice supports four major automated systems that are critical to two of the State's major functions, the collection and distribution of revenue and the protection of Montana citizens and property.**

- *Criminal Justice Information Network*
- *Criminal History Information*
- *Driver License/Driver History*
- *Vehicle Registration and Titling*

# CRIMINAL JUSTICE INFORMATION NETWORK

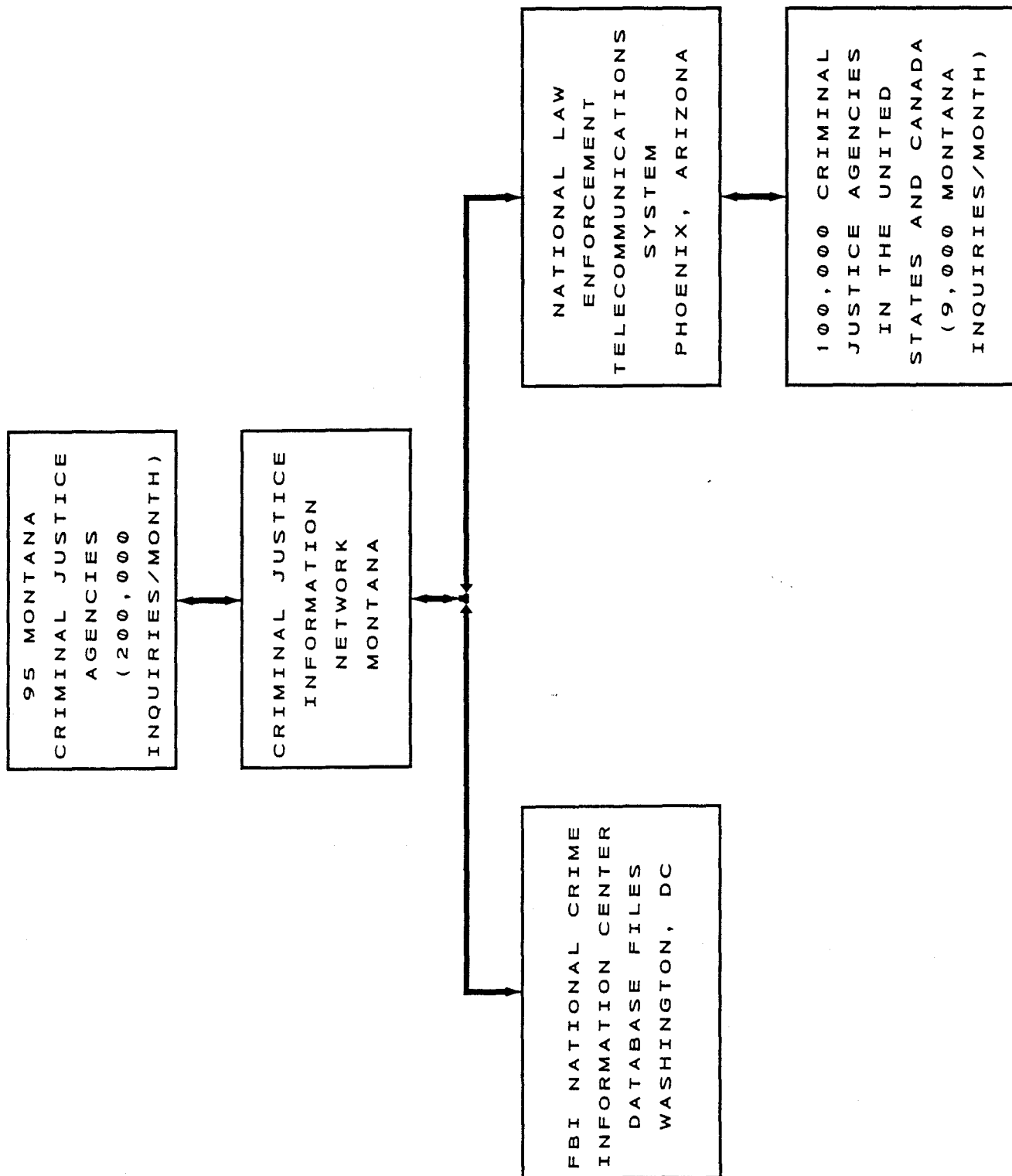


EXHIBIT 19  
DATE 1/19/93  
HB

## **CRIMINAL JUSTICE INFORMATION NETWORK (CJIN)**

**Montana**

**Files:**

**Drivers Licenses  
Registration Files  
Criminal History  
Wanted Person Files  
Stolen Vehicle Files**

EXHIBIT 19  
DATE 1/19/93  
FBI                     

