

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 22, 1993, at 8:00 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)
Sen. Larry Tveit (R)

Members Excused: None

Members Absent: None

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
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: NONE
Executive Action: DEPARTMENT OF JUSTICE

EXECUTIVE ACTION ON DEPARTMENT OF JUSTICE

Tape No. 1:A:010

Informational Testimony:

Ms. JanDee May, Administrator, Central Services, distributed a packet of the issues for each division of the agency. EXHIBIT 1

LEGAL SERVICES

Informational Testimony:

Mr. Clayton Schenck, Legislative Fiscal Analyst, reviewed the budget for the division. EXHIBITS 2, 3 and 4

Mr. John Patrick, Office of Budget and Program Planning, stated

that the Governor's budget does support general funding of the Eastern Drug Enforcement Task Force.

Motion/Vote: SEN. HARRY FRITZ moved to accept the LFA current level as the base. **THE MOTION CARRIED UNANIMOUSLY.**

BUDGET ITEM LITIGATION COSTS-MODIFICATION:

Motion: SEN. FRITZ moved to accept the \$400,000 modification request for major litigation costs.

Questions, Responses, and Discussion:

Mr. Schenck stated that combining this cost with the supplemental request would simplify issues.

Ms. May agreed with this.

Informational Testimony:

Mr. Dennis Taylor, Department of Justice, distributed suggested language for the issue. **EXHIBIT 5**

Motion/Vote: SEN. FRITZ amended his motion to include the language submitted by the department. **THE MOTION CARRIED** unanimously with five members present.

BUDGET ITEM DEATH PENALTY LAWYER-MODIFICATION:

Motion: SEN. FRITZ moved to accept the modification request in order that it provide authorization to hire a death penalty lawyer.

Discussion:

REP. MARJORIE FISHER stated that the money is being expended in over-time as it is.

Vote: **THE MOTION CARRIED** with SEN. LARRY TVEIT and CHAIRMAN MARY LOU PETERSON opposing.

BUDGET ITEM LANGUAGE--BIENNIAL APPROP. OF CONTIG. LITIG. FEES:

Motion/Vote: SEN. FRITZ moved to accept the language that would biennially appropriate contingency litigation fees. **THE MOTION CARRIED** unanimously with five members present.

BUDGET ITEM CASE RELATED TRAVEL:

Motion/Vote: SEN. FRITZ moved to line-item \$9,500 for case Related Travel costs. **THE MOTION CARRIED** unanimously with five members present.

BUDGET ITEM NATIONAL ASSOCIATION OF ATTORNEY GENERAL FEES :

Motion: REP. FISHER moved to accept the request for fees, stating that the association provides for experts during case trials.

Discussion:

REP. JOE QUILICI supported the motion, stating that the ability to hold mock trials saves money.

Vote: THE MOTION CARRIED unanimously with five members present.

AGENCY LEGAL SERVICES

Tape No. 1:A

Informational Testimony:

Mr. Taylor clarified that the position under consideration in the Agency Legal Services Division is funded through a proprietary account, rather than general fund, and is used only when the legal workload from other state agencies demands it.

Mr. Schenck reviewed the budget for Agency Legal Services.
EXHIBITS 3 and 4

Motion/Vote: REP. QUILICI moved to accept the LFA current level base. THE MOTION CARRIED unanimously with five members present.

BUDGET ITEM ATTORNEY VACANCY-MODIFICATION:

Questions, Responses, and Discussion:

Tape 1:B:065

SEN. TVEIT asked what the benefits of having the attorney are. Attorney General Mazurek responded that the attorney offers less expensive rates to other agencies and that the position is not funded through general fund.

SEN. TVEIT asked how many attorneys are currently employed. Attorney General Mazurek answered that there are 6.

Motion/Vote: REP. QUILICI moved to accept the Agency Legal Services attorney position. THE MOTION FAILED with SEN. TVEIT, REP. FISHER and CHAIRMAN PETERSON opposing.

GAMBLING CONTROL DIVISION

Tape 1:B:145

Informational Testimony:

Mr. Schenck reviewed the budget for the division. EXHIBITS 4 and

6

Motion/Vote: REP. QUILICI moved to accept the LFA current level base. THE MOTION CARRIED UNANIMOUSLY.

BUDGET ITEM 5 FTE-MODIFICATION:

Motion: SEN. FRITZ moved to retain the 5 FTE.

Questions, Responses, and Discussion:

Ms. May stated that the high work load demands these positions and that ample fees are generated to fund them.

SEN. TVEIT asked how many total field positions exist. Ms. Jessup, Gambling Control Division, answered that there are 13.

Vote: THE MOTION CARRIED with SEN. GARY FORRESTER opposing.

BUDGET ITEM LANGUAGE:

Questions, Responses, and Discussion:

REP. QUILICI asked if the division has continued negotiations with the Native American tribes. Ms. Jessup answered that the division has continued to negotiate in good faith.

REP. QUILICI responded that the language is not necessary if this is the case.

MOTOR VEHICLE DIVISION

Tape 1:B:490

Informational Testimony:

Mr. Schenck reviewed the budget for the division. EXHIBIT 7

Ms. May stated that the difference in funding for FTEs between the LFA and agency presentations is due to the flexibility allowed through the appropriation of funding rather than specific FTEs.

Motion/Vote: SEN. FRITZ moved to accept the LFA current level base. THE MOTION CARRIED unanimously with five members present.

BUDGET ITEM REINSTATEMENT OF FTEs:

Questions, Responses, and Discussion:

SEN. TVEIT asked how the 10 FTEs being requested are employed. Mr. Dean Roberts, Motor Vehicle Division, answered that six are in the field and four are located in Deer Lodge.

Motion/Vote: SEN. FRITZ moved to reinstate 10 FTEs vacancies at the LFA recommended level of \$226,000 for each year of the biennium. THE MOTION FAILED with REP. FISHER, SEN. FORRESTER and CHAIRMAN PETERSON opposing.

