

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	700.95	9.25	3.50	713.70	9.25	3.50	713.70	713.70
Personal Services	27,780,269	2,381,440	103,970	30,265,679	2,678,257	103,741	30,562,267	60,827,946
Operating Expenses	13,684,875	1,360,896	44,396	15,090,167	1,369,514	32,631	15,087,020	30,177,187
Equipment	1,783,827	228,811	0	2,012,638	352,361	0	2,136,188	4,148,826
Capital Outlay	0	0	0	0	0	0	0	0
Benefits & Claims	0	0	804,398	804,398	0	806,300	806,300	1,610,698
Transfers	0	0	850,000	850,000	0	850,000	850,000	1,700,000
Debt Service	617,569	2,600	960,000	1,580,169	2,600	0	620,169	2,200,338
<b>Total Costs</b>	<b>\$43,866,540</b>	<b>\$3,973,747</b>	<b>\$2,762,764</b>	<b>\$50,603,051</b>	<b>\$4,402,732</b>	<b>\$1,792,672</b>	<b>\$50,061,944</b>	<b>\$100,664,995</b>
General Fund	21,562,997	1,802,334	(69,010)	23,296,321	1,941,754	(78,767)	23,425,984	46,722,305
State/Other Special	19,881,780	1,787,835	1,165,125	22,834,740	2,065,208	202,127	22,149,115	44,983,855
Federal Special	2,399,789	381,249	1,055,546	3,836,584	394,714	1,055,546	3,850,049	7,686,633
Proprietary	21,974	2,329	611,103	635,406	1,056	613,766	636,796	1,272,202
<b>Total Funds</b>	<b>\$43,866,540</b>	<b>\$3,973,747</b>	<b>\$2,762,764</b>	<b>\$50,603,051</b>	<b>\$4,402,732</b>	<b>\$1,792,672</b>	<b>\$50,061,944</b>	<b>\$100,664,995</b>

### Agency Description

The Department of Justice, under the direction of the Attorney General, is responsible for statewide legal services and counsel, law enforcement, and public safety, as authorized in 2-15-501, MCA. The duties of the department include: 1) providing legal representation for the state and its political subdivisions in criminal appeals; 2) providing legal services and counsel for the state, county, and municipal agencies and their officials; 3) enforcing Montana traffic laws and registering all motor vehicles; 4) enforcing state fire safety codes and regulations; 5) assisting local law enforcement agencies in bringing offenders to justice; 6) managing a statewide system of death investigations and providing scientific analyses of specimens submitted by law enforcement officials, coroners, and state agencies; and 7) providing for the uniform regulation of all gambling activities in the state of Montana.

### Summary of Legislative Action

The legislature added 12.75 FTE and \$11.2 million total funds (\$3.1 million general fund) over the 2003 biennium to the department's base budget. In comparing the 2001 biennium (base year expenditures and appropriations) to the 2003 biennium, general fund increases 7.2 percent in the two-year period and total funds increase 12.5 percent.

Significant general fund biennial adjustments include:

1. present law adjustment increases (including statewide present law adjustments) of \$3.7 million. The amount is mainly comprised of:
  - a. statewide present law adjustments for personal services of \$2.5 million;
  - b. base budget adjustments for the Motor Vehicle Division of \$0.8 million; and
  - c. base budget adjustments of \$0.4 million for the Forensic Science Division;
2. 5.0 FTE and a \$1.5 million increase for SB 254, which transfers the duties and responsibilities (including 5.0 FTE) for administration of the Crime Victims Compensation Act of Montana from the Division of Crime Control to the newly created Office of Victims Services in the Department of Justice;
3. \$263,000 for imaging systems for the Title and Registration Bureau;
4. a reduction of \$1.1 million general fund due to HB 399, which revised the liquor license laws and results in a fund switch in the Department of Justice by reducing general fund and increasing proprietary funds;
5. a reduction in personal services of \$442,697. The legislature reduced:
  - a. \$256,228 general fund personal services funding, which is equivalent to the general fund share of 1 percent of authorized FTE. The reduction was placed in the Information Technology Services Division, but the legislature authorized reallocation of the reduction among divisions;
  - b. \$129,000, attributed to vacant positions in the Information Technology Services Division, to pay the costs of adding two new district court judges (Ravalli and Cascade counties); and

- c. \$57,469, attributed to vacant positions in the Information Technology Services Division, to contribute to the cost of providing salary upgrades for Department of Revenue auditors;
6. a reduction of \$356,660 as a result of SB 328, which transfers the Extradition and Transportation of Prisoners program to the Governor's Office; and
7. \$31,502 reduction in general fund travel each year.

In the 2003 biennium, state special funds increase by \$3.8 million. The majority of this increase is from the highways state special revenue account for present law adjustments within the Highway Patrol Division. Federal funds increase \$3.0 million, with the increase primarily for legislative contract authority.

### Agency Discussion

#### *Gambling License Fee State Revenue Account*

Table 1 reflects an analysis of the Gambling License Fee Account fund balance through fiscal 2003. Based upon projected gambling license fee revenues and appropriations requested in the Executive Budget, the fund balance was projected to be negative in fiscal years 2002 and 2003. The department presented and the legislature accepted a plan to internally mitigate the shortfall in the 2003 biennium. The plan reduced expenditures by \$479,183, which will keep the fund positive through fiscal 2003. In addition, the following actions by the legislature had a positive impact on the fund balance: 1) a reduction of communication costs for the central system's nightly calls to collect video-gaming machine meter readings; and 2) an increase in vacancy savings to 4 percent.

Revenues to this account are 50 percent of the gambling machines permit fee (the other 50 percent goes to local governments) and 100 percent of the machine transfer processing fee. By statute, the department is to charge \$200 for each video gambling machine permit and \$25 for each machine that transfers ownership.

	Fiscal 2000	Fiscal 2001	Fiscal 2002	Fiscal 2003
Beginning Balance	\$810,752	\$674,956	\$209,989	\$165,445
<u>Revenue</u>				
Gambling License Fee	3,995,083	3,995,083	4,329,000	4,330,000
Misc. Fine/Forfeit.	76,581	120,000	120,000	120,000
Other	17,610	1,388	4,000	4,000
Total Revenue	\$4,089,274	\$4,116,471	\$4,453,000	\$4,454,000
<u>Disbursements</u>				
Statutory Distributions	\$1,970,726	\$1,970,726	\$2,141,195	\$2,141,650
Present Law Appropriation				
Legal Services	199,484	205,746	218,916	219,983
Gambling Control	1,968,358	2,335,766	1,938,909	1,948,521
Central Services	34,759	32,460	42,311	38,495
Justice Information Service	36,740	36,740	36,686	36,685
Pay Plan Adj.			69,527	69,380
New Proposals				
Gambling Control			50,000	50,000
Non-Approp.	9,523	-	-	-
Total Disbursements	4,219,590	4,581,438	4,497,544	4,504,714
Adjustments	(5,480)			
Ending Balance	<u>\$ 674,956</u>	<u>\$ 209,989</u>	<u>\$ 165,445</u>	<u>\$ 114,731</u>

*Supplemental Appropriation*

A supplemental amount of \$54,117 in total funds was approved for the Department of Justice to cover payout costs (annual leave and sick leave) for four exempt staff that left the agency with the change of administration. The \$54,117 is composed of \$41,632 general fund, \$11,593 state special revenue, and \$892 proprietary funding. In addition, \$45,000 general fund was approved for the extradition and transportation of prisoners because costs exceeded the fiscal 2001 appropriation.

**Other Legislation**

House Bill 5 - HB 5 is the capital projects bill for the 2003 biennium. Included in this legislation is \$200,000 in capital project funds to upgrade the foundations and boiler at the Montana Law Enforcement Academy.