**Primary Function: Message Switcher**

## **NATIONAL LAW ENFORCEMENT TELECOMMUNICATION SYSTEM (NLETS)**

**Accesses Other States and Canada:**

**Registration Files  
Driver License Files  
Criminal History Files  
Point to Point Electronic Mail**

**Primary Function: Nationwide Message Switcher**

## **NATIONAL CRIME INFORMATION CENTER (NCIC)**

**7 Person Files:**

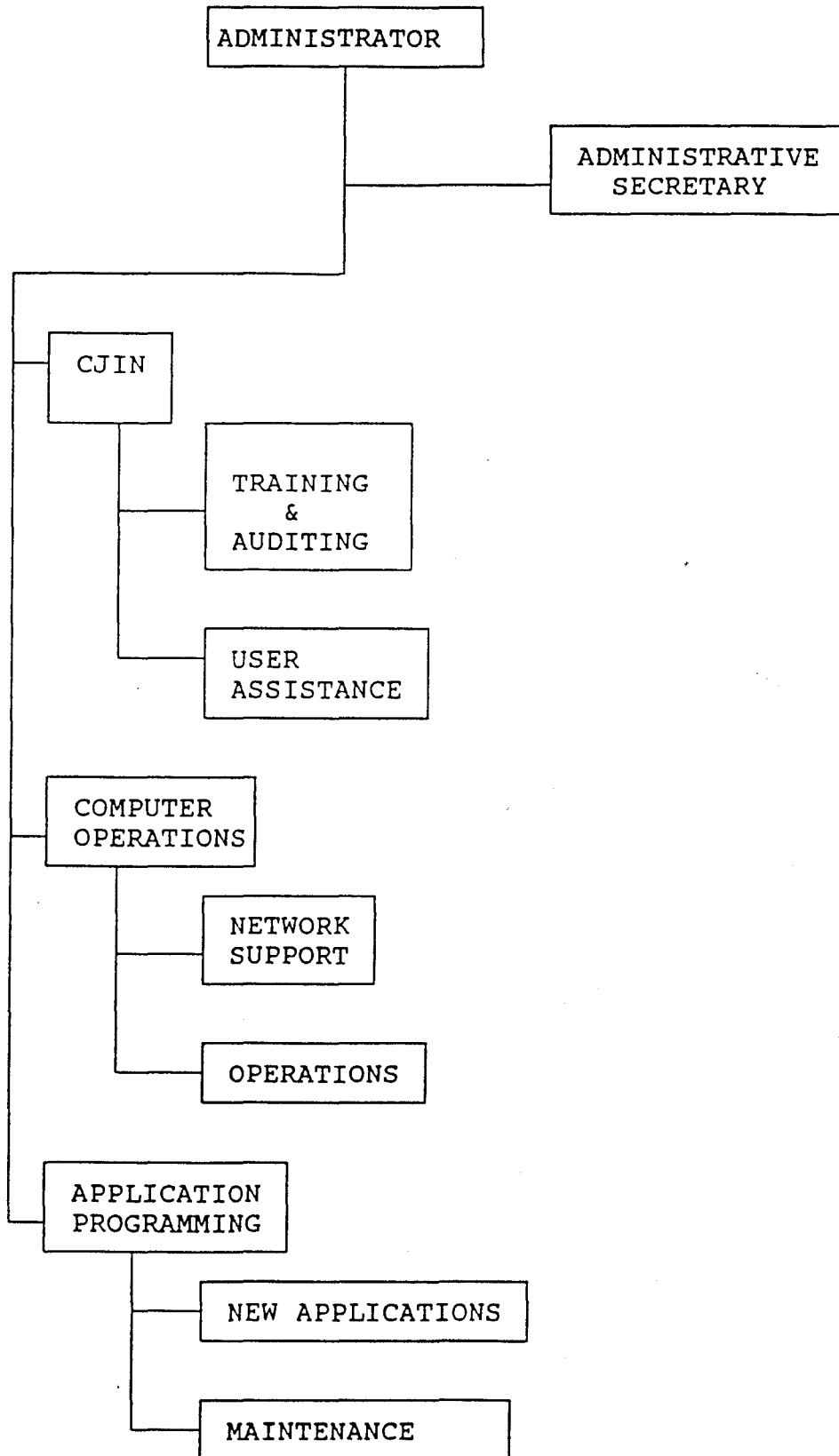
**Wanted Person  
Missing Person  
Unidentified Person  
Foreign Fugitive  
U.S. Secret Service  
Criminal History Index - III  
Violent Felon**

**6 Property Files:**

**Stolen & Felony Vehicles  
Stolen License Plates  
Stolen Articles  
Stolen Boats  
Stolen Securities  
Stolen & Recovered Guns**