Tape No.2:A:035

Motion: REP. FISHER moved to reinstate five FTEs.

Discussion:

The committee concurred that Ms. May and Mr. Schenck should work together to create guidelines stipulating the funding level for the 5 FTE, at which time Ms. May would present the results to the subcommittee for approval.

Motion/Vote: SEN. TVEIT moved to table the issue until the guidelines are presented. THE MOTION CARRIED UNANIMOUSLY.

BUDGET ITEM REINSTATEMENT OF 6 FTE-AUTOMATION GOALS:

Questions, Responses, and Discussion:

SEN. TVEIT asked how far the agency has progressed in its automation project. Mr. Roberts answered that, due to the complexity of the project, the agency is in the beginning stages.

SEN. FRITZ stated that he feels the 6 FTE should be maintained because the division has already lost 16 positions and has also given its word that it will reduce the FTE as it is able to.

BUDGET ITEM MAINTENANCE CONTRACT:

Questions, Responses, and Discussion:

REP. FISHER asked if a maintenance contract was paid for when the equipment was purchased. Mr. Roberts answered that it was, but that some of the equipment was purchased toward the end of the base year and the difference is for the additional cost of maintenance needs that were not included in the base year.

Mr. Patrick stated that this information is new to the budget Office.

Ms. May stated she would further investigate the situation and return to the subcommittee with precise details.

BUDGET ITEM ONE-TIME EXPENSE:

Motion/Vote: REP. FISHER moved to reduce \$6,111 for the one-time installation expense. THE MOTION CARRIED with SEN. FRITZ and REP. QUILICI opposing.

BUDGET ITEMS GASOLINE USAGE AND TRAVEL EXPENSES :

Motion/Vote: SEN. TVEIT moved to accept the requests for funding of gasoline usage and travel expenses. THE MOTION CARRIED with SEN. FRITZ opposing.

BUDGET ITEM FEDERAL GRANT, PROBLEM DRIVER:

Informational Testimony:

Mr. Roberts explained that the Federal law requires that, nation-wide, only one license be distributed per individual. The division must access a data-base in Texas to determine license status.

Motion: REP. QUILICI moved to accept authorization to expend Federal funding of \$12,500 in the first year of the biennium and \$14,000 in the second. THE MOTION CARRIED with SEN. TVEIT opposing.

BUDGET ITEM ADP TRANSFER TO STATE MAINFRAME-MODIFICATION:

Motion: SEN. FRITZ moved to accept the modification request.

Informational Testimony:

Mr. Taylor stated that the transfer would allow for approximately \$220,000 general fund savings among the other state agencies. If the request is not passed, the data processing budgets of these other agencies will have to be adjusted and increased.

Questions, Responses, and Discussion:

CHAIRMAN PETERSON asked if the transfer would reduce the processing costs in the division's office. Mr. Taylor responded that it would eliminate the motor vehicle processing functions of the computer that currently runs them and possibly allow that computer, which has reached its life-span, to then operate for another biennium.

REP. QUILICI supported the motion and requested that the savings to other agencies be clearly reflected.

Vote: THE MOTION CARRIED unanimously with five members present.

BUDGET ITEM DIGITIZING RECORDS-MODIFICATION:

Motion/Vote: REP. QUILICI moved to accept the modification request. THE MOTION CARRIED with SEN. TVEIT opposing.

BUDGET ITEM HWY SPECIAL REVENUE FUNDING SWITCH-MODIFICATION:

Tape No. 2:B:000

Motion: SEN. FRITZ moved to accept the modification request.

Discussion:

REP. QUILICI opposed the motion because of the method of funding and because of the cash-flow problem faced by the Department of Transportation.

Motion/Vote: SEN. TVEIT moved to table the issue until the Department of Transportation is heard. THE MOTION FAILED with REP. QUILICI, SEN. FORRESTER and SEN. TVEIT opposing.

Vote: SEN. FRITZ'S MOTION FAILED.

HIGHWAY PATROL

Tape 2:B:206

Motion/Vote: REP. QUILICI moved to accept the LFA current level base. THE MOTION CARRIED UNANIMOUSLY.

Informational Testimony:

Mr. Schenck reviewed the budget for the division. EXHIBIT 8

BUDGET ITEM PERSONNEL MANAGEMENT, 2 FTE:

Informational Testimony:

Colonel Bob Griffith, Montana Highway Patrol, stated that the division opposes the transfer because it would not allow for the specialized duties performed at the current location.

Mr. Patrick said he does not disagree with Col. Griffith, but that reductions must be made, that Central Services assumes personnel functions for all divisions, that the positions were identified by the agency as low on the priority listing, and that there appeared that some duplication of duties may exist.

Ms. May stated that the positions could be transferred and maintain the current duties, but that this would use general fund, whereas the positions use no general fund in their current location.

BUDGET ITEM PERSONAL SERVICES REDUCTIONS:

Informational Testimony:

Col. Griffith stated that if the eight positions currently filled were eliminated, individuals would have to be transferred to accommodate the losses. The division does not have the funding for the moves. The division also does not have the over-time funding that would be required to compensate for the work load.

Motion/Vote: REP. FISHER moved to reinstate the 8 positions that are currently filled. THE MOTION CARRIED UNANIMOUSLY.

BUDGET ITEM VACANCY POSITIONS:

Informational Testimony:

Col. Griffith stated that three of the positions were shown as vacant because of the shifting that takes place through the bidding process. One position was filled on Dec. 28, but because it was the beginning of a pay period, was shown to be vacant. Another position is that of an individual that was away at Military training and that the division is required by law to reinstate.

Motion/Vote: REP. QUILICI moved to reinstate the 4 FTE. THE MOTION CARRIED UNANIMOUSLY.

BUDGET ITEM OVERTIME, PROGRAM EXPANSION, ADDITIONAL FTE(MOD)-MCSAP:

Informational Testimony:

Col. Griffith stated that the Federal funding is assured but that the authority to expend it must be provided by the Legislature.