House Bill 256 - HB 256 revises reckless and careless driving laws. The legislature appropriated \$12,073 in general fund each year of the biennium to pay the projected increased prisoner per diem costs. Revenues of \$15,000 each year from penalties are expected to offset the increased cost (total revenues are projected to be \$30,000 each year, with 50 percent going to local governments and 50 percent to the state general fund).

House Bill 359 - HB 359 expands the collection of DNA evidence to all felonies. Previously, collections were limited to sexual or violent offenses. The offender is responsible, if able, to pay for the cost of the collection sample, but no revenues were projected in the fiscal note. The fees charged may not exceed the actual costs of collection. All fees collected will be deposited into the general fund. The legislature appropriated \$24,150 in general fund each year of the 2003 biennium to pay for the cost of analyzing the DNA samples taken.

House Bill 399 - This bill revises the liquor licensing law and provides for the deposit of liquor license fees and permit fees into the Department of Revenue's liquor enterprise fund. Because the liquor-related administrative activities of the Department of Revenue and the Gambling Control Division of the Department of Justice would now be funded by an appropriation from the liquor enterprise proprietary fund, the legislature approved a fund switch from the general fund to the proprietary account.

House Bill 419 - HB 419 creates a natural resources enforcement program in the Attorney General's office for the investigation and prosecution of violations of fish, wildlife, and parks laws. The legislature appropriated \$41,600 in state special revenue each year of the 2003 biennium. The program will be administered through Fish, Wildlife, and Parks with a memorandum of understanding with the Department of Justice. This will allow the use of general license dollars without jeopardizing federal funds.

House Bill 577 - HB 577 authorizes the department to borrow from the Board of Investments: 1) up to \$4.5 million for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records; and 2) up to \$1,120,000 for the acquisition of video gambling automated accounting and reporting system data collection units. A biennial appropriation of \$960,000 in state special revenue was approved in HB 2 for debt service on the motor vehicle information technology system and language was included in HB 2 stating that the main appropriation for the Gambling Control Division contained \$380,000 general fund each year that reflects continuation of a five-year general fund commitment for the automated accounting and reporting system through the 2005 biennium and that these funds may be used to make debt service payments.

House Bill 637 - An Office of Restorative Justice is created in the Department of Justice by this bill. The office is to promote the use of restorative justice and to provide technical assistance and grants for restorative justice programs. The expectation is that rather than incarcerating the offender in a secure facility, appropriate offenders who are at low risk for violence will be placed in community programs based on restorative justice. The legislature appropriated \$200,000 in state special revenue to the Board of Crime Control for providing grants to communities for restorative justice.

Senate Bill 191 - The bill allows specialty license plate decals for organizations and contains a general fund appropriation of \$26,010 to be used for computer programming costs. An appropriation for the Department of Corrections is also contained in the bill.

Senate Bill 254 - SB 254 transferred the Crime Victim's Compensation function from the Board of Crime Control to the Department of Justice. The funds associated with this function and 5.0 FTE were transferred to Justice.

Senate Bill 328 - This bill transferred the Extradition and Transportation of Prisoners program to the Governor's Office. In the past, this function was split between the Department of Justice and the Governor's Office.

Senate Bill 334 - SB 334 allows the department to contract for a driver rehabilitation and improvement program for individuals whose license is subject to suspension or revocation as a result of a violation of the traffic laws of this state or has been revoked, and they have complied with certain criteria. The legislature appropriated approximately \$33,000 in state special revenue each year and expects revenues from the fee charged to participants will reimburse the state for the costs.

Senate Bill 358 - SB 358 provides general public access to motor vehicle accident reports and supplemental information for the purpose of research into the history of vehicles. The legislature appropriated state special revenue of \$16,574 in fiscal 2002 and \$13,946 in fiscal 2003. The fee for copies of crash records will be increased by approximately 28 cents per copy to cover the costs associated with the bill.

Agency Budget Comparison								
Budget Item	Base Budget Fiscal 2000	Executive Budget Fiscal 2002	Legislative Budget Fiscal 2002	Leg - Exec. Difference Fiscal 2002	Executive Budget Fiscal 2003	Legislative Budget Fiscal 2003	Leg - Exec. Difference Fiscal 2003	Biennium Difference Fiscal 02-03
FTE	700.95	711.20	713.70	2.50	711.20	713.70	2.50	
Personal Services	27,780,269	30,211,345	30,265,679	54,334	30,508,251	30,562,267	54,016	108,350
Operating Expenses	13,684,875	15,251,856	15,090,167	(161,689)	15,280,625	15,087,020	(193,605)	(355,294)
Equipment	1,783,827	2,012,638	2,012,638	0	2,136,188	2,136,188	0	0
Capital Outlay	0	0	0	0	0	0	0	0
Benefits & Claims	0	0	804,398	804,398	0	806,300	806,300	1,610,698
Transfers	0	850,000	850,000	0	850,000	850,000	0	0
Debt Service	617,569	620,169	1,580,169	960,000	620,169	620,169	0	960,000
<b>Total Costs</b>	<b>\$43,866,540</b>	<b>\$48,946,008</b>	<b>\$50,603,051</b>	<b>\$1,657,043</b>	<b>\$49,395,233</b>	<b>\$50,061,944</b>	<b>\$666,711</b>	<b>\$2,323,754</b>
General Fund	21,562,997	23,542,859	23,296,321	(246,538)	23,690,595	23,425,984	(264,611)	(511,149)
State/Other Special	19,881,780	21,779,334	22,834,740	1,055,406	22,068,620	22,149,115	80,495	1,135,901
Federal Special	2,399,789	3,598,971	3,836,584	237,613	3,612,445	3,850,049	237,604	475,217
Proprietary	21,974	24,844	635,406	610,562	23,573	636,796	613,223	1,223,785
<b>Total Funds</b>	<b>\$43,866,540</b>	<b>\$48,946,008</b>	<b>\$50,603,051</b>	<b>\$1,657,043</b>	<b>\$49,395,233</b>	<b>\$50,061,944</b>	<b>\$666,711</b>	<b>\$2,323,754</b>

### Executive Budget Comparison

The legislature reduced the Executive Budget request for the Department of Justice's budget by \$511,149 general fund and increased total funds above the Executive Budget by \$2.3 million total funds and 2.5 FTE for the 2003 biennium.

The major increases above the Executive Budget include:

- ?? 5.0 FTE, \$1.5 million general fund, and \$1.9 million in total funds as a result of SB 254, which moved the Crime Victim Compensation function from the Board of Crime Control to the Department of Justice
- ?? \$960,000 state special revenue for debt service for funds borrowed to finance a motor vehicle title and registration system
- ?? 2.0 FTE and \$179,646 in state special revenue for cat and dog bills passed by the legislature
- ?? 0.5 FTE and \$55,033 general fund for a forensic scientist

The major biennial reductions include:

- ?? A fund switch from general fund to proprietary funds as a result of HB 399, which revised the liquor laws and created an internal service fund

- ?? Approximately \$256,000 in general fund for personal services. The amount is equivalent to the general fund share of 1 percent of authorized FTE. No FTE were reduced
- ?? General fund of \$186,469 in personal services to be used for adding two district court judges and to help pay for pay upgrades for Department of Revenue auditors
- ?? General fund of \$356,660 as a result of the Extradition and Transportation of Prisoners program being moved to the Governor's Office
- ?? 1.0 FTE, \$22,644 general fund, and \$52,663 in total funds for support services in the Central Services Division
- ?? 4.0 FTE where the positions had been vacant over seven months. The funds remain for the 2003 biennium, but the positions will not be funded in the 2005 biennium