**Primary Function: Nationwide File Cabinet of "Hot Files"**

DATA PROCESSING DIVISION





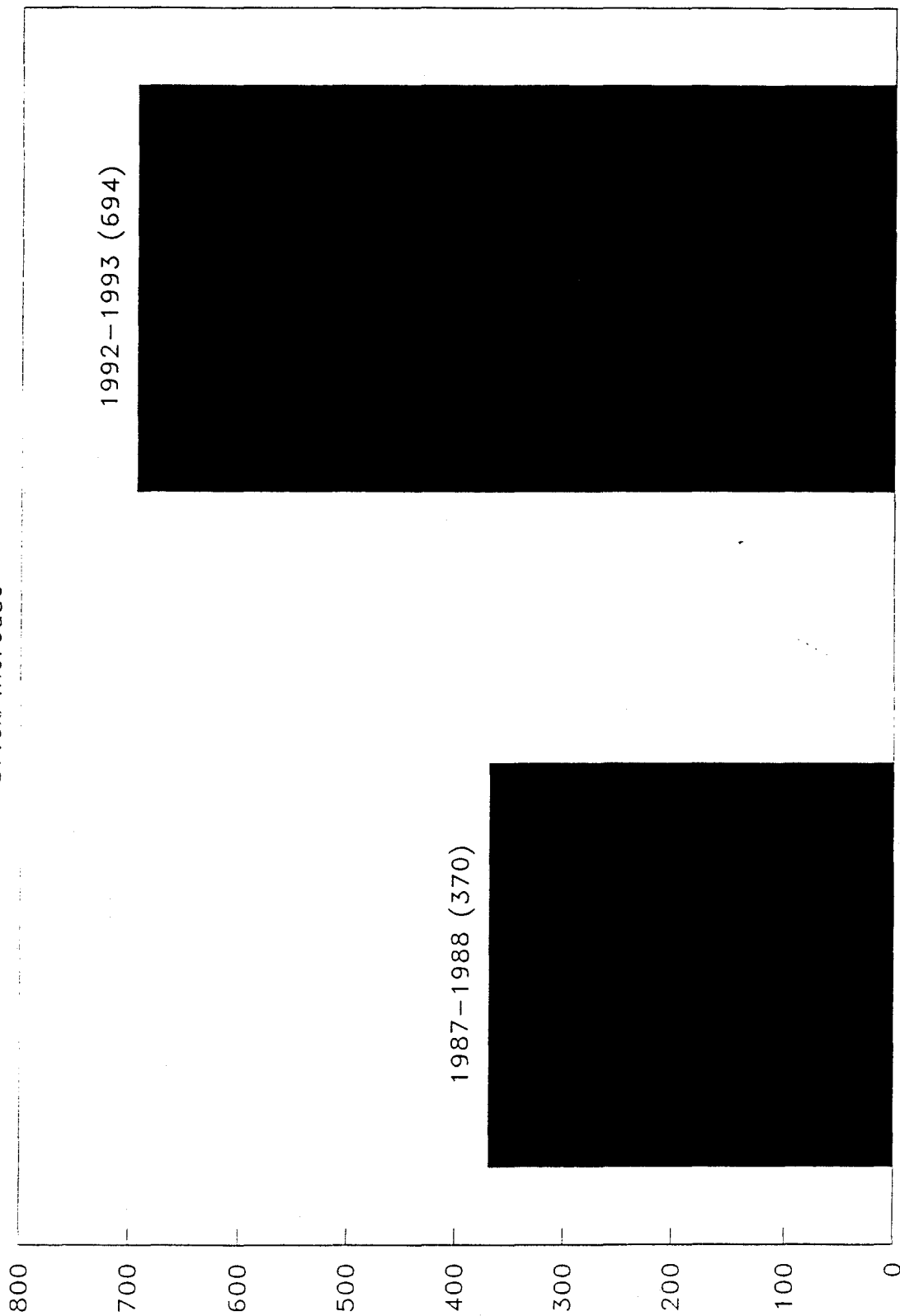
Department of Justice  
Major Network Areas

January 1993

<u>County</u>	<u>CJN</u>	<u>County</u>		<u>Total</u>
		<u>Treasurer</u>	<u>Driver Exam</u>	<u>Devices in County</u>
Beaverhead	1	1		4
Big Horn	1	1		4
Blaine	1	1		3
Broadwater	1	1		3
Carbon	1	1		4
Carter		1		2
Cascade	6	1	1	40
Chouteau	2	1		4
Custer	1	1	1	6
Daniels	1	1		3
Dawson	2	1	1	7
Deer Lodge	1	1		4
Fallon	1	1		3
Fergus	1	1	1	6
Flathead	4	1	1	23
Gallatin	5	1	1	24
Garfield	1	1		3
Glacier	2	1	1	6
Golden Valley		1		2
Granite	1	1		3
Hill	1	1	1	8
Jefferson	1	1		4
Judith Basin	1	1		3
Lake	2	1	1	9
Lewis & Clark	8	1	1	33
Liberty	1	1		3
Lincoln	3	1		9
Madison	1	1		4
McCone		1		2
Meagher	1	1		3
Mineral	1	1		3
Missoula	7	1	1	34
Musselshell	1	1		3
Park	1	1	1	6
Petroleum		1		2
Phillips	1	1		3
Pondera	1	1		3
Powder River	1	1		3
Powell	3	1	1	5
Prairie	1	1		3
Ravalli	1	1	1	9
Richland	1	1	1	6
Roosevelt	1	1		4
Rosebud	1	1		4
Sanders	1	1		4
Sheridan	1	1		3
Silver Bow	2	1	1	16
Stillwater	1	1		3
Sweet Grass	1	1		3
Teton	1	1		3
Toole	1	1		3
Treasure		1		2
Valley	1	1	1	5
Wheatland	1	1		3
Wibaux	1	1		3
Yellowstone	11	1	2	68
Total:	95	56	19	437

