

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	397.08	397.08	405.58	411.58	397.08	411.58	14.50	3.65%
Personal Services	25,851,024	27,861,604	28,210,176	28,672,306	53,712,628	56,882,482	3,169,854	5.90%
Operating Expenses	7,811,135	8,420,155	8,578,975	8,729,697	16,231,290	17,308,672	1,077,382	6.64%
Equipment & Intangible Assets	104,887	397,053	113,531	128,663	501,940	242,194	(259,746)	(51.75%)
Grants	274,469	868,781	0	0	1,143,250	0	(1,143,250)	(100.00%)
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	26,604	29,269	26,604	26,604	55,873	53,208	(2,665)	(4.77%)
Total Costs	\$34,068,119	\$37,576,862	\$36,929,286	\$37,557,270	\$71,644,981	\$74,486,556	\$2,841,575	3.97%
General Fund	32,171,909	35,547,624	34,576,039	35,145,858	67,719,533	69,721,897	2,002,364	2.96%
State Special	1,773,813	1,900,080	2,228,332	2,286,483	3,673,893	4,514,815	840,922	22.89%
Federal Special	122,397	129,158	124,915	124,929	251,555	249,844	(1,711)	(0.68%)
Total Funds	\$34,068,119	\$37,576,862	\$36,929,286	\$37,557,270	\$71,644,981	\$74,486,556	\$2,841,575	3.97%

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Legislative Budget Analysis, D-1

Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg - Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg - Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	397.08	403.58	405.58	2.00	403.58	411.58	8.00	
Personal Services	25,851,024	28,231,974	28,210,176	(21,798)	28,193,504	28,672,306	478,802	457,004
Operating Expenses	7,811,135	8,760,655	8,578,975	(181,680)	8,714,010	8,729,697	15,687	(165,993)
Equipment & Intangible Assets	104,887	113,531	113,531	0	118,663	128,663	10,000	10,000
Grants	274,469	274,469	0	(274,469)	274,469	0	(274,469)	(548,938)
Benefits & Claims	0	0	0	0	0	0	0	0
Debt Service	26,604	26,604	26,604	0	26,604	26,604	0	0
Total Costs	\$34,068,119	\$37,407,233	\$36,929,286	(\$477,947)	\$37,327,250	\$37,557,270	\$230,020	(\$247,927)
General Fund	32,171,909	35,103,986	34,576,039	(527,947)	34,990,838	35,145,858	155,020	(372,927)
State/Other Special	1,773,813	2,178,332	2,228,332	50,000	2,211,483	2,286,483	75,000	125,000
Federal Special	122,397	124,915	124,915	0	124,929	124,929	0	0
Total Funds	\$34,068,119	\$37,407,233	\$36,929,286	(\$477,947)	\$37,327,250	\$37,557,270	\$230,020	(\$247,927)

General fund support provided by the legislature for this branch of government is \$0.4 million less than the proposal included in the executive budget recommendation. The legislature reduced general fund support by 2 percent and did not provide funding included in the executive request for the Self-help Law Program or to call in retired judges.

The legislature provided funding for two Judicial Branch requests that were not included in the executive budget including:

- o Drug courts - \$751,372 general fund and \$125,000 state special revenue
- o Additional District Court judges - \$560,327 general fund to support six months of costs associated with adding three District Court judges that would take office January 1, 2011 (judicial districts 1 Broadwater and Lewis and Clark counties, 11 Flathead county, and 13 Yellowstone county)

The legislature also provided \$324,148 general fund for information technology costs that were not included in the executive budget due to an oversight. Funding in decision package 1010 ITSD Fixed Cost PL Adjustment was increased by this amount.

Agency Highlights

Judicial Branch Major Budget Highlights
<ul style="list-style-type: none"> ◆ 2011 biennium funding is 4.0 percent (\$2.8 million) greater than 2009 biennium funding, while general fund support increases 3.0 percent (\$2.0 million) between the two biennia ◆ General fund support increases due to increases in statewide present law adjustments, funding for drug courts, and funding to increase the number of District Court judges (by three) that is offset by an unspecified reduction of 2 percent ◆ The 2011 biennium budget includes 8.50 additional FTE in FY 2010 plus an additional 6.00 FTE in FY 2011 including <ul style="list-style-type: none"> • 1.50 FTE Appellate Mediator • 4.00 FTE for district courts in four judicial districts • 3.00 and 4.00 FTE for drug courts in FY 2010 and 2011, respectively • 5.00 FTE for new District Court judges and related staff in three judicial districts (10 positions funded for one-half of the year) ◆ The legislature recommended that the Legislative Finance Committee consider monitoring several items during the interim

Agency Discussion

Goals and Objectives

The legislature recommends that the Legislative Finance Committee monitor the following in the 2011 biennium.

- Performance measures adopted by the Supreme Court and implementation of these measures in district courts (by comparison to baseline data or by requesting that the Judicial Branch set a specific goal)
- Employee survey results
- Constituent survey results
- Case processing measures including:
 - Case clearance and productivity
 - Age of pending caseload
 - On-time case processing
- Implementation of the appellate mediator proposal, including requesting that the branch set a specific goal or target and proposed Judicial Branch measures of:
 - Number and percent of cases successfully mediated in-house compared to baseline data
 - Number and percent of cases successfully mediated in-house compared to cases mediated by private attorneys
 - Improvement in case processing performance measures compared to baseline data
- Water court issuance of decrees compared to the proposed schedule of issuance
- The e-filing initiative for which the Clerk of the Supreme Court is the lead, including requesting that the branch provide information on timeframes for accomplishment and performance measures
- Vacancy savings, turnover, staffing, and mandatory overtime including vacancy savings rates, staff turnover rates, staffing patterns and caseload, and the amount and cost of mandatory overtime

Funding

The following table summarizes funding for the agency, by program and source. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2011 Biennium Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 18,977,334	\$ 421,472	\$ 249,844	\$ 19,648,650	26.38%
02 Boards And Commissions	570,006	142,487	-	712,493	0.96%
03 Law Library	1,810,154	-	-	1,810,154	2.43%
04 District Court Operations	47,420,587	788,863	-	48,209,450	64.72%
05 Water Courts Supervision	-	3,161,993	-	3,161,993	4.25%
06 Clerk Of Court	943,816	-	-	943,816	1.27%
Grand Total	<u>69,721,897</u>	<u>4,514,815</u>	<u>249,844</u>	<u>74,486,556</u>	100.00%

The Judicial Branch is supported primarily by general fund (93.8 percent) with state special revenue (5.0 percent) supporting specific functions, the largest of which is the Water Court. The Water Court is supported entirely by state special revenue. The branch also receives a small amount of federal funds (0.3 percent) for grants supporting specific projects such as the Court Assessment Program. Previously some federal grants were received to support certain drug treatment courts. However, the 2011 biennium budget does not include any federal grant funds for this purpose.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	32,171,909	32,171,909	64,343,818	92.29%	34,068,119	34,068,119	68,136,238	91.47%
Statewide PL Adjustments	2,630,916	2,644,180	5,275,096	7.57%	2,832,149	2,851,513	5,683,662	7.63%
Other PL Adjustments	557,540	577,713	1,135,253	1.63%	841,116	913,457	1,754,573	2.36%
New Proposals	(784,326)	(247,944)	(1,032,270)	(1.48%)	(812,098)	(275,819)	(1,087,917)	(1.46%)
Total Budget	\$34,576,039	\$35,145,858	\$69,721,897		\$36,929,286	\$37,557,270	\$74,486,556	

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	63.75	63.75	68.25	69.25	63.75	69.25	5.50	8.63%
Personal Services	4,383,242	4,685,463	4,944,345	4,994,548	9,068,705	9,938,893	870,188	9.60%
Operating Expenses	3,614,446	3,781,015	4,865,297	4,834,062	7,395,461	9,699,359	2,303,898	31.15%
Equipment & Intangible Assets	5,199	9,717	5,199	5,199	14,916	10,398	(4,518)	(30.29%)
Grants	274,469	868,781	0	0	1,143,250	0	(1,143,250)	(100.00%)
Total Costs	\$8,277,356	\$9,344,976	\$9,814,841	\$9,833,809	\$17,622,332	\$19,648,650	\$2,026,318	11.50%
General Fund	8,044,917	9,105,776	9,491,690	9,485,644	17,150,693	18,977,334	1,826,641	10.65%
State Special	110,042	110,042	198,236	223,236	220,084	421,472	201,388	91.51%
Federal Special	122,397	129,158	124,915	124,929	251,555	249,844	(1,711)	(0.68%)
Total Funds	\$8,277,356	\$9,344,976	\$9,814,841	\$9,833,809	\$17,622,332	\$19,648,650	\$2,026,318	11.50%

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Funding

Supreme Court operations are funded primarily with general fund. State special revenue from a portion of the dissolution of marriage fees is utilized to provide civil legal services for indigent victims of domestic violence (3-2-714, MCA). The program is also projected to receive about \$125,000 per year in federal grant funds during the 2011 biennium.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	8,044,917	8,044,917	16,089,834	84.78%	8,277,356	8,277,356	16,554,712	84.25%
Statewide PL Adjustments	846,061	804,633	1,650,694	8.70%	849,535	808,120	1,657,655	8.44%
Other PL Adjustments	542,731	586,842	1,129,573	5.95%	630,925	700,036	1,330,961	6.77%
New Proposals	57,981	49,252	107,233	0.57%	57,025	48,297	105,322	0.54%
Total Budget	\$9,491,690	\$9,485,644	\$18,977,334		\$9,814,841	\$9,833,809	\$19,648,650	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	Fiscal 2010					Fiscal 2011				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					426,528					435,962
Inflation/Deflation					10,065					12,149
Fixed Costs					412,942					360,009
Total Statewide Present Law Adjustments		\$846,061	\$0	\$3,474	\$849,535		\$804,633	\$0	\$3,487	\$808,120
DP 1005 - Indigent Victims of Domestic Violence	0.00	0	38,194	0	38,194	0.00	0	38,194	0	38,194
DP 1007 - Montana Drug Court Funding	3.00	354,805	50,000	0	404,805	4.00	396,567	75,000	0	471,567
DP 1008 - Rent Park Avenue Building	0.00	4,631	0	0	4,631	0.00	7,022	0	0	7,022
DP 1010 - ITSD Fixed Cost PL Adjustment	0.00	183,578	0	0	183,578	0.00	183,578	0	0	183,578
DP 7101 - Fuel Inflation Reduction	0.00	(283)	0	0	(283)	0.00	(325)	0	0	(325)
Total Other Present Law Adjustments	3.00	\$542,731	\$88,194	\$0	\$630,925	4.00	\$586,842	\$113,194	\$0	\$700,036
Grand Total All Present Law Adjustments	3.00	\$1,388,792	\$88,194	\$3,474	\$1,480,460	4.00	\$1,391,475	\$113,194	\$3,487	\$1,508,156

DP 1005 - Indigent Victims of Domestic Violence - The legislature provided \$76,388 state special revenue for the biennium from the Civil Legal Assistance for Indigent Victims of Domestic Violence account established in 3-2-714, MCA. Funds in this account are used for the provision of legal representation to indigent domestic violence victims.

DP 1007 - Montana Drug Court Funding - The legislature provided \$751,372 general fund and \$125,000 state special revenue including 3.00 FTE in FY 2010 and 4.00 FTE in FY 2011 to support drug courts.

DP 1008 - Rent Park Avenue Building - The legislature provided \$11,653 general fund for the biennium to cover the increase in lease payments for space rented at the old federal building in Helena. This increase is provided for in the lease agreement.

DP 1010 - ITSD Fixed Cost PL Adjustment - The legislature provided \$367,156 general fund for the biennium to fund the branch's portion of the Information Technology Services Division, fixed cost allocation that falls outside the adjusted base. This decision package was increased by \$324,148 at the request of the Governor's Office of Budget and Program Planning (OBPP) to fund costs that were not included in the executive budget due to an oversight.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1001 - Appellate Mediator											
01	1.50	123,782	0	0	123,782	1.50	117,934	0	0	117,934	
DP 6101 - Fixed Cost Work Comp Mgmt Prog Alloc											
01	0.00	13,987	0	0	13,987	0.00	12,127	0	0	12,127	
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch											
01	0.00	(79,788)	0	(956)	(80,744)	0.00	(80,809)	0	(955)	(81,764)	
Total	1.50	\$57,981	\$0	(\$956)	\$57,025	1.50	\$49,252	\$0	(\$955)	\$48,297	

DP 1001 - Appellate Mediator - The legislature provided \$241,716 general fund for the biennium including 1.50 FTE for an appellate mediator and part-time support staff.

The following information was provided so that the legislature could consider various performance measurement principles when it examined this proposal. It is as submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: Montana is one of nine states that do not have an intermediate appellate court. Thus, the Supreme Court must dispose of all appeals from the District Courts as well as disposing of original proceedings, which results in a heavy and complex caseload. Each Supreme Court justice produces an average of over 50 written opinions per year, well in excess of the national average for an appellate court. Additionally, the Court is responsible for revising rules, imposing attorney discipline, overseeing Judicial Branch boards and commissions, and providing public outreach.

The purpose of this proposal is to help reduce the Supreme Court’s overall workload by improving the appellate mediation success rate through employment of a full-time mediator and part-time support staff. Data from mandatory mediation programs in other states indicate that employment of a full-time mediator would significantly improve the mediation settlement rate. Increasing the number of cases settled through mediation would result in fewer cases needing to be disposed of by the court and allow the justices more time to devote to remaining cases. Additionally, litigants involved in successful mediation may receive quicker resolution of their cases at a lower cost.

Goals: The goal of the proposal is to improve the appellate mediation success rate for selected cases filed in the Supreme Court.

Performance Criteria: Progress will be measured by the number of cases successfully mediated.

Milestones:

- o Hire 1.0 FTE mediator - September 2009
- o Design program based on best practices, hire 0.5 FTE support staff, and rewrite appellate rules governing mediation in conjunction with Supreme Court - March 2010
- o Begin mandatory mediation program as defined by rules - April 2010
- o Collect and analyze program data, evaluate program, and modify as needed - June 2011

FTE: 1.00 FTE appellate mediator and 0.50 FTE support position

Funding: \$241,716 general fund. Parties involved in mediation would be charged a fee, which would be deposited into the general fund, thereby offsetting a portion of the cost of this proposal

Obstacles: Challenges to implementing this proposal include hiring and retaining qualified staff.

Risk: Without additional resources such as the appellate mediator, it is unlikely that the Supreme Court will be able to make progress in handling its heavy and complex caseload in an expeditious manner.

DP 6101 - Fixed Cost Work Comp Mgmt Prog Alloc - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	3.00	3.00	3.00	3.00	3.00	3.00	0.00	0.00%
Personal Services	171,168	180,903	185,582	186,509	352,071	372,091	20,020	5.69%
Operating Expenses	112,125	135,818	181,530	158,872	247,943	340,402	92,459	37.29%
Total Costs	\$283,293	\$316,721	\$367,112	\$345,381	\$600,014	\$712,493	\$112,479	18.75%
General Fund	258,287	291,715	295,874	274,132	550,002	570,006	20,004	3.64%
State Special	25,006	25,006	71,238	71,249	50,012	142,487	92,475	184.91%
Total Funds	\$283,293	\$316,721	\$367,112	\$345,381	\$600,014	\$712,493	\$112,479	18.75%

Page Reference

Legislative Budget Analysis, D-15

Funding

The Boards and Commissions Program receives 79.6 percent of its funding from the general fund. The remaining 20.4 percent of the program’s funding is state special revenue from fees charged for attendance at training events.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	258,287	258,287	516,574	90.63%	283,293	283,293	566,586	79.52%
Statewide PL Adjustments	18,612	19,651	38,263	6.71%	18,850	19,900	38,750	5.44%
Other PL Adjustments	22,762	0	22,762	3.99%	68,756	45,994	114,750	16.11%
New Proposals	(3,787)	(3,806)	(7,593)	(1.33%)	(3,787)	(3,806)	(7,593)	(1.07%)
Total Budget	\$295,874	\$274,132	\$570,006		\$367,112	\$345,381	\$712,493	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					18,201					19,147
Inflation/Deflation					411					504
Fixed Costs					238					249
Total Statewide Present Law Adjustments		\$18,612	\$238	\$0	\$18,850		\$19,651	\$249	\$0	\$19,900
DP 2001 - Judicial Standards Restricted/Biennial	0.00	22,762	0	0	22,762	0.00	0	0	0	0
DP 2002 - State Spec Spending Authority for Judges Training	0.00	0	45,994	0	45,994	0.00	0	45,994	0	45,994
Total Other Present Law Adjustments	0.00	\$22,762	\$45,994	\$0	\$68,756	0.00	\$0	\$45,994	\$0	\$45,994
Grand Total All Present Law Adjustments	0.00	\$41,374	\$46,232	\$0	\$87,606	0.00	\$19,651	\$46,243	\$0	\$65,894

DP 2001 - Judicial Standards Restricted/Biennial - The legislature provided \$22,762 general fund for the biennium in a restricted biennial appropriation for the Judicial Standards Commission. For the past two biennia the legislature has provided the Judicial Branch a \$25,000 restricted, biennial, general fund appropriation that is used to pay for the investigation of complaints against judges. This request would restore the appropriation to \$25,000 for the 2011 biennium.

DP 2002 - State Spec Spending Authority for Judges Training - The legislature provided \$91,988 state special revenue for the biennium to support training for judges in the courts of limited jurisdiction. The revenue source for this fund is registration fees paid for the training events. The Supreme Court is statutorily required to provide training twice a year to the judges in the courts of limited jurisdiction and also provides training once a year to clerks in the courts of limited jurisdiction.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch	02	0.00	(3,787)	0	0	(3,787)	0.00	(3,806)	0	0	(3,806)
Total		0.00	(\$3,787)	\$0	\$0	(\$3,787)	0.00	(\$3,806)	\$0	\$0	(\$3,806)

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	6.75	6.75	6.75	6.75	6.75	6.75	0.00	0.00%
Personal Services	350,139	383,186	384,759	386,005	733,325	770,764	37,439	5.11%
Operating Expenses	427,284	150,927	429,451	430,711	578,211	860,162	281,951	48.76%
Equipment & Intangible Assets	55,550	339,809	64,194	69,326	395,359	133,520	(261,839)	(66.23%)
Debt Service	22,854	23,369	22,854	22,854	46,223	45,708	(515)	(1.11%)
Total Costs	\$855,827	\$897,291	\$901,258	\$908,896	\$1,753,118	\$1,810,154	\$57,036	3.25%
General Fund	855,827	897,291	901,258	908,896	1,753,118	1,810,154	57,036	3.25%
State Special	0	0	0	0	0	0	0	n/a
Total Funds	\$855,827	\$897,291	\$901,258	\$908,896	\$1,753,118	\$1,810,154	\$57,036	3.25%

Page Reference

Legislative Budget Analysis, D-18

Funding

The law library is funded entirely with general fund. The library is also responsible for one proprietary fund.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	855,827	855,827	1,711,654	94.56%	855,827	855,827	1,711,654	94.56%
Statewide PL Adjustments	53,283	60,947	114,230	6.31%	53,283	60,947	114,230	6.31%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(7,852)	(7,878)	(15,730)	(0.87%)	(7,852)	(7,878)	(15,730)	(0.87%)
Total Budget	\$901,258	\$908,896	\$1,810,154		\$901,258	\$908,896	\$1,810,154	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					42,472					43,744
Inflation/Deflation					2,167					3,427
Inflation/Deflation					8,644					13,776
Total Statewide Present Law Adjustments		\$53,283	\$0	\$0	\$53,283		\$60,947	\$0	\$0	\$60,947
Grand Total All Present Law Adjustments	0.00	\$53,283	\$0	\$0	\$53,283	0.00	\$60,947	\$0	\$0	\$60,947

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch											
03	0.00	(7,852)	0	0	(7,852)	0.00	(7,878)	0	0	(7,878)	
Total	0.00	(\$7,852)	\$0	\$0	(\$7,852)	0.00	(\$7,878)	\$0	\$0	(\$7,878)	

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Proprietary Rates

Proprietary Program Description

Law Library Searches/Research Enterprise Fund - The law library is billed by the on-line provider for the air time, and the law library in turn bills the requesting entity for the cost of the search performed.

The Law Library conducts searches of legal resources (Lexus) at the request of individuals. The library is billed by the on-line provider for the air time used and in turn bills the requesting entity for the costs of the search.

Funding

The Law Library Searches/Research Fund is funded entirely as an enterprise fund with users paying for the services received (on-line search).

Program Narrative

Revenues for this function come from the individuals and companies that use the service.

Expenditures are driven by the number of requests for searches. Payment is made to a contractor for the purchase of services on behalf of individuals and companies that request searches. These fees are then billed to the requestor of the informational search.

Present Law Adjustments

None

New Proposals

None

Proprietary Rates

The rate charged to the user is the actual cost of the search performed.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	300.08	300.08	304.08	309.08	300.08	309.08	9.00	3.00%
Personal Services	19,430,613	20,957,493	20,964,482	21,369,001	40,388,106	42,333,483	1,945,377	4.82%
Operating Expenses	3,377,771	4,070,608	2,798,773	2,998,540	7,448,379	5,797,313	(1,651,066)	(22.17%)
Equipment & Intangible Assets	30,577	23,562	30,577	40,577	54,139	71,154	17,015	31.43%
Grants	0	0	0	0	0	0	0	n/a
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	3,750	5,900	3,750	3,750	9,650	7,500	(2,150)	(22.28%)
Total Costs	\$22,842,711	\$25,057,563	\$23,797,582	\$24,411,868	\$47,900,274	\$48,209,450	\$309,176	0.65%
General Fund	22,590,955	24,804,116	23,415,402	24,005,185	47,395,071	47,420,587	25,516	0.05%
State Special	251,756	253,447	382,180	406,683	505,203	788,863	283,660	56.15%
Federal Special	0	0	0	0	0	0	0	n/a
Total Funds	\$22,842,711	\$25,057,563	\$23,797,582	\$24,411,868	\$47,900,274	\$48,209,450	\$309,176	0.65%

Page Reference

Legislative Budget Analysis, D-23

Funding

District court operations are funded almost entirely with general fund. The program also receives a small amount of state special revenue from video conferencing fees, youth court fines and fees, and accrued leave benefits that were paid to the state at the time of district court assumption.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	22,590,955	22,590,955	45,181,910	95.28%	22,842,711	22,842,711	45,685,422	94.76%
Statewide PL Adjustments	1,656,625	1,702,426	3,359,051	7.08%	1,657,661	1,703,582	3,361,243	6.97%
Other PL Adjustments	(7,953)	(9,129)	(17,082)	(0.04%)	121,435	144,642	266,077	0.55%
New Proposals	(824,225)	(279,067)	(1,103,292)	(2.33%)	(824,225)	(279,067)	(1,103,292)	(2.29%)
Total Budget	\$23,415,402	\$24,005,185	\$47,420,587		\$23,797,582	\$24,411,868	\$48,209,450	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					1,614,963	0.00				1,646,275
Inflation/Deflation					42,505	0.00				56,994
Fixed Costs					193	0.00				313
Total Statewide Present Law Adjustments		\$1,656,625	\$1,036	\$0	\$1,657,661	0.00	\$1,702,426	\$1,156	\$0	\$1,703,582
					0	0.00				0
DP 4003 - Youth Probation Fees Spending Authority Increase	0.00	0	75,600	0	75,600	0.00	0	100,000	0	100,000
DP 4004 - State Special Authority for Accrued Leave Payouts	0.00	0	53,903	0	53,903	0.00	0	53,903	0	53,903
DP 7101 - Fuel Inflation Reduction	0.00	(7,953)	(115)	0	(8,068)	0.00	(9,129)	(132)	0	(9,261)
					0	0.00				0
Total Other Present Law Adjustments	0.00	(\$7,953)	\$129,388	\$0	\$121,435	0.00	(\$9,129)	\$153,771	\$0	\$144,642
					0	0.00				0
Grand Total All Present Law Adjustments	0.00	\$1,648,672	\$130,424	\$0	\$1,779,096	0.00	\$1,693,297	\$154,927	\$0	\$1,848,224

DP 4003 - Youth Probation Fees Spending Authority Increase - The legislature provided \$175,600 state special revenue for the biennium from fees collected from youth on probation. These fees are used to pay for a variety of services, including drug testing, restitution collection, community service supervision, and workers' compensation coverage for community service, other programming for youth (shoplifting classes, minor in possession classes, etc.), and staff training.