**Language**

The appropriations for legislative contract authority are subject to all of the following provisions:

1. Legislative contract authority applies only to federal and private funds.
2. Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2005 biennium Executive Budget, the Office of Budget and Program Planning may not include expenditures from this item in the present law base.
3. A report must be submitted by the department to the Legislative Fiscal Analyst following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

Item [Motor Vehicle Division] includes a reduction of general fund of \$31,502 in fiscal 2002 and \$31,502 in fiscal 2003. This reduction is the equivalent of a 10 percent reduction in fiscal 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item [Information Technology Services Division] includes a reduction of \$127,892 general fund in fiscal 2002 and \$128,336 general fund in fiscal 2003. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The Office of Budget and Program Planning shall provide a report that details reallocation to the Legislative Finance Committee by October 15 of each fiscal year.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	46.25	0.50	5.50	52.25	0.50	5.50	52.25	52.25
Personal Services	2,128,540	287,495	209,678	2,625,713	300,290	210,407	2,639,237	5,264,950
Operating Expenses	612,855	120,052	24,321	757,228	127,055	22,230	762,140	1,519,368
Equipment	6,890	0	0	6,890	0	0	6,890	13,780
Benefits & Claims	0	0	804,398	804,398	0	806,300	806,300	1,610,698
Debt Service	1,391	0	0	1,391	0	0	1,391	2,782
<b>Total Costs</b>	<b>\$2,749,676</b>	<b>\$407,547</b>	<b>\$1,038,397</b>	<b>\$4,195,620</b>	<b>\$427,345</b>	<b>\$1,038,937</b>	<b>\$4,215,958</b>	<b>\$8,411,578</b>
General Fund	2,407,043	288,405	756,797	3,452,245	306,405	757,337	3,470,785	6,923,030
State/Other Special	279,238	32,857	56,600	368,695	34,198	56,600	370,036	738,731
Federal Special	63,395	86,285	225,000	374,680	86,742	225,000	375,137	749,817
<b>Total Funds</b>	<b>\$2,749,676</b>	<b>\$407,547</b>	<b>\$1,038,397</b>	<b>\$4,195,620</b>	<b>\$427,345</b>	<b>\$1,038,937</b>	<b>\$4,215,958</b>	<b>\$8,411,578</b>

### Program Description

The Legal Services Division provides:

1. the Attorney General with legal research and analysis services;
2. legal counsel for state government officials, bureaus, and boards;
3. legal assistance to local governments and Indian tribes;
4. legal assistance, training, and support for county prosecutors; and
5. administration of the Crime Victims Compensation Act of Montana.

Indian Legal Jurisdiction provides representation and coordination of trial and appellate lawsuits involving the State of Montana and the Indian tribes, supervision of the private attorneys contracted by the state to assist with those cases, and advice to state agencies on questions involving Indian legal matters.

HB 419, passed by the 2001 legislature, provides for a natural resources enforcement program in the Attorney General's office. The program will provide investigation and prosecution of violations of fish, wildlife, and parks laws.

The County Prosecutor Services Division provides special prosecution assistance to counties in the prosecution and disposition of major felonies and in cases in which county attorneys or city attorneys have conflicts of interest. The County Prosecutor Services Division also provides prosecutor services to the Eastern Coal Counties Drug Task Force and the Western Montana Special Investigation Section, and coordinates training and continuing legal education for county attorneys, city attorneys, and law enforcement personnel.

A Child Protection Unit was added by the 1999 legislature to assist county attorneys across the state in handling child protection cases and other legal matters in the district courts.

### Funding

The base budget of the Legal Services Division is supported by approximately 87 percent general fund.

State special revenue funds include: 1) state fund revenues, which support one attorney and the operating costs associated with the position; 2) gambling license fees, which support three attorneys, support staff, and the associated operating costs; and 3) the highway special revenue fund, which supports 25.0 percent of one attorney. In addition, the legislature appropriated additional highway special funds for exempt staff salary increases.

Federal funds support 75.0 percent of one attorney and operating costs in the area of drug prosecution, as well as 25.0 percent of the Child Protection Unit.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					384,644					397,960
Vacancy Savings					(67,478)					(67,867)
Inflation/Deflation					(962)					(700)
Fixed Costs					70,256					77,039
<b>Total Statewide Present Law Adjustments</b>					<b>\$386,460</b>					<b>\$406,432</b>
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(12,573)	0	0	(12,573)	0.00	(12,616)	0	0	(12,616)
DP 699 - Vacancy Savings at 4 Percent	0.00	(25,129)	(3,370)	(1,172)	(29,671)	0.00	(25,242)	(3,383)	(1,178)	(29,803)
DP 1001 - LSD Base Budget Adjustments	0.00	27,820	8,062	5,724	41,606	0.00	27,820	8,062	5,724	41,606
DP 1002 - 0.50 FTE Administrative Support	0.50	0	0	0	0	0.50	0	0	0	0
DP 1005 - Major Litigation Base Adjustments	0.00	21,725	0	0	21,725	0.00	21,726	0	0	21,726
<b>Total Other Present Law Adjustments</b>	<b>0.50</b>	<b>\$11,843</b>	<b>\$4,692</b>	<b>\$4,552</b>	<b>\$21,087</b>	<b>0.50</b>	<b>\$11,688</b>	<b>\$4,679</b>	<b>\$4,546</b>	<b>\$20,913</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$407,547</b>					<b>\$427,345</b>

### Present Law Adjustments

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

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 1001 - LSD Base Budget Adjustments - The legislature approved \$83,212 total funds for the 2003 biennium. The majority of the funds requested will be used to annualize costs of the Child Protection Unit approved by the 1999 legislature, which was not fully staffed for most of the base year. The funds approved for the biennium are: 1) consulting and other professional services amounting to \$22,140 each year, to be used in support of annualizing the costs associated with the Child Protection Unit and to provide for participation in antitrust activities; 2) \$4,305 each year for case-tracking software and computer processing needs; 3) \$8,461 each year for increased travel costs expected in the 2003 biennium and for annualization of travel costs of the Child Protection Unit; and 4) \$6,700 each year for rental costs associated with the Child Protection Units in Miles City, Missoula, and Helena.

DP 1002 - 0.50 FTE Administrative Support - The legislature approved the addition of a 0.50 FTE for administrative support. No additional funds were approved for this decision package. The division proposes using the savings generated from downgrading a lawyer position from a grade 18 to a grade 17 and downgrading a legal secretary from a grade 10 to an administrative assistant at a grade 8. These positions were vacant when downgraded, but are now filled. The administrative assistant has assumed lower-graded duties including copying and filing, freeing up the time of legal secretaries for higher-level duties.

DP 1005 - Major Litigation Base Adjustments - The legislature approved an increase of \$43,451 general fund for the 2003 biennium. This will provide \$400,000 for major litigation. Major litigation expenses typically involve major

lawsuits filed against the State of Montana. The legislature approved the \$400,000 as a biennial, restricted appropriation.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 1010 - Salary Increase for Exempt Staff											
01	0.00	0	15,000	0	15,000	0.00	0	15,000	0	15,000	
DP 1011 – SB 254 - Transfer Crime Victim Compensation											
01	5.00	756,797	0	225,000	981,797	5.00	757,337	0	225,000	982,337	
DP 1012 - HB 419 - Natural Resources Enforcement Program											
01	0.50	0	41,600	0	41,600	0.50	0	41,600	0	41,600	
<b>Total</b>	<b>5.50</b>	<b>\$756,797</b>	<b>\$56,600</b>	<b>\$225,000</b>	<b>\$1,038,397</b>	<b>5.50</b>	<b>\$757,337</b>	<b>\$56,600</b>	<b>\$225,000</b>	<b>\$1,038,937</b>	

**New Proposals**

DP 1010 - Salary Increase for Exempt Staff - The legislature approved state special revenue each year for the Attorney General's request to increase the salaries of exempt staff.

