

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

JOINT SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By CHAIRMAN MARJORIE I. FISHER, on January 19, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Marjorie I. Fisher, Chairman (R)
Sen. Larry J. Tveit, Vice Chairman (R)
Sen. Gary C. Aklestad (R)
Rep. William T. "Red" Menahan (D)
Rep. Steve Vick (R)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Lorene Thorson, Legislative Fiscal Analyst
Shirley Benson, Office of Budget & Program Planning
John Patrick, Office of Budget & Program Planning
Brandee Decrevel, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: Department of Justice
- Forensic Science Department

{Tape: 1; Side: A; Approx. Counter: 1}

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE FORENSIC SCIENCE DEPARTMENT

Motion/Vote: SEN. GARY AKLESTAD MOVED TO ACCEPT THE 1994 BASE BUDGET FOR THE FORENSIC SCIENCE DIVISION. The motion carried unanimously.

Discussion

Lorene Thorson, LFA, told the committee the present law adjustments for this division are the statewide issues. The personal services is a net result of vacancy savings, salary

increases, termination pay, and increases in longevity benefits and insurance. The other items include supplies, rent, equipment, installment purchases, and miscellaneous operating expenses. Item #5 is the rent amount. She said these figures will adjust down slightly. The prior rent amount was \$103,000 annually, this year it will be \$58,672 and the Department is requesting that the difference be used for the ventilation system. Equipment will be a reduction of \$34,881 in FY96 and \$37,281 in FY97. There are additional reductions for installment purchases and miscellaneous operating expenses. The present law adjustments will be \$75,064 in FY96 and \$85,001 in FY97.

Motion/Vote: SEN. MIGNON WATERMAN MOVED TO ACCEPT THE STATEWIDE PRESENT LAW ADJUSTMENTS. The motion carried with all members in favor.

Motion: SEN. WATERMAN MOVED TO ACCEPT THE OTHER EXECUTIVE PRESENT LAW ADJUSTMENTS.

Discussion:

REP. STEVE VICK asked if they were going to put in the new ventilation system if the division is going to stay at the same location for more than two years.

Dennis Taylor, Department of Justice, told the committee that they will be in the same location for at least another four years.

SEN. VICK asked if the people who are currently working at the lab prefer that it stay in Missoula.

Mr. Taylor told the committee that the forensic scientists are very interested in maintaining their relationships in Missoula and have reservations about moving this particular component of the department. The employees they have are very hard to replace.

SEN. LARRY TVEIT asked if there is going to be an increase in rent in Missoula and a decrease in Helena.

Mr. Taylor said that the original rent was broken into two categories: one was for the actual rent of the space and the other was to pay for remodeling costs. St. Patrick's Hospital told the division that there would be a rent increase after the 10-year lease agreement was up. The increase will only be in rent.

SEN. AKLESTAD asked if there is anything in the rental agreement that pertains to their obligation to the lab.

Mr. Taylor told the committee that the current lease agreement includes all the utilities. St. Patrick's Hospital has a problem with making improvements in the air conditioning for the entire building, because it is cost prohibitive. The cooling required

by the lab isn't necessary on the other five floors of the building, only on the sixth floor where the lab is located.

SEN. AKLESTAD asked how many pieces of equipment need temperature control.

JanDee May, Department of Justice, told the committee that there are nine pieces of equipment that create heat and need to be cooled. It is also really hard on the staff to work in the heat.

Vote: The motion carried with all members in favor.

Discussion:

Lorene Thorson, LFA, told the committee that the New Equipment Executive Budget New Proposal is general fund of \$9,300 in FY96 and \$2,170 in FY97.

Motion/Vote: **SEN. WATERMAN MOVED TO ACCEPT THE EXECUTIVE BUDGET NEW PROPOSAL NEW EQUIPMENT.** The motion failed 3 to 3 with **SEN. WATERMAN, REP. MENAHAN** and **CHAIRMAN FISHER** voting yes.

Discussion:

Lorene Thorson told the committee that Item #2, the funding switch, replaces earmarked alcohol tax state special revenue funds with general fund. The LFA's recommendation was to have the committee address this when they hear the Department of Corrections later in the day. The committee decided to wait on the funding switch until Department of Corrections is heard.

Ms. Thorson said that the Legislative Contract Authority would provide \$40,000 each year without the need to request budget amendments. (Budget book, page D-34) The Forensic Science Division has not requested a great deal of budget amendments.