Motion: SEN. FRITZ moved to accept the three MCSAP budget items.

Questions, Responses, and Discussion:

REP. FISHER asked why the addition of the 1.5 FTE does not compensate for the over-time required. Col. Griffith responded that if an inspector must detain a vehicle toward or at the end of a shift, he/she must remain until the situation is cleared and must also assure that the truck remains detained for the required time.

REP. FISHER asked if local law enforcement can check to assure that the vehicle remains detained. Col. Griffith answered that the scale houses are often located out of town and that local enforcement would not be familiar with the reason the vehicle is detained.

Vote: THE MOTION CARRIED UNANIMOUSLY.

BUDGET ITEM LEGAL AND PRINTING COSTS:

Motion/Vote: REP. QUILICI moved to accept legal and printing costs. THE MOTION PASSED with SEN. TVEIT and CHAIRMAN PETERSON opposing.

COUNTY ATTORNEY PAYROLL

Tape 3:A:215

EXHIBIT 9

Motion/Vote: REP. FISHER moved to recommend drafting a bill that

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would require counties to submit payroll adjustments for approval by the Legislature. **THE MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. TVEIT moved to accept the LFA current level base. **THE MOTION CARRIED** unanimously with five members present.

BUDGET ITEM 5% FTE REDUCTION-MODIFICATION, AND VACANT POSITION:

Motion/Vote: SEN. FRITZ moved to restore the 5% vacancy reduction and to restore the vacant position. **THE MOTION CARRIED** with SEN. TVEIT opposing.

ADJOURNMENT

Adjournment: 11:30 AM

Mary Lou Peterson

REP. MARY LOU PETERSON, Chair

Elaine Benedict

ELAINE BENEDICT, Secretary

MLP/EB

HOUSE OF REPRESENTATIVES

Gen. Gov. & Hwys.

SUB-COMMITTEE

ROLL CALL

DATE

1/22/93

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		

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
LEGAL SERVICES DIVISION

20-Jan-93

EXHIBIT 1
DATE 1/22/93
~~FB~~

CURRENT LEVEL ISSUES:	---FTE---		---COST---	
	FY94	FY95	FY94	FY95
Personal Services – Requested Increases:				
1. 5% cut eliminates one appellate lawyer. The workload of this section is ever-increasing in volume and complexity.	1.00	1.00	\$34,321	\$34,637
2. 5% eliminates one attorney from Agency Legal Services. This position is necessary to provide increased legal services to state agencies. No general fund.	1.00	1.00	\$38,888	\$38,888
Operations – Requested Increases:				
1. National Association of Attorneys General Dues – The assistance this Association provides Montana's AG is very important, especially in cases heard before the U.S. Supreme Court.			\$5,000	\$5,000
Equipment – Requested Increases				
1. The dependence on computers by the legal staff requires an on-going replacement cycle.			\$7,200	
Funding :				
1. Funding for the Agency Legal Services lawyer would come from the proprietary account.				
2. Any other increases/reinstatements would be from the general fund.				
MODIFICATIONS:				
1. Major litigation – This biennial appropriation routinely comes before the legislature. Request language similar to last session should expenses exceed the appropriation.			\$400,000	
2. Death Penalty Lawyer – The dramatic increase in this complex and time-consuming area is taking its toll on current staff. The amount of overtime worked is unacceptable & unhealthy.	1.00	1.00	\$51,000	\$51,000

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

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
GAMBLING DIVISION

EXHIBIT 1
DATE 1/22/93
~~HB~~

CURRENT LEVEL ISSUES:

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

Personal Services – Requested Increases:

1. 5% cut eliminates 2.00 FTE in the licensing Bureau. Such a reduction would greatly delay the issuing of licenses and permits. Both positions are currently filled.	2.00	2.00	\$54,481	\$54,632
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Operations – Requested Increases:

1. Increases to misc. operating expenses such as rent, gasoline, telephone expenses & travel are needed as staffing was not at 100% in FY92.			\$32,000	\$30,500
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Equipment – No Issues

Funding – Earmarked Funds

MODIFICATIONS:

1. Maintain 5.00 FTE added by the 1991 legislature. These individuals are part of the current level effort to operate the Gambling Division in the most efficient manner possible in light of the exploding workload. No increase in fees is necessary. Earmarked Funds.	5.00	5.00	\$207,331	\$207,478
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* Assume adoption of LFA base plus 5% and vacant listing reductions.

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
MOTOR VEHICLE DIVISION

EXHIBIT 1
DATE 1/22/93
~~HB~~

CURRENT LEVEL ISSUES:

	---FTE---		---COST---	
	FY94	FY95	FY94	FY95
Personal Services – Requested Increases:				
1. Reinstate 10.50 FTE on vacancy list. The division has not contested the 5% reduction of 11.00 FTE. An additional reduction of 10.50 would cripple the program and the progress made this biennium.	10.50	10.50	\$307,827	\$308,430
2. Reinstate 6.00 current level FTE reduced in FY95 by the OBPP. The division is committed to further reduction of staff as automation goals are reached. A reduction in FY95 is too soon.	6.00	6.00		\$128,076
Operating Expenses – Requested Increases				
1. Ongoing costs associated with the new automated system have increased in the areas of telephone, vehicle repair, microfilm, & data processing supplies.			\$22,245	\$22,245
2. An annual training session for the county staff is essential to maintain the integrity of the automated system.			\$12,500	\$12,500
3. Uniform allowance – employees are required to wear a uniform every day. The \$250 allowance provides for a minimum wardrobe.			\$8,300	\$8,300
4. Gasoline useage has increased as staff is on the road more for training and technical assistance.			\$6,000	\$6,000
5. Increased travel expenses is needed for examiners and the County Motor Vehicle Computer Committee.			\$7,845	\$7,845
Equipment – Requested Increases:				
1. Two replacement cars per year – the average mileage of the current automobiles is 85,000 miles. For safety, a replacement schedule is necessary.			\$28,870	\$28,870
2. Office equipment – files, eye machines, typewriters and misc office equipment needs to be replaced each year.			\$12,975	\$12,975

MOTOR VEHICLE DIVISION Cont.