DP 1011 – SB 254 - Transfer Crime Victim Compensation - The legislature approved SB 254 which transfers the duties and responsibilities (including 5.0 FTE) for administration of the Crime Victims Compensation Act of Montana from the Division of Crime Control to the newly created Office of Victims Services in the Department of Justice.

DP 1012 - HB 419 - Natural Resources Enforcement Program - HB 419 creates a program for the investigation and prosecution of violations of fish, wildlife, and parks law in the Department of Justice. The legislature appropriated state special revenue funds to allow the department to spend funds from the Department of Fish, Wildlife, and Parks. Payment for services will be made through a memorandum of understanding.

**Language**

The legislature recognizes that the costs associated with litigation in which the Legal Services Division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 2003 legislature to adequately represent the state.

Item [HB 419 - Natural Resources Enforcement Program] is contingent upon passage and approval of HB 419.

## Proprietary Rates

### Program Description

The Agency Legal Services Bureau provides legal assistance to state agencies on a contractual basis. The bureau is funded on a proprietary basis, charging hourly fees and case-related costs to client agencies. Services include litigation, hearing examiner work, and general counsel. The Bankruptcy Program, which is attached to this bureau, also provides legal services to state agencies on a contractual basis in the areas of bankruptcy and collections.

### Revenues and Expenses

**Working Capital** - The ALS account should have a 60-day working capital reserve. This level has never been obtained. A rate increase approved by the 1997 legislature, which took effect in fiscal 1998, was the first rate increase since 1990. The new rate structure gradually increased the cash balance until fiscal 2001, when projected revenues are no longer sufficient. The approved increases will gradually increase the cash balance and the goal is to produce a 60-day working capital reserve by the end of the fiscal 2004.

**Fund Equity and Reserved Fund Balance** - An adequate reserve fund balance is necessary to provide for adequate cash flow to meet operational expenses and to cover the costs of termination pay and the related reduced billable hours for new employees in training. ALS has a negative fund balance and no working capital reserve. Because of the lag between billing and receipt of cash, loans are necessary until year-end when all agencies are required to be current with their payables. The approved rate increase should eliminate the negative fund balance and begin producing a working capital reserve.

**Cash Flow** - Cash revenue flow is based on monthly billings. The delay in receipt of revenue requires an on-going inter-entity loan to meet payroll commitments and operational expenses. The rate increase should have the effect of gradually eliminating the need for inter-entity loans.

### Rate Explanation

The Agency Legal Services Bureau is supported by an hourly charge of \$62 for attorneys and \$35 for paralegals. The legislature approved increasing this rate to \$70 for attorneys and \$38 for paralegals. The fees cover all associated personal services costs of attorneys and paralegals, operating expenses, and administrative support staff expenses. Remaining revenues are direct charges to clients for costs specific to a case such as expert witnesses, legal filings, etc. The goal of this program is to provide affordable legal assistance to state agencies by keeping expenses to a minimum.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	47.00	2.00	(1.00)	48.00	2.00	(1.00)	48.00	48.00
Personal Services	1,890,222	162,262	43,900	2,096,384	174,228	43,900	2,108,350	4,204,734
Operating Expenses	960,550	86,238	50,000	1,096,788	99,453	50,000	1,110,003	2,206,791
Equipment	56,418	0	0	56,418	(12,250)	0	44,168	100,586
Debt Service	138	0	0	138	0	0	138	276
<b>Total Costs</b>	<b>\$2,907,328</b>	<b>\$248,500</b>	<b>\$93,900</b>	<b>\$3,249,728</b>	<b>\$261,431</b>	<b>\$93,900</b>	<b>\$3,262,659</b>	<b>\$6,512,387</b>
General Fund	901,388	45,815	(567,203)	380,000	48,478	(569,866)	380,000	760,000
State/Other Special	2,005,940	202,685	50,000	2,258,625	212,953	50,000	2,268,893	4,527,518
Proprietary	0	0	611,103	611,103	0	613,766	613,766	1,224,869
<b>Total Funds</b>	<b>\$2,907,328</b>	<b>\$248,500</b>	<b>\$93,900</b>	<b>\$3,249,728</b>	<b>\$261,431</b>	<b>\$93,900</b>	<b>\$3,262,659</b>	<b>\$6,512,387</b>

### Program Description

The Gambling Control Division was established by the 1989 legislature to regulate the gambling industry in Montana. The division has criminal justice authority and conducts routine field inspections and investigations related to gambling activities. In addition to collecting licensing fees for gambling machines and activities, the division is responsible for collecting and distributing the gambling tax assessed on the net proceeds of gambling activities, and investigative functions relative to alcoholic beverage licensing and tobacco enforcement. The Gambling Control Program operates as a state mandate. A Gaming Advisory Council of nine members is appointed to provide advisory services to the Attorney General in order to ensure uniform statewide regulation of gambling activities.

### Funding

Primary funding for the Gambling Control Division comes from the revenues generated through licenses and permits for gambling operators, machines, and other gambling activities, as well as license fees for video gambling machine manufacturers/distributors. As authorized in Section 23-5-612, MCA, revenues include 50 percent of the gambling machine permit fee (the other 50 percent goes to local government) and 100 percent of the machine transfer processing fee. By statute, the department is to charge \$200 for each video gambling machine permit and \$25 for each machine that transfers ownership. The revenues are deposited into the Gambling License Fee State Special Revenue Account to be used for the costs related to operations of the division and other agency programs.

Funds to process cabaret license applications are derived from a state special revenue fund made up of a percentage of cabaret license fees statutorily set aside to cover these costs.

In past biennia, general fund was appropriated to support the tobacco and alcohol beverage enforcement functions. The 2001 legislature passed HB 399, which revised the liquor license laws and created an enterprise fund. Therefore, proprietary funds were authorized to replace general fund for this function.

General fund continues to support the Automated Accounting and Reporting System (AARS) as established by the 1999 legislature, when it approved the establishment of the AARS. Language in HB 2 passed by the 1999 legislature states that:

"Item [HB 109 - Establish Automated Video Gambling Accounting and Reporting System] contains funding for the automated accounting and reporting system. The general fund appropriation of \$380,000 reflects the first year of a 5-year general fund commitment for this project. It is the intent of the legislature that an annual general fund commitment of \$380,000 be continued each year of the 2003 biennium. It is also acknowledged that 1 additional FTE and related operating costs will be necessary in fiscal year 2002."