DP 4004 - State Special Authority for Accrued Leave Payouts - The legislature provided \$107,806 state special revenue for the biennium to fund projected retirement payouts for employees who became state employees at the time of district court assumption. When an employee who was a county employee at the time of district court assumption retires his or her accrued sick and annual leave is paid from this state special revenue fund.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 4001 - Minimum Staffing for District Court Judges										
04	4.00	190,103	0	0	190,103	4.00	179,752	0	0	179,752
DP 4002 - New Judges and Staff										
04	0.00	0	0	0	0	5.00	560,327	0	0	560,327
DP 6105 - 2 Percent Unspecified Reduction of General Fund										
04	0.00	(711,448)	0	0	(711,448)	0.00	(711,448)	0	0	(711,448)
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch										
04	0.00	(302,880)	0	0	(302,880)	0.00	(307,698)	0	0	(307,698)
Total	4.00	(\$824,225)	\$0	\$0	(\$824,225)	9.00	(\$279,067)	\$0	\$0	(\$279,067)

DP 4001 - Minimum Staffing for District Court Judges - The legislature provided \$369,855 general fund for the biennium for 4.00 FTE. Currently, 11 judicial districts in the state do not have the minimum level of staffing defined by the branch as one judicial assistant, one law clerk, and one court reporter per judge. Support staff do scheduling, research, and administrative tasks on behalf of judges.

This addition includes 1.00 FTE law clerk for each of the following judicial districts:

- Judicial District 3 (Deer Lodge/Powell/Granite Counties)
- Judicial District 7 (Dawson/Richland/McCone/Prairie/Wibaux Counties). This clerk would be shared by two judges
- Judicial District 17 (Blaine/Phillips/Valley Counties)

The request also includes 1.00 FTE judicial assistant in Judicial District 15 (Daniels/Roosevelt/Sheridan Counties).

DP 4002 - New Judges and Staff - The legislature provided \$560,327 in FY 2011 to support the addition of three district court judges and related staff beginning January 1, 2011. One new judge will be added in each of the following judicial districts (JD): JD 1, Lewis and Clark and Broadwater counties; JD 11, Flathead County; JD 13, Yellowstone County.

DP 6105 - 2 Percent Unspecified Reduction of General Fund - This item provides an unspecified reduction in general fund of 2 percent for the branch. Language included in the bill allows the branch to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Language and Statutory Authority

"If Senate Bill No. 158 is not passed and approved, the general fund appropriation for District Court Operations is reduced by \$560,327 in fiscal year 2011."

"District Court Operations includes a reduction in general fund money of \$711,448 each year of the biennium. The branch may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	18.00	18.00	18.00	18.00	18.00	18.00	0.00	0.00%
Personal Services	1,148,317	1,248,453	1,313,987	1,319,099	2,396,770	2,633,086	236,316	9.86%
Operating Expenses	225,131	239,167	249,130	252,655	464,298	501,785	37,487	8.07%
Equipment & Intangible Assets	13,561	23,965	13,561	13,561	37,526	27,122	(10,404)	(27.72%)
Total Costs	\$1,387,009	\$1,511,585	\$1,576,678	\$1,585,315	\$2,898,594	\$3,161,993	\$263,399	9.09%
State Special	1,387,009	1,511,585	1,576,678	1,585,315	2,898,594	3,161,993	263,399	9.09%
Total Funds	\$1,387,009	\$1,511,585	\$1,576,678	\$1,585,315	\$2,898,594	\$3,161,993	\$263,399	9.09%

Page Reference

Legislative Budget Analysis, D-27

Funding

The Water Court is supported entirely by state special revenue from the renewable resources grant and loan account and the water adjudication account. Legislation passed by the 2007 Legislature (HB 473 of the regular session) transferred \$25.0 million from the general fund to the state special revenue account for adjudication of water rights claims.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	0	0	0	0.00%	1,387,009	1,387,009	2,774,018	87.73%
Statewide PL Adjustments	0	0	0	0.00%	196,485	202,441	398,926	12.62%
Other PL Adjustments	0	0	0	0.00%	20,000	22,785	42,785	1.35%
New Proposals	0	0	0	0.00%	(26,816)	(26,920)	(53,736)	(1.70%)
Total Budget	\$0	\$0	\$0		\$1,576,678	\$1,585,315	\$3,161,993	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					192,486					197,702
Inflation/Deflation					806					887
Fixed Costs					3,193					3,852
Total Statewide Present Law Adjustments		\$0	\$196,485	\$0	\$196,485		\$0	\$202,441	\$0	\$202,441
DP 5001 - Water Court Rent Increase	0.00	0	4,543	0	4,543	0.00	0	6,917	0	6,917
DP 5002 - Water Court Office Expansion	0.00	0	15,876	0	15,876	0.00	0	16,349	0	16,349
DP 7101 - Fuel Inflation Reduction	0.00	0	(419)	0	(419)	0.00	0	(481)	0	(481)
Total Other Present Law Adjustments	0.00	\$0	\$20,000	\$0	\$20,000	0.00	\$0	\$22,785	\$0	\$22,785
Grand Total All Present Law Adjustments	0.00	\$0	\$216,485	\$0	\$216,485	0.00	\$0	\$225,226	\$0	\$225,226

DP 5001 - Water Court Rent Increase - The legislature provided \$11,460 state special revenue for the biennium to fund a 3 percent annual increase in rent payments.

DP 5002 - Water Court Office Expansion - The legislature provided \$32,225 state special revenue for the biennium to rent an additional 958 square feet of office space. The 2005 Legislature significantly accelerated the pace of statewide adjudication of water rights. As a result, the Water Court estimates issuance of approximately 30 water right decrees in the next 10 years resulting in an estimated 40,000 claim files. The additional space will be used to store the files in an area that provides immediate access.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch	05	0.00	0	(26,816)	0	(26,816)	0.00	0	(26,920)	0	(26,920)
Total		0.00	\$0	(\$26,816)	\$0	(\$26,816)	0.00	\$0	(\$26,920)	\$0	(\$26,920)

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	5.50	5.50	5.50	5.50	5.50	5.50	0.00	0.00%
Personal Services	367,545	406,106	417,021	417,144	773,651	834,165	60,514	7.82%
Operating Expenses	54,378	42,620	54,794	54,857	96,998	109,651	12,653	13.04%
Total Costs	\$421,923	\$448,726	\$471,815	\$472,001	\$870,649	\$943,816	\$73,167	8.40%
General Fund	421,923	448,726	471,815	472,001	870,649	943,816	73,167	8.40%
Total Funds	\$421,923	\$448,726	\$471,815	\$472,001	\$870,649	\$943,816	\$73,167	8.40%

Page Reference

Legislative Budget Analysis, D-32

Funding

The Clerk of Courts Office is funded entirely from the general fund.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	421,923	421,923	843,846	89.41%	421,923	421,923	843,846	89.41%
Statewide PL Adjustments	56,335	56,523	112,858	11.96%	56,335	56,523	112,858	11.96%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(6,443)	(6,445)	(12,888)	(1.37%)	(6,443)	(6,445)	(12,888)	(1.37%)
Total Budget	\$471,815	\$472,001	\$943,816		\$471,815	\$472,001	\$943,816	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					55,919					56,044
Inflation/Deflation					416					479
Total Statewide Present Law Adjustments		\$56,335	\$0	\$0	\$56,335		\$56,523	\$0	\$0	\$56,523
Grand Total All Present Law Adjustments	0.00	\$56,335	\$0	\$0	\$56,335	0.00	\$56,523	\$0	\$0	\$56,523

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch											
06	0.00	(6,443)	0	0	(6,443)	0.00	(6,445)	0	0	(6,445)	
Total	0.00	(\$6,443)	\$0	\$0	(\$6,443)	0.00	(\$6,445)	\$0	\$0	(\$6,445)	

DP 8101 - Apply 2 Percent Vacancy Savings - Judicial Branch - The legislature approved the applications of a 2 percent personal services vacancy savings rate to the Judicial Branch. No vacancy savings was applied in the statewide present law adjustments, which is consistent with past practice. Historically, vacancy savings has not been applied to the Judicial Branch.

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	19.50	19.50	20.00	20.00	19.50	20.00	0.50	2.56%
Personal Services	1,058,895	1,243,480	1,267,523	1,270,216	2,302,375	2,537,739	235,364	10.22%
Operating Expenses	755,049	741,577	879,309	758,073	1,496,626	1,637,382	140,756	9.40%
Equipment & Intangible Assets	0	6,790	0	0	6,790	0	(6,790)	(100.00%)
Grants	6,504,797	29,123,332	6,811,789	6,811,789	35,628,129	13,623,578	(22,004,551)	(61.76%)
Total Costs	\$8,318,741	\$31,115,179	\$8,958,621	\$8,840,078	\$39,433,920	\$17,798,699	(\$21,635,221)	(54.86%)
General Fund	2,195,808	2,304,278	2,435,088	2,378,508	4,500,086	4,813,596	313,510	6.97%
State Special	67,087	131,984	164,014	164,063	199,071	328,077	129,006	64.80%
Federal Special	6,055,846	28,678,917	6,359,519	6,297,507	34,734,763	12,657,026	(22,077,737)	(63.56%)
Total Funds	\$8,318,741	\$31,115,179	\$8,958,621	\$8,840,078	\$39,433,920	\$17,798,699	(\$21,635,221)	(54.86%)

Page Reference

Legislative Budget Analysis, D-35

Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg - Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg - Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	19.50	20.00	20.00	0.00	20.00	20.00	0.00	
Personal Services	1,058,895	1,267,523	1,267,523	0	1,270,216	1,270,216	0	0
Operating Expenses	755,049	1,040,212	879,309	(160,903)	913,970	758,073	(155,897)	(316,800)
Equipment & Intangible Assets	0	0	0	0	0	0	0	0
Grants	6,504,797	6,811,789	6,811,789	0	6,811,789	6,811,789	0	0
Total Costs	\$8,318,741	\$9,119,524	\$8,958,621	(\$160,903)	\$8,995,975	\$8,840,078	(\$155,897)	(\$316,800)
General Fund	2,195,808	2,566,594	2,435,088	(131,506)	2,506,510	2,378,508	(128,002)	(259,508)
State/Other Special	67,087	164,994	164,014	(980)	164,993	164,063	(930)	(1,910)
Federal Special	6,055,846	6,387,936	6,359,519	(28,417)	6,324,472	6,297,507	(26,965)	(55,382)
Total Funds	\$8,318,741	\$9,119,524	\$8,958,621	(\$160,903)	\$8,995,975	\$8,840,078	(\$155,897)	(\$316,800)

General fund support for the agency is \$259,508 less than the executive request. The legislature reduced general fund support by 2 percent and did not approve funding for an adult detention center database or for increased office rent associated with a proposal to move the agency offices to a new location. However, the legislature did provide funding for increased office rent at the current location.

Agency Highlights

Montana Board of Crime Control Major Budget Highlights
<ul style="list-style-type: none"> ◆ Total funding for the agency decreases 54.9 percent between the 2009 and 2011 biennia, due to the impact of a language appropriation providing continuing appropriation authority for pass through grants. This continuing authority is included in the 2009 biennium funding but not the 2011 biennium ◆ General fund support for the agency increases 7.0 percent between the two biennia, which reflects: <ul style="list-style-type: none"> • A non specific funding shift to the general fund • A request for funding to enhance the interface to crime data • An unspecified reduction of 2 percent • Increased funding for office rent at the current location ◆ A supplemental appropriation of \$15,000 state special revenue is requested in FY 2009 ◆ The legislature recommended that the Legislative Finance Committee consider monitoring data processing and information technology initiatives during the interim

Agency Discussion

Goals and Objectives

The legislature recommends that the Legislative Finance Committee monitor the following in the 2011 biennium.

- Various data processing and information technology initiatives of this agency, including requesting that the agency provide information on timeframes for accomplishment and performance measures. The data processing and information technology initiatives funded for this agency include criminal history records improvement (DP 107), juvenile detention center reporting (DP 109), and the National Incident Based Reporting System (NIBRS) web statistics enhancement (DP 111).
- Vacancy savings, turnover, staffing, and mandatory overtime including vacancy savings rates, staff turnover rates, staffing patterns and caseload, and the amount and cost of mandatory overtime

Funding

Federal funds are the primary support and focus of this agency, which acts as a pass-through agency for federal grant funds. The majority of the agency funding, 71.2 percent, is federal pass-through grant funds. A variety of federal grants are received, including grants for juvenile justice related activities, crime victims assistance, domestic violence intervention, multi-jurisdictional drug enforcement task forces, and enforcement of under age drinking laws. By FY 2011 the general fund would provide 27.6 percent of the funding for the agency for grants to juvenile detention centers throughout the state and the costs of administrative and management functions. The remaining 1.2 percent of the agency’s funding is provided by state special revenue supporting misdemeanor probation and compliance officers for local domestic violence intervention programs.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	2,195,808	2,195,808	4,391,616	91.23%	8,318,741	8,318,741	16,637,482	93.48%
Statewide PL Adjustments	193,243	195,821	389,064	8.08%	191,039	193,591	384,630	2.16%
Other PL Adjustments	29,508	34,408	63,916	1.33%	368,156	375,140	743,296	4.18%
New Proposals	16,529	(47,529)	(31,000)	(0.64%)	80,685	(47,394)	33,291	0.19%
Total Budget	\$2,435,088	\$2,378,508	\$4,813,596		\$8,958,621	\$8,840,078	\$17,798,699	

Present Law Adjustments

The “Present Law Adjustments” table shows the primary changes to the adjusted base budget proposed by the legislature. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----				-----Fiscal 2011-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					183,811	0.00				186,500
Inflation/Deflation					2,917	0.00				3,358
Fixed Costs					4,311	0.00				3,733
Total Statewide Present Law Adjustments		\$193,243	(\$6)	(\$2,198)	\$191,039	0.00	\$195,821	(\$7)	(\$2,223)	\$193,591
					0	0.00				0
DP 101 - Board & Council Member Stipends	0.00	4,958	0	1,742	6,700	0.00	4,958	0	1,742	6,700
DP 102 - Administrative Support Position	0.50	0	0	18,117	18,117	0.50	0	0	18,121	18,121
DP 104 - Consolidate Agency Operating Costs	0.00	0	0	0	0	0.00	0	0	0	0
DP 105 - Forensic Crime Lab Improvements	0.00	0	0	14,000	14,000	0.00	0	0	14,000	14,000
DP 106 - STOP Violence Against Women Grant	0.00	0	0	10,000	10,000	0.00	0	0	10,000	10,000
DP 107 - Criminal History Record Improvement Grant	0.00	0	0	191,000	191,000	0.00	0	0	191,000	191,000
DP 108 - Domestic Violence Intervention Grant - Biennial	0.00	0	96,697	0	96,697	0.00	0	96,677	0	96,677
DP 109 - Juvenile Detention Center Reporting	0.00	8,000	0	0	8,000	0.00	8,000	0	0	8,000
DP 714 - Rent Increase Current Office Location	0.00	16,550	236	6,856	23,642	0.00	21,450	306	8,886	30,642
					0	0.00				0
Total Other Present Law Adjustments	0.50	\$29,508	\$96,933	\$241,715	\$368,156	0.50	\$34,408	\$96,983	\$243,749	\$375,140
					0	0.00				0
Grand Total All Present Law Adjustments	0.50	\$222,751	\$96,927	\$239,517	\$559,195	0.50	\$230,229	\$96,976	\$241,526	\$568,731

DP 101 - Board & Council Member Stipends - The legislature provided about \$10,000 general fund and \$3,400 federal funds (\$13,400 total) for the biennium for board and council member per diem payments as provided in 2-15-122 and 2-15-124, MCA. Per diem payments are zero based and thus not included in the base budget for the agency.

DP 102 - Administrative Support Position - The legislature provided \$36,238 federal funds as a one-time-only appropriation for a 0.50 FTE position. The position will provide administrative support for federal grants including: Project Safe Neighborhoods Grant, Anti-Gang Grant, Enforcing Underage Drinking Laws - Discretionary Grant and the

Prescription Drug Monitoring Planning Grant. Additionally the agency plans to use this position to implement the provision of local agency and tribal technical assistance, and planning and resource development for public safety, crime prevention, juvenile justice, and victim assistance as directed by the board.

DP 105 - Forensic Crime Lab Improvements - The legislature provided \$28,000 federal funds for the biennium (\$14,000 per year) for an increase in federal Paul Coverdell Forensic Sciences Improvement Act grant funds. These funds can only be used by crime labs and will be sub granted to the Department of Justice, Forensic Science Division (state crime lab in Missoula). These funds may be used for staff training, equipment, and personal services.

DP 106 - STOP Violence Against Women Grant - The legislature provided \$20,000 federal funds for the biennium (\$10,000 annually) for increases in the federal STOP Violence Against Women Act in Montana. The purpose of the act is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. A committee representing judges, prosecutors, law enforcement, and victim service projects was appointed by the board to establish priorities for initiatives to be funded from this source.

DP 107 - Criminal History Record Improvement Grant - The legislature provided \$382,000 federal funds (\$191,000 annually) for increases in the National Criminal History Record Improvement Grant. These funds are intended to improve the exchange of information between states and on a national level. Currently, the intrastate exchange of criminal record information among Montana agencies is a very manual and laborious process. Achievement of National Criminal History Improvement Program (NCHIP) priorities of timely and complete dispositions, the flagging of disqualifying records, and mental health record availability for use by the NICS program staff are all contingent upon the automation of Montana's criminal justice agencies, including courts, and the development of reliable interfaces between these systems and those national systems recognized under NCHIP as vital to the nation's safety and security.

DP 108 - Domestic Violence Intervention Grant - Biennial - The legislature provided \$193,374 state special as a biennial appropriation for the Misdemeanor Probation for Domestic Violence Program. 44-4-310, MCA created a domestic violence intervention account in the state special revenue fund and 44-4-311, MCA establishes the Domestic Violence Intervention Program, which is supported by funds from this account. The purpose of the program is to promote victim safety and offender accountability through a variety of compliance monitoring methods, including but not limited to probation personnel, electronic or GPS monitoring, tracking of recidivism, revocation of probation for non-compliant offenders, danger assessment, and victim involvement.

DP 109 - Juvenile Detention Center Reporting - The legislature provided \$16,000 general fund as a one-time-only appropriation for the biennium (\$8,000 annually) for software and database maintenance of the Juvenile Detention Reporting System (JDRS). This system combines data reporting to the Montana Board of Crime Control with a unified case management system. The goal of the system is to improve oversight and management of juvenile detention centers. The detention facilities purchased the software system and paid for the customization with pass through grant funds and the maintenance costs are to be covered by MBCC.

DP 714 - Rent Increase Current Office Location - The legislature provided \$54,284 total funds for the biennium to support increased rental costs for the office space where the agency is currently located.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 111 - NIBRS Web Stats Enhancement (Bien/OTO)											
01	0.00	64,000	0	64,000	128,000	0.00	0	0	0	0	0
DP 709 - Pass Through Grants - Biennial											
01	0.00	0	0	0	0	0.00	0	0	0	0	0
DP 6101 - Fixed Cost Workers Comp Management Program Allocat											
01	0.00	444	0	156	600	0.00	386	0	135	521	
DP 6105 - 2 Percent Unspecified Reduction of General Fund											
01	0.00	(47,915)	0	0	(47,915)	0.00	(47,915)	0	0	(47,915)	
Total	0.00	\$16,529	\$0	\$64,156	\$80,685	0.00	(\$47,529)	\$0	\$135	(\$47,394)	

DP 111 - NIBRS Web Stats Enhancement (Bien/OTO) - The legislature provided \$128,000 total funds as a biennial, restricted, one-time-only appropriation, to enhance the interface to the crime database and make it more usable for decision makers and the public. The department seeks to have an interface that would allow crime data users to easily create reports, graphs, and charts that are specific to their needs.

DP 709 - Pass Through Grants - Biennial - This decision package is a technical adjustment necessary to add a line item to HB 2.

DP 6101 - Fixed Cost Workers Comp Management Program Allocat - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 6105 - 2 Percent Unspecified Reduction of General Fund - This item provides an unspecified reduction in general fund of 2 percent for the agency. Language included in the bill allows the agency to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

Language and Statutory Authority

“All remaining pass-through grant appropriations, up to 100,000 in general fund money, \$180,000 in state special revenue, and \$7,000,000 in federal funds, including reversions, for the 2009 biennium are authorized to continue and are appropriated in fiscal year 2010 and fiscal year 2011.”

“Justice System Support includes a reduction in general fund money of \$47,915 each year of the biennium. The agency may allocate this reduction in funding among programs when developing 2011 biennium operating plans.”

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	690.27	690.27	752.05	752.05	690.27	752.05	61.78	8.95%
Personal Services	37,299,436	41,652,605	46,019,738	46,262,269	78,952,041	92,282,007	13,329,966	16.88%
Operating Expenses	20,506,827	20,570,837	21,683,881	21,339,074	41,077,664	43,022,955	1,945,291	4.74%
Equipment & Intangible Assets	2,090,990	2,310,630	2,167,240	2,167,240	4,401,620	4,334,480	(67,140)	(1.53%)
Grants	0	0	0	0	0	0	0	n/a
Benefits & Claims	860,152	864,021	1,935,631	1,935,631	1,724,173	3,871,262	2,147,089	124.53%
Transfers	0	0	0	0	0	0	0	n/a
Debt Service	830,342	7,936,794	1,940,288	1,824,840	8,767,136	3,765,128	(5,002,008)	(57.05%)
Total Costs	\$61,587,747	\$73,334,887	\$73,746,778	\$73,529,054	\$134,922,634	\$147,275,832	\$12,353,198	9.16%
General Fund	23,761,709	25,275,706	26,167,732	25,947,326	49,037,415	52,115,058	3,077,643	6.28%
State Special	35,011,954	44,540,438	44,067,388	44,062,356	79,552,392	88,129,744	8,577,352	10.78%
Federal Special	1,335,049	1,736,714	1,739,079	1,745,458	3,071,763	3,484,537	412,774	13.44%
Other	1,479,035	1,782,029	1,772,579	1,773,914	3,261,064	3,546,493	285,429	8.75%
Total Funds	\$61,587,747	\$73,334,887	\$73,746,778	\$73,529,054	\$134,922,634	\$147,275,832	\$12,353,198	9.16%

Page Reference

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Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg - Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg - Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	690.27	695.27	752.05	56.78	695.27	752.05	56.78	
Personal Services	37,299,436	41,349,045	46,019,738	4,670,693	41,492,040	46,262,269	4,770,229	9,440,922
Operating Expenses	20,506,827	22,896,857	21,683,881	(1,212,976)	22,033,794	21,339,074	(694,720)	(1,907,696)
Equipment & Intangible Assets	2,090,990	2,275,990	2,167,240	(108,750)	2,292,490	2,167,240	(125,250)	(234,000)
Grants	0	0	0	0	0	0	0	0
Benefits & Claims	860,152	1,935,631	1,935,631	0	1,935,631	1,935,631	0	0
Transfers	0	0	0	0	0	0	0	0
Debt Service	830,342	1,877,215	1,940,288	63,073	1,761,767	1,824,840	63,073	126,146
Total Costs	\$61,587,747	\$70,334,738	\$73,746,778	\$3,412,040	\$69,515,722	\$73,529,054	\$4,013,332	\$7,425,372
General Fund	23,761,709	26,614,769	26,167,732	(447,037)	25,867,274	25,947,326	80,052	(366,985)
State/Other Special	35,011,954	40,216,200	44,067,388	3,851,188	40,140,095	44,062,356	3,922,261	7,773,449
Federal Special	1,335,049	1,731,190	1,739,079	7,889	1,734,439	1,745,458	11,019	18,908
Proprietary	1,479,035	1,772,579	1,772,579	0	1,773,914	1,773,914	0	0
Total Funds	\$61,587,747	\$70,334,738	\$73,746,778	\$3,412,040	\$69,515,722	\$73,529,054	\$4,013,332	\$7,425,372

Funding approved by the legislature for this agency is \$7.4 million total funds greater than the executive request. State special revenue funding provided by the legislature is \$7.8 million more than the executive request primarily due to addition of funding for the Montana Highway Patrol that was previously statutorily appropriated and removal from the base budget of funding for the Criminal Justice Information Network (CJIN) related intermittent expenditures. General fund support approved by the legislature is about \$0.4 million less than the executive request.