Funding:

1. Request continuation of general fund.

MODIFICIATIONS

1. Transfer of the motor vehicle system to the State's mainframe computer. This recommendation is part of a larger state effort and results in savings to other state agencies.	\$689,483	\$657,819
2. Digitizing Records – This proposal would allow another major step toward automating record handling with no additional cost.	(\$3,500)	(\$7,000)

*Assumes LFA base and elimination of 5% reduction and vacancies.

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
HIGHWAY PATROL

EXHIBIT 1
DATE 1/22/93
~~HB~~

CURRENT LEVEL ISSUES:

	---FTE---		---COST---	
	FY94	FY95	FY94	FY95
Personal Services – Requested Increases:				
1. The 5% cut would eliminate 12.00 uniformed highway patrolmen. This reduction would impact rural Montana towns and would take the staffing level back to the 1970s. (8 positions are filled.)	12.00	12.00	\$425,746	\$428,175
2. The vacant list identified 4.00 FTE. These vacancies do not truly exist and are a product of the bidding & training system utilized by the highway patrol.	4.00	4.00	\$149,148	\$150,342
3. OBPP cuts 2.00 FTE within the personnel function. Both positions are filled.	2.00	2.00	\$47,398	\$47,445
Operations – Requested Increases:				
1. OBPP eliminates the operating expenses associated with the 12.00 highway patrolmen. are needed as staffing was not at 100% in FY92.			\$49,240	\$49,240
2. Request an increase in the away-from-home-allowance.			\$51,000	\$74,000
3. Legal fees & printing – \$5,380 in legal expenses were incurred in FY92. This level is asked to be continued as legal costs will occur. Every two years warnings & notices to appear must be printed. In FY91 \$14,842 was expended, FY93 will be \$16,000, and projected expenses for FY95 are \$17,500.			5,380	22,880
Equipment – No Issues				
Funding – Earmarked Funds				
MODIFICATIONS				
1. MCSAP – Request a 1.50 FTE increase in this federally funded program to meet new federal inspection requirements. Operating costs included.	1.50	1.50	\$85,707	\$86,712

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

20-Jan-93

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
LAW ENFORCEMENT SERVICES DIVISION

EXHIBIT 1
DATE 1/22/93
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 - Requested Increases:

1. Additional car each year - a vehicle replacement schedule is critical to afford staff safe and reliable transportation during all hours of the night and day.			\$13,000	\$13,000
2. Office equipment is necessary for the storage of evidence and 13,000+ fingerprint cards per year.			\$1,000	\$4,500

LAW ENFORCEMENT SERVICES DIVISION Cont.

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

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.

DEPARTMENT OF JUSTICE
 1995 Biennium Budget Issues
 COUNTY ATTORNEY PAYROLL

EXHIBIT 1
 DATE 1/22/93
 HB

CURRENT LEVEL ISSUES:

	---FTE---		---COST---	
	FY94	FY95	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. The vacant list eliminates a .25 FTE. Reinstatement of this reduction is requested.	.25	.25	18,894	18,961
3. If a supplemental is to be avoided during the 1995 biennium, consideration should be given to increasing level of full time county attorneys.				
Funding - General Fund.				

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

DEPARTMENT OF JUSTICE
 1995 Biennium Budget Issues
 LAW ENFORCEMENT ACADEMY

EXHIBIT 1
 DATE 1/22/93
~~HB~~

CURRENT LEVEL ISSUES:

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

Personal Services - Requested Increases:

1. 5% cut eliminates half of a training manager. This person is integral to the advance/ professional courses taught at the Academy. The position is filled.	.50	.50	\$21,876	\$22,001
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2. The OBPP eliminates an additional 1.5 FTE. This reduction would totally eliminate the advanced training component at the Academy. Both positions are filled.	1.50	1.50	51,984	52,137
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Operations - Requested Increases:

1. The OBPP eliminates operating expenses related to the professional/advanced training component.			\$16,059	\$17,015
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Equipment - No Issues

Funding - General Fund

MODIFICATIONS:

1. Facility remodeling/expansion - Increased useage and demands on the present facility from increasing student registrations necessitates some basic remodeling and expansion to accommodate the classes and students.			\$97,640	\$104,500
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*Assume adoption of LFA base plus 5% and vacant listing reductions.

20-Jan-93

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
CENTRAL SERVICES DIVISION

EXHIBIT 1
DATE 1/22/93
~~HB~~

CURRENT LEVEL ISSUES:

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

Personal Services – Requested Increases:

1. Reinstate 5% cut of .40 accounting clerk. Position is filled.	.40	.40	\$8,979	\$8,979
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Operations – No issues.

Equipment – No Issues.

Funding – 45% General Fund.

MODIFICATIONS:

1. DARE Coordinator – Fostering drug & alcohol abuse prevention for our youth is an essential preventative measure & a priority of the Attorney General. – General fund.	1.00	1.00	45,000	45,000
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18-Jan-93

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
DATA PROCESSING DIVISION

EXHIBIT 1
DATE 1/22/93
~~#3~~

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 systems. 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
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Operations - No issues.

Equipment - Requested Increases:

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

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

DEPARTMENT OF JUSTICE
1995 Biennium Budget Issues
EXTRADITION AND TRANSPORTATION OF PRISONERS

EXHIBIT 1
DATE 1/22/93
FIB _____

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.