{Tape: 1; Side: B; Approx. Counter: 755}

Motion/Vote: **SEN. WATERMAN MOVED TO ACCEPT THE LEGISLATIVE CONTRACT AUTHORITY WITH ADDED LANGUAGE.** The motion carried 4-2 with **SEN. AKLESTAD** and **SEN. TVEIT** voting no.

Discussion:

Ms. Thorson told the committee that the personal services reduction would reduce personal services by \$48,000 each fiscal year.

Motion/Vote: **SEN. AKLESTAD MOVED TO ACCEPT THE PERSONAL SERVICES REDUCTION.** The motion carried with **SEN. WATERMAN** and **REP. RED MENAHAN** voting no.

Discussion: **Ms. Thorson** told the committee that there is a bill being considered this session to deal with earmarked funds and to

eliminate some statutory appropriations. The intent of this is to give the legislature a better handle on these funds. The agencies will then get a general fund appropriation for the earmarked funds. The LFA recommends the committee not add the language requested in the Executive Budget until the bill passes and then statutory appropriations and earmarked funds will be dealt with uniformly for all agencies.

The committee decided to wait until the bill is passed to take any action on adding in some contingency language.

Ms. Thorson told the committee that there are two Elected Official New Proposals. The first one is for a .5 FTE for a Forensic Scientist. The division is having a hard time recruiting because they only have a half-time position and need to add on another 0.5 FTE to find someone. The second one is the training assignment of the forensic scientist that has been in a training assignment of the firearms and tool marks and this would take him out of the training salary and into the regular salary.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT ITEM #2 THE TRAINING ASSIGNMENT OF THE FORENSIC SCIENTIST. The motion failed with SEN. AKLESTAD, REP. VICK and SEN. TVEIT voting no.

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ACADEMY

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE 1994 BASE BUDGET FOR THE LAW ENFORCEMENT ACADEMY. The motion carried.

Discussion

Ms. Thorson told the committee that contracted services is a result of the increase in cafeteria rates and also in raising the fee that is paid to special trainers from \$10 to \$12 in FY96 and \$12.50 in FY97. Rent stays the same in FY96, and would give them some additional space. In the last legislative session the committee gave them some additional money to rent additional classrooms; this is needed until the academy finds out where it is going to be moved and this will take 2 to 3 years. They are proposing a reduction in the FY97 adjustment from \$65,870 down to \$36,850. Miscellaneous adjustments are for supplies and materials, repair and maintenance, equipment, and installment purchases.

Questions, Answers and Discussion:

SEN. AKLESTAD asked if the \$65,000 in the rent proposal is above and beyond the original rental agreement and wondered what the total rent was in FY94 and FY95.

JanDee May told the committee that in last session, Gallatin County had proposed to build an additional building on-site that

they would use for their needs and they would rent to the Justice Department increased space for the academy. This will help to repair the decaying facility they already have. This is what they need to keep the facility running until the academy is moved. This is not an increase from the budget this year, it is a decrease.

SEN. AKLESTAD asked what the obligation is on the rental agreement. The space that is needed, what does it end up being per square foot, and how much does it cost for each individual that is run through the academy.

JanDee May told the committee that they own the building with the exception of renting the bank basement and the mobile home.

SEN. WATERMAN asked what costs the local governments pay for the training, and does this cover all the costs of the program?

Mr. Taylor told the committee that they charge primarily for the cost of sweatshirts, T-shirts and meals. They come into a pre-service program. The tuition is about \$2,000 for the 10-week course. When they went to the pre-service component this helped reduce the cost to local government. This allowed the academy to offer one more basic class.

{Tape: 2; Side: A; Approx. Counter: 1}

Motion/Vote: **SEN. WATERMAN MOVED TO ACCEPT THE STATEWIDE PRESENT LAW ADJUSTMENTS.** The motion carried unanimously.

Motion: **SEN. WATERMAN MOVED TO ACCEPT #4, CONTRACTED SERVICES.**

Discussion

CHAIRMAN FISHER told the committee that this is the money that MSU is going to charge more for the food.

SEN. WATERMAN told the committee that this is the meals that MSU provides.

CHAIRMAN FISHER told the committee that this will be offset with more tuition.

Vote: The motion carried unanimously.

Motion/Vote: **SEN. WATERMAN MOVED TO ACCEPT THE RENT INCREASE.**

Discussion

REP. VICK asked if the state pays any rent to Gallatin County for the space that is rented by them. **JanDee May** told the committee that they pay \$1 per year.

REP. VICK asked why the repairs are listed as rent.

JanDee May told the committee that it is easier to explain by putting it all on one line.

SEN. AKLESTAD asked what the resale would be of the academy buildings.