# Network Device Growth

87.6% Increase



Department of Justice

EXHIBIT 19  
DATE 1/19/93  
HB

# Programming Staff Assignment (10 FTEs)

Department of Justice

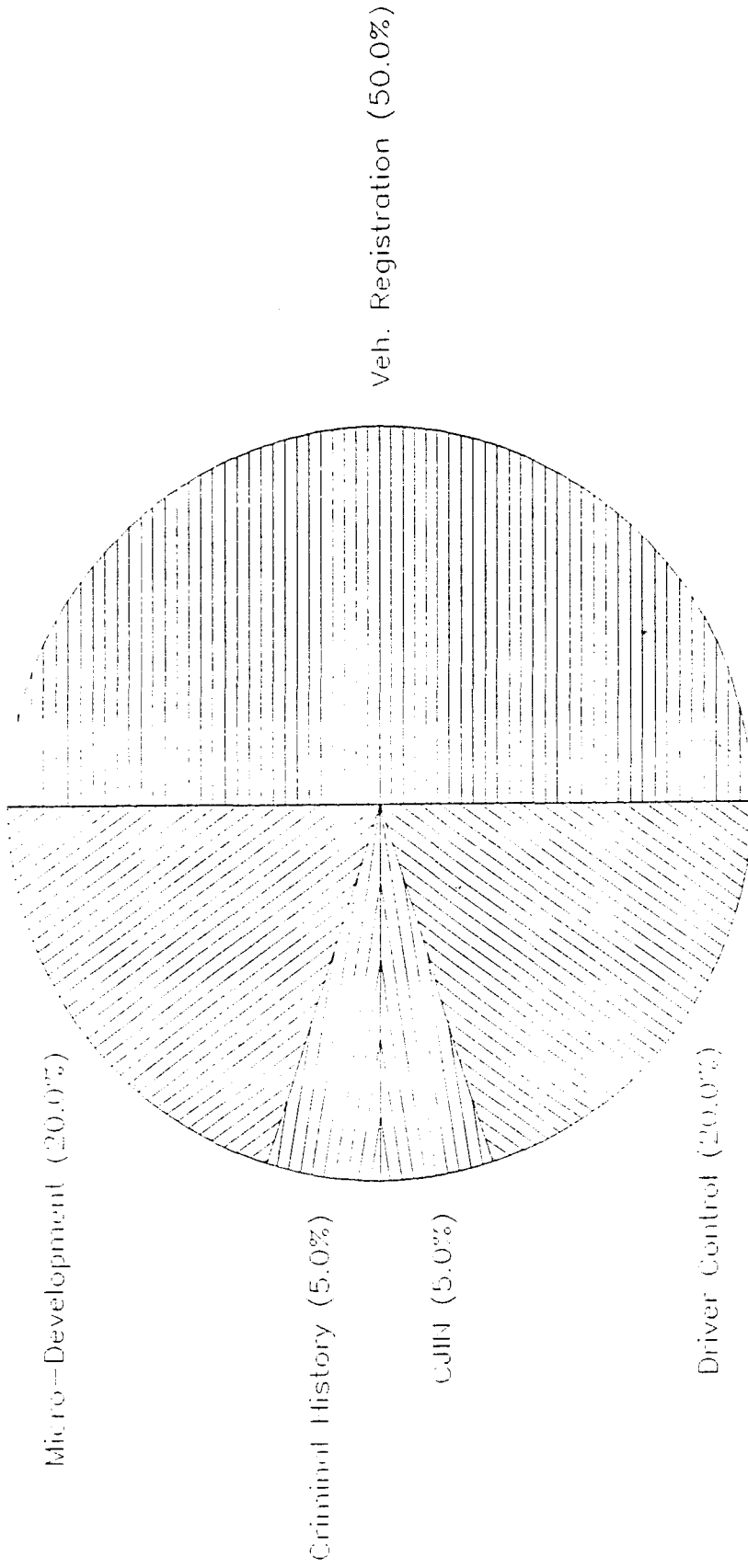


EXHIBIT 19  
DATE 1/19/93  
HB

```

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Pos 29000  
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Exempt] --> Sec[Secretary III  
POS 29003  
CC 201003  
GR 09]
    Sec --> AppSec[APPLICATION SECTION  
Data Processing Mgr III  
POS 29001  
CC 169176  
GR 17]
    Sec --> OpSec[OPERATION SECTION  
Info Sys Spec III  
POS 29021  
CC 020112  
GR 15]
    Sec --> CJS[CLJIN SECTION  
Program Spec II  
POS 29031  
CC 187113  
GR 13]
    
    AppSec --> DPM1[DP Manager II  
POS 29004  
CC 169175  
GR 16]
    AppSec --> SA[Systems Analyst  
POS 29007  
CC 012019  
GR 16]
    AppSec --> DPM2[DP Manager II  
POS 29009  
GR 16]
    
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POS 29008  
CC 020112  
GR 15]
    DPM1 --> IS2[Info Sys Spec III  
POS 29024  
CC 169179  
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GR 12]
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GR 12]
    
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POS 29014  
CC 213079  
GR 12]
    OpSec --> CNO3[Computer Network Oper  
POS 29023  
CC 213030  
GR 12]
    OpSec --> CNO4[Computer Network Oper  
POS 29025  
CC 213030  
GR 12]
    
    CJS --> TDS[Training Dev Spec I  
POS 29030  
CC 166008  
GR 12]
    CJS --> EUS[Emptr User Asst I  
POS 29032  
CC 213016  
GR 09]
  
```

●●Position eliminated by 5% cut.

EXHIBIT 119/93 19  
DATE 1/19/93  
1B 5x cut.

18-Jan-93

DEPARTMENT OF JUSTICE  
1995 Biennium Budget Issues  
DATA PROCESSING DIVISION

CURRENT LEVEL ISSUES:

	---FTE---		---COST---	
	FY94	FY95	FY94	FY95
Personal Services – Requested Increases:				
1. Reinstate 2 vacant positions – Necessary for the support of the Department's major computer sytems. One has been vacant since July for vacancy savings, the other became vacant end of November. (Note the 1.00 FTE cut by the 5% was not contested.)	2.00	2.00	\$63,500	\$63,500

Operations – No issues.

Equipment – Requested Increases:

1. Van in FY94 – Increased audits, computer assistance and training statewide requires ability to haul equipment.			\$14,500	
---	--	--	----------	--

Funding – General Fund.