Similar language was passed by this legislature. See the "Language" section.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					146,919					159,037
Vacancy Savings					(56,123)					(56,487)
Inflation/Deflation					(174)					423
Fixed Costs					18,855					19,925
<b>Total Statewide Present Law Adjustments</b>					<b>\$109,477</b>					<b>\$122,898</b>
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(76)	(287)	0	(363)	0.00	(75)	(282)	0	(357)
DP 699 - Vacancy Savings at 4 Percent	0.00	(5,375)	(21,166)	0	(26,541)	0.00	(5,401)	(21,264)	0	(26,665)
DP 7001 - GCD Base Budget Adjustment	0.00	12,356	46,481	0	58,837	0.00	12,207	45,922	0	58,129
DP 7002 - AARS FTE	2.00	22,731	85,512	0	108,243	2.00	22,802	85,777	0	108,579
DP 7008 - Non-Employee Travel	0.00	(1,153)	0	0	(1,153)	0.00	(1,153)	0	0	(1,153)
<b>Total Other Present Law Adjustments</b>	<b>2.00</b>	<b>\$28,483</b>	<b>\$110,540</b>	<b>\$0</b>	<b>\$139,023</b>	<b>2.00</b>	<b>\$28,380</b>	<b>\$110,153</b>	<b>\$0</b>	<b>\$138,533</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$248,500</b>					<b>\$261,431</b>

### Present Law Adjustments

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

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 7001 - GCD Base Budget Adjustment - The legislature approved the following adjustments:

1. \$4,050 per year for overtime to be paid to the division's technical services unit personnel;
2. \$8,360 each year for annualization of the operating expenses for two positions that were vacant most of the year;
3. \$22,928 in fiscal 2002 and \$32,928 in fiscal 2003 for communication expenses involved in the central system's nightly calls to collect video-gaming machine meter readings;
4. \$22,307 in fiscal 2002 and \$23,849 in fiscal 2003 to cover increases in contractual obligations for rent. The 1999 legislature approved \$41,171 in fiscal 2000 to cover the increased costs of new rental space in Missoula. The new building was not completed in fiscal 2000 and increased rental costs were not incurred. Of the \$41,171 rent appropriation, \$20,312 was spent for rent, \$13,808 was spent for one-time costs related to the new building/move, and \$7,051 was reverted;
5. a reduction of \$13,808 each year for one-time costs related to the new building/move;
6. a reduction of \$12,250 in fiscal 2003 for vehicle replacement costs. The division spent \$51,249 during the base year to replace four vehicles. It is projected that four vehicles will be replaced in fiscal 2002 and three vehicles in fiscal 2003, which reflects the division's standard vehicle replacement policy of replacing vehicles with 100,000 or more miles; and
7. \$15,000 each year to provide out-of-state commercial travel for a total of \$22,976 each year of the biennium when added to base expenditures. This will enable division staff to conduct license investigations of foreign national

corporate video gambling machine manufacturers. The division estimates that there could be as many as three applications from foreign manufacturers in any given year. These costs are fully reimbursed by license applicants.

DP 7002 - AARS FTE - The Automated Accounting and Reporting System (AARS) will be operational by the end of the 2001 biennium. The legislature approved funding to provide on-going support and maintenance for this system and funds to hire 2.0 FTE. The additional FTE include a grade 16 communications specialist and a grade 16 computer systems administrator.

DP 7008 - Non-Employee Travel - The legislature approved a base adjustment which reduces non-employee travel by 50 percent.

New Proposals										
Prgm	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 689 - FTE Reduction										
07	(1.00)	0	0	0	0	(1.00)	0	0	0	0
DP 7003 - Imaging System, Licensing Records										
07	0.00	0	50,000	0	50,000	0.00	0	50,000	0	50,000
DP 7009 - HB 399 - Revise Liquor License Laws										
07	0.00	(567,203)	0	0	43,900*	0.00	(569,866)	0	0	43,900*
<b>Total</b>	<b>(1.00)</b>	<b>(\$567,203)</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$93,900*</b>	<b>(1.00)</b>	<b>(\$569,866)</b>	<b>\$50,000</b>	<b>\$0</b>	<b>\$93,900*</b>

**New Proposals**

DP 689 - FTE Reduction - The legislature reduced FTE for all positions vacant for over seven months. Funds were not reduced for the 2003 biennium, but the eliminated positions are not to be funded in the present law base budget submitted for the 2005 biennium.

DP 7003 - Imaging System, Licensing Records - The legislature approved gambling license fee funds of \$100,000 for the biennium to install an imaging system. The Gambling Control Division maintains approximately 58,000 files and 102 file cabinets in a central Helena repository. Because original files do not leave the Helena office, photocopies must be made and sent to field offices. An imaging system would allow files to be imaged upon receipt and made available almost immediately to division personnel through use of their desktop computers.

DP 7009 - HB 399 - Revise Liquor License Laws - HB 399 revises the liquor licensing law and provides for the deposit of liquor license fees and permit fees into the Department of Revenue's liquor enterprise fund, rather than to the state general fund. General fund is reduced by \$567,203 in fiscal 2002 and \$569,366 in fiscal 2003 and proprietary funds are increased by \$611,103 in fiscal 2002 and \$613,766 in fiscal 2002. The \$43,900 in additional proprietary fund is offset by a reduction in a like amount in the Department of Revenue and is to provide financial reviews of liquor-only applicants.

**Language**

The appropriation for the Gambling Control Division contains funding for the Automated Accounting and Reporting System (AARS). The general fund appropriation of \$380,000 in each year of the 2003 biennium reflects continuation of a 5-year general fund commitment for this project through the 2005 biennium. It is the intent of the legislature that an annual general fund commitment of \$236,250 be continued in each year of the 2007 biennium. If the Long-Range Building Program committee bill, to use Intercap funding for AARS implementation, is passed by the 2001 legislature, a portion of these appropriations may be used to make debt service payments.

The department is appropriated up to \$2,800,000 for the biennium from state special revenue funds for the purchase of system interface boards to be used for the implementation of the AARS.

Item [Gambling Control Division] includes a reduction of \$567,203 in general fund in fiscal 2002 and \$569,866 in fiscal

2003 and an increase in proprietary funds of \$611,103 in fiscal 2002 and \$613,766 in fiscal 2003. These reductions and increases are contingent upon passage and approval of HB 399.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	160.60	0.00	1.00	161.60	0.00	1.00	161.60	161.60
Personal Services	4,421,596	198,315	29,561	4,649,472	225,701	29,662	4,676,959	9,326,431
Operating Expenses	3,433,169	300,336	109,323	3,842,828	327,534	103,114	3,863,817	7,706,645
Equipment	16,671	0	0	16,671	0	0	16,671	33,342
Debt Service	148,276	0	960,000	1,108,276	0	0	148,276	1,256,552
<b>Total Costs</b>	<b>\$8,019,712</b>	<b>\$498,651</b>	<b>\$1,098,884</b>	<b>\$9,617,247</b>	<b>\$553,235</b>	<b>\$132,776</b>	<b>\$8,705,723</b>	<b>\$18,322,970</b>
General Fund	7,616,656	498,862	76,387	8,191,905	553,446	70,649	8,240,751	16,432,656
State/Other Special	403,056	(211)	1,022,497	1,425,342	(211)	62,127	464,972	1,890,314
Federal Special	0	0	0	0	0	0	0	0
<b>Total Funds</b>	<b>\$8,019,712</b>	<b>\$498,651</b>	<b>\$1,098,884</b>	<b>\$9,617,247</b>	<b>\$553,235</b>	<b>\$132,776</b>	<b>\$8,705,723</b>	<b>\$18,322,970</b>

### Program Description

The Motor Vehicle Division (MVD), under provision of Title 61 and Title 23, MCA, and certain federal statutes is responsible for: 1) examination and licensure of all drivers; 2) creation and maintenance of permanent driver and motor vehicle records; 3) titling and registration of all vehicles including boats, snowmobiles, and ATVs; 4) inspection and verification of vehicle identification numbers; 5) licensure and compliance control of motor vehicle dealers and manufacturers; and 6) providing motor voter registration.