The general fund reduction from the executive request is due to an unspecified reduction of 2 percent combined with

legislative approval of funding for some elected official requests not included in the executive budget, and non inclusion of funding for some items included in the executive request.

General fund support for the following items was included in the executive budget but not provided by the legislature.

- o Overtime cost related to executive protection - \$160,000
- o Vehicle purchases for drivers licensing and examination - \$128,000 general fund (and \$86,000 state special revenue)
- o Division of Criminal Investigations base adjustments – reduction \$90,100
- o Child Sexual Abuse Program FTE - \$82,048
- o Computer crime unit equipment replacement - \$40,000
- o Vehicle lease for child protection unit - \$9,000 (and \$3,000 federal funds)

The legislature provided general fund support for the following elected official requests, which were not included in the executive budget.

- o Computer crimes investigations - \$366,756
- o Increasing attorney salaries to 90 percent of market - \$415,653 (plus state special revenue and federal funds)
- o Public Safety Officers Standards and Training (POST) Council - \$278,146

State special revenue funding for the Montana Highway Patrol is increased by \$8.9 million to reflect the removal of provisions that provided a statutory appropriation of some funding (SB 117). If SB 117 is passed and approved, this funding will no longer be statutorily appropriated and must be appropriated through the general appropriations act.

Agency Highlights

Department of Justice Major Budget Highlights
<ul style="list-style-type: none"> ◆ Funding for the agency increases 9.2 percent (\$12.4 million) when the 2009 and 2011 biennia are compared, primarily due to an increase in state special revenue ◆ General fund support increases 6.3 percent (\$3.1 million) between the two biennia <ul style="list-style-type: none"> • Increases in funding for statewide present law adjustments, license plate reissue (\$0.3 million), and the methamphetamine watch media campaign (\$0.5 million) are offset by a decrease in funding for rent of the state crime lab and an unspecified reduction of 2 percent ◆ State special revenue increases primarily due to the addition of \$8.9 million that was previously statutorily appropriated to support the Montana Highway Patrol ◆ Federal funds increase 13.4 percent (\$0.4 million) primarily due to an increase in funding from the federal crime victims compensation grant and for Medicaid fraud investigation ◆ Proprietary funds increase 8.8 percent (\$0.3 million) primarily due to funding requested for e-government applications and liquor licensing functions ◆ The legislature recommended that the Legislative Finance Committee consider monitoring several items during the interim

Agency Discussion
Goals and Objectives

The legislature recommends that the Legislative Finance Committee consider monitoring the following in the 2011 biennium.

- o Motor Vehicle Division ongoing implementation of the Montana Enhanced Registration and Licensing Information Network (MERLIN)
- o Montana Highway Patrol efforts to improve technologies to increase trooper efficiency including continued implementation of SMART cop
- o Division of Criminal Investigation
 - Continued funding of the Methamphetamine Watch media campaign
 - Computer crime investigations including the agency’s suggested measures of forensic caseloads investigated and prosecuted that involve the use of the internet
 - Public Safety Officer Standards and Training (POST) including efforts to ensure the accuracy of the database and eliminate duplications, and to quantify the number of agency reviews conducted, complaints investigated, and certification audits performed by the council

Funding

The following table summarizes funding for the agency, by program and source. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2011 Biennium Budget						
Agency Program	General Fund	State Spec.	Fed Spec.	Proprietary	Grand Total	Total %
01 Legal Services Division	\$ 9,881,937	\$ 946,932	\$ 1,137,375	\$ -	\$ 11,966,244	8.13%
02 Office Of Consumer Protection	-	3,452,700	-	-	3,452,700	2.34%
07 Gambling Control Division	-	5,817,406	-	2,119,194	7,936,600	5.39%
12 Motor Vehicle Division	15,445,555	13,534,500	-	1,256,400	30,236,455	20.53%
13 Highway Patrol Division	397,652	56,013,355	-	-	56,411,007	38.30%
18 Div. Of Criminal Investigation	11,442,110	6,178,053	2,342,626	-	19,962,789	13.55%
28 Central Services Division	978,528	1,338,983	-	144,087	2,461,598	1.67%
29 Information Technology Service	6,952,348	242,487	4,536	26,812	7,226,183	4.91%
32 Forensic Science Division	7,016,928	605,328	-	-	7,622,256	5.18%
Grand Total	<u>\$ 52,115,058</u>	<u>\$ 88,129,744</u>	<u>\$ 3,484,537</u>	<u>\$ 3,546,493</u>	<u>\$ 147,275,832</u>	<u>100.00%</u>

Funding for this department is comprised of general fund (37.9 percent), state special revenue (57.1 percent), federal funds (2.5 percent), and proprietary fund (2.5 percent). General fund supports the state crime lab (Forensic Science Division), criminal investigative services, information technology functions, motor vehicle titling and registration, and driver licensing functions.

State special revenue from the highways state special revenue supports the highway patrol, motor vehicle titling and registration, and driver licensing functions. State special revenue from consumer protection litigation supports the Office of Consumer Protection, gambling licensure and fees supports the Gambling Control Division, and earmarked alcohol taxes support crime lab functions related to training and maintenance of law enforcement breath testing equipment.

Federal funding sources include Medicaid, the Stop Violence Against Women Act, and the Crime Victims Compensation Act. Medicaid funds are the largest single source of federal funds and support Medicaid fraud investigation activities. Proprietary funds support liquor licensing, legal services provided to other state agencies, and some electronic commerce (e-government) functions.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	23,761,709	23,761,709	47,523,418	91.19%	61,587,747	61,587,747	123,175,494	83.64%
Statewide PL Adjustments	1,927,380	1,965,831	3,893,211	7.47%	4,994,225	5,122,024	10,116,249	6.87%
Other PL Adjustments	731,268	434,089	1,165,357	2.24%	2,392,769	1,975,061	4,367,830	2.97%

Budget Summary by Category Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
New Proposals	(252,625)	(214,303)	(466,928)	(0.90%)	4,772,037	4,844,222	9,616,259	6.53%
Total Budget	\$26,167,732	\$25,947,326	\$52,115,058		\$73,746,778	\$73,529,054	\$147,275,832	

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	56.50	56.50	56.50	56.50	56.50	56.50	0.00	0.00%
Personal Services	3,592,019	4,054,856	4,271,541	4,371,628	7,646,875	8,643,169	996,294	13.03%
Operating Expenses	1,196,673	1,322,068	715,137	716,676	2,518,741	1,431,813	(1,086,928)	(43.15%)
Grants	0	0	0	0	0	0	0	n/a
Benefits & Claims	860,152	864,021	945,631	945,631	1,724,173	1,891,262	167,089	9.69%
Total Costs	\$5,648,844	\$6,240,945	\$5,932,309	\$6,033,935	\$11,889,789	\$11,966,244	\$76,455	0.64%
General Fund	4,873,596	5,304,769	4,905,623	4,976,314	10,178,365	9,881,937	(296,428)	(2.91%)
State Special	356,508	367,891	459,773	487,159	724,399	946,932	222,533	30.72%
Federal Special	418,740	568,285	566,913	570,462	987,025	1,137,375	150,350	15.23%
Total Funds	\$5,648,844	\$6,240,945	\$5,932,309	\$6,033,935	\$11,889,789	\$11,966,244	\$76,455	0.64%

Page Reference

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Funding

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 gambling licensing, 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 Conservations, 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 (67 percent), federal grants (31.5 percent), and consumer protection settlement proceeds (1.5 percent).

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	4,873,596	4,873,596	9,747,192	98.64%	5,648,844	5,648,844	11,297,688	94.41%
Statewide PL Adjustments	479,529	491,440	970,969	9.83%	579,944	594,300	1,174,244	9.81%
Other PL Adjustments	2,433	2,423	4,856	0.05%	85,412	85,402	170,814	1.43%
New Proposals	(449,935)	(391,145)	(841,080)	(8.51%)	(381,891)	(294,611)	(676,502)	(5.65%)
Total Budget	\$4,905,623	\$4,976,314	\$9,881,937		\$5,932,309	\$6,033,935	\$11,966,244	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					708,068	0.00				721,148
Vacancy Savings					(167,044)	0.00				(167,567)
Inflation/Deflation					10,837	0.00				12,496
Fixed Costs					28,083	0.00				28,223
Total Statewide Present Law Adjustments		\$479,529	\$38,332	\$62,083	\$579,944	0.00	\$491,440	\$40,337	\$62,523	\$594,300
					0	0.00				0
DP 105 - Forensic Rape Examination Payment Program (FREPP)	0.00	2,500	0	0	2,500	0.00	2,500	0	0	2,500
DP 107 - Addition Federal Grant Money for Victims of Crime	0.00	0	0	82,979	82,979	0.00	0	0	82,979	82,979
DP 7101 - Fuel Inflation Reduction	0.00	(67)	0	0	(67)	0.00	(77)	0	0	(77)
					0	0.00				0
Total Other Present Law Adjustments	0.00	\$2,433	\$0	\$82,979	\$85,412	0.00	\$2,423	\$0	\$82,979	\$85,402
					0	0.00				0
Grand Total All Present Law Adjustments	0.00	\$481,962	\$38,332	\$145,062	\$665,356	0.00	\$493,863	\$40,337	\$145,502	\$679,702

DP 105 - Forensic Rape Examination Payment Program (FREPP) - The legislature provided \$5,000 general fund for the biennium as a restricted appropriation for the Forensic Rape Examination Payment Program (FREPP), which helps rape victims pay for the necessary forensic medical exam. Under 46-15-411 MCA, the program provides direct payment to healthcare providers for forensic rape examinations of victims who have an exam within 72 hours of the assault, but choose not to immediately report the crime to law enforcement. FREPP pays the cost of a sexual assault examination up to a maximum of \$600.

DP 107 - Addition Federal Grant Money for Victims of Crime - The legislature approved the addition of \$165,958 federal funds for the biennium for the Violent Offenders Compensation program. The amount of the federal grant has increased.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 704 - Increase Attorney Salaries to 90 percent of market	01	0.00	178,137	76,253	9,389	263,779	0.00	237,516	101,670	12,519	351,705
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation	01	0.00	1,880	0	0	1,880	0.00	1,630	0	0	1,630
DP 6105 - 2 Percent Unspecified Reduction of General Fund	01	0.00	(522,269)	0	0	(522,269)	0.00	(522,269)	0	0	(522,269)
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent	01	0.00	(107,683)	(11,320)	(6,278)	(125,281)	0.00	(108,022)	(11,356)	(6,299)	(125,677)
Total	0.00	(\$449,935)	\$64,933	\$3,111	(\$381,891)	0.00	(\$391,145)	\$90,314	\$6,220	(\$294,611)	

DP 704 - Increase Attorney Salaries to 90 percent of market - The legislature provided \$315,484 including \$615,653 general fund to increase attorney salaries to 90 percent of the market pay for the position.

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation

management program in the Department of Administration.

DP 6105 - 2 Percent Unspecified Reduction of General Fund - This item provides an unspecified reduction in general fund of 2 percent for the agency. Language included in the bill allows the agency to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Language and Statutory Authority

"Legal Services Division includes a reduction in general fund money of \$522,269 each year of the biennium. The agency may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	8.25	8.25	9.25	9.25	8.25	9.25	1.00	12.12%
Personal Services	423,538	505,245	518,501	519,087	928,783	1,037,588	108,805	11.71%
Operating Expenses	190,159	198,644	220,183	214,929	388,803	435,112	46,309	11.91%
Benefits & Claims	0	0	990,000	990,000	0	1,980,000	1,980,000	n/a
Total Costs	\$613,697	\$703,889	\$1,728,684	\$1,724,016	\$1,317,586	\$3,452,700	\$2,135,114	162.05%
State Special	613,697	703,889	1,728,684	1,724,016	1,317,586	3,452,700	2,135,114	162.05%
Total Funds	\$613,697	\$703,889	\$1,728,684	\$1,724,016	\$1,317,586	\$3,452,700	\$2,135,114	162.05%

Page Reference

Legislative Budget Analysis, D-58

Funding

The program is funded entirely with state special revenue from settlement of consumer protection legal actions.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	0	0	0	0.00%	613,697	613,697	1,227,394	35.55%
Statewide PL Adjustments	0	0	0	0.00%	26,166	26,675	52,841	1.53%
Other PL Adjustments	0	0	0	0.00%	(34)	(39)	(73)	0.00%
New Proposals	0	0	0	0.00%	1,088,855	1,083,683	2,172,538	62.92%
Total Budget	\$0	\$0	\$0		\$1,728,684	\$1,724,016	\$3,452,700	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					40,080					40,676
Vacancy Savings					(18,544)					(18,569)
Inflation/Deflation					374					467
Fixed Costs					4,256					4,101
Total Statewide Present Law Adjustments		\$0	\$26,166	\$0	\$26,166		\$0	\$26,675	\$0	\$26,675
DP 7101 - Fuel Inflation Reduction	0.00	0	(34)	0	(34)	0.00	0	(39)	0	(39)
Total Other Present Law Adjustments	0.00	\$0	(\$34)	\$0	(\$34)	0.00	\$0	(\$39)	\$0	(\$39)
Grand Total All Present Law Adjustments	0.00	\$0	\$26,132	\$0	\$26,132	0.00	\$0	\$26,636	\$0	\$26,636

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 201 - Distribute Settlement Funds to Injured Parties											
02	0.00	0	1,000,000	0	1,000,000	0.00	0	1,000,000	0	1,000,000	
DP 202 - Agriculture Anti-trust Attorney											
02	1.00	0	102,485	0	102,485	1.00	0	97,369	0	97,369	
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation											
02	0.00	0	278	0	278	0.00	0	241	0	241	
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent											
02	0.00	0	(13,908)	0	(13,908)	0.00	0	(13,927)	0	(13,927)	
Total	1.00	\$0	\$1,088,855	\$0	\$1,088,855	1.00	\$0	\$1,083,683	\$0	\$1,083,683	

DP 201 - Distribute Settlement Funds to Injured Parties - The legislature provided \$2.0 million state special revenue for the distribution of settlement proceeds to Montana consumers in the form of rebates, training, education, or other public service programs. The number and dollar amounts involved in these settlements can vary widely from year to year. The Department of Justice plans to create an advisory board that will make recommendations for how settlement proceeds are distributed.

DP 202 - Agriculture Anti-trust Attorney - The legislature provided \$199,854 state special revenue to support an attorney specializing in agriculture related litigation on behalf of consumers.

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Page Reference

Legislative Budget Analysis, D-62

Proprietary Program Description

Agency Legal Services Bureau (ALSB) provides legal, hearing examiner, and investigative services to state agency clients on a contract basis. ALSB attorneys and investigators bill clients for their services and case-related and incidental costs. ALSB has 17.00 FTE funded from the revenues generated.

Customers Served: ALSB serves state agencies, boards, and commissions that have entered into contracts with ALSB.

Funding

Agency Legal Services is funded by the fees charged to state agencies for services provided to them.

The following decision packages were concurred in when rates for the program were approved.

Present Law Adjustments

PL 0601 ALS Rent Adjustment – Agency Legal Services leases a non-Department of Administration building that is subject to a 2 percent per year increase in rental rates. The base year expenditures for rent were \$81,072.

New Proposals

DP 6101 - Fixed Cost Workers Comp Management Program Allocat - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

Proprietary Rates

For the 2011 biennium the following rates would generate revenue commensurate with the costs as approved by the legislature.

The legislature approved the following rates for Agency Legal Services for the 2011 biennium.

Attorneys \$93 per hour

Investigators \$53 per hour

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	49.50	49.50	50.50	50.50	49.50	50.50	1.00	2.02%
Personal Services	2,626,118	2,931,859	2,922,429	2,927,950	5,557,977	5,850,379	292,402	5.26%
Operating Expenses	778,201	790,424	908,148	906,311	1,568,625	1,814,459	245,834	15.67%
Equipment & Intangible Assets	132,158	72,445	132,158	132,158	204,603	264,316	59,713	29.18%
Debt Service	3,723	4,880	3,723	3,723	8,603	7,446	(1,157)	(13.45%)
Total Costs	\$3,540,200	\$3,799,608	\$3,966,458	\$3,970,142	\$7,339,808	\$7,936,600	\$596,792	8.13%
State Special	2,582,066	2,685,021	2,907,350	2,910,056	5,267,087	5,817,406	550,319	10.45%
Other	958,134	1,114,587	1,059,108	1,060,086	2,072,721	2,119,194	46,473	2.24%
Total Funds	\$3,540,200	\$3,799,608	\$3,966,458	\$3,970,142	\$7,339,808	\$7,936,600	\$596,792	8.13%

Page Reference

Legislative Budget Analysis, D-65

Funding

The division receives 73.0 percent of its funding from state special revenue including gambling license fees (70.4 percent) and tobacco settlement proceeds (2.6 percent). The remaining 27.0 percent of the division's funding comes from the Department of Revenue proprietary fund for liquor licensing.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	0	0	0	0.00%	3,540,200	3,540,200	7,080,400	89.21%
Statewide PL Adjustments	0	0	0	0.00%	343,164	349,527	692,691	8.73%
Other PL Adjustments	0	0	0	0.00%	168,641	166,348	334,989	4.22%
New Proposals	0	0	0	0.00%	(85,547)	(85,933)	(171,480)	(2.16%)
Total Budget	\$0	\$0	\$0		\$3,966,458	\$3,970,142	\$7,936,600	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					445,282					451,071
Vacancy Savings					(122,859)					(123,087)
Inflation/Deflation					8,801					10,034
Fixed Costs					11,940					11,509
Total Statewide Present Law Adjustments		\$0	\$252,454	\$0	\$343,164*		\$0	\$257,083	\$0	\$349,527*
DP 701 - GCD Base Operating Expense Adjustments	0.00	0	36,500	0	55,500*	0.00	0	37,500	0	56,900*
DP 702 - Cont. OTO Approp - Gambling Database - (Bien/OTO)	0.00	0	50,000	0	50,000	0.00	0	50,000	0	50,000
DP 703 - New Machine Tester FTE	1.00	0	50,717	0	71,433*	1.00	0	48,966	0	68,966*
DP 7101 - Fuel Inflation Reduction	0.00	0	(6,052)	0	(8,292)*	0.00	0	(6,947)	0	(9,518)*
Total Other Present Law Adjustments	1.00	\$0	\$131,165	\$0	\$168,641*	1.00	\$0	\$129,519	\$0	\$166,348*
Grand Total All Present Law Adjustments	1.00	\$0	\$383,619	\$0	\$511,805*	1.00	\$0	\$386,602	\$0	\$515,875*

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

DP 701 - GCD Base Operating Expense Adjustments - The legislature provided \$112,400 (state special revenue and proprietary funds) including:

- o \$22,500 per year to annualize the operating costs for four positions that were vacant for nine months
- o \$15,000 for out-of-country travel in the event that it is necessary to conduct license investigations
- o \$18,000 in FY 2010 and \$19,400 in FY 2011 for increases in office rental costs

DP 702 - Cont. OTO Approp - Gambling Database - (Bien/OTO) - The legislature provided \$100,000 state special revenue as a biennial, one-time-only appropriation, to enhance the web entry system that is being used by a larger proportion of gambling operators than was anticipated. The division will initiate a planning process with customers to improve functionality and convenience. The improvements may require changes to the data base (GenTax) or web interface (MII).

DP 703 - New Machine Tester FTE - The legislature provided \$140,399 (state special revenue and proprietary funds) for the biennium for an additional 1.00 FTE machine tester and related costs to complete testing of new video gambling machines, new machine programs, and automated accounting and reporting systems submitted to the division for approval and subsequent sale to Montana gambling operators.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 704 - Recycling Video Gambling Machines 07	0.00	0	5,000	0	5,000	0.00	0	5,000	0	5,000
DP 6101 - Fixed Cost Workers Comp Management Program Alloc. 07	0.00	0	1,167	0	1,598*	0.00	0	1,011	0	1,385*
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent 07	0.00	0	(64,502)	0	(92,145)*	0.00	0	(64,623)	0	(92,318)*
Total	0.00	\$0	(\$58,335)	\$0	(\$85,547)*	0.00	\$0	(\$58,612)	\$0	(\$85,933)*

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

DP 704 - Recycling Video Gambling Machines - The legislature provided \$10,000 state special revenue for the biennium for the costs of recycling video gambling machines (the cathode ray tubes found in video gambling machines is considered a hazardous waste) that are confiscated or abandoned by their previous owner. In cases where the owner of the old video gambling machines can be identified, the Gambling Control Division would use these funds to negotiate a cost sharing agreement for the recycling of the machines.

DP 6101 - Fixed Cost Workers Comp Management Program Alloc. - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	155.00	155.00	155.00	155.00	155.00	155.00	0.00	0.00%
Personal Services	5,629,097	6,298,677	6,163,519	6,177,610	11,927,774	12,341,129	413,355	3.47%
Operating Expenses	6,224,419	6,273,290	7,337,953	7,039,953	12,497,709	14,377,906	1,880,197	15.04%
Equipment & Intangible Assets	32,649	65,019	33,149	33,149	97,668	66,298	(31,370)	(32.12%)
Transfers	0	0	0	0	0	0	0	n/a
Debt Service	736,412	7,810,769	1,783,285	1,667,837	8,547,181	3,451,122	(5,096,059)	(59.62%)
Total Costs	\$12,622,577	\$20,447,755	\$15,317,906	\$14,918,549	\$33,070,332	\$30,236,455	(\$2,833,877)	(8.57%)
General Fund	6,771,937	7,314,847	7,872,266	7,573,289	14,086,784	15,445,555	1,358,771	9.65%
State Special	5,409,492	12,546,782	6,817,518	6,716,982	17,956,274	13,534,500	(4,421,774)	(24.63%)
Other	441,148	586,126	628,122	628,278	1,027,274	1,256,400	229,126	22.30%
Total Funds	\$12,622,577	\$20,447,755	\$15,317,906	\$14,918,549	\$33,070,332	\$30,236,455	(\$2,833,877)	(8.57%)

Page Reference

Legislative Budget Analysis, D-70

Funding

The division receives 51 percent of its funding from the general fund and 43 percent from state special revenues. Highway funds are the primary source of state special revenue and in conjunction with the general fund support drivers licensing and vehicle registration functions (40 percent highway funds and 60 percent general fund). The division's other source of state special revenue is fee revenue that supports the development of a new computer system, the Montana Enhanced Registration and Licensing Information Network system (MERLIN). Proprietary funds related to e-commerce and provision of government services online for which a fee is charged provide the remaining 4 percent of the division's funding.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	6,771,937	6,771,937	13,543,874	87.69%	12,622,577	12,622,577	25,245,154	83.49%
Statewide PL Adjustments	542,668	552,446	1,095,114	7.09%	749,668	766,178	1,515,846	5.01%
Other PL Adjustments	673,825	365,752	1,039,577	6.73%	2,139,268	1,724,530	3,863,798	12.78%
New Proposals	(116,164)	(116,846)	(233,010)	(1.51%)	(193,607)	(194,736)	(388,343)	(1.28%)
Total Budget	\$7,872,266	\$7,573,289	\$15,445,555		\$15,317,906	\$14,918,549	\$30,236,455	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					992,965					1,008,124
Vacancy Savings					(264,881)					(265,492)
Inflation/Deflation					43,504					47,095
Fixed Costs					(21,920)					(23,549)
Total Statewide Present Law Adjustments		\$542,668	\$203,878	\$0	\$749,668*		\$552,446	\$210,454	\$0	\$766,178*
DP 1201 - Base Adjustments MVD Field Operations Bureau	0.00	49,969	32,979	0	82,948	0.00	62,010	41,007	0	103,017
DP 1202 - Base Adjustments MVD Title and Registration Bureau	0.00	18,229	12,153	0	30,382	0.00	20,064	13,376	0	33,440
DP 1204 - Adjust Base for Debt Payments - Biennial	0.00	0	1,046,873	0	1,046,873	0.00	0	931,425	0	931,425
DP 1205 - New Driver's License Production Costs	0.00	167,412	111,608	0	279,020	0.00	167,412	111,608	0	279,020
DP 1207 - Point of Sale Title and Registration Forms	0.00	121,707	81,138	0	202,845	0.00	121,707	81,138	0	202,845
DP 1208 - License Plate Reissue - OTO	0.00	321,250	0	0	321,250	0.00	0	0	0	0
DP 1212 - MV Proprietary Account spending Authority	0.00	0	0	0	25,000*	0.00	0	0	0	25,000*
DP 1213 - HB 671 Proprietary Account Spending Authority	0.00	0	0	0	158,852*	0.00	0	0	0	158,852*
DP 7101 - Fuel Inflation Reduction	0.00	(4,742)	(3,160)	0	(7,902)	0.00	(5,441)	(3,628)	0	(9,069)
Total Other Present Law Adjustments	0.00	\$673,825	\$1,281,591	\$0	\$2,139,268*	0.00	\$365,752	\$1,174,926	\$0	\$1,724,530*
Grand Total All Present Law Adjustments	0.00	\$1,216,493	\$1,485,469	\$0	\$2,888,936*	0.00	\$918,198	\$1,385,380	\$0	\$2,490,708*

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

DP 1201 - Base Adjustments MVD Field Operations Bureau - The legislature provided \$185,965 total funds for the biennium for postage and rent increases.