\* Assumes adoption of LFA base plus 5% and vacant listing reductions.

4110 28 00000

## DEPARTMENT OF JUSTICE

## Central Services Division

## Program Summary

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	9.00	9.00	8.60	9.00	(0.40)	8.60	9.00	(0.40)
Personal Services	293,093	315,637	304,122	313,102	(8,980)	304,373	313,358	(8,985)
Operating Expenses	115,182	93,913	155,928	155,928	0	132,999	132,999	0
Equipment	<u>2,000</u>	<u>5,000</u>	<u>4,000</u>	<u>4,033</u>	<u>(33)</u>	<u>4,000</u>	<u>5,522</u>	<u>(1,522)</u>
Total Costs	\$410,275	\$414,550	\$464,050	\$473,063	(\$9,013)	\$441,372	\$451,879	(\$10,507)
<b>Fund Sources</b>								
General Fund	161,565	173,772	197,685	223,759	(26,074)	188,024	213,739	(25,715)
State Revenue Fund	234,060	224,145	247,803	238,897	8,906	235,693	228,199	7,494
Proprietary Fund	<u>14,650</u>	<u>16,633</u>	<u>18,562</u>	<u>10,407</u>	<u>8,155</u>	<u>17,655</u>	<u>9,941</u>	<u>7,714</u>
Total Funds	\$410,275	\$414,550	\$464,050	\$473,063	(\$9,013)	\$441,372	\$451,879	(\$10,507)

**Page References**

LFA Budget Analysis (Vol. I), A-109  
 Stephens Executive Budget, A49

**Current Level Differences**

**5 PERCENT PERSONAL SERVICES REDUCTION**—The Executive eliminated 0.4 FTE (administrative clerk) in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium current level budget. The position is included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended that the 5 percent reductions be permanently eliminated from the budget.

(8,980) (8,985)

**EQUIPMENT**—The LFA current level includes funding for a replacement computer printer that is not included in the Executive Budget.

0 (1,457)

**INFLATION DIFFERENCES**

(33) (65)

**TOTAL CURRENT LEVEL DIFFERENCES**

(9,013) (10,507)

**FIXED COST ADJUSTMENT**—By action of the House Appropriations Committee, the grounds maintenance fee charged to the Department of Justice has been adjusted and will be added to this program budget. No vote is required.

2,151 2,185

**Elected Official Budget Modifications**

**DRUG PREVENTION COORDINATOR**—This budget modification would continue funding for the Drug Prevention Education Coordinator position with general fund, currently being funded from a federal grant which ends June 1993. See LFA Vol. I, page A-93.

45,000 45,000

**RESTORE 5 PERCENT REDUCTION**—This attorney general modification would restore the 0.4 FTE deleted in the Executive Budget as part of the 5 percent personal services reduction. The position is included in LFA current level. See LFA Vol. I, page A-93

8,979 8,979

**Language**

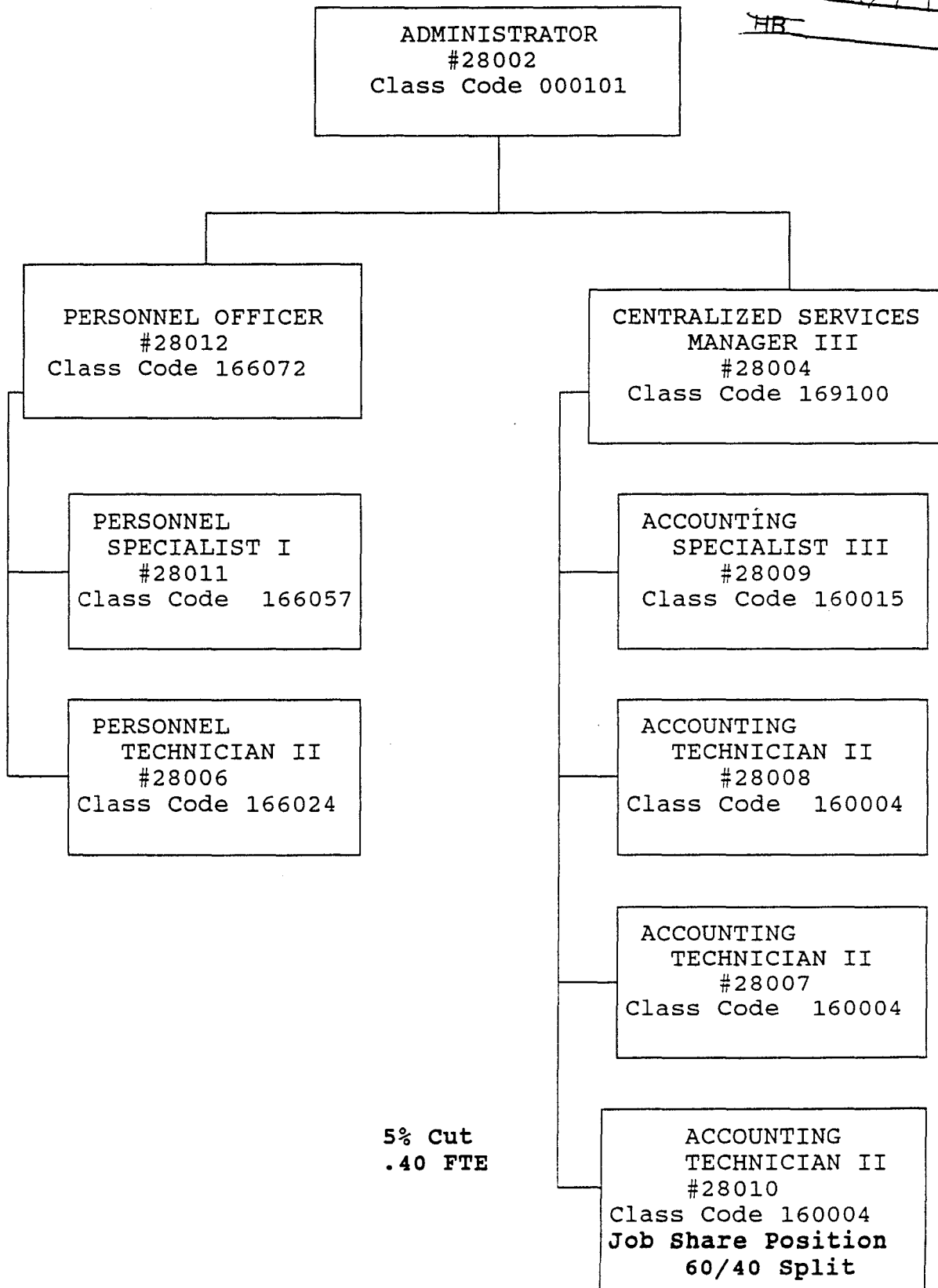
Note: Audit fees will be line-itemed in House Bill 2.