DEPARTMENT OF JUSTICE
 1995 Biennium Budget Issues
FORENSIC SCIENCE DIVISION

EXHIBIT 1
 DATE 1/22/93
 FILE

CURRENT LEVEL ISSUES:

	----FTE----		----COST----	
	FY94	FY95	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
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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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Funding – General Fund.				
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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 01 00000 DEPARTMENT OF JUSTICE Program Summary		Legal Services 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	26.50	26.50	25.50	26.50	(1.00)	25.50	26.50	(1.00)
Personal Services	1,063,715	962,007	1,106,079	1,140,131	(34,052)	1,108,450	1,142,820	(34,370)
Operating Expenses	189,874	200,655	291,997	293,255	(1,258)	194,066	195,382	(1,316)
Equipment	13,399	12,704	15,437	6,799	8,638	15,437	15,559	(122)
Debt Service	4,497	0	4,497	4,497	0	4,497	4,497	0
Total Costs	\$1,271,486	\$1,175,366	\$1,418,010	\$1,444,682	(\$26,672)	\$1,322,450	\$1,358,258	(\$35,808)
Fund Sources								
General Fund	889,475	936,923	1,418,010	1,444,682	(26,672)	1,322,450	1,358,258	(35,808)
State Revenue Fund	382,011	238,443	0	0	0	0	0	0
Total Funds	\$1,271,486	\$1,175,366	\$1,418,010	\$1,444,682	(\$26,672)	\$1,322,450	\$1,358,258	(\$35,808)

Page References

LFA Budget Analysis (Vol. I), A 95-96
Stephens Executive Budget, A43

Current Level Differences

5 PERCENT PERSONAL SERVICES REDUCTION— The Executive eliminated 1.0 FTE (Agency Counsel) in compliance with Section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium 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.

(34,321) (34,637)

COMPUTER REPLACEMENT CYCLE—The LFA current level does not include funding in fiscal 1994 for replacement personal computers that are in the Executive Budget. The executive funding provides for a 4-year replacement cycle for the computers.

8,700 0

INFLATION DIFFERENCES

(166) (284)

MINOR DIFFERENCES (NET)

(885) (887)

TOTAL CURRENT LEVEL DIFFERENCES

(26,672) (35,808)

Budget Modifications

EXECUTIVE BUDGET MODIFICATIONS:

MAJOR LITIGATION COSTS—The Executive Budget includes a general fund budget modification for costs associated with major litigation the state may have in the 1995 biennium. A biennial appropriation for the same amount was approved in the 1991 session. The executive is requesting a \$1,159,200 supplemental to the 1993 biennium litigation costs appropriation (House Bill 77). See LFA Vol. I, page A-90.

400,000

Note: In addition to the \$400,000 for litigation costs included in this budget modification, there is a biennial appropriation of \$100,000 in current level for contingency litigation costs. The legislature may wish to consider combining the contingency appropriations into one appropriation.

ELECTED OFFICIAL BUDGET MODIFICATIONS:

ADDITIONAL ATTORNEY—The Attorney General is requesting general fund for an additional attorney to handle an increasing number of death penalty cases. See LFA Vol. I, page A-91.

51,000 51,000

RESTORE 5 PERCENT REDUCTION—This budget modification would restore the 1.0 FTE deleted in the Executive Budget in accordance with section 13 of House Bill 2. This position handles appeals of all civil commitment and juvenile cases. Funding for the position is included in LFA current level. The joint committee recommended permanent elimination of the 5 percent reductions. See LFA Vol. I, page A-91.

34,321 34,321

Language

Case-related travel of \$9,500 each year and the legal fees and expert witness contingency appropriation of \$100,000 were line-itemed in the 1993 biennium appropriations act.

Language was included in the 1993 biennium appropriations act stating that the contingency appropriations discussed above for legal fees and expert witnesses (\$100,000) and litigation costs (\$400,000) were biennial appropriations, as follows:

"Items xx and xx are biennial appropriations."

The 1993 biennium appropriations act also included the following language (adjusted for reference to fiscal year) regarding the line-item appropriation for litigation costs:

"The legislature recognizes that costs associated with the Crow coal case, water rights, and tribal litigation may exceed the appropriation in item xx, and in that event, the department will need to request a supplemental appropriation from the 1995 legislature to adequately represent the state."

EXHIBIT 2
DATE 1/22/
~~#B~~

4110 06 00000		Agency Legal Services			DATE <u>1/22/93</u>				
DEPARTMENT OF JUSTICE		HB							
Program Summary		Current Level	Current Level	Executive	LFA	Difference	Executive	LFA	Difference
Budget Item	Fiscal 1992	Fiscal 1993	Fiscal 1994	Fiscal 1994	Fiscal 1994	Fiscal 1994	Fiscal 1995	Fiscal 1995	Fiscal 1995
FTE	13.50	13.50	12.50	13.50	(1.00)	12.50	13.50	(1.00)	
Personal Services	448,648	497,050	488,857	527,740	(38,883)	490,201	529,116	(38,915)	
Operating Expenses	67,928	114,863	76,903	76,903	0	78,274	78,274	0	
Equipment	4,550	4,550	5,025	475	4,550	5,025	5,025	0	
Debt Service	2,020	0	2,020	2,020	0	2,020	2,020	0	
Total Costs	\$523,147	\$616,463	\$572,805	\$607,138	(\$34,333)	\$575,520	\$614,435	(\$38,915)	
Fund Sources									
Proprietary Fund	523,147	616,463	572,805	607,138	(34,333)	575,520	614,435	(38,915)	
Total Funds	\$523,147	\$616,463	\$572,805	\$607,138	(\$34,333)	\$575,520	\$614,435	(\$38,915)	

Page References

LFA Budget Analysis (Vol. I), A 97
 Stephens Executive Budget, A44

Current Level Differences

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

Exec. Over(Under) LFA
 Fiscal 1994 Fiscal 1995

(38,883) (38,915)

COMPUTER REPLACEMENT CYCLE - The LFA current level does not include funding in fiscal 1994 for replacement personal computers that are in the Executive Budget. The executive funding provides for a 4-year replacement cycle for the computers.

4,550 0

TOTAL CURRENT LEVEL DIFFERENCES

(34,333) (38,915)

Budget Modification

RESTORE 5 PERCENT REDUCTION - This is an elected official budget modification to restore the 1.0 FTE deleted in the Executive Budget in accordance with section 13 of House Bill 2. This attorney position is funded by proprietary fund and handles agency caseloads. Funding for this position is included in LFA current level. The joint committee recommended permanent elimination of the 5 percent reductions. See LFA Vol. I, page A-92.

