

**Program Budget Comparison**

The following table summarizes the total Legislative budget by year, type of expenditure, and source of funding.

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Legislative Budget 2016	Legislative Budget 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	66.00	66.00	62.75	62.75	66.00	62.75	(3.25)	(4.92)%
Personal Services	5,014,146	5,356,756	5,785,630	5,779,022	10,370,902	11,564,652	1,193,750	11.51 %
Operating Expenses	1,728,531	2,623,065	1,977,865	2,108,352	4,351,596	4,086,217	(265,379)	(6.10)%
Equipment & Intangible Assets	10,678	0	0	0	10,678	0	(10,678)	(100.00)%
Benefits & Claims	966,303	976,674	1,121,191	1,121,191	1,942,977	2,242,382	299,405	15.41 %
Transfers	0	0	0	0	0	0	0	0.00 %
<b>Total Costs</b>	<b>\$7,719,658</b>	<b>\$8,956,495</b>	<b>\$8,884,686</b>	<b>\$9,008,565</b>	<b>\$16,676,153</b>	<b>\$17,893,251</b>	<b>\$1,217,098</b>	<b>7.30 %</b>
General Fund	6,094,036	7,287,190	6,887,359	6,995,799	13,381,226	13,883,158	501,932	3.75 %
State/Other Special Rev. Funds	1,045,865	1,096,463	1,267,216	1,282,913	2,142,328	2,550,129	407,801	19.04 %
Federal Spec. Rev. Funds	579,757	572,842	730,111	729,853	1,152,599	1,459,964	307,365	26.67 %
<b>Total Funds</b>	<b>\$7,719,658</b>	<b>\$8,956,495</b>	<b>\$8,884,686</b>	<b>\$9,008,565</b>	<b>\$16,676,153</b>	<b>\$17,893,251</b>	<b>\$1,217,098</b>	<b>7.30 %</b>

**Program Description**

The Legal Services Division (LSD) provides:

- Legal research and analysis for the Attorney General
- Legal counsel for state government officials, bureaus, and boards
- Legal assistance to local governments and Indian tribes
- Legal assistance, training, and support for county prosecutors
- Assistance to victims of crime, including compensation payments

The Prosecution Services Bureau assists local county attorneys by providing training and assisting in the prosecution of complex criminal cases, particularly homicide cases. The bureau prosecutes cases where the county attorney has a conflict of interest, and drug, workers' compensation, and Medicaid fraud cases. The bureau also investigates complaints against county attorneys.

The Appellate Services Bureau handles appeals of criminal matters, including death penalty cases, and represents the state in federal court when constitutional challenges are made to a criminal conviction.

The Civil Services Bureau defends the state in constitutional challenges and coordinates appeals of civil cases that involve the state. This bureau also provides legal assistance to state and local governments on matters involving Indian jurisdiction and federal reserved water rights.

The Child Protection Unit handles child abuse and neglect cases around Montana. The unit has offices in Bozeman, Billings, Great Falls, and Miles City and focuses on resolving the legal status of children who have been in foster care for more than 15 out of the most recent 22 months.

The Office of Victim Services (OVS) works to elevate the status of victims and their rights and responds to the needs of crime victims in Montana. It serves as a central reference point for victims of crime, administers the Crime Victim Compensation Program and the Forensic Rape Examination Payment Program, and offers information and referral services. OVS staffs the Domestic Violence Fatality Review Commission and provides training and information for those who work with victims, including law enforcement, victim advocates, probation and parole workers, and local community organizations.

The Office of Consumer Protection (OCP) responds to consumer complaints and enforces Montana's consumer protection laws and regulations relating to unfair and deceptive business practices, including: "bait and switch," false claims,

changing a contract after a sale, abusive arbitration, debt collection misconduct, door-to-door sales, telemarketing including administering Montana's do-not-call list, car and truck sales and repair including the New Vehicle Warranty Act (or Lemon Law) violations, and antitrust issues including price fixing, monopoly abuse, and restraint of trade. OCP assists victims of identity theft and administers the state's Security Freeze Program. It provides extensive public education about consumer and telemarketing fraud and identity theft to Montana consumer groups, senior citizen organizations, law enforcement agencies, and businesses.