### Funding

The Motor Vehicle Division is supported by approximately 90 percent general fund. The Motor Vehicle Division (MVD) has historically been funded with general fund. Because of the division's connection to the motoring public, Highways Special Revenue Account (HSRA) funds have at times been included as a funding source to relieve the general fund. In fiscal 1998, HSRA funds of \$403,056 were appropriated to MVD through HB 2 and the pay plan bill. The 2001 legislature approved moving approximately \$29,000 each year of HSRA funding from the Highway Patrol Division to MVD to free up general fund to be used for mail renewal notices. The legislature approved 100.0 percent general fund for all present law adjustments and new proposals for the 2003 biennium, due to the projected fund balance of HSRA in the 2003 biennium. For a further discussion of this account, see the Montana Department of Transportation narrative in Volume 3.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					359,562					388,087
Vacancy Savings					(125,912)					(126,766)
Inflation/Deflation					(154,493)					(153,949)
Fixed Costs					130,771					148,215
<b>Total Statewide Present Law Adjustments</b>					<b>\$209,928</b>					<b>\$255,587</b>
DP 696 - Data Network Fixed Cost Reduction	0.00	(5,357)	0	0	(5,357)	0.00	(5,433)	0	0	(5,433)
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(15,229)	(211)	0	(15,440)	0.00	(15,269)	(211)	0	(15,480)
DP 699 - Vacancy Savings at 4 Percent	0.00	(65,335)	0	0	(65,335)	0.00	(65,620)	0	0	(65,620)
DP 1201 - Driver Licensing Base Budget Adjustments	0.00	200,870	0	0	200,870	0.00	204,676	0	0	204,676
DP 1202 - Title & Registration Base Budget Adjustment	0.00	182,029	0	0	182,029	0.00	187,549	0	0	187,549
DP 1205 - Non-Employee Travel	0.00	(8,044)	0	0	(8,044)	0.00	(8,044)	0	0	(8,044)
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$288,934</b>	<b>(\$211)</b>	<b>\$0</b>	<b>\$288,723</b>	<b>0.00</b>	<b>\$297,859</b>	<b>(\$211)</b>	<b>\$0</b>	<b>\$297,648</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$498,651</b>					<b>\$553,235</b>

### Present Law Adjustments

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

DP 696 - Data Network Fixed Cost Reduction - The legislature approved fees and charges for data network support provided by the Information Services Division of the Department of Administration at a level lower than that proposed by the executive and used to develop the associated fixed cost budget requests. This adjustment removes the corresponding fixed costs from agency budgets.

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 1201 - Driver Licensing Base Budget Adjustments - The legislature approved the following adjustments:

1. \$5,000 each year for overtime;
2. \$173,200 per year for photographic services due to a new contract price of \$3.15 per driver license and identification card. The new contract provides for an improved production process, provides ten-year card durability, enhances security features to reduce fraud, provides receipts with photo identification, allows daily electronic data transfer, and improves data access for the courts and law enforcement;
3. \$23,530 per year for computer processing/DOA costs. These costs have increased due to bringing 16 driver licensing offices on-line so the daily data transfer of driver licensing data, photograph, and signature images can occur as required by the new contract for driver licensing and identification cards. This feature increased computer-processing time but reduced the turn around time for driver licenses and identification from eight weeks to one week;
4. \$7,152 each year for increased travel costs;
5. \$33,080 for rent increases in fiscal 2002 and \$36,786 in fiscal 2003; and

6. \$6,550 in fiscal 2002 and \$6,650 in fiscal 2003 for miscellaneous items.

Significant reductions include:

1. \$42,842 each year for one-time costs associated with the new Missoula location; and
2. \$4,800 each year for office equipment.

DP 1202 - Title & Registration Base Budget Adjustment - The legislature approved the following adjustments to the Title and Registration Bureau budget:

1. \$50,664 each year for annualization costs. The Title and Registration Bureau experienced a high rate of vacancies due to promotions and retirements (of 60.0 authorized FTE more than 20 positions were recruited and filled during fiscal 2000);
2. \$25,000 for overtime to manage the backlog in titling and registration;
3. \$4,200 each year for an increase in the janitorial contract;
4. \$1,850 each year for specialized security motor vehicle registration receipts;
5. \$7,700 each year to update rewiring in the county treasurer's office. There are 220 county network connections and \$7,700 would allow the rewiring of 44 sites per year. Therefore, to complete all 220 sites it will take five years;
6. \$12,067 each year for telephone and long distance to correct an accounting entry at fiscal year end that incorrectly reduced these expenditures;
7. \$1,223 each year to annually update the motor vehicle valuation database;
8. \$1,200 each year for travel increases;
9. \$3,465 in miscellaneous increases each year; and
10. \$79,360 in fiscal 2002 and \$84,880 in fiscal 2003 for increases in printing due to a new contract for printing license plate decals and an increase in the number of printed forms.

Reductions in the base budget include:

1. \$4,000 each year in legal fees; and
2. \$700 each year in advertising costs.

DP 1205 - Non-Employee Travel - The legislature approved a base adjustment that reduces non-employee travel by 50 percent.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 693 - Statewide Travel Reduction	12	0.00	(31,502)	0	0	(31,502)	0.00	(31,502)	0	0	(31,502)
DP 1203 - Title and Registration Bureau Imaging Project	12	0.00	131,500	0	0	131,500	0.00	131,500	0	0	131,500
DP 1207 - Fund Switch	12	0.00	(29,349)	29,349	0	0	0.00	(29,349)	29,349	0	0
DP 1209 - HB577 - Motor Vehicle IT Account	12	0.00	0	960,000	0	960,000	0.00	0	0	0	0
DP 1210 - SB 334 - Driver Rehabilitation and Improvement Prg	12	1.00	0	33,148	0	33,148	1.00	0	32,778	0	32,778
DP 1211 - HB 124 - Computer Programming Costs	12	0.00	5,738	0	0	5,738	0.00	0	0	0	0
<b>Total</b>	<b>1.00</b>	<b>\$76,387</b>	<b>\$1,022,497</b>	<b>\$0</b>	<b>\$1,098,884</b>	<b>1.00</b>	<b>\$70,649</b>	<b>\$62,127</b>	<b>\$0</b>	<b>\$132,776</b>	

**New Proposals**

DP 693 - Statewide Travel Reduction - The legislature made a reduction in general fund each year equivalent to 10 percent of all general fund expenditures for travel in the fiscal 2000 budget base. The entire reduction was made to this division, with the allowance that the agency could reallocate this reduction among divisions when developing 2003 biennium operating plans. The legislature exempted transportation of prisoners; therefore, \$140,955 of general fund travel each year was exempted from the reduction.

DP 1203 - Title and Registration Bureau Imaging Project - The legislature approved general fund of \$263,000 for the 2003 biennium to contract for imaging services. The contract would include the equipment, software, and any other operating expenses necessary to operate the system. The Title and Registration Bureau (TRB) currently uses microfilm to film an average of two million documents each year - nearly 7,600 documents daily - and has an average backlog of 14 to 16 weeks in the microfilming unit. A document imaging system would require fewer FTE to process the 7,600 daily documents and allow imaged records to be accessed from the desktop. Overtime in DP 1202 was reduced by \$25,000 in anticipation that the FTE no longer needed for microfilming as a result of moving to imaging technology would then be used to address the backlog of title and registration issuances and lien filings. Backlogs in these areas are permanent, ranging from 14 to 16 weeks in the microfilming unit and six to eight weeks in titling and registration. Backlogs are temporarily controlled by asking employees to work overtime for extended periods of time and hiring temporary, short-term workers.

DP 1207 - Fund Switch - The Executive Budget removed funding for motor vehicle mail renewal notices. The legislature chose to fund this function by providing a funding switch from general fund to state special to provide a portion of the funding for the mail renewal notices. The following adjustments were made within divisions to provide funding for mail renewal notices with no overall increase to the department's budget:

1. decreased the amount allocated for prisoner per diem by \$40,000 each year in the Highway Patrol Division;
2. decreased the base budget expenditures for vehicles by \$40,000 each year in the Division of Criminal Investigations; and
3. decreased the amount of overtime for dispatch communication operators by \$29,349 state special revenue (highways state special revenue) each year in the Highway Patrol Division. The \$29,349 in highways state special revenue will be moved to the Motor Vehicle Division so a function normally funded with general fund can be funded with these state special revenues thereby freeing up \$29,349 in general fund each year for mail renewal notice.