Dennis Taylor, Department of Justice, told the committee that the complex, if they where to move to another location, the Gallatin County Commissioners and the Gallatin County sheriff's department have indicated strong interest to work out a relationship with the state if they should move, so that they could convert the facilities into a pre-release center or some other local community correction center. The value is unknown, but there are people who are interested in the facility.

Vote: The motion carried unanimously.

Motion/Vote: **SEN. WATERMAN** MOVED TO ACCEPT THE MISCELLANEOUS ADJUSTMENTS PROPOSAL. The motion carried with **SEN. AKLESTAD** voting no.

Discussion

Lorene Thorson, LFA, told the committee that in the executive budget includes funding of \$80,000 in federal grants each year and the department has testified that they have looked into the federal crime bill and it does not look like there is money available for the Division's purpose in the crime bill. This language would provide general fund appropriation if there are not federal funds available.

John Patrick, OBPP, told the committee that the executive budget was developed with some basic information about the crime bill, but is not going into any detail. The language is really important.

Motion/Vote: **SEN. WATERMAN** MOVED TO ACCEPT THE FEDERAL CRIME BILL. The motion carried.

Discussion

Lorene Thorson, LFA, told the committee that there are 6 new proposals and the first one is central testing equipment, currently there are 2,000 tests that are issued and they see the same applicants come in several times, therefore the scores are not very accurate, because they learn the questions and get better each time. This will provide for central testing that would be done at the academy. There will be a fee to take this test and this will be added to the general fund.

Motion: **REP. MENAHAN** MOVED TO ACCEPT ALL SIX ITEMS IN THE EXECUTIVE BUDGET NEW PROPOSALS.

Questions, Answers and Discussion:

SEN. TVEIT said that the increase in basic school students will be supported by grant monies. The central testing equipment will charge fees.

REP. VICK asked if the central testing equipment proposal is self-supporting. Mr. Taylor replied yes.

SEN. WATERMAN asked if the central testing equipment is supported by federal grant money as part of the crime bill. Mr. Taylor answered yes, these proposals were initially approved as general fund, then the crime bill passed and then part of the program was funded federally.

Motion: SEN. WATERMAN MADE A SUBSTITUTE MOTION TO APPROVE ITEM #1 WITH GENERAL FUNDS TO BE APPROPRIATED IF THERE ARE NO FEDERAL FUNDS AVAILABLE.

{Tape: 2; Side: B; Approx. Counter: 959}

Vote: The motion carried with SEN. AKLESTAD AND SEN. TVEIT voting no.

Questions, Answers and Discussion:

Ms. Thorson told the committee that the new proposal to increase basic school students would allow them to train an additional 16 students each year or would add 4 students to each basic course. This is to keep up with the increase of officers. If there is not a need for this increase, the money will not be spent. This will generate \$13,000 in fees that will be deposited into the general fund. This shows up as federal funds, but if they do not receive the funds in grant money from the federal crime bill it will come from general fund.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE INCREASE IN BASIC SCHOOL STUDENTS STATING FUNDS WOULD ONLY BEING SPENT AS LONG AS THERE IS AN INCREASE IN THE ATTENDANCE. The motion failed with REP. STEVE VICK, CHAIRMAN MARGE FISHER, SEN. LARRY TVEIT, AND SEN. GARY AKLESTAD voting no.

Motion/Vote: REP. MENAHAN MOVED TO ACCEPT THE SPENDING AUTHORITY/UNIFORMS. The motion carried.

Discussion

Ms. Thorson told the committee that the new proposal to reinstate coroner training is due to the fact this course is always offered in the second year of the biennium and, therefore is not reflected in the base. The advance course is what shows up in the base. This will provide \$2,000 each year.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE NEW PROPOSAL TO REINSTATE CORONER TRAINING PROPOSAL. The motion carried.

Motion/Vote: SEN. TVEIT MOVED TO ACCEPT THE PERSONAL SERVICES REDUCTION. The motion carried with SEN. WATERMAN voting no.

Discussion:

Ms. Thorson told the committee that there is a motion to add some language into the Legislative Contract Authority.

Motion/Vote: SEN. WATERMAN MOVED TO ACCEPT THE LEGISLATIVE CONTRACT AUTHORITY INCLUDING THE LANGUAGE. The motion failed with SEN. AKLESTAD, REP. VICK, AND SEN. TVEIT voting no.

ADJOURNMENT

Adjournment: 9:30 am

Mi Oka

MARJORIE I. FISHER, Chairman

P. Barneiman

for BRANDEE J. DECREVEL, Secretary

Note: These minutes were edited by Lorene Thorson.

MIF/BJD