**Program Highlights**

<b>Legal Services Division Major Budget Highlights</b>
<ul style="list-style-type: none"> <li>• The budget adjustments approved by the legislature include:                             <ul style="list-style-type: none"> <li>◦ Funding to annualize the legislative pay plan for the 2015 biennium except for the amount associated with the executive implementation or 2% in FY 2015</li> <li>◦ Funding to annualize pay increases given in the 2015 biennium at the agency's discretion</li> <li>◦ Increased federal funding for crime victims benefits</li> <li>◦ Funding for sexual assault and tribal relations training</li> <li>◦ Funding to move operating costs to the FY 2015 legislative budget</li> </ul> </li> </ul>

**Funding**

The following table shows program funding by source from all sources of authority.

Department of Justice, 01-Legal Services Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	13,883,158	0	0	13,883,158	75.72 %	
02106 Crime Victims Compensation	0	0	441,028	441,028	14.74 %	
02140 Consumer Education Settlement	2,170,133	0	0	2,170,133	72.55 %	
02937 JUSTICE STATE SPECIAL MISC	379,996	0	0	379,996	12.70 %	
<b>State Special Total</b>	<b>\$2,550,129</b>	<b>\$0</b>	<b>\$441,028</b>	<b>\$2,991,157</b>	<b>16.31 %</b>	
03169 Federal Crime Victims Benefits	1,091,529	0	0	1,091,529	74.76 %	
03801 Dept Of Justice-Misc Grants	368,435	0	0	368,435	25.24 %	
<b>Federal Special Total</b>	<b>\$1,459,964</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,459,964</b>	<b>7.96 %</b>	
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Total All Funds</b>	<b>\$17,893,251</b>	<b>\$0</b>	<b>\$441,028</b>	<b>\$18,334,279</b>		

The division receives the majority of its funding from the general fund. Each of the various functions within the division has a unique funding source. Attorneys are supported primarily by general fund with state special revenue from highway special revenue, tobacco settlement funds, and other funds supporting specific activities. Additionally, work for the Reserved Water Rights Compact Commission is funded by the Department of Natural Resources and Conservation; prosecution of hunting violations is funded by the Department of Fish, Wildlife and Parks; and prosecution of worker's compensation violations is funded by the State Fund. The cost of major litigation is supported entirely by the general fund. Funding for assistance to crime victims comes from the general fund and federal grants. State special revenue from the settlement of consumer protection litigation funds the portion of the program that supports consumer protection functions.

**Budget Summary by Category**

The following summarizes the total budget utilizing the FY 2015 legislative base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	6,412,190	6,412,190	12,824,380	92.37 %	7,021,030	7,021,030	14,042,060	78.48 %
PL Adjustments	475,169	583,609	1,058,778	7.63 %	1,863,656	1,987,535	3,851,191	21.52 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
<b>Total Budget</b>	<b>\$6,887,359</b>	<b>\$6,995,799</b>	<b>\$13,883,158</b>		<b>\$8,884,686</b>	<b>\$9,008,565</b>	<b>\$17,893,251</b>	

**Present Law Adjustments**

The "Present Law Adjustments" table shows the adopted changes from the FY 2015 legislative appropriation. Each is discussed in the narrative that follows.

Present Law Adjustments										
	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 515 - State Share Health Insurance	0.00	19,198	11,189	110	30,497	0.00	19,198	11,189	110	30,497
DP 516 - Correct State Share Health Insurance	0.00	5,504	(6,614)	1,110	0	0.00	5,505	(6,614)	1,109	0
DP 520 - Fully Fund 2015 Legislatively Authorized FTE	0.00	92,118	0	0	92,118	0.00	92,118	0	0	92,118
DP 521 - Correct Fully Fund 2015 Authorized FTE	0.00	0	11,747	0	11,747	0.00	0	11,747	0	11,747
DP 525 - Fixed Cost Adjustment	0.00	262,785	38,851	0	301,636	0.00	359,695	52,279	0	411,974
DP 527 - Inflation/Deflation Adjustment	0.00	(17,239)	(3,677)	(8)	(20,924)	0.00	(859)	(524)	(1)	(1,384)
DP 530 - Reorganization	0.00	0	906,465	0	906,465	0.00	0	906,465	0	906,465
DP 535 - Program Transfers	0.00	(125,000)	0	154,000	29,000	0.00	(125,000)	0	154,000	29,000
DP 550 - Motor Pool Rate Adjustment	0.00	(892)	(1,136)	0	(2,028)	0.00	(390)	(1,029)	0	(1,419)
DP 600 - 2015 Biennium Discretionary Pay Adjustments	0.00	233,695	43,277	11,540	288,512	0.00	228,342	42,286	11,276	281,904
DP 100101 - LSD Base Adjustments	0.00	0	77,116	0	77,116	0.00	0	77,116	0	77,116
DP 100444 - Statewide 4% FTE Reduction - Program 01	(3.25)	0	0	0	0	(3.25)	0	0	0	0
DP 100500 - Sexual Assault and Tribal Relations Training	0.00	5,000	0	0	5,000	0.00	5,000	0	0	5,000
DP 100600 - Crime Victims Benefits	0.00	0	0	144,517	144,517	0.00	0	0	144,517	144,517
<b>Grand Total All Present Law Adjustments</b>	<b>(3.25)</b>	<b>\$475,169</b>	<b>\$1,077,218</b>	<b>\$311,269</b>	<b>\$1,863,656</b>	<b>(3.25)</b>	<b>\$583,609</b>	<b>\$1,092,915</b>	<b>\$311,011</b>	<b>\$1,987,535</b>