DP 1202 - Base Adjustments MVD Title and Registration Bureau - The legislature provided \$63,822 for the biennium for overtime, and increases in legal fees, postage, and rent including:

- o \$10,000 for overtime costs
- o \$15,000 for projected cost increases in legal fees and court costs related to phased-in implementation and enforcement of motor vehicle dealership laws in HB 409 of the 2007 session. The department anticipates that five cases per year will result in legal action at an estimated cost of \$1,500 each.
- o \$27,200 to annualize the costs of the May 2008 postage rates increase
- o \$11,622 for rent increases effective in December 2010 per the current lease agreement

DP 1204 - Adjust Base for Debt Payments - Biennial - The legislature provided a biennial appropriation of about \$2.0 million state special revenue to fund debt payments related to study of business processes, and design and development of a new system for motor vehicle related functions. This appropriation funds debt payments for:

- o The Motor Vehicle System, Phase One, Titling System project (MVS1) - HB 577 from the 2001 session
- o The Motor Vehicle System, Phase Two, Vehicle Registration and Driver Licensing/Driver Control System project (MVS2) - HB 261 of the 2003 session and HB 90 of the 2007 session

This funding is in addition to the \$0.7 million included in the base budget.

DP 1205 - New Driver's License Production Costs - The legislature provided \$558,040 for increases in production costs related to the new driver's license cards that were released in July 2008.

The following information was provided so that the legislature could consider various performance measurement principles when it examined this proposal. It is as submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: This proposal would provide funding for a contract for the Integrated Driver License Issuance System which provides a fully inter-operative driver license issuance system, including integrated components for appointment scheduling, automated driver license knowledge testing, digital driver license/identification card production, image-based facial recognition services, and a functional method of authenticating the supporting documents that are presented by customers. Costs for this contract are not included in the budget base year since the first cards produced under this contract were issued in July 2008. This contract locks in the contract costs for seven years from the date of implementation and replaced a contract that had locked in the old cost for eight years.

Project Outcome: Provide the state with the ability to ensure that customers receive service in a timely scheduled manner, ensure that only knowledgeable individuals are licensed, and issue secure driver licenses and identification cards for Montana citizens that protect their identity.

Performance Criteria: Montana citizens will receive a secure driver's license or ID card in a timely manner.

- Customers will be scheduled within two weeks of a request for driver licensing services
- Automated driver license knowledge testing will be available statewide for all customers
- Secure digital driver license/identification cards will be issued to citizens
- Identity fraud for driver license/identification cards will be reduced through facial recognition and document authentication
- Montana citizens will be able to use their driver license/identification card as identity to board an airplane or access a federal facility per agreement with the Governor's office and the Department of Homeland Security

Milestones: Driver licenses and identification cards are issued to Montana citizens who have demonstrated their knowledge and ability to drive and provided proof of identity that has been authenticated.

FTE: No new FTE are required for this contractual commitment.

Funding: An annual increase in general fund of \$167,412 and state special revenue of \$111,608 is requested based upon the historical 60 percent, 40 percent funding split between general fund and state special revenue for the division.

Obstacles: This contract is nearing full implementation with services being rolled out statewide.

Risk: Without funding for this contract, the state will not be able to issue driver licenses and identification cards; Montana citizens may not be able to travel easily by air nor access federal facilities; and identity fraud may increase. Additionally, the state may be sued for the balance of the fully executed contract.

DP 1207 - Point of Sale Title and Registration Forms -

The legislature provided \$405,690 for the biennium for supplies and printing costs necessary to operate point-of-sale (POS).

The following information was provided so that the legislature could consider various performance measurement principles when it examined this proposal. It is as submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: This proposal will provide funding to annualize the costs for the LV9000 laser validation forms which are printed at the time of the motor vehicle registration and contain information specific to the vehicle. When printed at the point-of-sale (POS) the decal present on the form is printed with information utilized by law enforcement. Printing the decal at the POS requires a printer that utilizes a unique toner cartridge that meets security requirements and clearly

indicates any attempts at alteration. These registration receipt forms and decals along with the unique toner cartridges are compatible with the POS functionality and printers integrated within the MERLIN system.

Printing at the POS reduces inventory control requirements for the counties and eliminates the annual destruction required for unused decals returned by the counties. An increase is requested to annualize the cost for the POS registration receipt forms and expiration decals that will be printed at the counties after the go live date for the vehicle registration and titling module implementation in Montana Enhanced Registration and Licensing Information Network (MERLIN) scheduled for the fall of 2008. Additionally, an increase of \$165,060 is requested to annualize the cost of the unique toner cartridges used for the POS printers.

Project Outcome: Counties will be able to print the POS motor vehicle registration receipts and decals.

Performance Criteria: POS registration forms and unique printer cartridges will be available to the counties for the printing of the customer's motor vehicle registration receipts.

Milestones: The customers will receive their motor vehicle registration forms and license plate decals.

FTE: No new FTE are required for this contractual commitment.

Funding: An annual increase of \$202,845 is requested for the 2011 biennium (\$121,707 in general fund and \$81,138 in state special revenue).

Obstacles: This is the only contract in effect for registration forms and license plate decals.

Risks: Without funding for this contractual commitment, the counties will not be able to complete and issue motor vehicle registration forms and license plate decals on behalf of the state. Montana citizens would not have proof their motor vehicles have been registered nor documentation for any appropriate tax deductions. Law enforcement would not have visual representation of updated information available on vehicle ownership and registration.

DP 1208 - License Plate Reissue - OTO - The legislature provided \$321,250 general fund for the biennium as a one-time-only appropriation to support costs related to the manufacture and issuance of new general issue license plates beginning January 1, 2010 as required by 61-3-332(3)(a), MCA.

DP 1212 - MV Proprietary Account spending Authority - The legislature provided \$50,000 proprietary funds for the biennium to support development and maintenance of applications for electronic distribution of information from the motor vehicle and driver licensing database applications.

DP 1213 - HB 671 Proprietary Account Spending Authority - The legislature appropriated \$317,704 proprietary funds to support operating costs for an enhanced motor vehicle web portal (e-government) that allows third party users to access the system. Combined with the base budget, proprietary funding authorized for this purpose would total \$600,000 per year.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals Program	-----Fiscal 2010-----					-----Fiscal 2011-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 6101 - Fixed Cost WC Management Program Allocation	12	0.00	3,033	2,022	0	5,055	0.00	2,631	1,752	0	4,383
DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent	12	0.00	(119,197)	(79,465)	0	(198,662)	0.00	(119,477)	(79,642)	0	(199,119)
Total	0.00	(\$116,164)	(\$77,443)	\$0	(\$193,607)	0.00	(\$116,846)	(\$77,890)	\$0	(\$194,736)	

DP 6101 - Fixed Cost WC Management Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	232.27	232.27	289.05	289.05	232.27	289.05	56.78	24.45%
Personal Services	14,456,401	16,115,319	20,460,497	20,535,739	30,571,720	40,996,236	10,424,516	34.10%
Operating Expenses	6,010,899	5,496,751	6,198,312	6,217,611	11,507,650	12,415,923	908,273	7.89%
Equipment & Intangible Assets	1,499,424	1,757,448	1,499,424	1,499,424	3,256,872	2,998,848	(258,024)	(7.92%)
Total Costs	\$21,966,724	\$23,369,518	\$28,158,233	\$28,252,774	\$45,336,242	\$56,411,007	\$11,074,765	24.43%
General Fund	210,039	176,690	198,213	199,439	386,729	397,652	10,923	2.82%
State Special	21,756,685	23,192,828	27,960,020	28,053,335	44,949,513	56,013,355	11,063,842	24.61%
Federal Special	0	0	0	0	0	0	0	n/a
Total Funds	\$21,966,724	\$23,369,518	\$28,158,233	\$28,252,774	\$45,336,242	\$56,411,007	\$11,074,765	24.43%

Page Reference

Legislative Budget Analysis, D-82

Funding

The Montana Highway Patrol is supported primarily (98.9 percent) by highway state special revenue. General fund provides 1.1 percent of the division's funding and supports executive protection.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	210,039	210,039	420,078	105.64%	21,966,724	21,966,724	43,933,448	77.88%
Statewide PL Adjustments	(11,826)	(10,600)	(22,426)	(5.64%)	1,899,495	2,005,487	3,904,982	6.92%
Other PL Adjustments	0	0	0	0.00%	(184,911)	(208,148)	(393,059)	(0.70%)
New Proposals	0	0	0	0.00%	4,476,925	4,488,711	8,965,636	15.89%
Total Budget	\$198,213	\$199,439	\$397,652		\$28,158,233	\$28,252,774	\$56,411,007	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					1,535,875					1,598,174
Inflation/Deflation					228,856					263,554
Fixed Costs					134,764					143,759
Total Statewide Present Law Adjustments		(\$11,826)	\$1,911,321	\$0	\$1,899,495		(\$10,600)	\$2,016,087	\$0	\$2,005,487
DP 1308 - Increase in base budget for rent	0.00	0	40,000	0	40,000	0.00	0	50,000	0	50,000
DP 7101 - Fuel Inflation Reduction	0.00	0	(224,911)	0	(224,911)	0.00	0	(258,148)	0	(258,148)
Total Other Present Law Adjustments	0.00	\$0	(\$184,911)	\$0	(\$184,911)	0.00	\$0	(\$208,148)	\$0	(\$208,148)
Grand Total All Present Law Adjustments	0.00	(\$11,826)	\$1,726,410	\$0	\$1,714,584	0.00	(\$10,600)	\$1,807,939	\$0	\$1,797,339

DP 1308 - Increase in base budget for rent - The legislature provided \$90,000 state special revenue (highway) for the biennium to support increased rental costs.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 710 - SB 117 - Remove Statutory Appropriation	13	56.78	0	4,468,221	0	4,468,221	56.78	0	4,481,164	0	4,481,164
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation	13	0.00	0	8,704	0	8,704	0.00	0	7,547	0	7,547
Total	56.78	\$0	\$4,476,925	\$0	\$4,476,925	56.78	\$0	\$4,488,711	\$0	\$4,488,711	

DP 710 - SB 117 - Remove Statutory Appropriation - SB 117 eliminates the statutory appropriation of certain state special revenue for the highway patrol. However, the source of this state special revenue continues and is restricted in purpose to supporting highway patrol salaries. Because these funds will no longer be statutorily appropriated if SB 117 is passed and approved an appropriation of these funds is needed in HB 2.

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

Language and Statutory Authority

"If Senate Bill No. 117 is not passed and approved, state special revenue for Highway Patrol Division is decreased by \$4,468,221 in fiscal year 2010 and \$4,481,164 in fiscal 2011."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	97.00	97.00	100.00	100.00	97.00	100.00	3.00	3.09%
Personal Services	4,908,495	5,584,243	5,682,039	5,701,422	10,492,738	11,383,461	890,723	8.49%
Operating Expenses	3,629,752	4,034,841	3,933,143	3,943,983	7,664,593	7,877,126	212,533	2.77%
Equipment & Intangible Assets	331,101	388,380	351,101	351,101	719,481	702,202	(17,279)	(2.40%)
Debt Service	0	31,291	0	0	31,291	0	(31,291)	(100.00%)
Total Costs	\$8,869,348	\$10,038,755	\$9,966,283	\$9,996,506	\$18,908,103	\$19,962,789	\$1,054,686	5.58%
General Fund	4,754,893	4,915,830	5,715,635	5,726,475	9,670,723	11,442,110	1,771,387	18.32%
State Special	3,200,414	3,957,888	3,080,750	3,097,303	7,158,302	6,178,053	(980,249)	(13.69%)
Federal Special	914,041	1,165,037	1,169,898	1,172,728	2,079,078	2,342,626	263,548	12.68%
Total Funds	\$8,869,348	\$10,038,755	\$9,966,283	\$9,996,506	\$18,908,103	\$19,962,789	\$1,054,686	5.58%

Page Reference

Legislative Budget Analysis, D-89

Funding

The division is supported by a combination of general fund, state special revenue, and federal funds. General fund supports criminal investigations, fire prevention and investigation, match for federal funds supporting Medicaid fraud investigations, drug task forces, the computer crime unit, sexual and violent offender registry, amber alert, child sexual abuse response team, and Public Safety Officer Standards and Training (POST).

The three largest sources of state special revenue supporting the division are Montana Law Enforcement Academy surcharges that support operation of the academy, criminal justice information network (CJIN) revenue that supports itself, and revenue from criminal justice background checks that are paid in exchange for completion of a background check.

The largest source of federal funds is Medicaid funding that supports investigation of Medicaid fraud. Other federal grants support drug enforcement task forces and homeland security functions.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	4,754,893	4,754,893	9,509,786	83.11%	8,869,348	8,869,348	17,738,696	88.86%
Statewide PL Adjustments	360,185	378,494	738,679	6.46%	793,571	819,883	1,613,454	8.08%
Other PL Adjustments	125,395	136,531	261,926	2.29%	254,837	277,653	532,490	2.67%
New Proposals	475,162	456,557	931,719	8.14%	48,527	29,622	78,149	0.39%
Total Budget	\$5,715,635	\$5,726,475	\$11,442,110		\$9,966,283	\$9,996,506	\$19,962,789	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					972,183					993,056
Vacancy Savings					(235,228)					(236,064)
Inflation/Deflation					51,376					58,804
Fixed Costs					5,240					4,087
Total Statewide Present Law Adjustments		\$360,185	\$214,050	\$219,336	\$793,571		\$378,494	\$220,849	\$220,540	\$819,883
DP 1802 - SVOR Program - FTE for Program	1.00	56,001	0	0	56,001	1.00	53,323	0	0	53,323
DP 1806 - DCI - Base Adjustments	0.00	73,452	52,924	0	126,376	0.00	89,000	54,184	0	143,184
DP 1807 - MLEA - Base Adjustments	0.00	0	40,000	0	40,000	0.00	0	50,000	0	50,000
DP 1812 - Medicaid Fraud Control Unit - Base Adjustment	0.00	12,303	0	36,910	49,213	0.00	12,996	0	38,987	51,983
DP 1813 - SW Drug Task Force Rent Butte Office	0.00	0	0	10,869	10,869	0.00	0	0	10,869	10,869
DP 7101 - Fuel Inflation Reduction	0.00	(16,361)	(8,505)	(2,756)	(27,622)	0.00	(18,788)	(9,760)	(3,158)	(31,706)
Total Other Present Law Adjustments	1.00	\$125,395	\$84,419	\$45,023	\$254,837	1.00	\$136,531	\$94,424	\$46,698	\$277,653
Grand Total All Present Law Adjustments	1.00	\$485,580	\$298,469	\$264,359	\$1,048,408	1.00	\$515,025	\$315,273	\$267,238	\$1,097,536

DP 1802 - SVOR Program - FTE for Program - The legislature provided \$109,324 general fund for the biennium for 1.00 FTE data control specialist and operating expenses for the sexual and violent offender registry (SVOR) program due to legislation changes and an increasing number of sexual and violent offenders in the state.

The following information was provided so that the legislature could consider various performance measurement principles when it examined this proposal. It is as submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: This proposal is needed to keep up with increasing program demands and responsibilities related to the management of the state's sexual and violent offender program. One person can no longer manage this program effectively. Over the past several years there have been numerous legislative changes to the state sexual and violent offender registry program. Each change has increased the operational and quality control responsibilities of the program.

Project Outcomes: The goals of this proposal are to ensure that the information provided to the SVOR registry is timely, accurate, and properly disseminated to local law enforcement agencies and the public. This is accomplished by ensuring that the registry information is accurate and that current photographs are available on all offenders. Regular audits of local agency data will occur to identify noncompliant offenders so that the necessary enforcement and prosecutorial actions may be taken.

Performance Criteria: Progress of this proposal will be determined by the accuracy of the data, timely response to inquiries and a faster turnaround of offender information entered into the database.

Milestones: Results of this proposal will be recognized immediately as an additional staff member will help with an already overburdened program.

FTE: 1.00 FTE

Funding: General Fund

Obstacles: The challenges with this proposal (and this program) is the effective coordination of information collection among local, state, and federal agencies.

Risk: The risk to the state if this proposal is not adopted is that timely and reliable information about sexual and violent offenders may not be available to Montana's public safety agencies and the public.

DP 1806 - DCI - Base Adjustments - The legislature provided \$269,560 total funds (including \$162,452 general fund) for the 2011 biennium for base budget adjustments such as overtime pay and rent increases.

DP 1807 - MLEA - Base Adjustments - The legislature provided \$90,000 state special revenue for the biennium as a one-time-only appropriation for the Montana Law Enforcement Academy (MLEA) for increases in ammunition, communications, utilities, and food service costs. The Montana Law Enforcement Academy is funded with criminal conviction surcharge revenue and class fees.

DP 1812 - Medicaid Fraud Control Unit - Base Adjustment - The legislature provided \$101,196 for the biennium (\$25,299 of general fund and \$75,897 of federal Medicaid funds) to annualize operating costs for the unit. The department indicates that the unit had vacancies that affected the base expenditures in travel, gasoline, training, and communications. This includes \$20,000 per year for vehicle replacements.

DP 1813 - SW Drug Task Force Rent Butte Office - The legislature provided \$10,869 federal funds each year of the biennium to pay rent for the Southwest Montana Drug Taskforce (SWMDTF) office in Butte.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	Fiscal 2010					Fiscal 2011					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 702 - Remove Intermittent Expenditures from Base	18	0.00	0	(375,000)	0	(375,000)	0.00	0	(375,000)	0	(375,000)
DP 705 - Computer Crimes Investigations	18	1.00	189,728	0	0	189,728	1.00	177,028	0	0	177,028
DP 706 - POST Council	18	1.00	141,673	0	0	141,673	1.00	136,473	0	0	136,473
DP 1814 - Continue Meth Watch Program - Rest/Bein/OTO	18	0.00	250,000	0	0	250,000	0.00	250,000	0	0	250,000
DP 6101 - Fixed Cost Workers Comp Management Program Alloc	18	0.00	1,920	926	331	3,177	0.00	1,664	804	287	2,755
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent	18	0.00	(108,159)	(44,059)	(8,833)	(161,051)	0.00	(108,608)	(44,188)	(8,838)	(161,634)
Total	2.00	\$475,162	(\$418,133)	(\$8,502)	\$48,527	2.00	\$456,557	(\$418,384)	(\$8,551)	\$29,622	

DP 702 - Remove Intermittent Expenditures from Base - The legislature approved the removal of \$375,000 state special revenue each year related to the inclusion of expenditures that are intermittent in nature and not expected to occur during the 2011 biennium in the base budget.

DP 705 - Computer Crimes Investigations - The legislature provided \$366,756 general fund for the biennium to support 1.00 FTE and related operating costs for computer crimes investigations.

DP 706 - POST Council - The legislature provided \$278,146 general fund for the biennium to support 1.00 FTE and related costs for the Public Safety Officer Standards and Training (POST) council. The 2007 Legislature approved statutory changes related to this function and moved administration from the Montana Board of Crime Control to the Department of Justice.

DP 1814 - Continue Meth Watch Program - Rest/Bein/OTO - The legislature provided \$500,000 general fund for the biennium as a restricted, biennial, one-time-only appropriation for the meth media campaign designed to reduce methamphetamine addiction, especially among young Montanans. This public awareness campaign uses television, newspapers, radio, billboards, and movie screens to focus on the damage meth use causes individuals, families, and communities.

DP 6101 - Fixed Cost Workers Comp Management Program Alloc - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Language and Statutory Authority

“Funding in Division of Criminal Investigation includes \$189,728 general fund money for fiscal year 2010 and \$177,028 general fund money for fiscal year 2011 that is contingent upon the non availability of federal grant funds to support computer crimes investigations and must be reduced dollar-for-dollar by the amount of any federal grant funds received to support computer crimes investigations.”