In addition, the legislature approved an increase of \$38,395 general fund each year to provide the remainder of the funding for this function.

DP 1209 - HB577 - Motor Vehicle IT Account - HB 577 allows the department to borrow up to \$4.5 million from the Board of Investments for a motor vehicle title and registration system. The \$960,000 biennial appropriation of state special revenue is for debt service on the loan.

DP 1210 - SB 334 - Driver Rehabilitation and Improvement Program - The legislature approved 1.0 FTE and state special revenue for personal services and operating expenses to implement SB 334. SB 334 allows the department to contract for a driver rehabilitation and improvement program for individuals whose license is subject to suspension or revocation as a result of a violation of the traffic laws of this state or is revoked, and they have complied with certain criteria.

DP 1211 - HB 124 - Computer Programming Costs - The legislature appropriated general fund for programming and computer costs associated with HB 124 (the "Big Bill"). Programming is needed for the fee increases/decreases, distribution allocations, changes affecting licensing exemptions, and to provide the required statistics.

### **Language**

Item [Motor Vehicle Division] includes a reduction of general fund of \$31,502 in fiscal 2002 and \$31,502 in fiscal 2003. This reduction is the equivalent of a 10 percent reduction in fiscal 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item [Motor Vehicle Division] includes \$5,748 of general fund in fiscal 2002 that is contingent upon passage and approval of HB 124.

Item [HB 577- Motor Vehicle IT Account] is contingent upon passage and approval of HB 577 and is for:

1. debt service payments or repayment of any loan incurred for the creation of a new information technology system for motor vehicles; or
2. payment of costs directly incurred in the creation and support of the new motor vehicle information technology system.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	270.55	3.00	(0.50)	273.05	3.00	(0.50)	273.05	273.05
Personal Services	11,435,943	939,257	14,321	12,389,521	1,090,458	13,946	12,540,347	24,929,868
Operating Expenses	4,479,609	426,691	14,326	4,920,626	471,934	12,073	4,963,616	9,884,242
Equipment	1,371,949	251,270	0	1,623,219	394,070	0	1,766,019	3,389,238
Transfers	0	0	150,000	150,000	0	150,000	150,000	300,000
<b>Total Costs</b>	<b>\$17,287,501</b>	<b>\$1,617,218</b>	<b>\$178,647</b>	<b>\$19,083,366</b>	<b>\$1,956,462</b>	<b>\$176,019</b>	<b>\$19,419,982</b>	<b>\$38,503,348</b>
General Fund	1,042,073	(2,294)	12,073	1,051,852	30,723	12,073	1,084,869	2,136,721
State/Other Special	15,552,254	1,498,192	16,574	17,067,020	1,797,706	13,946	17,363,906	34,430,926
Federal Special	693,174	121,320	150,000	964,494	128,033	150,000	971,207	1,935,701
<b>Total Funds</b>	<b>\$17,287,501</b>	<b>\$1,617,218</b>	<b>\$178,647</b>	<b>\$19,083,366</b>	<b>\$1,956,462</b>	<b>\$176,019</b>	<b>\$19,419,982</b>	<b>\$38,503,348</b>

### Program Description

The Highway Patrol Division (HPD) is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic accidents. The patrol gives assistance and information to motorists and first aid to those injured in traffic accidents, transports blood and medical supplies in emergency situations, and assists other law enforcement agencies when requested. The patrol provides 24-hour, seven-day-a-week communication and radio dispatch for the Highway Patrol and other state agencies. The Motor Carrier Safety Assistance program (MCSAP) attempts to reduce commercial motor vehicle accidents in the state by participating in the Commercial Vehicle Safety Alliance (CVSA) and its North American Driver/Vehicle Inspection program in all levels of inspections as well as safety review audits.

### Funding

The Highway Patrol Division is funded primarily from the Highways State Special Revenue Account (HSRA), which receives most of its revenue from fuel taxes and gross vehicle weight (GVW) fees. The Motor Carrier Safety Assistance Program is funded with 85 percent federal funds from the U.S. Department of Transportation, combined with a 15 percent state match. Although the actual match requirement is 20 percent, utilizing highway patrol officers to conduct truck inspections for the federal government provides five percent of the match required. The remainder comes from highway special revenue funds. General fund was added by the 1999 legislature to fund prisoner per diem and related medical costs.

The HSRA has been experiencing a structural imbalance for several biennia. A committee was established by the 1997 legislature to review the account. Committee recommendations included funding activities within the Department of Justice not directly related to the enforcement of highway safety, such as prisoner per diem, through a source other than the HSRA. The 1999 legislature approved a funding switch of slightly more than \$1.0 million each year from highway state special revenue funds to general fund as a result of the committee recommendations. This account still faces a structural imbalance. For more information, see the Agency Discussion in the Department of Transportation document.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					861,531					1,018,780
Vacancy Savings					(339,825)					(344,543)
Inflation/Deflation					(1,973)					(1,672)
Fixed Costs					61,032					64,056
<b>Total Statewide Present Law Adjustments</b>					<b>\$580,765</b>					<b>\$736,621</b>
DP 699 - Vacancy Savings at 4 Percent	0.00	0	(147,849)	(4,544)	(152,393)	0.00	0	(149,393)	(4,572)	(153,965)
DP 1301 - MHP Operating Base Adjustments	0.00	22,271	931,432	0	953,703	0.00	55,288	1,078,807	0	1,134,095
DP 1302 - MCSAP Base Adjustments	0.00	0	17,869	126,036	143,905	0.00	0	18,734	129,497	148,231
DP 1303 - Recruit School Base Adjustments	0.00	0	17,729	0	17,729	0.00	0	17,729	0	17,729
DP 1305 - Communications Operators	3.00	0	73,509	0	73,509	3.00	0	73,751	0	73,751
<b>Total Other Present Law Adjustments</b>	<b>3.00</b>	<b>\$22,271</b>	<b>\$892,690</b>	<b>\$121,492</b>	<b>\$1,036,453</b>	<b>3.00</b>	<b>\$55,288</b>	<b>\$1,039,628</b>	<b>\$124,925</b>	<b>\$1,219,841</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$1,617,218</b>					<b>\$1,956,462</b>

### Present Law Adjustments

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

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 1301 - MHP Operating Base Adjustments - The legislature approved the following requests made by the division:

1. \$491,487 to cover increases in regular and special overtime for uniformed personnel. (The legislature reduced the original request of \$520,826 by \$29,349 each year. Because the legislature approved 3.0 new FTE for communication centers, the overtime attributed to this group was reduced by one-half. This amount was transferred to MVD to free up general fund in that division to fund the mail renewal notices.) Funds for regular overtime in fiscal 2000 ran out in mid-February and uniformed personnel had to switch to compensatory time. Approximately \$108,000 of the increase is for special overtime, which is paid to uniformed personnel for traffic control in the production of movies, DUI Task Force activities, construction zones, and other emergencies. These costs are reimbursed by the "employing" organization and have no impact on the gas tax fund;
2. \$22,271 in fiscal 2002 and \$55,288 in fiscal 2003 for prisoner per diem costs. (The legislature reduced the original request by \$40,000 general fund each year to fund the mail renewal notices in MVD). Prisoner per diem is the cost the Highway Patrol pays to board prisoners in county detention facilities. The MHP spent \$1,017,508 for approximately 21,062 days of prisoner per diem in fiscal 2000;
3. \$101,522 per year for gasoline costs. The department estimates that the average cost of a gallon of gasoline will increase from \$1.30 to \$1.52. The Highway Patrol spent \$524,514 on gasoline in fiscal 2000;
4. \$38,823 in state special gas tax each year to provide subsistence. Subsistence is paid in lieu of all claims for monthly telephone allowance, specified meal allowances, and other miscellaneous costs. The MHP spent \$400,587 in fiscal 2000;
5. \$4,562 each year to cover the increase in the state-approved in-state rate for lodging for the months of June, July, August, and September;