38,888 38,888

Language

None.

DEPARTMENT OF JUSTICE

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

EXHIBIT 4
DATE 1/22/93
~~HB~~

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		
<i>General Fund Positions</i>							
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

DATE 1/27/93

Non-General Fund Positions									
Agency Legal Services									
01015	Attorney Specialist III	0	0	0.00	0.00	0.00	0.00	1.00	
06008**	Agency Counsel II	38,888	38,920	1.00			1.00		
Gambling Control Division									
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		
Highway Patrol Division									
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		
Law Enforcement Services Division									
25021	Enforcement Program Mgr. II	31,691	31,862		0.75		0.75		
Central Services Division									
28010	Accounting Technician	4,732	4,735	0.21			0.21		
Sub-Total		\$704,689	\$708,668	15.21	4.75		19.96		1.00
TOTAL		\$1,577,862	\$1,583,558	32.50	20.25		52.75		1.50

* Already eliminated in the LFA current level.

** Not on the joint committee vacancy list

01/14/93

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Proposed language for budget bill

EXHIBIT 5
DATE 1/22/95
~~HB~~

The Legislature recognizes that: (1) costs associated with litigation in which the Legal Services Division must provide representation to the State of Montana may exceed the appropriation provided to the Legal Services Division; and (2) in that event, the department will need to request a supplemental from the 1995 legislature to adequately represent the State.

4110 07 00000 DEPARTMENT OF JUSTICE Program Summary		Gambling Control 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	31.00	36.00	29.00	31.00	(2.00)	29.00	31.00	(2.00)
Personal Services	1,035,884	1,177,725	1,027,415	1,081,896	(54,481)	1,031,945	1,086,577	(54,632)
Operating Expenses	280,782	462,779	332,803	300,663	32,140	336,835	306,286	30,549
Equipment	117,345	63,700	50,359	50,614	(255)	50,359	50,862	(503)
Total Costs	\$1,434,012	\$1,704,204	\$1,410,577	\$1,433,173	(\$22,596)	\$1,419,139	\$1,443,725	(\$24,586)
Fund Sources								
State Revenue Fund	1,434,012	1,704,204	1,410,577	1,433,173	(22,596)	1,419,139	1,443,725	(24,586)
Total Funds	\$1,434,012	\$1,704,204	\$1,410,577	\$1,433,173	(\$22,596)	\$1,419,139	\$1,443,725	(\$24,586)

Page References

LFA Budget Analysis (Vol. I), A 98-99
Stephens Executive Budget, A44

Current Level Differences

5 PERCENT PERSONAL SERVICES REDUCTION—The Executive Budget eliminated 2.0 FTE in compliance with Section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium budget. The position is included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended the 5 percent reductions be permanently eliminated from the budget.

(54,481) (54,632)

COST ANNUALIZATION AND REORGANIZATION—The Executive Budget includes increases in operating expenses based on short staffing in fiscal 1992, and also included increases for a reorganization to move personnel to field offices. The LFA current level provides only limited increases over fiscal 1992 on the premise that it represented a normal year of operations, and did not included increases due to reorganization since it is not a current level service and has not had legislative review.

26,385 26,385

OFFICE RENT—The Executive Budget provides funding for increases due to decentralization, resulting in new field offices and upgraded spaces. The LFA current level provides for a 4 percent rent increase for existing offices.

5,310 3,190

INFLATION DIFFERENCES

27 308

MINOR DIFFERENCES (NET)

163 163

TOTAL CURRENT LEVEL DIFFERENCES

(22,596) (24,586)

Budget Modifications

EXECUTIVE BUDGET MODIFICATION:

RETAIN GAMING EXPANSION STAFF—This budget modification would retain 5.0 FTE in the Gambling Control Division that were approved as a one-time budget modification for the 1993 biennium. It would be funded from the gambling fees state special revenue account. See LFA Vol. I, page A-90.

207,331 207,478

ELECTED OFFICIAL BUDGET MODIFICATION:

RESTORE 5 PERCENT REDUCTION—This budget modification would restore the 2.0 FTE deleted in the Executive Budget in accordance with section 13 of House Bill 2. These FTE are used for the issuance of gaming licenses and permits. Funding for these positions is included in LFA current level. See LFA Vol. I, page A-92.

61,872 61,872

Language

The 1993 biennium appropriations act included the following language related to this program:

"In implementing the appropriations under item xx, the legislature urges the department and indian tribes to negotiate in good faith in order to reach, on a temporary basis, the status quo for indian and non-indian gaming operators. The department and indian tribes are urged to enter into long-term agreements to implement the federal indian gaming laws for the benefit of tribal and state government."

4110 12 00000 DEPARTMENT OF JUSTICE Program Summary		Motor Vehicle Division <u>HB</u>						
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	183.25	179.25	172.25	172.25	0.00	166.25	172.25	(6.00)
Personal Services	3,299,406	3,947,042	4,203,345	4,203,171	174	4,087,036	4,214,949	(127,913)
Operating Expenses	1,755,461	1,636,374	2,010,031	1,967,555	42,476	2,015,138	1,974,635	40,503
Equipment	181,605	63,535	141,678	101,009	40,669	131,963	101,074	30,889
Debt Service	16,639	0	146,188	134,188	12,000	146,188	134,188	12,000
Total Costs	\$5,253,112	\$5,646,951	\$6,501,242	\$6,405,923	\$95,319	\$6,380,325	\$6,424,846	(\$44,521)
Fund Sources								
General Fund	5,080,576	5,500,429	6,486,742	6,405,923	80,819	6,367,825	6,424,846	(57,021)
State Revenue Fund	122,454	93,435	0	0	0	0	0	0
Federal Revenue Fund	50,082	53,087	14,500	0	14,500	12,500	0	12,500
Total Funds	\$5,253,112	\$5,646,951	\$6,501,242	\$6,405,923	\$95,319	\$6,380,325	\$6,424,846	(\$44,521)