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	18.00	18.00	18.00	18.00	18.00	18.00	0.00	0.00%
Personal Services	937,933	976,314	991,081	994,297	1,914,247	1,985,378	71,131	3.72%
Operating Expenses	215,565	161,727	274,004	202,216	377,292	476,220	98,928	26.22%
Total Costs	\$1,153,498	\$1,138,041	\$1,265,085	\$1,196,513	\$2,291,539	\$2,461,598	\$170,059	7.42%
General Fund	418,947	408,970	503,786	474,742	827,917	978,528	150,611	18.19%
State Special	668,119	661,076	689,354	649,629	1,329,195	1,338,983	9,788	0.74%
Other	66,432	67,995	71,945	72,142	134,427	144,087	9,660	7.19%
Total Funds	\$1,153,498	\$1,138,041	\$1,265,085	\$1,196,513	\$2,291,539	\$2,461,598	\$170,059	7.42%

Page Reference

Legislative Budget Analysis, D-100

Funding

The Central Services Division is funded by allocation of costs among the various funding sources supporting the department. General fund provides 39.7 percent of the division's funding; state special revenue, the largest source being highway state special revenue provides 54.4 percent of the division funding; and proprietary funds, including liquor licensing fees and fees for agency legal services, provide 5.9 percent of the division's funding.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	418,947	418,947	837,894	85.63%	1,153,498	1,153,498	2,306,996	93.72%
Statewide PL Adjustments	97,953	68,985	166,938	17.06%	143,001	74,611	217,612	8.84%
Other PL Adjustments	0	0	0	0.00%	0	0	0	0.00%
New Proposals	(13,114)	(13,190)	(26,304)	(2.69%)	(31,414)	(31,596)	(63,010)	(2.56%)
Total Budget	\$503,786	\$474,742	\$978,528		\$1,265,085	\$1,196,513	\$2,461,598	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					127,747					131,208
Vacancy Savings					(42,628)					(42,766)
Inflation/Deflation					118					154
Fixed Costs					57,764					(13,985)
Total Statewide Present Law Adjustments		\$97,953	\$39,173	\$0	\$143,001*		\$68,985	(\$448)	\$0	\$74,611*
Grand Total All Present Law Adjustments	0.00	\$97,953	\$39,173	\$0	\$143,001	0.00	\$68,985	(\$448)	\$0	\$74,611

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

New Proposals

Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6101 - Fixed Cost Workers Comp Management Program Allocat										
28	0.00	233	318	0	557*	0.00	201	275	0	482*
DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent										
28	0.00	(13,347)	(18,256)	0	(31,971)*	0.00	(13,391)	(18,317)	0	(32,078)*
Total	0.00	(\$13,114)	(\$17,938)	\$0	(\$31,414)*	0.00	(\$13,190)	(\$18,042)	\$0	(\$31,596)*

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

DP 6101 - Fixed Cost Workers Comp Management Program Allocat - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	41.00	41.00	41.00	41.00	41.00	41.00	0.00	0.00%
Personal Services	2,206,495	2,478,633	2,474,078	2,482,722	4,685,128	4,956,800	271,672	5.80%
Operating Expenses	1,039,913	974,072	1,046,756	1,046,965	2,013,985	2,093,721	79,736	3.96%
Equipment & Intangible Assets	87,831	12,644	87,831	87,831	100,475	175,662	75,187	74.83%
Total Costs	\$3,334,239	\$3,465,349	\$3,608,665	\$3,617,518	\$6,799,588	\$7,226,183	\$426,595	6.27%
General Fund	3,196,881	3,326,777	3,471,764	3,480,584	6,523,658	6,952,348	428,690	6.57%
State Special	121,769	121,859	121,229	121,258	243,628	242,487	(1,141)	(0.47%)
Federal Special	2,268	3,392	2,268	2,268	5,660	4,536	(1,124)	(19.86%)
Other	13,321	13,321	13,404	13,408	26,642	26,812	170	0.64%
Total Funds	\$3,334,239	\$3,465,349	\$3,608,665	\$3,617,518	\$6,799,588	\$7,226,183	\$426,595	6.27%

Page Reference

Legislative Budget Analysis, D-105

Funding

The division is funded primarily with general fund (96.3 percent) and state special revenue (3.3 percent) from gambling licensing fees and highway state special revenue. The balance of the division's funding comes from a small amount of federal grants and proprietary funds, including liquor licensing fees and agency legal service fees.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	3,196,881	3,196,881	6,393,762	91.97%	3,334,239	3,334,239	6,668,478	92.28%
Statewide PL Adjustments	344,096	353,537	697,633	10.03%	344,907	354,388	699,295	9.68%
Other PL Adjustments	(1,241)	(1,422)	(2,663)	(0.04%)	(1,272)	(1,458)	(2,730)	(0.04%)
New Proposals	(67,972)	(68,412)	(136,384)	(1.96%)	(69,209)	(69,651)	(138,860)	(1.92%)
Total Budget	\$3,471,764	\$3,480,584	\$6,952,348		\$3,608,665	\$3,617,518	\$7,226,183	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					444,154					453,430
Vacancy Savings					(106,027)					(106,394)
Inflation/Deflation					1,369					1,576
Fixed Costs					5,411					5,776
Total Statewide Present Law Adjustments		\$344,096	\$728	\$0	\$344,907*		\$353,537	\$764	\$0	\$354,388*
DP 7101 - Fuel Inflation Reduction	0.00	(1,241)	(31)	0	(1,272)	0.00	(1,422)	(36)	0	(1,458)
Total Other Present Law Adjustments	0.00	(\$1,241)	(\$31)	\$0	(\$1,272)	0.00	(\$1,422)	(\$36)	\$0	(\$1,458)
Grand Total All Present Law Adjustments	0.00	\$342,855	\$697	\$0	\$343,635	0.00	\$352,115	\$728	\$0	\$352,930

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

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation	29	0.00	1,335	0	0	1,335	0.00	1,158	0	0	1,158
DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent	29	0.00	(69,307)	(1,237)	0	(70,544)	0.00	(69,570)	(1,239)	0	(70,809)
Total	0.00	(\$67,972)	(\$1,237)	\$0	(\$69,209)	0.00	(\$68,412)	(\$1,239)	\$0	(\$69,651)	

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increasing 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	32.75	32.75	32.75	32.75	32.75	32.75	0.00	0.00%
Personal Services	2,519,340	2,707,459	2,536,053	2,551,814	5,226,799	5,087,867	(138,932)	(2.66%)
Operating Expenses	1,221,246	1,319,020	1,050,245	1,050,430	2,540,266	2,100,675	(439,591)	(17.30%)
Equipment & Intangible Assets	7,827	14,694	63,577	63,577	22,521	127,154	104,633	464.60%
Debt Service	90,207	89,854	153,280	153,280	180,061	306,560	126,499	70.25%
Total Costs	\$3,838,620	\$4,131,027	\$3,803,155	\$3,819,101	\$7,969,647	\$7,622,256	(\$347,391)	(4.36%)
General Fund	3,535,416	3,827,823	3,500,445	3,516,483	7,363,239	7,016,928	(346,311)	(4.70%)
State Special	303,204	303,204	302,710	302,618	606,408	605,328	(1,080)	(0.18%)
Total Funds	\$3,838,620	\$4,131,027	\$3,803,155	\$3,819,101	\$7,969,647	\$7,622,256	(\$347,391)	(4.36%)

Page Reference

Legislative Budget Analysis, D-110

Funding

The division is funded primarily with general fund (92.3 percent). State special revenue from earmarked alcohol funds provide the balance of the division's funding (7.7 percent) and supports certification, equipment maintenance, and training of law enforcement in the use of breath testing equipment.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	3,535,416	3,535,416	7,070,832	100.77%	3,838,620	3,838,620	7,677,240	100.72%
Statewide PL Adjustments	114,775	131,529	246,304	3.51%	114,309	130,975	245,284	3.22%
Other PL Adjustments	(69,144)	(69,195)	(138,339)	(1.97%)	(69,172)	(69,227)	(138,399)	(1.82%)
New Proposals	(80,602)	(81,267)	(161,869)	(2.31%)	(80,602)	(81,267)	(161,869)	(2.12%)
Total Budget	\$3,500,445	\$3,516,483	\$7,016,928		\$3,803,155	\$3,819,101	\$7,622,256	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----				-----Fiscal 2011-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					207,601					224,538
Vacancy Savings					(109,079)					(109,751)
Inflation/Deflation					9,657					10,692
Fixed Costs					6,130					5,496
Total Statewide Present Law Adjustments		\$114,775	(\$466)	\$0	\$114,309		\$131,529	(\$554)	\$0	\$130,975
DP 3201 - Base Year Adjustments for Building Maintenance	0.00	95,445	0	0	95,445	0.00	95,445	0	0	95,445
DP 3202 - Remove Rent Expenditures on Building	0.00	(220,000)	0	0	(220,000)	0.00	(220,000)	0	0	(220,000)
DP 3203 - Crime Lab Request for Equipment (Bien) - OTO	0.00	55,750	0	0	55,750	0.00	55,750	0	0	55,750
DP 7101 - Fuel Inflation Reduction	0.00	(339)	(28)	0	(367)	0.00	(390)	(32)	0	(422)
Total Other Present Law Adjustments	0.00	(\$69,144)	(\$28)	\$0	(\$69,172)	0.00	(\$69,195)	(\$32)	\$0	(\$69,227)
Grand Total All Present Law Adjustments	0.00	\$45,631	(\$494)	\$0	\$45,137	0.00	\$62,334	(\$586)	\$0	\$61,748

DP 3201 - Base Year Adjustments for Building Maintenance - The legislature provided \$190,890 general fund for the biennium (\$95,445 per year) to annualize the costs of utilities and maintenance. On December 31, 2007 the Forensic Science Division purchased the building where they reside. Upon purchase the division became responsible for paying utilities and maintenance costs. Because only six months of utility and maintenance costs are included in the base year, this decision package adds increased funding to annualize the costs.

DP 3202 - Remove Rent Expenditures on Building - The legislature reduced funding for the division by \$220,000 general fund per year to remove funding for building rental costs and provide about \$64,000 per year to support the costs of equipment leases. On December 31, 2007 the Forensic Science Division purchased the building which they had been renting and will no longer incur rental costs.

DP 3203 - Crime Lab Request for Equipment (Bien) - OTO - This legislature provided \$111,500 general fund for the biennium in a biennial, one-time-only appropriation for equipment replacement and purchases. The division anticipates purchasing the following equipment:

- o Gas Chromatograph with a Mass Selective Detector (GC/MS) used in the Chemistry and Toxicology Section of the lab to detect the presence of specific drugs. Typically, these instruments are replaced after about five or six years, and the Montana lab has had some of its instruments for more than seven years. FY 2010 cost - \$95,000
- o Thermal Cyclers are used in the amplification of DNA, a method of replicating DNA until there is an adequate sample to test. FY 2011 cost - \$8,000

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals Program	-----Fiscal 2010-----					-----Fiscal 2011-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation	32	0.00	1,207	0	0	1,207	0.00	1,046	0	0	1,046
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent	32	0.00	(81,809)	0	0	(81,809)	0.00	(82,313)	0	0	(82,313)
Total	0.00	(\$80,602)	\$0	\$0	(\$80,602)	0.00	(\$81,267)	\$0	\$0	(\$81,267)	

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	39.00	39.00	39.00	39.00	39.00	39.00	0.00	0.00%
Personal Services	2,629,550	2,814,050	2,985,503	2,992,939	5,443,600	5,978,442	534,842	9.83%
Operating Expenses	550,637	561,882	632,057	586,006	1,112,519	1,218,063	105,544	9.49%
Equipment & Intangible Assets	0	0	5,000	0	0	5,000	5,000	n/a
Total Costs	\$3,180,187	\$3,375,932	\$3,622,560	\$3,578,945	\$6,556,119	\$7,201,505	\$645,386	9.84%
State Special	3,159,782	3,354,897	3,597,155	3,553,540	6,514,679	7,150,695	636,016	9.76%
Federal Special	20,405	21,035	25,405	25,405	41,440	50,810	9,370	22.61%
Total Funds	\$3,180,187	\$3,375,932	\$3,622,560	\$3,578,945	\$6,556,119	\$7,201,505	\$645,386	9.84%

Page Reference

Legislative Budget Analysis, D-115

Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg – Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg – Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	39.00	41.00	39.00	(2.00)	41.00	39.00	(2.00)	
Personal Services	2,629,550	3,083,550	2,985,503	(98,047)	2,884,620	2,992,939	108,319	10,272
Operating Expenses	550,637	679,463	632,057	(47,406)	598,412	586,006	(12,406)	(59,812)
Equipment & Intangible Assets	0	5,000	5,000	0	0	0	0	0
Total Costs	\$3,180,187	\$3,768,013	\$3,622,560	(\$145,453)	\$3,483,032	\$3,578,945	\$95,913	(\$49,540)
State/Other Special	3,159,782	3,743,070	3,597,155	(145,915)	3,458,124	3,553,540	95,416	(50,499)
Federal Special	20,405	24,943	25,405	462	24,908	25,405	497	959
Total Funds	\$3,180,187	\$3,768,013	\$3,622,560	(\$145,453)	\$3,483,032	\$3,578,945	\$95,913	(\$49,540)

The legislature did not adopt executive budget proposals that would have provided funding for 2.00 additional FTE and broadcast of Public Service Commission hearings or a reduction in funding due to the application of vacancy savings. The legislature also did not approve an elected official request to adjust staff salaries to the market rate of pay.

Agency Highlights

Department of Major Budget Highlights
<ul style="list-style-type: none"> ◆ 2011 biennium funding is about 10 percent (\$645,000) greater than 2009 biennium funding largely due to increases in personal services costs ◆ Budget increases are funded primarily from state special revenue derived from a tax on regulated utilities

Funding

Public Service Regulation (PSR) is funded primarily by a fee that is levied on regulated companies, based on funding appropriated by the legislature for a specific fiscal year. Fees are deposited directly into a state special revenue account and are based upon a percentage of the gross operating revenue from all activities regulated by the commission for the calendar quarter of operation (69-1-402, MCA). The department also administers a small amount of federal grant funds.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	0	0	0	0.00%	3,180,187	3,180,187	6,360,374	88.32%
Statewide PL Adjustments	0	0	0	0.00%	177,489	159,643	337,132	4.68%
Other PL Adjustments	0	0	0	0.00%	170,575	144,683	315,258	4.38%
New Proposals	0	0	0	0.00%	94,309	94,432	188,741	2.62%
Total Budget	\$0	\$0	\$0		\$3,622,560	\$3,578,945	\$7,201,505	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					244,512					251,947
Vacancy Savings					(93,035)					(93,328)
Inflation/Deflation					4,864					5,610
Fixed Costs					21,148					(4,586)
Total Statewide Present Law Adjustments		\$0	\$177,489	\$0	\$177,489		\$0	\$159,643	\$0	\$159,643
DP 1 - Pay Retirement Benefits - Bien	0.00	0	102,941	0	102,941	0.00	0	102,942	0	102,942
DP 5 - Match Pipeline Safety Federal Award	0.00	0	7,500	5,000	12,500	0.00	0	7,500	5,000	12,500
DP 6 - Building Rent/Maintain NRRI Membership	0.00	0	13,714	0	13,714	0.00	0	19,776	0	19,776
DP 7 - Computer Replacement	0.00	0	31,955	0	31,955	0.00	0	0	0	0
DP 9 - Travel	0.00	0	9,465	0	9,465	0.00	0	9,465	0	9,465
Total Other Present Law Adjustments	0.00	\$0	\$165,575	\$5,000	\$170,575	0.00	\$0	\$139,683	\$5,000	\$144,683
Grand Total All Present Law Adjustments	0.00	\$0	\$343,064	\$5,000	\$348,064	0.00	\$0	\$299,326	\$5,000	\$304,326

DP 1 - Pay Retirement Benefits - Bien - The legislature provided \$205,883 state special revenue as a biennial appropriation for personal services costs of staff retirement payouts. The PSC anticipates up to 21 percent of the staff will retire in the next biennium resulting in leave payouts above normal personal services costs.

DP 5 - Match Pipeline Safety Federal Award - The legislature provided \$15,000 state special revenue and \$10,000 federal funds for the biennium for the federal Pipeline Safety grant and the required 60 percent match. The grant award is expected to increase \$5,000 a year over previous awards due to recent law changes requiring the PSC to conduct additional inspections.

DP 6 - Building Rent/Maintain NRRI Membership - The legislature provided \$33,490 state special revenue for the biennium for office space rental costs increases (3 percent per year) and an increase in membership dues for The National Regulatory Research Institute (NRRI). NRRI serves as the National Association of Regulatory Utility Commissioners research resource. Membership dues will increase 20 percent in the next biennium.

DP 7 - Computer Replacement - The legislature provided a one-time-only appropriation of \$31,955 state special revenue in FY 2010 for replacement of 22 desktop computers (\$28,006), 7 notebook computers (\$10,500), and 1 server (\$5,000). The agency computer replacement request is based on a four-year replacement cycle as recommended by Information Technology Services Division, Department of Administration. The total costs are anticipated to be \$43,506 and the base budget for this category is \$11,755.

DP 9 - Travel - The legislature provided funding of \$9,465 state special revenue in each year of the biennium for new commissioner training and increased in-state travel to coordinate and attend statewide PSC hearings.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 700 - Exempt Agency from Vacancy Savings											
01	0.00	0	93,035	0	93,035	0.00	0	93,328	0	93,328	
DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation											
01	0.00	0	1,274	0	1,274	0.00	0	1,104	0	1,104	
Total	0.00	\$0	\$94,309	\$0	\$94,309	0.00	\$0	\$94,432	\$0	\$94,432	

DP 700 - Exempt Agency from Vacancy Savings - The legislature provided funding to exempt this agency from vacancy savings. This decision package adds back the 4 percent vacancy savings included in statewide present law adjustments. A new proposal to increase vacancy savings to 7 percent was included in the executive budget but not adopted by the legislature for this agency.

DP 6101 - Fixed Cost Workers Comp Mgmt Program Allocation - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	192.50	192.50	200.50	200.50	192.50	200.50	8.00	4.16%
Personal Services	11,077,564	11,663,426	11,629,912	11,648,869	22,740,990	23,278,781	537,791	2.36%
Operating Expenses	8,068,574	7,928,489	8,102,180	8,033,224	15,997,063	16,135,404	138,341	0.86%
Equipment & Intangible Assets	123,370	60,653	123,370	123,370	184,023	246,740	62,717	34.08%
Total Costs	\$19,269,508	\$19,652,568	\$19,855,462	\$19,805,463	\$38,922,076	\$39,660,925	\$738,849	1.90%
General Fund	19,226,052	19,577,568	19,562,006	19,512,007	38,803,620	39,074,013	270,393	0.70%
State Special	43,456	75,000	293,456	293,456	118,456	586,912	468,456	395.47%
Total Funds	\$19,269,508	\$19,652,568	\$19,855,462	\$19,805,463	\$38,922,076	\$39,660,925	\$738,849	1.90%

Page Reference

Legislative Budget Analysis, D-122

Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg – Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg – Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	192.50	200.50	200.50	0.00	200.50	200.50	0.00	
Personal Services	11,077,564	11,629,912	11,629,912	0	11,550,927	11,648,869	97,942	97,942
Operating Expenses	8,068,574	8,504,997	8,102,180	(402,817)	8,436,041	8,033,224	(402,817)	(805,634)
Equipment & Intangible Assets	123,370	123,370	123,370	0	123,370	123,370	0	0
Total Costs	\$19,269,508	\$20,258,279	\$19,855,462	(\$402,817)	\$20,110,338	\$19,805,463	(\$304,875)	(\$707,692)
General Fund	19,226,052	20,214,823	19,562,006	(652,817)	20,066,882	19,512,007	(554,875)	(1,207,692)
State/Other Special	43,456	43,456	293,456	250,000	43,456	293,456	250,000	500,000
Total Funds	\$19,269,508	\$20,258,279	\$19,855,462	(\$402,817)	\$20,110,338	\$19,805,463	(\$304,875)	(\$707,692)

Funding for this agency is \$0.7 million total funds and \$1.2 million general fund less than the executive request. The legislature reduced general fund support for the agency by 2 percent, included a \$0.5 million funding shift between general fund and state special revenue contingent upon passage and approval of SB 263, and provided \$97,942 for FY 2011 to correct an error in the workers compensation percentage included in the executive request.

Agency Highlights

Department of State Public Defender Major Budget Highlights
<ul style="list-style-type: none"> ◆ General fund support for the agency increases 0.7 percent (\$270,393) when the 2009 and 2011 biennia are compared ◆ Funding increases due to statewide present law adjustments and requests for increases due to caseload growth are offset by an unspecified general fund reduction of 2 percent ◆ A funding shift decreasing general fund and increasing state special revenue by \$500,000 for the biennium is included contingent upon passage and approval of SB 263 ◆ Removal of a one-time-only appropriation for caseload transition reduces the adjusted base budget by about \$500,000 when compared to total FY 2008 expenditures ◆ The legislature recommended that provisions requiring the agency to report specific caseload and collection data be included in a companion bill to the appropriations act ◆ The legislature recommended that during the interim the Legislative Finance Committee monitor: <ul style="list-style-type: none"> • Provision of caseload and collection data as required in the companion bill to the appropriations act • Completion of employee performance appraisals and contractor proficiency reviews

Agency Discussion

Recommended Companion Legislation

The legislature recommended that provisions requiring the agency to report certain caseload data and information regarding collection of reimbursement for services provided should be included in a companion bill to the appropriations act. Suggested language appears below.

“The office of public defender is required to report data for each fiscal year representing the caseload for the entire public defender system including data for both employee and contract attorneys, the number of new cases opened, the number of cases closed, the number of cases that remain open and active, the number of cases that remain open but are inactive, and the average number of days between case opening and closure for each case type. The report for fiscal year 2009 must be provided to the legislative finance committee by January 1, 2010 and the report for fiscal year 2010 must be provided to the legislative finance committee by September 30, 2010.

The office of public defender is required to report for each fiscal year on the amount of funds collected as reimbursement for services rendered including the number of cases for which a collection is made, the number of cases for which an amount is owed, the amount collected, and the amount remaining unpaid. The report for fiscal year 2009 must be provided to the legislative finance committee by January 1, 2010 and the report for fiscal year 2010 must be provided to the legislative finance committee by September 30, 2010.”

Interim Monitoring

The legislature recommended that the Legislative Finance Committee monitor the following in the 2011 biennium.

- Caseload and collection data reporting as proposed for inclusion in a companion bill to the appropriations act
- Completion of employee performance appraisals and contractor proficiency examinations during the interim
- Vacancy savings, turnover, staffing, and mandatory overtime including vacancy savings rates, staff turnover rates, staffing patterns and caseload, and the amount and cost of mandatory overtime

Funding

The agency is funded almost exclusively by the general fund. A small amount of state special revenue (less than one-quarter percent of the agency’s funding) from court ordered payments also supports the program.

Total Agency Funding 2011 Biennium Budget				
Agency Program	General Fund	State Spec.	Grand Total	Total %
01 Office Of Public Defender	\$ 37,324,827	\$ 586,912	\$ 37,911,739	95.59%
02 Office Of Appellate Defender	1,749,186	-	1,749,186	4.41%
Grand Total	<u>39,074,013</u>	<u>586,912</u>	<u>39,660,925</u>	100.00%

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	19,226,052	19,226,052	38,452,104	98.41%	19,269,508	19,269,508	38,539,016	97.17%
Statewide PL Adjustments	526,502	382,022	908,524	2.33%	526,502	382,022	908,524	2.29%
Other PL Adjustments	811,975	807,027	1,619,002	4.14%	811,975	807,027	1,619,002	4.08%
New Proposals	(1,002,523)	(903,094)	(1,905,617)	(4.88%)	(752,523)	(653,094)	(1,405,617)	(3.54%)
Total Budget	\$19,562,006	\$19,512,007	\$39,074,013		\$19,855,462	\$19,805,463	\$39,660,925	

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	184.50	184.50	191.50	191.50	184.50	191.50	7.00	3.79%
Personal Services	10,575,678	11,152,369	11,062,283	11,080,009	21,728,047	22,142,292	414,245	1.91%
Operating Expenses	7,762,333	7,830,943	7,795,833	7,726,874	15,593,276	15,522,707	(70,569)	(0.45%)
Equipment & Intangible Assets	123,370	60,653	123,370	123,370	184,023	246,740	62,717	34.08%
Total Costs	\$18,461,381	\$19,043,965	\$18,981,486	\$18,930,253	\$37,505,346	\$37,911,739	\$406,393	1.08%
General Fund	18,417,925	18,968,965	18,688,030	18,636,797	37,386,890	37,324,827	(62,063)	(0.17%)
State Special	43,456	75,000	293,456	293,456	118,456	586,912	468,456	395.47%
Total Funds	\$18,461,381	\$19,043,965	\$18,981,486	\$18,930,253	\$37,505,346	\$37,911,739	\$406,393	1.08%

Page Reference

Legislative Budget Analysis, D-126

Funding

The Public Defender Program is supported almost exclusively by the general fund. A small amount of state special revenue (less than one quarter of a percent) from court ordered payment of costs also provides funding for the program.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	18,417,925	18,417,925	36,835,850	98.69%	18,461,381	18,461,381	36,922,762	97.39%
Statewide PL Adjustments	517,345	375,991	893,336	2.39%	517,345	375,991	893,336	2.36%
Other PL Adjustments	739,317	735,117	1,474,434	3.95%	739,317	735,117	1,474,434	3.89%
New Proposals	(986,557)	(892,236)	(1,878,793)	(5.03%)	(736,557)	(642,236)	(1,378,793)	(3.64%)
Total Budget	\$18,688,030	\$18,636,797	\$37,324,827		\$18,981,486	\$18,930,253	\$37,911,739	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					773,761	0.00				697,282
Vacancy Savings					(453,969)	0.00				(450,921)
Inflation/Deflation					34,940	0.00				41,644
Fixed Costs					162,613	0.00				87,986
Total Statewide Present Law Adjustments		\$517,345	\$0	\$0	\$517,345	0.00	\$375,991	\$0	\$0	\$375,991
					0	0.00				0
DP 1 - Support of Increased Caseload										
	7.00	707,290	0	0	707,290	7.00	703,230	0	0	703,230
DP 9 - ITSD Fixed Cost Adjust										
	0.00	32,972	0	0	32,972	0.00	32,972	0	0	32,972
DP 7101 - Fuel Inflation Reduction										
	0.00	(945)	0	0	(945)	0.00	(1,085)	0	0	(1,085)
					0	0.00				0
Total Other Present Law Adjustments	7.00	\$739,317	\$0	\$0	\$739,317	7.00	\$735,117	\$0	\$0	\$735,117
					0	0.00				0
Grand Total All Present Law Adjustments	7.00	\$1,256,662	\$0	\$0	\$1,256,662	7.00	\$1,111,108	\$0	\$0	\$1,111,108

DP 1 - Support of Increased Caseload - The legislature provided \$1.4 million general fund (including 7.00 FTE and \$400,000 for contract attorneys) for anticipated workload issues expected due to an increase in caseload.