\*\*\*Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 515 - State Share Health Insurance -

The legislature provided appropriation authority for the state share of health insurance, as adopted by the 2013 Legislature.

DP 516 - Correct State Share Health Insurance -

The legislature adjusted funding to correct an error in state share for health insurance calculation for present law adjustment PL 515.

DP 520 - Fully Fund 2015 Legislatively Authorized FTE -

The legislature provided appropriation authority to restore personal services funding to create a vacancy savings rate of zero.

DP 521 - Correct Fully Fund 2015 Authorized FTE -

The legislature adjusted funding to correct a error in calculating fully fund legislative authorized FTE in present law adjustment PL 520.

DP 525 - Fixed Cost Adjustment -

The legislature adopted proprietary rates for fixed costs charged to state agencies for services such as information technology or rent and grounds maintenance within the capitol complex. Rates for messenger services, legislative audit, grounds maintenance, records management, agency legal costs, and the statewide cost allocation plan were adopted as proposed by the executive. The legislature lowered proprietary rates for warrant writer, payroll services, SABHRS, SITSD fees, and rent. The legislature increased insurance premiums to provide for increased costs of claims and to establish a reserve for the insurance fund.

DP 527 - Inflation/Deflation Adjustment -

The legislature adopted inflation/deflation factors for budgeted expenditures such as food or electricity. The legislature concurred with the executive on the factors with the exception of gasoline, aviation gasoline, diesel fuel, and jet fuel. For these factors the legislature further deflated costs to align the budget with more current information on declining prices of oil and gas projected to continue into the 2017 biennium.

DP 530 - Reorganization -

The legislature adopted the reorganization of the consumer protection function from the Office of Consumer Protection to the Legal Services Division within the department. This included transfers of \$906,465 in state special in FY 2016 and 9.00 FTE in FY 2016 and \$906,465 state special revenue and 9.00 FTE in FY 2017.

DP 535 - Program Transfers -

The legislature adopted program transfers made by the department in the interim. This includes transfers of \$125,000 in general fund in FY 2016 and FY 2017 from the the Legal Services Division to the Division of Criminal Investigation to move the Children and Families Ombudsman to the Division of Criminal Investigation. Additionally, \$154,000 federal revenue was moved in FY 2016 and FY 2017 from the Division of Criminal Investigation to the Legal Services Division to fund crime victims grants.

DP 550 - Motor Pool Rate Adjustment -

The legislature adopted a reduction to the motor pool rates.

DP 600 - 2015 Biennium Discretionary Pay Adjustments -

The legislature funded discretionary pay adjustments the agency provided in the 2015 biennium.

DP 100101 - LSD Base Adjustments -

The legislature approved an adjustment to move operating costs to the 2015 legislative base.

DP 100444 - Statewide 4% FTE Reduction - Program 01 -

The 2015 biennium budget included a 4% vacancy savings reduction. Language included in the boilerplate of HB 2 passed by the 2013 Legislature, indicated legislative intent that the 4% vacancy savings be made permanent as an FTE reduction for the 2017 biennium. Change package 100444 includes a reduction of 3.25 FTE.

DP 100500 - Sexual Assault and Tribal Relations Training -

The legislature funded costs for sexual assault and tribal relations training for staff and law enforcement.

DP 100600 - Crime Victims Benefits -

The legislature increased federal funding for crime victim benefits under The Crime Victims Compensation Act of Montana.