Page References

LFA Budget Analysis (Vol. I), A 100-101
 Stephens Executive Budget, A45-46

Current Level Differences

	Exec. Over(Under) Fiscal 1994	LFA Fiscal 1995
ELIMINATION OF FTE—The Executive Budget eliminated 11.0 FTE as part of the 5 percent personal services reduction required in section 13, House Bill 2. The LFA current level eliminated the same 11.0 FTE as permanent savings attained from the automation of the vehicle registration system. When automation is fully implemented, there is a potential for the elimination of up to an additional 19.0 FTE. In addition to the 11.0 FTE, the Executive Budget eliminated 6.0 FTE in fiscal 1995 in anticipation of added savings when automation of the vehicle titling function in Deer Lodge is completed. See the issue discussion on LFA Vol. I, page A 93-94.	0	(128,076)
MAINTENANCE CONTRACT FOR EQUIPMENT—The Executive Budget reduced the budget for maintenance contracts on the new equipment purchased on an installment basis for the registration automation project. The installment contract has a maintenance contract included.	(28,400)	(28,400)
ONE-TIME EXPENSE—The Executive Budget removed the costs of telephone installation and change orders in fiscal 1992 as a one-time expense.	(6,111)	(6,111)
MICROFICHE RECORDS—The Executive Budget includes funding to produce microfiche records for state and local agencies on a quarterly basis. The LFA current level only includes funding for producing the records on an annual basis, as was done in fiscal 1992.	6,982	6,982
COMPUTER RIBBONS FOR COUNTIES—The Executive Budget provides funding for supplying computer printer ribbons to the 56 counties. The ribbons are for the computers used to print vehicle registration receipts and other vehicle registration system reports. The LFA current level does not fund the increase, allowing the option for the counties to provide the ribbons.	13,003	13,003
DRIVER EXAMINER UNIFORMS—The Executive Budget provides increased funding for a \$250 uniform allowance for Driver Services Specialists to purchase uniform blazers required by department policy. The LFA current level does not include the increase.	8,340	8,340
ANNUALIZATION OF OPERATING COSTS—The Executive Budget included increases in operating expenses due to increased costs of the registration automation project and short staffing in fiscal 1992. LFA current level provided only limited increases on the premise that cost savings and FTE reductions from automation should reduce costs. The amount of the increases in the Executive Budget exceeds the cost of the automation project anticipated by the 1991 legislature. Increases in the Executive Budget include training for county employees, travel costs for training sessions and attendance and support of meetings of the County Motor Vehicle Computer Committee and the County Motor Vehicle User Advisory Group.	37,499	35,144
FEDERAL GRANT, PROBLEM DRIVER—The Executive Budget includes federal funding for a new grant for the Problem Driver Point System in the Motor Vehicle Division. Since this is a new program, it is not included in LFA current level.	12,500	14,500

EQUIPMENT—The Executive Budget includes funding for equipment at a level much higher than an average year, including funding for an upgrade to the registration automation computers installed in the 1993 biennium. The LFA current level provides for a lower budget for the priority purchase of equipment, particularly in consideration of the large expenditure for new equipment in the 1993 biennium on an installment basis for the registration automation project.	40,736	31,021
DEBT SERVICE—The Executive Budget includes \$24,000 in debt service for the 1993 biennium installment purchase of a network server for the Deer Lodge office. The LFA current level includes funding for the network server in the equipment budget.	12,000	12,000
INFLATION DIFFERENCES	(1,404)	(3,087)
MINOR DIFFERENCES (NET)	174	163
TOTAL CURRENT LEVEL DIFFERENCES	95,319	(44,521)

VACANT POSITIONS—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 10.0 FTE in 11 positions for this program that were vacant on December 11, 1992. The positions are 100 percent general fund at a biennial cost of \$452,500. The positions are shown on the attached position reduction listing.	(226,078)	(226,421)
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Budget Modifications

ADP TRANSFER TO STATE MAINFRAME—The Executive Budget includes a budget modification to transfer the drivers' licensing and vehicle registration and titling computer databases to the state mainframe computer. The database is currently on the Department of Justice computer located in the National Guard armory in Helena. This modification would be funded by general fund. See LFA Vol. I, page A-91.	689,483	657,819
DIGITIZING RECORDS—This executive budget modification provides a <u>reduced</u> general fund cost resulting from the lease-purchase of data processing and imaging equipment for the vehicle registration and titling record-keeping function. The new system will replace an older microfilm process, resulting in reduced personal services and operating expenses, with ongoing cost savings of an estimated \$62,000 per year. See LFA Vol. I, page A-91.	(3,500)	(7,000)
HIGHWAYS SPECIAL REVENUE FUNDING SWITCH—The Executive Budget includes a budget modification to change the funding for the Motor Vehicle Division from 100 percent general fund to highways special revenue funding. This modification provides funding for the Executive Budget current level and also includes funding adjustments for the two budget modifications discussed above. For further discussion of the executive policy initiative, see the Stephens Executive Budget, page A53.	(7,172,725) 7,172,725	(7,018,644) 7,018,644

Note: The highways special revenue fund faces a severe shortfall that will require increased funding in order to continue current level funding for the highways construction program. The executive is recommending a fuel tax increase to provide increased revenue for the highways special revenue account. The funding switch from general fund to highways special revenue for the Motor Vehicle Division will require the equivalent of a 1.4 cent fuel tax increase. The highways user fees are restricted by the constitution for highways construction and enforcement of highway safety and driver education. For further discussion of the issues regarding the funding shortfall for the highways special revenue fund, see LFA Vol. 1, pages A 123-129.

Language

None.