**FUNDING**—The program is funded by a direct allocation from the four major funds that support the Department of Justice in proportion to their total budgeted costs. After executive action has been taken on all other programs in the department, an adjustment to funding for this program will be proposed to the subcommittee based on total department funding.

1/93

DEPARTMENT OF JUSTICE  
CENTRAL SERVICES DIVISION

EXHIBIT 22  
DATE 1/19/93  
HB



Department of Justice  
Central Services Division

Janice May  
EXHIBIT 23

DATE 1/19/93

~~HB~~

January 14, 1993

Testimony for Appropriations Subcommittee

The Central Services Division provides support to all programs housed within the Department of Justice (in and outside of Helena) in the areas of fiscal, personnel and budget activities.

All fiscal activities of the department are dealt with here in Helena. Division staff review and pay all the bills associated with the Department's \$29 million annual budget. They process payroll for more than 600 individuals every two weeks, track contracts, perform reconciliations to the Statewide Budgeting and Accounting System and collect and disburse over \$40 million in revenue annually.

The division coordinates all personnel activities which range from recruitment, selection, classification reviews, disciplinary actions, training and if necessary, reduction in force.

The budgeting function encompasses coordination and preparation of the budget request, tracking legislative action, response to budget inquiries, and most importantly monitoring and projecting expenditures during the year to assure we stay within the appropriation and operate within legislative intent.

All this (fiscal, personnel, and budget) is done with a relatively small staff of 9.00 FTE.

The 5% personal service reduction targets a .40 FTE position which is currently filled. Judy job shares with another lady and works two days a week. Her responsibilities include all the fiscal activities for County Attorney payroll, Central Services and transportation of prisoners. She also collects and disburses all fees collected from users of the Criminal Justice Information Network.

Over the years, the volume of work for division staff has increased substantially, for example in 1989 when the gambling division was transferred from the Department of Commerce (36 FTE and \$32 million in receipts). Yet our staff has remained constant. To the credit of automation and staff dedication, we have managed this growing workload and continue to offer timely support to the department. Losing this .40 FTE would require reallocation of the workload to the rest of staff who already have a full workload. I urge you to reinstate this position.

Modification:

DARE Coordinator (Take it away Dennis!)



DEPARTMENT OF JUSTICE  
1995 Biennium Budget Issues  
CENTRAL SERVICES DIVISION

18-Jan-93

EXHIBIT 24  
DATE 1/19/93  
4B

CURRENT LEVEL ISSUES:

---FTE---  
FY94 FY95  
-----COST-----  
FY94 FY95

Personal Services – Requested Increases:

1. Reinstate 5% cut of .40 accounting clerk. Position is filled.	.40	.40	\$8,979	\$8,979
---	-----	-----	---------	---------

Operations – No issues.

Equipment – No Issues.

Funding – 45% General Fund.

COUNTY ATTORNEY PAYROLL

CURRENT LEVEL ISSUES:

---FTE---  
FY94 FY95  
-----COST-----  
FY94 FY95

Personal Services – Requested Increases:

1. Reinstate 5% cut of 1.10 FTE (3 part time county attorneys.)	1.10	1.10	\$69,500	\$69,500
--	------	------	----------	----------

2. If supplemental is to be avoided during the 1995 biennium, consideration should be given to increasing level of full time county attorneys.
---

Funding – General Fund.

EXTRADITION AND TRANSPORTATION OF PRISONER

CURRENT LEVEL ISSUES:

---FTE---  
FY94 FY95  
-----COST-----  
FY94 FY95

Operations – Requested Increases:

1. The 3% annual increase will likely be insufficient when considering the historical trend. To avoid a supplemental, a larger increase should be considered.
--

\* Assumes adoption of LFA base plus 5% and vacant listing reductions.