DP 9 - ITSD Fixed Cost Adjust - The legislature provided \$32,972 general fund each year of the biennium to support the agency's portion of Information and Technology Services Division, fixed cost allocation that falls outside the adjusted base budget. This adjustment includes funding for local server replacements, Justware Database and Fileshare disks, and Collaboration Service Level Agreement (SLA) Sharepoint.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 712 - Funding Shift Contingent Upon SB 263										
01	0.00	(250,000)	250,000	0	0	0.00	(250,000)	250,000	0	0
DP 713 - Correct Workers Compensation Percentage										
01	0.00	0	0	0	0	0.00	92,931	0	0	92,931
DP 6101 - Fixed Cost Workers Comp Management Program Alloc										
01	0.00	6,737	0	0	6,737	0.00	5,841	0	0	5,841
DP 6105 - 2 Percent Unspecified Reduction of General Fund										
01	0.00	(402,817)	0	0	(402,817)	0.00	(402,817)	0	0	(402,817)
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent										
01	0.00	(340,477)	0	0	(340,477)	0.00	(338,191)	0	0	(338,191)
Total	0.00	(\$986,557)	\$250,000	\$0	(\$736,557)	0.00	(\$892,236)	\$250,000	\$0	(\$642,236)

DP 712 - Funding Shift Contingent Upon SB 263 - The legislature decreased general fund support and increased state special revenue support by \$500,000 for the biennium contingent upon passage and approval of SB 263 "Revise Public Defender Laws".

DP 713 - Correct Workers Compensation Percentage - The legislature provided \$92,931 general fund for FY 2011 to correct an error included in the budgeting system. The workers' compensation rate for FY 2011 was inadvertently entered

as 8.8 percent rather than 88 percent.

DP 6101 - Fixed Cost Workers Comp Management Program Alloc - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 6105 - 2 Percent Unspecified Reduction of General Fund - This item provides an unspecified reduction in general fund of 2 percent for the agency. Language included in the bill allows the agency to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Language and Statutory Authority

"Office of State Public Defender includes a reduction in general fund money of \$402,817 each year of the biennium. The agency may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

"Office of State Public Defender includes a reduction of \$250,000 in general fund money and an increase of \$250,000 state special revenue in fiscal year 2010 and a reduction of \$250,000 in general fund money and an increase of \$250,000 state special revenue in fiscal year 2011 that is contingent upon passage and approval of Senate Bill No. 263. If Senate Bill No. 263 is not passed and approved, general fund money for fiscal year 2010 and fiscal year 2011 is increased by \$250,000 each year and state special revenue for fiscal year 2010 and fiscal year 2011 is reduced by \$250,000 each year."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	8.00	8.00	9.00	9.00	8.00	9.00	1.00	12.50%
Personal Services	501,886	511,057	567,629	568,860	1,012,943	1,136,489	123,546	12.20%
Operating Expenses	306,241	97,546	306,347	306,350	403,787	612,697	208,910	51.74%
Total Costs	\$808,127	\$608,603	\$873,976	\$875,210	\$1,416,730	\$1,749,186	\$332,456	23.47%
General Fund	808,127	608,603	873,976	875,210	1,416,730	1,749,186	332,456	23.47%
Total Funds	\$808,127	\$608,603	\$873,976	\$875,210	\$1,416,730	\$1,749,186	\$332,456	23.47%

Page Reference

Legislative Budget Analysis, D-134

Funding

The appellate defender function is funded entirely with general fund.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	808,127	808,127	1,616,254	92.40%	808,127	808,127	1,616,254	92.40%
Statewide PL Adjustments	9,157	6,031	15,188	0.87%	9,157	6,031	15,188	0.87%
Other PL Adjustments	72,658	71,910	144,568	8.26%	72,658	71,910	144,568	8.26%
New Proposals	(15,966)	(10,858)	(26,824)	(1.53%)	(15,966)	(10,858)	(26,824)	(1.53%)
Total Budget	\$873,976	\$875,210	\$1,749,186		\$873,976	\$875,210	\$1,749,186	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					30,339	0.00				27,081
Vacancy Savings					(21,288)	0.00				(21,159)
Inflation/Deflation					106	0.00				109
Total Statewide Present Law Adjustments		\$9,157	\$0	\$0	\$9,157	0.00	\$6,031	\$0	\$0	\$6,031
					0	0.00				0
DP 2 - Support Increase in Caseload-Appellate										
	1.00	72,658	0	0	72,658	1.00	71,910	0	0	71,910
					0	0.00				0
Total Other Present Law Adjustments	1.00	\$72,658	\$0	\$0	\$72,658	1.00	\$71,910	\$0	\$0	\$71,910
					0	0.00				0
Grand Total All Present Law Adjustments	1.00	\$81,815	\$0	\$0	\$81,815	1.00	\$77,941	\$0	\$0	\$77,941

DP 2 - Support Increase in Caseload-Appellate - The legislature provided 1.00 FTE and \$144,568 general fund for the biennium for anticipated increases in caseload.

New Proposals

Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 713 - Correct Workers Compensation Percentage										
02	0.00	0	0	0	0	0.00	5,011	0	0	5,011
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent										
02	0.00	(15,966)	0	0	(15,966)	0.00	(15,869)	0	0	(15,869)
Total	0.00	(\$15,966)	\$0	\$0	(\$15,966)	0.00	(\$10,858)	\$0	\$0	(\$10,858)

DP 713 - Correct Workers Compensation Percentage - The legislature provided \$5,011 general fund for FY 2011 to correct an error included in the budgeting system. The workers' compensation rate for FY 2011 was inadvertently entered as 8.8 percent rather than 88 percent.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Agency Budget Comparison

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

Agency Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	1,255.64	1,255.64	1,306.64	1,306.64	1,255.64	1,306.64	51.00	4.06%
Personal Services	65,035,582	69,153,604	71,077,541	71,347,135	134,189,186	142,424,676	8,235,490	6.14%
Operating Expenses	85,728,107	113,574,533	97,108,510	98,144,223	199,302,640	195,252,733	(4,049,907)	(2.03%)
Equipment & Intangible Assets	207,507	300,190	207,507	207,507	507,697	415,014	(92,683)	(18.26%)
Benefits & Claims	4,175,855	4,508,563	4,175,855	4,175,855	8,684,418	8,351,710	(332,708)	(3.83%)
Transfers	2,124,917	1,866,299	2,124,917	2,124,917	3,991,216	4,249,834	258,618	6.48%
Debt Service	0	216,708	0	0	216,708	0	(216,708)	(100.00%)
Total Costs	\$157,271,968	\$189,619,897	\$174,694,330	\$175,999,637	\$346,891,865	\$350,693,967	\$3,802,102	1.10%
General Fund	153,515,661	185,172,717	169,345,805	171,079,461	338,688,378	340,425,266	1,736,888	0.51%
State Special	3,106,783	3,665,848	4,561,964	4,136,980	6,772,631	8,698,944	1,926,313	28.44%
Federal Special	134,148	223,376	134,079	134,068	357,524	268,147	(89,377)	(25.00%)
Other	515,376	557,956	652,482	649,128	1,073,332	1,301,610	228,278	21.27%
Total Funds	\$157,271,968	\$189,619,897	\$174,694,330	\$175,999,637	\$346,891,865	\$350,693,967	\$3,802,102	1.10%

Page Reference

Legislative Budget Analysis, D-138

Executive Budget Comparison

The following table compares the proposed budget in the 2011 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2008	Executive Budget Fiscal 2010	Legislative Budget Fiscal 2010	Leg - Exec. Difference Fiscal 2010	Executive Budget Fiscal 2011	Legislative Budget Fiscal 2011	Leg - Exec. Difference Fiscal 2011	Biennium Difference Fiscal 10-11
FTE	1,255.64	1,324.64	1,306.64	(18.00)	1,330.64	1,306.64	(24.00)	
Personal Services	65,035,582	71,872,407	71,077,541	(794,866)	72,417,250	71,347,135	(1,070,115)	(1,864,981)
Operating Expenses	85,728,107	106,374,228	97,108,510	(9,265,718)	108,924,602	98,144,223	(10,780,379)	(20,046,097)
Equipment & Intangible Assets	207,507	307,507	207,507	(100,000)	207,507	207,507	0	(100,000)
Benefits & Claims	4,175,855	3,175,855	4,175,855	1,000,000	3,175,855	4,175,855	1,000,000	2,000,000
Transfers	2,124,917	2,124,917	2,124,917	0	2,124,917	2,124,917	0	0
Debt Service	0	0	0	0	0	0	0	0
Total Costs	\$157,271,968	\$183,854,914	\$174,694,330	(\$9,160,584)	\$186,850,131	\$175,999,637	(\$10,850,494)	(\$20,011,078)
General Fund	153,515,661	178,543,932	169,345,805	(9,198,127)	181,967,498	171,079,461	(10,888,037)	(20,086,164)
State/Other Special	3,106,783	4,524,421	4,561,964	37,543	4,099,437	4,136,980	37,543	75,086
Federal Special	134,148	134,079	134,079	0	134,068	134,068	0	0
Proprietary	515,376	652,482	652,482	0	649,128	649,128	0	0
Total Funds	\$157,271,968	\$183,854,914	\$174,694,330	(\$9,160,584)	\$186,850,131	\$175,999,637	(\$10,850,494)	(\$20,011,078)

The level of funding provided by the legislature is about \$20.0 million lower than the executive budget, with the change in funding occurring primarily in general fund support for the agency. The two primary reasons for the change is a reduction in the assumed overall population increase from 4.6 percent to 3 percent and an unspecified reduction in general fund support of 2 percent (\$6.9 million). The legislature reduced or did not provide general fund support for the following items:

- o Sex offender treatment facility, \$4.9 million
- o Contract secure care beds annualization, \$4.7 million
- o Probation and parole caseload growth, \$1.7 million
- o Additional START beds, \$1.4 million

- o Additional WATCH beds, \$1.2 million
- o Great Falls prerelease additional beds, \$1.0 million
- o Central office rent, \$0.8 million
- o Additional prerelease beds, \$0.5 million
- o Contract beds for population growth, \$0.4 million

The legislature provided funding for the following items that were not included in the executive budget.

- o Prerelease and treatment provider per diem rate increase, \$1.2 million
- o Contract bed per diem rate increase for facilities other than regional prisons, \$0.6 million
- o MSP staff transportation, \$0.4 million

Additionally, the legislature did not approve a \$2 million reduction in funding for juvenile placements and the Juvenile Delinquency Intervention Program (JDIP).

Agency Highlights

Department of Corrections Major Budget Highlights
<ul style="list-style-type: none"> ◆ Funding for the department increases 1.1 percent (\$3.8 million), primarily in general fund, when the 2009 and 2011 biennia are compared ◆ Funding for the department increases 5.7 percent (\$18.8 million) when the 2009 biennia appropriation level is reduced by an anticipated FY 2009 \$15 million reversion and compared to the 2011 biennium budget ◆ General fund increases are offset by an unspecified 2 percent reduction (\$6.9 million) ◆ General fund increases due to: <ul style="list-style-type: none"> • Increases in community corrections, \$11.8 million • Increases in secure care, \$5.1 million • Expansion of the work dorm (34.00 FTE), \$4.6 million • Funding for overtime costs, \$4.8 million • Funding for a provider rate increase (community and secure care), \$2.4 million ◆ Funding for increased plate production of the scheduled reissuance adds \$2.9 million ◆ Increased funding for outside medical services adds \$1.3 million ◆ 51.00 FTE is added for FY 2010 and 2011, including: <ul style="list-style-type: none"> • Expansion of the work dorm, 34.00 FTE • Montana State Prison relief factor, 12.00 FTE • Conversion of mental health services at Montana State Prison from contract services to state employees, 6.00 FTE • Juvenile re-entry services, 2.00 FTE • Removal of positions vacant for a lengthy period of time, 3.00 FTE ◆ The legislature provided funding to support an estimated increase in the average daily population of offenders of 3 percent per year, not including the impact of the unspecified 2 percent general fund reduction ◆ The department estimates the overall increase in the average daily population of offenders to be about 3.35 percent per year in the 2011 biennium, a reduction from the 4.6 percent per year increase anticipated in the executive budget ◆ The legislature recommended that the Legislative Finance Committee monitor about ten items during the 2011 biennium

Agency Discussion

Funding for the department increases \$3.8 million or 1.1 percent when the 2009 and 2011 biennia are compared. General fund increases \$1.7 million or 0.5 percent, while state special revenue increases \$1.9 million or 28.4 percent. It is important to note that in this comparison the 2009 biennium includes 2009 appropriations and in this case funding that was provided as a biennial appropriation, of which the department is expected to revert between \$15.0 to \$17.0 million general fund.

Corrections Biennial Comparison Removing \$15 million reversion						
Fund	2009		2011		Dollar	
	2009 Biennium	Anticipated Reversion	2009 Biennium Less Reversion	2011 Biennium	Increase	Percent
General Fund	\$338,688,378	\$15,000,000	\$323,688,378	\$340,425,266	\$16,736,888	5.2%
State Special Revenue	6,772,631		6,772,631	8,698,944	1,926,313	28.4%
Federal Funds	357,524		357,524	268,147	(89,377)	-25.0%
Proprietary Funds	<u>1,073,332</u>		<u>1,073,332</u>	<u>1,301,610</u>	<u>228,278</u>	<u>21.3%</u>
Total Funds	<u>\$346,891,865</u>	<u>\$15,000,000</u>	<u>\$331,891,865</u>	<u>\$350,693,967</u>	<u>\$18,802,102</u>	<u>5.7%</u>

The figure above illustrates the biennial change for the agency if the 2009 biennium funding level is reduced by \$15.0 million to account for the impact of the expected reversion of funds. When compared to the reduced 2009 biennium funding level 2011 biennium funding increases \$18.8 million or 5.7 percent, with general fund support increasing \$16.7 million or 5.2 percent between the two biennia.

Population Estimate

The legislature provided funding to support a 3 percent per year increase in the average daily population (ADP) of offenders. The executive budget proposed a 4.6 percent per year increase in the ADP for the 2011 biennium. On February 12, 2009 the department provided a revised projection of the 2011 biennium ADP that reduced the anticipated increase in ADP to 3.35 percent per year and proposed funding adjustments to the executive budget request of \$9.9 million for the biennium. The legislature reduced funding for ADP by about \$15.8 million or \$5.9 million more than the adjustment proposed by the department. This reduction was offset by provision of funding for provider rate increases, staff transportation, and continued funding of juvenile placements at the base budget level.

Goals and Objectives

The legislature recommends that the Legislative Finance Committee monitor the following in the 2011 biennium.

1. Vacancy savings, turnover, staffing, and mandatory overtime including vacancy savings rates, staff turnover rates, staffing patterns and caseload, and the amount and cost of mandatory overtime
2. DP – 216 Additional START Beds – The department's biennial report page I-16 shows 73 percent discharge to community placement. What is the goal for 2011 biennium?
3. DP – 303 Mental Health Contract Conversion including the benefits of having FTE rather than a contractor. What is it? How can you tell whether it happened?
4. Contract beds (secure care - DP 311 Contract Bed Annualization, DP 312 Contract Bed Population Growth, DP 314 Work Dorm Expansion) - Per information provided by the department goals/accomplishments related to contract beds may include:
 - i. Ensure adequate capacity to manage offenders in the most appropriate placements - Does that mean having enough bed space to accommodate/house inmates in a facility matching the offenders' classification level? If it does, then perhaps a measure to be reported might be number of offenders at each custody level and number of beds at each custody level.
 - ii. Existence of the private and regional prisons has prevented overcrowding and allowed the department to avoid moving inmates to other states. Is the goal to avoid having inmates placed out of state?

5. DP 703 Early Return to Work
 - a. The number and severity of department high frequency injury types such as trips and falls
 - b. Can reduction in severity and frequency be related to the workers compensation rate?
6. DP 208 Annualize MH Meds and Services
 - a. Track the number of offenders receiving services because of this program
 - b. Reporting on status of offender – maintained in community; if returned reason for return
 - c. Identification of “other” needs of this population in order to be maintained in the community
7. Administrative and Financial Services:
 - a. Progress toward resolution of the audit issue related to contract payments
 - b. Progress on work plan completion related to audit issues
 - c. Results of the performance audit
8. Inmate/Montana ID issue – Issuance of state identification cards and the impact on offenders returning to communities
9. Expenditure of carry-forward funds
10. Addition of 12.00 FTE funded by a reduction in overtime and overtime costs

Funding

The following table summarizes funding for the agency, by program and source, as recommended by the Governor. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding 2011 Biennium Budget						
Agency Program	General Fund	State Spec.	Fed Spec.	Proprietary	Grand Total	Total %
01 Admin And Support Services	\$ 32,357,554	\$ 1,246,648	\$ -	\$ 170,690	\$ 33,774,892	9.63%
02 Adult Community Corrections	113,683,326	1,428,826	-	-	115,112,152	32.82%
03 Secure Custody Facilities	147,932,494	515,086	77,616	-	148,525,196	42.35%
04 Mont Correctional Enterprises	7,012,625	3,815,654	176,621	1,130,920	12,135,820	3.46%
05 Youth Services	39,439,267	1,692,730	13,910	-	41,145,907	11.73%
Grand Total	340,425,266	8,698,944	268,147	1,301,610	350,693,967	100.00%

The department is supported primarily with general fund (97.5 percent) and state special revenue (2.1 percent). State special revenue comes primarily from inmate canteen services, the inmate welfare fund, probation and parole supervision fees, restitution, recovery of the costs of care provided to juveniles, and interest and income earned on school trust lands (Pine Hills Youth Correctional Facility). Funds from federal grants and proprietary accounts provide less than 0.50 percent of the department funding.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	153,515,661	153,515,661	307,031,322	90.19%	157,271,968	157,271,968	314,543,936	89.69%
Statewide PL Adjustments	2,625,426	2,794,348	5,419,774	1.59%	2,646,325	2,812,113	5,458,438	1.56%
Other PL Adjustments	15,260,057	16,380,928	31,640,985	9.29%	16,324,233	17,448,280	33,772,513	9.63%
New Proposals	(2,055,339)	(1,611,476)	(3,666,815)	(1.08%)	(1,548,196)	(1,532,724)	(3,080,920)	(0.88%)
Total Budget	\$169,345,805	\$171,079,461	\$340,425,266		\$174,694,330	\$175,999,637	\$350,693,967	

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	110.00	110.00	110.00	110.00	110.00	110.00	0.00	0.00%
Personal Services	6,192,508	6,714,810	6,677,866	6,696,906	12,907,318	13,374,772	467,454	3.62%
Operating Expenses	9,003,302	8,322,864	10,483,596	9,916,524	17,326,166	20,400,120	3,073,954	17.74%
Equipment & Intangible Assets	0	0	0	0	0	0	0	n/a
Total Costs	\$15,195,810	\$15,037,674	\$17,161,462	\$16,613,430	\$30,233,484	\$33,774,892	\$3,541,408	11.71%
General Fund	14,800,031	14,595,000	16,251,042	16,106,512	29,395,031	32,357,554	2,962,523	10.08%
State Special	320,198	367,633	823,433	423,215	687,831	1,246,648	558,817	81.24%
Federal Special	0	0	0	0	0	0	0	n/a
Other	75,581	75,041	86,987	83,703	150,622	170,690	20,068	13.32%
Total Funds	\$15,195,810	\$15,037,674	\$17,161,462	\$16,613,430	\$30,233,484	\$33,774,892	\$3,541,408	11.71%

Page Reference

Legislative Budget Analysis, D-147

Funding

The Administrative and Support Services Program receives 97.4 percent of its funding from the general fund. State special revenue is primarily from offender restitution payments and provides 2.1 percent of the program funding. State special revenue is also received from the canteen revolving account and fines and fees. Proprietary funds from the prison ranch, industries, the industries training program, and cook chill operation provide 0.5 percent of the program funding.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	14,800,031	14,800,031	29,600,062	91.48%	15,195,810	15,195,810	30,391,620	89.98%
Statewide PL Adjustments	793,977	663,594	1,457,571	4.50%	836,576	703,059	1,539,635	4.56%
Other PL Adjustments	808,848	815,516	1,624,364	5.02%	831,348	838,016	1,669,364	4.94%
New Proposals	(151,814)	(172,629)	(324,443)	(1.00%)	297,728	(123,455)	174,273	0.52%
Total Budget	\$16,251,042	\$16,106,512	\$32,357,554		\$17,161,462	\$16,613,430	\$33,774,892	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
Personal Services					944,515					965,004
Vacancy Savings					(285,475)					(286,303)
Inflation/Deflation					21,089					24,318
Fixed Costs					156,447					40
Total Statewide Present Law Adjustments		\$793,977	\$33,582	\$0	\$836,576*		\$663,594	\$33,414	\$0	\$703,059*
DP 101 - Powell County Contract Increase	0.00	7,433	0	0	7,433	0.00	7,433	0	0	7,433
DP 601 - Outside Medical Additional Authority	0.00	649,138	0	0	649,138	0.00	651,511	0	0	651,511
DP 602 - Software Maintenance	0.00	67,439	0	0	67,439	0.00	67,917	0	0	67,917
DP 702 - Training Manuals	0.00	0	2,500	0	2,500	0.00	0	2,500	0	2,500
DP 703 - Early Return to Work	0.00	0	20,000	0	20,000	0.00	0	20,000	0	20,000
DP 802 - Board Member Per Diem	0.00	40,425	0	0	40,425	0.00	40,425	0	0	40,425
DP 806 - Annualization for BOPP Office Space	0.00	44,897	0	0	44,897	0.00	48,786	0	0	48,786
DP 7101 - Fuel Inflation Reduction	0.00	(484)	0	0	(484)	0.00	(556)	0	0	(556)
Total Other Present Law Adjustments	0.00	\$808,848	\$22,500	\$0	\$831,348	0.00	\$815,516	\$22,500	\$0	\$838,016
Grand Total All Present Law Adjustments	0.00	\$1,602,825	\$56,082	\$0	\$1,667,924	0.00	\$1,479,110	\$55,914	\$0	\$1,541,075

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

DP 101 - Powell County Contract Increase - The legislature provided \$14,866 general fund for the biennium to increase the contract with the Powell County Attorney. This funding will be used by the county to hire a Deputy County Attorney to assist in prosecuting cases the prison investigators bring to the county attorney.

DP 601 - Outside Medical Additional Authority - The legislature provided \$1.3 million general fund for the biennium for anticipated inflationary increases associated with outside inmate medical expenses. The department indicated that the number of offenders needing outside medical care increases and that an inflation rate of 6.231 percent is anticipated according to the Consumer Price Index (CPI).

DP 602 - Software Maintenance - The legislature provided \$135,356 general fund for the biennium for software maintenance for the staff scheduling and canteen/commissary systems purchased and implemented in FY 2008. The funding to purchase the software in FY 2008 was provided as a one-time-only appropriation and is not included in the base budget.

DP 702 - Training Manuals - The legislature provided \$5,000 state special revenue for the biennium from fees collected to offset the cost of printing and preparing training manuals for department and law enforcement employees.

DP 703 - Early Return to Work - The legislature provided \$40,000 state special revenue for the biennium for the early return to work program. The source of these funds is a 5 percent credit that is provided by State Fund based upon an agreement between the Department of Administration Workers' Compensation Management Bureau and state fund. The department will use these funds to implement safety initiatives to further reduce the number and severity of work place injuries and to enhance the Early Return to Work Program for injured employees.

DP 802 - Board Member Per Diem - The legislature provided \$80,850 general fund for the biennium for Board of Pardons and Parole (BOPP) members' compensation. BOPP members are entitled to be paid per diem for days that the

member is engaged in the performance of board duties. The program estimates each of the 7 board members will be engaged in board work 77 days per year at a per diem rate of \$75 per day. Board member per diem is a zero-based budget item and not included in the adjusted base budget. Funding for this item must be requested in a decision package.