4110 13 00000 DEPARTMENT OF JUSTICE Program Summary		Highway Patrol 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	273.15	265.65	259.15	273.15	(14.00)	251.65	265.65	(14.00)
Personal Services	8,803,838	8,855,914	9,429,707	9,838,550	(408,843)	9,338,109	9,766,547	(428,438)
Operating Expenses	2,173,990	1,991,550	2,391,327	2,334,281	57,046	2,446,871	2,344,876	101,995
Equipment	1,083,914	1,166,781	1,258,912	1,102,183	156,729	1,297,942	1,102,204	195,738
Total Costs	\$12,061,742	\$12,014,245	\$13,079,946	\$13,275,014	(\$195,068)	\$13,082,922	\$13,213,627	(\$130,705)
Fund Sources								
State Revenue Fund	11,553,838	11,493,484	12,512,829	12,771,901	(259,072)	12,508,343	12,703,987	(195,644)
Federal Revenue Fund	507,903	520,761	567,117	503,113	64,004	574,579	509,640	64,939
Total Funds	\$12,061,742	\$12,014,245	\$13,079,946	\$13,275,014	(\$195,068)	\$13,082,922	\$13,213,627	(\$130,705)

Page References

LFA Budget Analysis (Vol. I), A 102-103
 Stephens Executive Budget, A46-47

Current Level Differences

5 PERCENT PERSONAL SERVICES REDUCTION—The Executive Budget eliminated 12.0 FTE in accordance with section 13, House Bill 2 requiring a 5 percent personal services reduction in the 1995 biennium budget. The position is included in LFA current level. The Joint Committee on Appropriations and Finance and Claims recommended the 5 percent reductions be permanently eliminated from the budget.

(425,746) (428,175)

PERSONNEL MANAGEMENT, 2.0 FTE—The Executive Budget removed 2.0 FTE that perform a personnel function for the division, with the recommendation that the personnel function be transferred to the Central Services Division.

(47,398) (47,445)

OVERTIME, OPERATIONS—The Executive Budget provides a 40 percent increase in overtime funding for highway patrol operations, based on union contract negotiations and more overtime requirements due to reduced staffing. The LFA current level funds overtime at the fiscal 1992 base level, since the LFA current level provides for full staffing, and to highlight the union negotiations for legislative consideration.

32,110 32,110

OVERTIME, MCSAP PROGRAM—The Executive Budget provides overtime funding for the Motor Carrier Safety Assistance Program (MCSAP). The LFA current level does not provide overtime as it has not been appropriated for the program in the past and it is a vehicle inspection program, with little apparent justification for overtime costs.

15,300 15,300

HEALTH INSURANCE, HIGHWAY PATROL RECRUITS—The LFA current level removed funding for health insurance for students in the Highway Patrol Division basic training course, as they do not qualify for the benefit.

17,100

PROGRAM EXPANSION, MCSAP—The Executive Budget includes federal funding for a significant increase in the federally funded MCSAP inspection program. The expansion includes the addition of 1.5 FTE and personal services costs that are in the executive budget modification discussed below, but the related operating expenses are in the executive current level.

48,368 48,368

PROGRAM AND FTE REDUCTIONS—The Executive Budget is lower due to the reduction of operating expenses (gas and rent) related to the elimination of 14.0 FTE in the Executive Budget.

(49,240) (49,240)

LEGAL COSTS—The Executive Budget provides funding for potential employee rights lawsuits.

5,382 5,382

PRINTING COSTS—The Executive Budget provides funding for cyclical printing costs in the division that occur every two years. The costs were inadvertently left out of LFA current level.

0 17,500

AWAY-FROM-HOME ALLOWANCE—The Executive Budget includes an increase for a special away-from-home allowance paid to highway patrol officers, based on anticipated union negotiations. The LFA current level funds the allowance at fiscal 1992 levels.

51,627 74,187

EQUIPMENT—The Executive Budget includes funding for equipment at a level much higher than an average

156,751 195,781

Exec. Over(Under) LFA
 Fiscal 1994 Fiscal 1995

year, even though it also proposes a reduction of 14.0 FTE for the program. The LFA current level provides for the priority purchase of equipment based on average annual levels plus an increase for inflation on patrol vehicles.

INFLATION DIFFERENCES

MINOR DIFFERENCES (NET)

TOTAL CURRENT LEVEL DIFFERENCES

VACANT POSITIONS—The Joint Committee on Appropriations and Finance and Claims recommended the elimination of 4.0 FTE for this program that were vacant on December 11, 1992. Three of the positions (safety education officer and two highway patrol officers) are funded by highways special revenue, and the fourth position (MCSAP Program Officer) is funded by federal funds. The positions are shown on the attached position reduction listing.

Budget Modifications

EXECUTIVE BUDGET MODIFICATION:

ADDITIONAL MCSAP FTE—This budget modification will add 1.5 FTE to the MCSAP inspection program, funded by a federal grant. The operating costs for this program expansion are included in the Executive Budget current level.

ELECTED OFFICIAL BUDGET MODIFICATION:

RESTORE 5 PERCENT REDUCTION—This budget modification would restore 12.0 FTE deleted in the Executive Budget as part of the 5 percent personal services reduction. Funding for these positions is included in LFA current level. See LFA Vol. I, page A-92.

Issues

SUPPLEMENTALS—The Executive Budget includes two supplemental appropriation requests for this program for fiscal 1993. The supplemental recommendations include \$383,000 for prisoner per diem costs and \$380,000 for state share costs of highway patrol retirement.

FUNDING—This program is primarily funded by highways special revenues. The highways special revenue fund faces severe shortfalls in the 1995 biennium, and the executive budget proposes a fuel tax increase to fund the shortfall. For further discussion of the fund imbalance, see the LFA Vol. I, pages A 123-129.

573	5,65
105	(12
(195,068)	(130,70
(149,148)	(150,34
36,377	36,42
425,738	425,73

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)
Fund Sources								
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.

(69,438) (69,497)

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.

(43,237) (43,364)

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.

(35,569) (70,346)

TOTAL CURRENT LEVEL DIFFERENCES

(148,244) (183,207)

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.

(18,894) (18,961)

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.

69,438 69,497

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.

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.

EXHIBIT 1/22/
DATE EX 9
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