4110 19 00000 DEPARTMENT OF JUSTICE Program Summary								
County Attorney Payroll								
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	19.50	19.50	18.40	20.40	(2.00)	18.40	20.40	(2.00)
Personal Services	<u>1,143,175</u>	<u>1,247,224</u>	<u>1,166,232</u>	<u>1,314,476</u>	<u>(148,244)</u>	<u>1,167,285</u>	<u>1,350,492</u>	<u>(183,207)</u>
Total Costs	\$1,143,175	\$1,247,224	\$1,166,232	\$1,314,476	(\$148,244)	\$1,167,285	\$1,350,492	(\$183,207)
<u>Fund Sources</u>								
General Fund	<u>1,143,175</u>	<u>1,247,224</u>	<u>1,166,232</u>	<u>1,314,476</u>	<u>(148,244)</u>	<u>1,167,285</u>	<u>1,350,492</u>	<u>(183,207)</u>
Total Funds	\$1,143,175	\$1,247,224	\$1,166,232	\$1,314,476	(\$148,244)	\$1,167,285	\$1,350,492	(\$183,207)

Page References

LFA Budget Analysis (Vol. I), A 106-107  
 Stephens Executive Budget, A48  
 Racicot Executive Budget, 23

Current Level Differences

5 PERCENT PERSONAL SERVICES REDUCTION—The Executive eliminated 1.1 FTE in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium current level budget. The FTE eliminated are elected county attorneys, as follows:

- 0.5 FTE—Silver Bow County
- 0.5 FTE—Cascade County
- 0.1 FTE—Petroleum County

The positions are included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommend the 5 percent reductions be permanently eliminated from the budget.

ADDITIONAL COUNTY ATTORNEYS, 0.9 FTE—The LFA current level added 0.9 FTE and funding to reflect the actual portion of county attorney positions being paid with state funds as of the beginning of fiscal 1993. The Executive Budget does not provide additional FTE or funding for the four positions that have gone from part-time to full-time in the 1993 biennium.

COST-OF-LIVING INCREASES, COUNTY ATTORNEY PAYROLL—The LFA current level provides funding for a statutorily authorized annual cost-of-living increase for county attorneys. The funding assumes two-thirds of the counties will provide the increase as occurred in the 1993 biennium. The Executive Budget does not provide funding for the increase.

TOTAL CURRENT LEVEL DIFFERENCES

VACANT POSITION—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 0.25 FTE for this program that was vacant on December 11, 1992. The position is for the part-time county attorney in Golden Valley/Musselshell Counties, and is shown on the attached position reduction listing.

Budget Modification

RESTORE 5 PERCENT REDUCTION—This budget modification would restore 1.1 FTE deleted in the Executive Budget as part of the 5 percent personal services reduction. The positions are elected officials and payment of the state portion of their salaries is required by statute. The positions are included in LFA current level, and are shown on the attached position reduction listing.

Note: This budget modification is not part of the Executive Budget. It was included in the Stephens Executive Budget but was removed in the Racicot Executive Budget.

Issue

SUPPLEMENTALS— This program has required supplementals in the last three bienniums, including the 1993 biennium. It has generally been funded at the current level base amount, with no provision for increases that are provided for in statute at the discretion of counties, including cost-of-living increases, adjustments from part-time to full-time county attorneys, and other benefits.

Exec. Over (Under) LFA  
 Fiscal 1994 Fiscal 1995

(69,438) (69,497)

(43,237) (43,364)

(35,569) (70,346)

(148,244) (183,207)

(18,894) (18,961)

69,438 69,497

EXHIBIT 25

DATE 1/19/9

HB

LFA current level for the 1995 biennium provides funding for cost-of-living increases at the same level as exercised by the counties in fiscal 1992 (two-thirds of the counties authorized the increase). There is no provision in LFA current level for other potential increases, including changes from part-time to full-time positions, increased health insurance reimbursement claims, or other statutorily authorized increases that counties might exercise.

Department of Justice  
County Attorney Payroll

Testimony for Appropriations Subcommittee

Montana law requires one-half of county attorney salaries to be paid from the general fund. The Central Services Division administers this statute. Counties with a population in excess of 33,000 must employ a full time county attorney. Seven counties fall into this category. The remaining counties can choose whether to hire a full time or part time county attorney.

Between 1979 and 1992, 17 counties have opted for full time county attorneys...approximately two to three counties each year. In FY92, four counties changed the status of their county attorney from part to full time.

It is this movement from part time to full time that has helped keep this program on the supplemental chart every session. Vacancy savings and ignoring or underestimating cost of living adjustments are the other reasons. Understandably, the legislature has hesitated to fund this program beyond the known FTE level even though history confirms the movement toward more full time county attorneys.

The budget offered by the LFA departs from the past methodology of underfunding and attempts to fully fund this program at the known FTE level. The LFA adjusts for the four counties which opted for full time status in FY92 plus includes a cost of living adjustment for the 1995 biennium.

The LFA budget does not, however, include any projected movement to full time. If history repeats itself, there will be additional full time county attorneys during the 1995 biennium. If a supplemental is to be avoided next session, the likelihood of this happening needs to be acknowledged and included in the budget.

The Executive recommendation deletes 1.10 county attorneys (three different positions) as a 5% reduction. We cannot discontinue payment to a county attorney and ask that you reinstate the 1.10 FTE.