DP 806 - Annualization for BOPP Office Space - The legislature provided \$93,683 general fund for the biennium for increased office rental costs. The board re-located to a new office August of 2008.

DP 7101 - Fuel Inflation Reduction - The legislature reduced funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	FTE	Fiscal 2010				Fiscal 2011				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 601 - PREA Supplies - (Bien/OTO)										
01	0.00	15,000	0	0	15,000	0.00	0	0	0	0
DP 902 - Collections Unit System - OTO										
01	0.00	0	455,000	0	455,000	0.00	0	55,000	0	55,000
DP 6101 - Fixed Cost Workers Comp Management										
01	0.00	39,159	287	0	41,835*	0.00	33,953	249	0	36,273*
DP 8101 - Increase 4 percent Vacancy Savings to 7 percent										
01	0.00	(205,973)	(8,134)	0	(214,107)	0.00	(206,582)	(8,146)	0	(214,728)
Total	0.00	(\$151,814)	\$447,153	\$0	\$297,728*	0.00	(\$172,629)	\$47,103	\$0	(\$123,455)*

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

DP 601 - PREA Supplies - (Bien/OTO) - The legislature provided \$15,000 general fund as a biennial, one-time-only appropriation for supplies and training to support the department's Prison Rape Elimination Act (PREA) Coordinator. Items that will be purchased with this funding include fire arms, fire arms equipment, evidence equipment, training, travel, and office rent.

DP 902 - Collections Unit System - OTO - The legislature provided \$510,000 state special revenue for the biennium as a one-time-only appropriation to purchase a software program to be used to record the collection and distribution of felony restitution and interface the new software with the department's Offender Management Information System (OMIS).

DP 6101 - Fixed Cost Workers Comp Management - Funding was approved as a fixed cost for agencies to pay fees, based on the average number of payroll warrants issued per pay period, to support the worker's compensation management program in the Department of Administration.

DP 8101 - Increase 4 percent Vacancy Savings to 7 percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	263.00	263.00	263.00	263.00	263.00	263.00	0.00	0.00%
Personal Services	13,479,826	14,147,948	14,434,679	14,498,626	27,627,774	28,933,305	1,305,531	4.73%
Operating Expenses	39,504,412	43,485,522	41,418,843	44,760,004	82,989,934	86,178,847	3,188,913	3.84%
Total Costs	\$52,984,238	\$57,633,470	\$55,853,522	\$59,258,630	\$110,617,708	\$115,112,152	\$4,494,444	4.06%
General Fund	52,457,345	57,079,301	55,140,726	58,542,600	109,536,646	113,683,326	4,146,680	3.79%
State Special	526,893	554,169	712,796	716,030	1,081,062	1,428,826	347,764	32.17%
Total Funds	\$52,984,238	\$57,633,470	\$55,853,522	\$59,258,630	\$110,617,708	\$115,112,152	\$4,494,444	4.06%

Page Reference

Legislative Budget Analysis, D-167

Funding

Funding for this program is provided primarily by the general fund (99 percent), with a small amount of state special revenue (1 percent) coming from probation and parole supervisory fees paid by offenders.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	52,457,345	52,457,345	104,914,690	92.29%	52,984,238	52,984,238	105,968,476	92.06%
Statewide PL Adjustments	1,541,124	1,621,918	3,163,042	2.78%	1,541,454	1,622,248	3,163,702	2.75%
Other PL Adjustments	4,471,428	7,401,944	11,873,372	10.44%	4,657,001	7,590,751	12,247,752	10.64%
New Proposals	(3,329,171)	(2,938,607)	(6,267,778)	(5.51%)	(3,329,171)	(2,938,607)	(6,267,778)	(5.44%)
Total Budget	\$55,140,726	\$58,542,600	\$113,683,326		\$55,853,522	\$59,258,630	\$115,112,152	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					2,004,776	0.00				2,073,529
Vacancy Savings					(619,389)	0.00				(622,135)
Inflation/Deflation					156,067	0.00				170,854
Total Statewide Present Law Adjustments		\$1,541,124	\$330	\$0	\$1,541,454	0.00	\$1,621,918	\$330	\$0	\$1,622,248
					0	0.00				0
DP 203 - Annualize Treatment Beds	0.00	854,038	0	0	854,038	0.00	854,038	0	0	854,038
DP 204 - Annualize Prerelease Beds	0.00	2,085,995	0	0	2,085,995	0.00	2,407,195	0	0	2,407,195
DP 206 - Annualize Northwest Prerelease	0.00	1,226,984	0	0	1,226,984	0.00	1,226,984	0	0	1,226,984
DP 210 - TSCTC Overtime	0.00	34,008	0	0	34,008	0.00	34,008	0	0	34,008
DP 211 - Spending Authority for GPS Monitoring	0.00	0	35,573	0	35,573	0.00	0	38,807	0	38,807
DP 212 - Spending Authority for Supervision Fees	0.00	0	150,000	0	150,000	0.00	0	150,000	0	150,000
DP 216 - Additional START Beds	0.00	0	0	0	0	0.00	1,040,250	0	0	1,040,250
DP 218 - Additional Connections Corrections Beds	0.00	0	0	0	0	0.00	1,569,500	0	0	1,569,500
DP 220 - Annualize MASC	0.00	273,340	0	0	273,340	0.00	273,340	0	0	273,340
DP 7101 - Fuel Inflation Reduction	0.00	(2,937)	0	0	(2,937)	0.00	(3,371)	0	0	(3,371)
					0	0.00				0
Total Other Present Law Adjustments	0.00	\$4,471,428	\$185,573	\$0	\$4,657,001	0.00	\$7,401,944	\$188,807	\$0	\$7,590,751
					0	0.00				0
Grand Total All Present Law Adjustments	0.00	\$6,012,552	\$185,903	\$0	\$6,198,455	0.00	\$9,023,862	\$189,137	\$0	\$9,212,999

DP 203 - Annualize Treatment Beds - The legislature provides \$1.7 million general fund to annualize the cost of existing contracted methamphetamine treatment, felony driving under the influence (DUI), and alcohol and drug treatment beds.

DP 204 - Annualize Prerelease Beds - The legislature provided \$4.5 million general fund for the biennium to annualize the cost of existing contracted prerelease beds. This reflects the difference between the contracted costs for full occupancy of all prerelease beds in FY 2010 and FY 2011 and what was expended in the base budget. FY 2011 funding also includes the cost of a rate increase that will be realized in accordance with a request for proposal and contract issued in FY 2009 related to Sanction, Treatment, Assessment, Revocation, and Transition (START) beds.

DP 206 - Annualize Northwest Prerelease - The legislature provided \$2.4 million general fund for the biennium to annualize the cost of 40 prerelease beds in northwest Montana that are expected to open late in FY 2009. Because the facility is not yet open, no costs related to it are included in the base budget.

DP 210 - TSCTC Overtime - The legislature provided \$68,016 for the biennium for overtime and holidays worked expenses, which are zero based for budgeting purposes and not included in the base budget.

DP 211 - Spending Authority for GPS Monitoring - The legislature provided \$74,380 state special revenue for the biennium for revenue collected for Global Positioning System (GPS) monitoring services. 46-23-1010, MCA requires Level III sexual offenders to pay for required GPS monitoring services.

DP 212 - Spending Authority for Supervision Fees - The legislature provided \$300,000 state special revenue from collection of supervision fees to enable the division to offset the costs related to safety and training for probation and parole staff.

DP 216 - Additional START Beds - The legislature provided about \$1.0 million general fund for FY 2011 to expand the Sanction Treatment Assessment Revocation and Transition (START) program by 30 beds. This facility provides services to offenders who have been in community placement and have either been revoked for technical violations or sanctioned by a probation and parole hearings officer and would otherwise go to prison.

DP 218 - Additional Connections Corrections Beds - The legislature provided \$1.6 million in FY 2011 to expand the Connections Corrections alcohol and drug treatment program by 50 beds or the department may pursue an expansion that includes some combination of Connections Corrections and Warm Springs Addiction and Treatment (WATCH - 4th DUI) beds.

DP 220 - Annualize MASC - The legislature provided \$546,680 general fund for the biennium for the difference between the anticipated contract costs for FY 2010 and FY 2011 and the amount expended in FY 2008, the base budget year.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	Fiscal 2010					Fiscal 2011					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 208 - Annualize Mental Health Meds and Services											
02	0.00	183,399	0	0	183,399	0.00	183,399	0	0	183,399	
DP 219 - Pre-Release/Treatment Prog Per Diem Rate Increase											
02	0.00	392,625	0	0	392,625	0.00	785,249	0	0	785,249	
DP 6105 - 2 Percent Unspecified Reduction in General Fund											
02	0.00	(3,440,653)	0	0	(3,440,653)	0.00	(3,440,653)	0	0	(3,440,653)	
DP 8101 - Increase 4 percent Vacancy Savings to 7 percent											
02	0.00	(464,542)	0	0	(464,542)	0.00	(466,602)	0	0	(466,602)	
Total	0.00	(\$3,329,171)	\$0	\$0	(\$3,329,171)	0.00	(\$2,938,607)	\$0	\$0	(\$2,938,607)	

DP 208 - Annualize Mental Health Meds and Services - The legislature provided \$366,798 general fund for the biennium as a restricted appropriation for mental health medications and services for offenders released from prison to a community corrections facility or to probation or parole. In FY 2008, this funding was a budget transfer from DPHHS.

The following information was provided so that the legislature could consider various performance measurement principles when examining this proposal. It is submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: National statistics indicate that approximately 16 percent of prison inmates have serious and disabling mental illness. Many more experience mental disorders of some kind, and nearly all have co-occurring substance-use disorders. The public mental health system is eligibility driven, and many offenders releasing from secure custody do not meet the strict poverty and disability criteria. Because of this, many offenders struggle in community placements, self medicating with drugs and alcohol and eventually return to a correctional facility due to a new crime or violation of the conditions imposed on their community placement.

Project Outcomes: The goal of this project is to reduce the risk factors for recidivism for offenders with mental disorders and support them as they transition to community settings. Stabilizing the symptoms of mental disorders and promoting mental health in these offenders is consistent with the department's mission to enhance public safety, promote positive change in offender behavior, reintegrate offenders into the community, and support victims of crime. The goal will be

accomplished by providing mental health treatment services, medication support, assistance with benefit enrollment, and case management and targeted mental health training to community corrections staff.

Project Criteria: Each year of the biennium by October 1st, each of five contractors providing mental health services to offenders on probation and parole (P&P) or in prerelease centers (PRC) will provide a report on mental health services provided to offenders not covered by contracted providers, mental health training for officers, and mental health medication provided offenders not covered by public benefit programs.

Milestones: All reporting for mental health services and medications listed above will be provided by Oct. 1 each year of the biennium.

FTE: None

Funding: General fund

Obstacles: Offenders have struggled to find available prescribers for mental health medications. This has resulted in long waits and under-utilization of the medication funding. Health records are not in electronic form so tracking and reporting on these new programs is a manual and time-consuming process. No dedicated staff was included with the appropriations so duties have been shared across other division staff.

Risks: Offenders with mental disorders and addictions are challenged to meet conditions of their community placement without adequate supports. Many are unable to obtain employment with sufficient medical benefits to cover costly psychotropic medications and treatment needs. These offenders also fall outside the eligibility guidelines for other publicly funded health programs. Without these new programs, offenders are at higher risk of revocation and recidivism due to probation and parole violations, substance abuse to self medicate, and new crimes resulting from unmanaged symptoms of mental illness.

DP 219 - Pre-Release/Treatment Prog Per Diem Rate Increase - The legislature provided general fund of \$392,625 in FY 2010 and \$785,249 in FY 2011 for a provider rate increase of 1 percent per year.

DP 6105 - 2 Percent Unspecified Reduction in General Fund - This item provides an unspecified reduction in general fund of 2 percent for the agency. Language included in the bill allows the agency to allocate the reduction in funding among programs when developing 2011 biennium operating plans.

DP 8101 - Increase 4 percent Vacancy Savings to 7 percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Language and Statutory Authority

"Community Corrections includes a reduction in general fund money of \$3,440,653 each year of the biennium. The agency may allocate this reduction in funding among programs when developing 2011 biennium operating plans."

"Funding in MH Meds and Services may be used only for offenders leaving secure care or at risk of returning to secure care, who are under the supervision of the department of corrections, who meet the criteria for serious mental illness, and who are not eligible for or have not yet been enrolled in a public benefit program. Funding may be used to provide: a prescription benefit of up to a 60 day supply of psychotropic medications upon release from an institution; short term medication purchases for offenders who become unstable and need medications; or mental health services including services necessary to obtain a written prescription and medication management."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	652.54	652.54	704.54	704.54	652.54	704.54	52.00	7.97%
Personal Services	33,621,907	35,796,723	37,530,158	37,675,947	69,418,630	75,206,105	5,787,475	8.34%
Operating Expenses	32,269,566	55,967,325	35,821,087	37,082,990	88,236,891	72,904,077	(15,332,814)	(17.38%)
Equipment & Intangible Assets	207,507	293,690	207,507	207,507	501,197	415,014	(86,183)	(17.20%)
Total Costs	\$66,098,980	\$92,057,738	\$73,558,752	\$74,966,444	\$158,156,718	\$148,525,196	(\$9,631,522)	(6.09%)
General Fund	65,960,172	91,912,738	73,262,401	74,670,093	157,872,910	147,932,494	(9,940,416)	(6.30%)
State Special	100,000	100,000	257,543	257,543	200,000	515,086	315,086	157.54%
Federal Special	38,808	45,000	38,808	38,808	83,808	77,616	(6,192)	(7.39%)
Total Funds	\$66,098,980	\$92,057,738	\$73,558,752	\$74,966,444	\$158,156,718	\$148,525,196	(\$9,631,522)	(6.09%)

Page Reference

Legislative Budget Analysis, D-192

Funding

Secure custody facilities are funded almost entirely (99.7 percent) from the general fund. State special revenue from the inmate welfare account and various fines and fees provide about 0.3 percent of the program funding. Federal funds provide less than 0.1 percent of the funding for the division.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	65,960,172	65,960,172	131,920,344	89.18%	66,098,980	66,098,980	132,197,960	89.01%
Statewide PL Adjustments	(58,769)	109,317	50,548	0.03%	(58,769)	109,317	50,548	0.03%
Other PL Adjustments	6,691,010	7,706,210	14,397,220	9.73%	6,811,010	7,826,210	14,637,220	9.86%
New Proposals	669,988	894,394	1,564,382	1.06%	707,531	931,937	1,639,468	1.10%
Total Budget	\$73,262,401	\$74,670,093	\$147,932,494		\$73,558,752	\$74,966,444	\$148,525,196	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					1,124,624					1,261,939
Vacancy Savings					(1,389,881)					(1,395,366)
Inflation/Deflation					206,488					242,744
Total Statewide Present Law Adjustments		(\$58,769)	\$0	\$0	(\$58,769)		\$109,317	\$0	\$0	\$109,317
DP 302 - MSP Shift Relief Additional FTE	12.00	0	0	0	0	12.00	0	0	0	0
DP 303 - Mental Health Contract Conversion	6.00	98,533	0	0	98,533	6.00	93,546	0	0	93,546
DP 306 - MSP - Overtime Zero Based	0.00	1,771,993	0	0	1,771,993	0.00	1,771,993	0	0	1,771,993
DP 308 - MSP Inmate Pay Zero Based	0.00	170,270	100,000	0	270,270	0.00	170,270	100,000	0	270,270
DP 309 - MSP - Fines and Fees - Added Spending Authority	0.00	0	20,000	0	20,000	0.00	0	20,000	0	20,000
DP 311 - Contract Beds - Annualization	0.00	2,057,685	0	0	2,057,685	0.00	2,664,315	0	0	2,664,315
DP 312 - Contract Beds - Population Growth	0.00	0	0	0	0	0.00	419,127	0	0	419,127
DP 314 - Work Dorm Expansion	34.00	2,323,988	0	0	2,323,988	34.00	2,325,695	0	0	2,325,695
DP 316 - MWP Overtime - Zero Based	0.00	270,688	0	0	270,688	0.00	270,688	0	0	270,688
DP 317 - MWP Inmate Pay - Zero Based	0.00	47,090	0	0	47,090	0.00	47,090	0	0	47,090
DP 7101 - Fuel Inflation Reduction	0.00	(49,237)	0	0	(49,237)	0.00	(56,514)	0	0	(56,514)
Total Other Present Law Adjustments	52.00	\$6,691,010	\$120,000	\$0	\$6,811,010	52.00	\$7,706,210	\$120,000	\$0	\$7,826,210
Grand Total All Present Law Adjustments	52.00	\$6,632,241	\$120,000	\$0	\$6,752,241	52.00	\$7,815,527	\$120,000	\$0	\$7,935,527

DP 302 - MSP Shift Relief Additional FTE - The legislature provided 12.00 FTE funded through a reduction in the budgeted overtime costs of about \$0.9 million general fund for the biennium so that additional employees are available for the prison to cover more of the employees paid time off (vacation, holidays, training, etc.) through regular salary costs rather than incurring overtime. Over time costs are funded in decision package 306. This decision package reflects a net increase in costs of \$0 because the costs of FTE are offset by a reduction in overtime costs.

DP 303 - Mental Health Contract Conversion - The legislature provided 6.00 FTE and \$192,079 general fund for the biennium for mental health services at Montana State Prison. The facility previously utilized a contract to provide these services. The total cost for this change is \$366,645 in FY 2010 and \$361,658 in FY 2011, with \$268,112 being offset by contracted costs that are in the base budget.

DP 306 - MSP - Overtime Zero Based - The legislature provided \$3.5 million general fund for the biennium for overtime and holiday worked pay, which are zero based for budgeting purposes and not included in the base budget. A portion of this funding will be used to fund the 12.00 FTE included in decision package 302.

DP 308 - MSP Inmate Pay Zero Based - The legislature provided \$340,540 general fund and \$200,000 state special revenue for the biennium for inmate pay, which is zero based for budgeting purposes and thus is not included in the base budget. MSP provides inmate work assignments in maintenance, food service, infirmary, recreation, housing units, and other areas to about 660 inmates. A portion of the funding in this decision package will be used to increase the number of inmate workers.

DP 309 - MSP - Fines and Fees - Added Spending Authority - The legislature provided \$40,000 state special revenue for the biennium from fines and fees that are collected from inmate disciplinary sanctions. The department uses the funds to cover the costs of damaged and replacement items.

DP 311 - Contract Beds - Annualization - The legislature provided \$4.7 million for the biennium for the cost of existing contracted secure beds.

DP 312 - Contract Beds - Population Growth - The legislature provided \$419,127 general fund for FY 2011 to fund contract secure care beds.

DP 314 - Work Dorm Expansion - The legislature provided 34.00 FTE and \$4.8 million general fund for the biennium for staffing and operating costs of the expansion of the work dorm at MSP. The expansion of the work dorm became operational in January 2009. No costs associated with the operation of the expanded facility were incurred in the base budget year.

DP 316 - MWP Overtime - Zero Based - The legislature provided \$541,376 general fund for the biennium for the costs of overtime and holidays worked. These items are zero based for budgeting purposes and not included in the adjusted base budget.

DP 317 - MWP Inmate Pay - Zero Based - The legislature provided \$94,180 general fund for the biennium for inmate pay. Inmate pay is zero-based for budgeted purposes and not included in the adjusted base budget. Funding in this decision package will support the addition of about 12 inmate worker positions.

DP 7101 - Fuel Inflation Reduction - The legislature reduced funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	Fiscal 2010					Fiscal 2011				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 301 - MSP Staff Transportation										
03	0.00	144,490	37,543	0	182,033	0.00	144,490	37,543	0	182,033
DP 304 - MSP Equipment - OTO										
03	0.00	50,000	0	0	50,000	0.00	0	0	0	0
DP 305 - MSP Video Equipment - (Bien/OTO)										
03	0.00	65,000	0	0	65,000	0.00	0	0	0	0
DP 313 - Contract Beds Per Diem Increase										
03	0.00	414,568	0	0	414,568	0.00	829,135	0	0	829,135
DP 318 - MWP Maintenance and Supplies - (Bien/OTO)										
03	0.00	75,000	0	0	75,000	0.00	0	0	0	0
DP 708 - Fund Loan Reimbursement Program (RNs)										
03	0.00	(18,750)	0	0	(18,750)	0.00	(18,750)	0	0	(18,750)
DP 8101 - Increase 4 percent Vacancy Savings to 7 percent										
03	0.00	(60,320)	0	0	(60,320)	0.00	(60,481)	0	0	(60,481)
Total	0.00	\$669,988	\$37,543	\$0	\$707,531	0.00	\$894,394	\$37,543	\$0	\$931,937

DP 301 - MSP Staff Transportation - The legislature provided \$364,066 total funds (\$288,980 general fund and \$75,086 state special revenue) to continue operations of MSP staff transportation for nine months per year with riders paying \$3.00 per day. Funding for staff transportation was funded as a one-time-only appropriation for the 2009 biennium.

DP 304 - MSP Equipment - OTO - The legislature provided \$50,000 general fund as a one-time-only appropriation for FY 2010 to upgrade the food ports at Montana State Prison. The type of food port proposed allows staff to pass items to inmates without direct contact between the inmate and staff (eliminating the potential for inmates to throw bodily fluids, etc. at staff).

DP 305 - MSP Video Equipment - (Bien/OTO) - The legislature provided \$65,000 general fund as a biennial, one-time-only appropriation for security equipment. This includes funding for six video cameras, with recording capabilities and monitors, for the high side staff and inmate traffic areas at MSP and the installation of the Morse Watchman rounds system in seven housing units.

DP 313 - Contract Beds Per Diem Increase - The legislature provided \$1.2 million general fund for the biennium to support a provider rate increase of 2 percent per year for contracted secure care facilities (prisons) and the Missoula Assessment and Sanction Center (MASC).

DP 318 - MWP Maintenance and Supplies - (Bien/OTO) - The legislature provided \$75,000 general fund as a biennial, one-time-only appropriation for items such as sliding security door mechanisms, instant hot water heater, replacement of washers and dryers on units, and recalibration of thermostats.

DP 708 - Fund Loan Reimbursement Program (RNs) - The legislature reduced funding for professional services to hire contract nursing staff at Montana State Prison by \$37,500 general fund for the biennium to fund a loan reimbursement program for registered professional nurses. This funding reduction is contingent upon passage and approval of HB 224 titled "Loan Reimbursement Program for State Institutional Nurses".

DP 8101 - Increase 4 percent Vacancy Savings to 7 percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment. This adjustment was not applied to direct care workers at the Montana State Prison or Montana Women's Prison.

Language and Statutory Authority

"If House Bill No. 224 is not passed and approved the general fund appropriation for Secure Facilities (03) (Biennial) is increased from \$73,072,601 to \$73,091,351 in fiscal year 2010 and from \$74,670,093 to \$74,688,843 in fiscal year 2011."

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	19.25	19.25	19.25	19.25	19.25	19.25	0.00	0.00%
Personal Services	1,003,101	1,147,459	1,127,694	1,129,946	2,150,560	2,257,640	107,080	4.98%
Operating Expenses	2,839,075	3,382,382	6,368,196	3,509,984	6,221,457	9,878,180	3,656,723	58.78%
Equipment & Intangible Assets	0	0	0	0	0	0	0	n/a
Benefits & Claims	0	0	0	0	0	0	0	n/a
Debt Service	0	216,708	0	0	216,708	0	(216,708)	(100.00%)
Total Costs	\$3,842,176	\$4,746,549	\$7,495,890	\$4,639,930	\$8,588,725	\$12,135,820	\$3,547,095	41.30%
General Fund	2,000,669	2,430,473	4,920,252	2,092,373	4,431,142	7,012,625	2,581,483	58.26%
State Special	1,313,327	1,793,161	1,921,827	1,893,827	3,106,488	3,815,654	709,166	22.83%
Federal Special	88,385	40,000	88,316	88,305	128,385	176,621	48,236	37.57%
Other	439,795	482,915	565,495	565,425	922,710	1,130,920	208,210	22.57%
Total Funds	\$3,842,176	\$4,746,549	\$7,495,890	\$4,639,930	\$8,588,725	\$12,135,820	\$3,547,095	41.30%

Page Reference

Legislative Budget Analysis, D-210

Funding

Montana Correctional Enterprise (MCE) functions included in the appropriations act are funded primarily from the general fund (46.4 percent), which funds license plate production and manufacturing, and state special revenue (39.7 percent) from inmate canteen services. The program also receives some federal funding (1.9 percent) and proprietary funds (12.0 percent) from the prison industries program (motor vehicle maintenance shop and Toyota cutaway operation).

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	2,000,669	2,000,669	4,001,338	57.06%	3,842,176	3,842,176	7,684,352	63.32%
Statewide PL Adjustments	15,702	18,860	34,562	0.49%	(6,328)	(3,170)	(9,498)	(0.08%)
Other PL Adjustments	2,926,959	95,973	3,022,932	43.11%	3,663,062	832,018	4,495,080	37.04%
New Proposals	(23,078)	(23,129)	(46,207)	(0.66%)	(3,020)	(31,094)	(34,114)	(0.28%)
Total Budget	\$4,920,252	\$2,092,373	\$7,012,625		\$7,495,890	\$4,639,930	\$12,135,820	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----				-----Fiscal 2011-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					30,889					33,311
Vacancy Savings					(41,360)					(41,456)
Inflation/Deflation					4,324					5,156
Fixed Costs					(181)					(181)
Total Statewide Present Law Adjustments		\$15,702	\$0	\$0	(\$6,328)*		\$18,860	\$0	\$0	(\$3,170)*
DP 402 - License Plate Renewal - HB 2 - OTO	0.00	2,858,599	0	0	2,858,599	0.00	27,709	0	0	27,709
DP 404 - Overtime and Inmate Payroll - HB 2	0.00	69,000	30,500	0	155,500*	0.00	69,000	30,500	0	155,500*
DP 406 - Added Authority-Canteen-SSR, Voc Ed-ISF - HB 2	0.00	0	550,000	0	650,000*	0.00	0	550,000	0	650,000*
DP 7101 - Fuel Inflation Reduction	0.00	(640)	0	(69)	(1,037)*	0.00	(736)	0	(80)	(1,191)*
Total Other Present Law Adjustments	0.00	\$2,926,959	\$580,500	(\$69)	\$3,663,062*	0.00	\$95,973	\$580,500	(\$80)	\$832,018*
Grand Total All Present Law Adjustments	0.00	\$2,942,661	\$580,500	(\$69)	\$3,656,734*	0.00	\$114,833	\$580,500	(\$80)	\$828,848*

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

DP 402 - License Plate Renewal - HB 2 - OTO - The legislature provided \$2.9 million general fund as a restricted, biennial, one-time-only appropriation for the manufacturing of license plates for the plate reissue scheduled to begin in January 2010 (per MCA 61-3-332). This cost estimate is based on the production of 1.6 million plates (0.8 million sets) over the biennium. This figure represents only the number of plates to be produced for the reissue. The base budget covers all other plate production for general issue, organizational, permanent, college and university, and small plates. The personal services portion of the funding includes civilian overtime and inmate payroll of \$4,608. Operating expenditures include the cost of reflective sheeting, aluminum, print heads, and other supplies and operating expenses.

DP 404 - Overtime and Inmate Payroll - HB 2 - The legislature provided \$311,000 for the biennium for inmate payroll, which is zero based for budgeting purposes and must be requested in a decision package. 2011 biennium funding by area is:

- o License plate manufacturing – \$24,000 per year
- o Vocational education - \$101,000 per year
- o Canteen - \$30,500 per year

DP 406 - Added Authority-Canteen-SSR, Voc Ed-ISF - HB 2 - The legislature provided \$1.3 million total funds, including \$1.1 million state special revenue and \$0.2 million proprietary funds, for the biennium for the Vocational Education Program and canteen operations. The increase is related to Vocational Education Internal Service Fund operations increased cost of parts purchased for the repair of customer vehicles and increases in the number of facilities that the canteen will be providing products.

DP 7101 - Fuel Inflation Reduction - The legislature reduced funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

Program	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 406 - Canteen - OTO										
04	0.00	0	28,000	0	28,000	0.00	0	0	0	0
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent										
04	0.00	(23,078)	0	0	(31,020)*	0.00	(23,129)	0	0	(31,094)*
Total	0.00	(\$23,078)	\$28,000	\$0	(\$3,020)*	0.00	(\$23,129)	\$0	\$0	(\$31,094)*

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

DP 406 - Canteen - OTO - The legislature provided funding as a one-time-only appropriation of state special revenue for equipment, including a used forklift (\$20,000), and upgrade of the current gator/utility vehicle for deliveries (\$8,000) for the MCE Canteen warehouse.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment.

Proprietary Rates

Proprietary Program Description

Industries includes furniture, upholstery, print, sign, laundry, operation of the prison hobby store and two certified programs through the U.S. Department of Justice (custom cowboy boot manufacturing and assembly of waste management bags) at Montana State Prison. In addition, the industry program at Montana Women's Prison includes sewing and embroidery, heat transfers, hygiene kit assembly, oversight of the Prison Paws for Humanities Dog Training Program and three additional certified programs (custom lanyard manufacturing, bow sight assembly, and gun sling assembly and packaging).

Program Narrative

Revenues for this program come from sales of merchandise such as furniture and signs and fees charged for printing and training of dogs.

Expenditures are driven by the cost of personal services and materials and may fluctuate with the addition or loss of specific contracts or functions within the programs.

Rates for the traditional industries programs such as furniture, upholstery, print and sign, hygiene kits, and sewing and embroidery are based on competitive product pricing and current market conditions. Rates for the certified programs are based on labor and overhead costs and services performed, per contract.

Laundry rates are based on the actual cost to process laundry for each customer. Rates are charged per pound. The base laundry rate is charged without delivery. Delivery charges to customers are based on the customer's poundage, number of miles to the customer, actual time involved in the delivery, and the number of customers on each delivery run. There will not be a cost increase in the upcoming biennium. If any profit is realized from operations, it is maintained within the industries fund to be used for future laundry equipment replacements.

Present Law Adjustments

These DPs are split among proprietary funds and so will appear in the narrative for each fund.

PL 401 Replacement Equipment - The ranch, industries, and food factory programs have a number of pieces of equipment that are used in the daily operation of the programs. Due to the heavy use of the equipment, replacement

equipment is necessary for the continued operation of both programs.

Equipment is purchased only if it is deemed necessary and if adequate cash flows exist in the operations. Funding includes:

- \$150,000 per year for the ranch
- \$50,000 per year for industries.
- \$74,000 for FY 2010 and \$215,000 for FY 2011 for the food factory for items such as: a cook tank (\$83,000), blast chiller (\$28,000), tumble chiller (\$99,000), utility washer (67,000), cooler monitoring system (\$7,000), and security cameras (\$5,000)

Purchase of this equipment will not affect customer rates on products sold.

PL 403 Staff Overtime and Inmate Payroll – This decision package includes funding for overtime and inmate payroll, which are zero based budget items. The amounts included are:

- Ranch - \$95,000 per year overtime and \$200,000 per year inmate payroll
- Industries - \$20,000 per year overtime and \$190,000 per year inmate payroll
- Food factory - \$5,000 per year overtime and \$40,500 per year inmate payroll

Inmate payroll is currently built into all rate and price structures.

PL 405 Increased Spending Authority - This decision package includes additional proprietary appropriation authority for the ranch, industries, and food factory operations including:

- \$150,000 per year for the ranch
- \$100,000 per year for industries
- \$350,000 per year for the food factory

Increased appropriation authority in these programs will not affect the rate or price structures. Per the department purchases are made only as needed and justified as economically good decisions.

The industries enterprise fund (06034) has experienced increases in costs of supplies and materials, utilities, repair and maintenance, delivery and raw products used for the manufacturing of furniture, print, signs, and upholstery.

New Proposals

None

Proprietary Rates – 6033 Prison Ranch

Proprietary Program Description

Agriculture includes beef and dairy cattle, crops, feedlot, dairy milking parlor, dairy processing, lumber processing, wild land fire crew, the community inmate worker program, and the Montana Food Bank Network Cannery, which are all located at the Montana State Prison facility.

Program Narrative

Revenues for this fund come from the sale of products.

Expenditures are driven by the personal service and operating costs.

Ranch and dairy rates are based on the current market price of cattle, crops, and dairy products. Lumber processing rates are based on the current market value of the services performed, per contract. The cannery rates are based on actual expenditures incurred, and passed on to the Montana Food Bank Network, Department of Public Health and Human Services and/or Department of Corrections.

Present Law Adjustments

PL 401 Replacement Equipment – The ranch, industries, and food factory programs have a number of pieces of equipment that are used in the daily operation of the programs. Due to the heavy use of the equipment, replacement equipment is necessary for the continued operation of both programs.

Equipment is purchased only if it is deemed necessary and if adequate cash flows exist in the operations. The amount includes:

- \$150,000 per year for the ranch
- \$50,000 per year for industries.
- \$74,000 for FY 2010 and \$215,000 for FY 2011 for the food factory for items such as: a cook tank (\$83,000), blast chiller (\$28,000), tumble chiller (\$99,000), utility washer (67,000), cooler monitoring system (\$7,000) and security cameras (\$5,000)

Purchase of this equipment will not affect customer rates on products sold.

PL 403 Staff Overtime and Inmate Payroll – This decision package includes funding for overtime and inmate payroll, which are zero based budget items. The amounts included are:

- Ranch - \$95,000 per year overtime and \$200,000 per year inmate payroll
- Industries - \$20,000 per year overtime and \$190,000 per year inmate payroll
- Food factory - \$5,000 per year overtime and \$40,500 per year inmate payroll

Inmate payroll is currently built into all rate and price structures.

PL 405 Increased Spending Authority - This decision package includes additional proprietary appropriation authority for the ranch, industries and food factory operations including:

- \$150,000 per year for the ranch
- \$100,000 per year for industries
- \$350,000 per year for the food factory

Increased appropriation authority in these programs will not affect the rate or price structures. Per the department purchases are made only as needed and justified as economically good decisions.

The ranch enterprise fund (06033) has experience cost increases on all animal feeds, equipment repairs, utilities and other operational costs.

New Proposals

NP 408 – Alt. Energy Biomass Burner – This decision package includes \$182,724 proprietary funds for the biennium for a small wood products biomass that will be placed between the dairy and the Montana State Prison (MSP) work dorm. The burner will supply hot water and steam to these two buildings for domestic hot water, heating, and dairy processing and cleanup. Fuel or biomass for this burner will be harvested from slash and timber thinning residue from timber operations on the MCE forestland. One (1.0) FTE will be needed to operate the burner and coordinate the harvest and transportation of the biomass wood supply to the burner as well as supervise an inmate crew. Annual operating expenses without fuel costs are estimated at \$15,000. One time only start-up costs are estimated to be \$64,200. Ranch owned trucks and loaders will be utilized for loading and hauling wood to the biomass burner site. Funding for construction of this proposal is included in the long range planning request.

Proprietary Rates – 6573 Cook Chill

Proprietary Program Description

Food Factory operates a cook chill operation and bakery, which provide food products to various institutions and non-profit organizations.

Program Narrative

The costs of this program are driven primarily by the cost of personal services and operating costs such as food and utilities.

The revenues for this program come from the sale of trayed meals and bulk food.

Rates are based on the cost of raw product, supplies, and other operating expenditures. All meal prices are commensurate with actual costs incurred. If any profit is realized, it is maintained within the food factory fund to be used for future equipment replacement. Customers who purchase bulk food are charged the actual cost of the food product with a 4 percent spoilage charge. In addition, they are charged a percentage of the overhead for the program based on their actual food costs as a percentage of all food purchased. Customers who purchase tray meals are charged for the food and overhead as a tray meal cost. Delivery to all customers is based on the number of miles to the customer, actual time involved in the delivery, and the numbers of customers on each delivery run.

Present Law Adjustments

PL 401 Replacement Equipment – The ranch, industries, and food factory programs have a number of pieces of equipment that are used in the daily operation of the programs. Due to the heavy use of the equipment, replacement equipment is necessary for the continued operation of both programs.

Equipment is purchased only if it is deemed necessary and if adequate cash flows exist in the operations. The amount includes:

- \$150,000 per year for the ranch
- \$50,000 per year for industries.
- \$74,000 for FY 2010 and \$215,000 for FY 2011 for the food factory for items such as: a cook tank (\$83,000), blast chiller (\$28,000), tumble chiller (\$99,000), utility washer (67,000), cooler monitoring system (\$7,000) and security cameras (\$5,000)

Purchase of this equipment will not affect customer rates on products sold.

PL 403 Staff Overtime and Inmate Payroll – This decision package includes funding for overtime and inmate payroll, which are zero based budget items. The amounts included are:

- Ranch - \$95,000 per year overtime and \$200,000 per year inmate payroll
- Industries - \$20,000 per year overtime and \$190,000 per year inmate payroll
- Food factory - \$5,000 per year overtime and \$40,500 per year inmate payroll

Inmate payroll is currently built into all rate and price structures.

PL 405 Increased Spending Authority - This decision package includes additional proprietary appropriation authority for the ranch, industries and food factory operations including:

- \$150,000 per year for the ranch
- \$100,000 per year for industries
- \$350,000 per year for the food factory

Increased appropriation authority in these programs will not affect the rate or price structures. Per the department purchases are made only as needed and justified as economically good decisions.

The food factory (06573) has experienced increases in cost of operations, including cost of goods sold, delivery, repair and maintenance, and other operating expenses. In addition Montana State Prison is adding 104 beds to the work dorm and other customer may be added in the near future.

New Proposals

None

Proprietary Rate Explanation

The legislature approved the following rates.

<u>Item</u>	<u>FY 2010</u>	<u>FY 2011</u>
Base Tray – no delivery	\$1.69	\$1.69
Delivery Charge – per mile	\$0.50	\$0.50
Delivery Charge – per hour	\$35.00	\$35.00
Spoilage Percentage – all customers	4.0%	4.0%
<u>Overhead Charge</u>		
Montana State Hospital, supplies only	12.0%	12.0%
Montana State Hospital, except supplies	6.0%	6.0%
Montana State Prison, supplies only	77.0%	77.0%
Montana State Prison, except supplies	41.0%	41.0%
Treasure State Correctional Training Center, supplies only	11.0%	11.0%
Treasure State Correctional Training Center, except supplies	6.0%	6.0%

Proprietary Rates – 06545 – Prison Industries Training Program (Vocational Education)**Proprietary Program Description**

Vocational Education operates a motor vehicle maintenance shop and custom Toyota training cutaway operation in addition to the general fund programs.

Program Narrative

The primary cost drivers of this program are personal services and parts costs.

Revenue comes from labor charges for repairs and the sale of parts and supplies.

Motor vehicle maintenance rates are based on the cost of parts and supplies and a labor charge for vehicle repairs. The labor charge is based on cost of civilian and inmate labor and program overhead. The Toyota Training Cutaway Program rates are based on services performed for the Toyota Corporation, per contract.

Present Law Adjustments

None

New Proposals

None

Proprietary Rate Explanation

The legislature approved the following rates.

<u>Item</u>	<u>FY 2010</u>	<u>FY 2011</u>
Labor Charge for Motor Vehicle Maintenance	\$26.50 per hour	\$26.50 per hour
Supply Fee as a percentage of actual cost of parts	3.0%	3.0%
Parts	actual cost	actual cost

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2008	Approp. Fiscal 2009	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 08-09	Biennium Fiscal 10-11	Biennium Change	Biennium % Change
FTE	210.85	210.85	209.85	209.85	210.85	209.85	(1.00)	(0.47%)
Personal Services	10,738,240	11,346,664	11,307,144	11,345,710	22,084,904	22,652,854	567,950	2.57%
Operating Expenses	2,111,752	2,416,440	3,016,788	2,874,721	4,528,192	5,891,509	1,363,317	30.11%
Equipment & Intangible Assets	0	6,500	0	0	6,500	0	(6,500)	(100.00%)
Benefits & Claims	4,175,855	4,508,563	4,175,855	4,175,855	8,684,418	8,351,710	(332,708)	(3.83%)
Transfers	2,124,917	1,866,299	2,124,917	2,124,917	3,991,216	4,249,834	258,618	6.48%
Total Costs	\$19,150,764	\$20,144,466	\$20,624,704	\$20,521,203	\$39,295,230	\$41,145,907	\$1,850,677	4.71%
General Fund	18,297,444	19,155,205	19,771,384	19,667,883	37,452,649	39,439,267	1,986,618	5.30%
State Special	846,365	850,885	846,365	846,365	1,697,250	1,692,730	(4,520)	(0.27%)
Federal Special	6,955	138,376	6,955	6,955	145,331	13,910	(131,421)	(90.43%)
Total Funds	\$19,150,764	\$20,144,466	\$20,624,704	\$20,521,203	\$39,295,230	\$41,145,907	\$1,850,677	4.71%

Page Reference

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Funding

General fund provides almost 96 percent of the funding for the division. State special revenue primarily from collections for the costs of care of youth in placement and interest and income related to Pine Hills provides about 4 percent of the division funding. The division also receives a small amount of federal funds from grants.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget	Budget Fiscal 2010	Budget Fiscal 2011	Biennium Fiscal 10-11	Percent of Budget
Base Budget	18,297,444	18,297,444	36,594,888	92.79%	19,150,764	19,150,764	38,301,528	93.09%
Statewide PL Adjustments	333,392	380,659	714,051	1.81%	333,392	380,659	714,051	1.74%
Other PL Adjustments	361,812	361,285	723,097	1.83%	361,812	361,285	723,097	1.76%
New Proposals	778,736	628,495	1,407,231	3.57%	778,736	628,495	1,407,231	3.42%
Total Budget	\$19,771,384	\$19,667,883	\$39,439,267		\$20,624,704	\$20,521,203	\$41,145,907	

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget proposed by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments	-----Fiscal 2010-----					-----Fiscal 2011-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					731,516					771,942
Vacancy Savings					(458,794)					(460,413)
Inflation/Deflation					60,670					69,130
Total Statewide Present Law Adjustments		\$333,392	\$0	\$0	\$333,392		\$380,659	\$0	\$0	\$380,659
DP 502 - Youth Services Division Overtime - Zero Based	0.00	326,835	0	0	326,835	0.00	326,835	0	0	326,835
DP 503 - Youth Services Division Inmate Pay - Zero Based	0.00	38,554	0	0	38,554	0.00	38,554	0	0	38,554
DP 7101 - Fuel Inflation Reduction	0.00	(3,577)	0	0	(3,577)	0.00	(4,104)	0	0	(4,104)
Total Other Present Law Adjustments	0.00	\$361,812	\$0	\$0	\$361,812	0.00	\$361,285	\$0	\$0	\$361,285
Grand Total All Present Law Adjustments	0.00	\$695,204	\$0	\$0	\$695,204	0.00	\$741,944	\$0	\$0	\$741,944

DP 502 - Youth Services Division Overtime - Zero Based - The legislature provided \$326,835 general fund each year of the biennium for the costs of over time and holidays worked. Overtime is a zero-based budget item and is not included in the adjusted base and must be added in a decision package. The amount of funding provided for each facility is:

- o Riverside Youth Correctional Facility - \$40,669
- o Transition Center - \$29,774
- o Pine Hills Youth Correctional Facility - \$256,392

DP 503 - Youth Services Division Inmate Pay - Zero Based - The legislature provided \$38,554 general fund for each year of the biennium for inmate pay. The money earned by youth is used to pay victims restitution for acts committed by the youth. The division indicates that this gives youth an opportunity to learn about the consequences of their actions and the ability to repay victims for some of the damages (restorative justice). Inmate pay is a zero-based budget item and is not included in the adjusted base and must be added in a decision package. Funding in this decision package includes \$5,000 each year for Riverside Youth Correctional Facility and \$33,554 each year for Pine Hills Youth Correctional Facility.

DP 7101 - Fuel Inflation Reduction - This reduces funding for gasoline and diesel by the amount these two expenditure categories were increased in the statewide present law adjustment for inflation. The effect is to apply no inflation adjustment to these two expenditure categories.

New Proposals

New Proposals	-----Fiscal 2010-----					-----Fiscal 2011-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 501 - Juvenile Re-Entry	05	2.00	811,234	0	0	811,234	2.00	811,361	0	0	811,361
DP 506 - Riverside Repairs - (Bien/OTO)	05	0.00	150,000	0	0	150,000	0.00	0	0	0	0
DP 707 - Remove Long-term Vacant Positions	05	(3.00)	(116,072)	0	0	(116,072)	(3.00)	(116,172)	0	0	(116,172)
DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent	05	0.00	(66,426)	0	0	(66,426)	0.00	(66,694)	0	0	(66,694)
Total		(1.00)	\$778,736	\$0	\$0	\$778,736	(1.00)	\$628,495	\$0	\$0	\$628,495

DP 501 - Juvenile Re-Entry - The legislature provided general fund of \$811,234 in FY 2010 and \$811,361 in FY 2011 to continue the Juvenile Re-Entry Program, which is a community based program for youth released from secure facilities. Components of the program include housing, and mentoring, faith based, and health related services. The program was funded with federal grant funds from 2003 to 2007 and a shift to utilization of general fund for the program was approved by the 2007 Legislature as a one-time-only appropriation. The decision package includes 2.00 FTE.

The following information was provided so that the legislature could consider various performance measurement principles when it examined this proposal. It is as submitted by the agency, with editing by LFD staff as necessary for brevity and/or clarity.

Justification: This community-based program for youth released for the department's secure facility was funded through a general fund appropriation in the last legislative session. The program provides support to youth as they reintegrate into community settings and the department believes it is partly responsible for the department being able to control population at the two secure youth facilities at levels that allowed closure of two housing units at Pine Hills.

Project Outcomes: Providing more appropriate services to youth and lower returns to a secure-care facility.

Milestones: The Youth Services Division would like to maintain DOC recidivism for felony offences at or below 10 percent. This will be done by maintaining a high level of re-entry services consisting of mentoring programs, family guide services, and youth guide homes. Youth services will continue providing chemical dependency, mental health and employment services to youth. Three or more services will be provided per youth in addition to parole supervision and the division would continue serving 20 youth in guide home placements and 50 youth with mentoring services during FY 2010 and 2011. A report would be made in January 2010 for first six months and in July 2011 for complete fiscal year and in January 2011 for the first six months and July 2012 for complete fiscal year.

FTE: 2.00 FTE

Funding: general fund

Obstacles: While the courts make the final decision on committing youth to a correctional facility, the Department of Corrections' goal is to continue using re-entry services for juvenile offenders to provide the appropriate services, as determined by assessment, to youth in order to provide the best opportunity for success upon return to the community. One obstacle is that courts sometimes commit youth near their 18th birthday, giving little time or opportunity to provide re-entry services. There are other difficulties in recruiting providers for guide home services, mentoring services, and faith and health services. Without re-entry funding it would be impossible to provide these services and opportunities.

Risks: Without re-entry funding, youth would not receive the appropriate services to transition from correctional facilities to the community. Often, due to lack of placement options, youth have to remain in the correctional facility until age 18 and have no opportunity to transition to the community with parole and community team support, potentially increasing the populations at youth correctional facilities.

DP 506 - Riverside Repairs - (Bien/OTO) - The legislature provided \$150,000 general fund as a biennial, one-time-only appropriation for repairs to the female youth correctional facility. This funding will be used to replace windows for energy efficiency, update and relocate offices and also the bathrooms so the facility will be in compliance with the Americans with Disability Act (ADA).

DP 707 - Remove Long-term Vacant Positions - The legislature reduced funding for the Youth Services Division by \$116,072 in FY 2010 and \$116,172 in FY 2011 including 3.00 FTE to reflect the removal from the base budget of positions that have been vacant for a lengthy amount of time.

DP 8101 - Increase 4 Percent Vacancy Savings to 7 Percent - This adds an additional 3 percent per year to the 4 percent personal services vacancy savings reduction contained in the statewide present law adjustment. This increase was not applied to direct care workers at three youth correctional facilities.