History:

<u>Fiscal Year</u>	<u>Budget</u>	<u>Expenditures</u>	<u>Supplemental</u>
FY88	924,317	940,861	16,544
FY89	937,463	960,009	(22,546)
FY90	977,179	1,012,137	(34,958)
FY91	1,003,551	1,045,551	(42,000)
FY92	1,143,773	1,238,176	(94,403)
FY93	1,342,224	1,280,000	62,224

4110 30 00000

## DEPARTMENT OF JUSTICE

## Program Summary

## Extradition &amp; Transp Prisoners

~~TIB~~

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenses	<u>152,647</u>	<u>78,640</u>	<u>223,945</u>	<u>223,945</u>	<u>0</u>	<u>230,720</u>	<u>230,720</u>	<u>0</u>
Total Costs	\$152,647	\$78,640	\$223,945	\$223,945	\$0	\$230,720	\$230,720	\$0
<u>Fund Sources</u>								
General Fund	<u>152,647</u>	<u>78,640</u>	<u>223,945</u>	<u>223,945</u>	<u>0</u>	<u>230,720</u>	<u>230,720</u>	<u>0</u>
Total Funds	\$152,647	\$78,640	\$223,945	\$223,945	\$0	\$230,720	\$230,720	\$0

Page References

LFA Budget Analysis (Vol. I), A-112  
 Stephens Executive Budget, A50

Current Level Differences

None.

Budget Modifications

None.

Issue

SUPPLEMENTALS—This program has required a supplemental appropriation in each of the last two bienniums, including a \$100,000 supplemental in fiscal 1991. Expenditures for the program have increased 47 percent in the last 4 years. See the discussion on page A-90, LFA Vol. I.

Exec. Over(Under) LFA  
Fiscal 1994 Fiscal 1995

Department of Justice  
Extradition and Transportation of Prisoners

Testimony for Appropriations Subcommittee

The Central Services Division also administers the Extradition and Transportation of Prisoners. State law requires the Attorney General to reimburse mileage and expenses to sheriffs for the delivery of prisoners and mentally ill persons to Montana detention centers and state mental health facilities.

State law further requires the Attorney General to pay the expenses associated with bringing fugitives back to the state. Of the \$200,000+ annual budget, approximately 80% of expenditures are related to extraditions. In FY92 there were \_\_\_\_\_ extraditions costing an average of \$\_\_\_\_\_.

In both cases, we have very little ability to manage the expenses of this program and end up little more than a bill payor. Expenses for this program have grown steadily over the years. In FY88, annual expenses were \$147,000. This year's expenses are projected to approach \$229,000.....a 56% increase in six years! An average annual increase of 9%.

<u>Fiscal Year</u>	<u>Budget</u>	<u>Expenditures</u>	<u>Supplemental</u>	<u>% Inc.</u>
FY88	147,321	146,855		
FY89	147,337	187,198	(38,861)	28.00%
FY90	146,869	191,751	(44,882)	.43%
FY91	146,875	195,151	(48,276)	2.77%
FY92	143,648*	217,648	(74,000)	11.53%
FY93	143,640*	228,500	(84,860)	5.22%

\*Reduced by \$50,000 during Special Session.

There are many reasons for this increase.

1. 80% of expenditures are for extraditions and airplane travel is usually necessary. Airfare costs are very expensive as we rarely get the "deals" due to the immediacy of the travel needs. It is not unusual for an extradition to cost \$3000-\$4000.
2. Airlines do not like convicts on their planes. Though they cannot deny passage, they can and often do require two guards.

3. Out of state lodging costs are extremely high as are meals.
4. In-state lodging, per diem and gas is also costing more and more each year.
5. And finally, the volume of crime continues to rise.

*get example*  
The Governor's Office houses the Extradition Secretary who decides when and when not to approve extraditions. To date, few extraditions have been denied. We hope to work with the new Governor to adopt a more restrictive view of extraditions. At times, the cost of extradition may not be in line with the severity of the crime.....~~we would question spending \$2,000 to extradite a Montana shoplifter from Florida?~~

The Department of Justice is continually working with the counties to find more efficient ways to transport prisoners and will continue to do so.

The recommended budget for the 1995 biennium includes a 3% inflationary increase. This is not in line with the average annual increase of 9%. In past years, the legislature has acknowledged the difficulty in projecting these costs and the impossibility of controlling them. Appropriations have literally been held constant at the \$147,000 level and each year expenditures have exceeded the appropriation and the supplementals requested have surprised no one. This process has been agreeable to DOJ until now when we are hit with the possibility that the supplemental request of \$150,000 for this biennium may have to be absorbed by the Department. I must encourage you to consider establishing a more realistic base for this program or at least hold the Department harmless from managing a potential supplemental at the expense of reducing other Justice programs.

HOUSE OF REPRESENTATIVES  
VISITOR REGISTER

GEN. GOV. & HWYS. SUBCOMMITTEE DATE 1/19/93  
DEPARTMENT(S) Dept of Justice DIVISION

PLEASE PRINT

PLEASE PRINT

NAME	REPRESENTING	
Joe MAZUREK	ATTORNEY GEN'L	
JOHN MATHEWS	Justice	
BRUCE SUEW RAM	Justice	
Dean Roberts	Justice, MVD	
Janet Jessup	Justice	
Chris Tweeten	Justice	
JUDY BECK	JUSTICE	
TOM ADAMO	JUSTICE	
Jim HUTCHISON	JUSTICE	
MARVIN DYE	JUSTICE	
Janice May	"	
DENNIS M. TAYLOR	JUSTICE	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT  
FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.