6. \$51,380 in fiscal 2002 and \$60,281 in fiscal 2003 for increases in rent. The division has rental agreements for office space (headquarters, districts, and detachments), aircraft hangar space, radio shop space, and radio tower sites. Increases in the fiscal 2000 base are due to renegotiated leases or new leases; and
7. \$243,658 in fiscal 2002 and \$382,132 in fiscal 2003 in state special gas tax funds for patrol vehicles. Vehicles are surplus when mileage reaches levels between 85,000 and 100,000+. The budget includes funds to replace 63 vehicles each year (one-third of the fleet). The request anticipates an increase in cost per vehicle of approximately 9 percent per year. The average vehicle cost in fiscal 2000 was \$20,551. The MHP is projecting vehicles to cost \$22,401 in fiscal 2001, \$24,418 in fiscal 2002 and \$26,616 in fiscal 2003. The MHP spent \$1,294,676 on vehicles in the base year.

DP 1302 - MCSAP Base Adjustments - The Motor Vehicle Inspection Bureau (Motor Carrier Safety Assistance Program) is required to perform inspections on commercial motor vehicles and compliance reviews on motor carriers, subject to federal and state regulations. The legislature approved the following increases:

1. \$1,735 each year for overtime costs associated with performing critical duties such as working strike forces for safety checks in high volume crash areas, accident investigations, and meeting training requirements;
2. \$54,558 in federal authority per year to maintain the fiscal 2000 inspection activity level. During the 2001 biennium, the MHP had to receive one-time-only additional federal authority to bill the Federal Highway Administration for all of the inspections performed in fiscal 2000;
3. \$64,000 per year (80 percent federal and 20 percent state special gas tax) in support of providing training to agencies and individuals involved in the Commercial Motor Vehicle Inspection Program. The additional funds will provide training courses to a greater number of individuals and offer the courses more than once each year;
4. \$16,000 per year to cover the costs of minor tools, instruments, and equipment as more officers from different agencies are being trained to perform inspections for the MCSAP; and
5. \$7,612 in fiscal 2002 and \$11,938 in fiscal 2003 in order to replace two MCSAP vans. Industry representatives informed the MHP that the increase in cost for these vehicles is 9.0 percent per year. The MHP spent \$20,229 each for these vehicles in fiscal 2000.

DP 1303 - Recruit School Base Adjustments - On an annual basis, the Highway Patrol conducts a Recruit Training School to train new recruits who will fill vacancies. The Recruit Training School consists of 14 weeks of on-campus training and 8 weeks of field training. Increased funding was approved to cover the rising costs of lodging. The department also expects to increase the number of recruits attending the academy from the number who attended during the base year. The department goal is to send 25 recruits to the academy, but in fiscal 2000 only 17 met the eligibility requirements. The legislature approved \$35,458 in state special gas tax to cover these costs for the biennium.

DP 1305 - Communications Operators - The Montana Highway Patrol operates three 24-hour, seven-days-a-week communication (dispatch) centers, which are located in Billings, Helena, and Missoula. Since 1991, they have experienced a 163 percent increase in radio transmissions and an 84 percent increase in the number of telephone calls received. The legislature approved funding the requested 3.0 FTE (grade 10) to address the workload increase.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 689 - FTE Reduction	13	(1.00)	0	0	0	0	(1.00)	0	0	0	0
DP 1306 - Legislative Contract Authority	13	0.00	0	0	150,000	150,000	0.00	0	0	150,000	150,000
DP 1310 - SB 358 - Access to Traffic Accident Reports	13	0.50	0	16,574	0	16,574	0.50	0	13,946	0	13,946
DP 1311 - HB 256 - Reckless or Careless Driving	13	0.00	12,073	0	0	12,073	0.00	12,073	0	0	12,073
<b>Total</b>	<b>(0.50)</b>	<b>\$12,073</b>	<b>\$16,574</b>	<b>\$150,000</b>	<b>\$178,647</b>	<b>(0.50)</b>	<b>\$12,073</b>	<b>\$13,946</b>	<b>\$150,000</b>	<b>\$176,019</b>	

**New Proposals**

DP 689 - FTE Reduction - The legislature reduced FTE for all positions vacant for over seven months. Funds were not reduced for the 2003 biennium, but the eliminated positions are not to be funded in the present law base budget submitted for the 2005 biennium.

DP 1306 - Legislative Contract Authority - The legislature approved legislative contract authority of \$300,000 over the biennium in the event grants are received.

DP 1310 - SB 358 - Access to Traffic Accident Reports - SB 358 provides for general public access to motor vehicle accident reports and supplemental information for the purpose of research into the history of vehicles. The legislature approved state special revenue funds and a 0.5 FTE grade 10.

DP 1311 - HB 256 - Reckless or Careless Driving - HB 256 increases the penalty for the offense of careless or reckless driving resulting in the death or serious bodily injury of another person. The legislature approved funding for the increased cost of confining persons arrested due to HB 256.

**Language**

Item [SB 358 - Access to Traffic Accident Reports] is contingent upon passage and approval of SB 358.

Item [HB 256 - Reckless or Careless Driving] is contingent upon passage and approval of HB 256.

There is appropriated from the highway patrol retirement clearing account for payments to the Montana Highway Patrol pension fund the amount required for this transfer, not to exceed \$1,500,000 for each fiscal year.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	60.50	0.00	0.00	60.50	0.00	0.00	60.50	60.50
Personal Services	2,608,277	122,361	0	2,730,638	138,513	0	2,746,790	5,477,428
Operating Expenses	1,001,227	64,054	0	1,065,281	69,265	0	1,070,492	2,135,773
Equipment	79,503	(59,845)	0	19,658	(59,845)	0	19,658	39,316
Transfers	0	0	150,000	150,000	0	150,000	150,000	300,000
Debt Service	275	0	0	275	0	0	275	550
<b>Total Costs</b>	<b>\$3,689,282</b>	<b>\$126,570</b>	<b>\$150,000</b>	<b>\$3,965,852</b>	<b>\$147,933</b>	<b>\$150,000</b>	<b>\$3,987,215</b>	<b>\$7,953,067</b>
General Fund	2,214,742	92,580	0	2,307,322	106,799	0	2,321,541	4,628,863
State/Other Special	355,806	(7,703)	(30,546)	317,557	(6,458)	(30,546)	318,802	636,359
Federal Special	1,118,734	41,239	180,546	1,340,519	47,136	180,546	1,346,416	2,686,935
<b>Total Funds</b>	<b>\$3,689,282</b>	<b>\$126,116</b>	<b>\$150,000</b>	<b>\$3,965,398</b>	<b>\$147,477</b>	<b>\$150,000</b>	<b>\$3,986,759</b>	<b>\$7,952,157</b>

### Program Description

The Division of Criminal Investigation (DCI) includes the administration, management, and coordination of criminal investigative services performed by the Investigations Bureau, the Narcotics Bureau, and the Fire Prevention and Investigation Bureau. Criminal investigators conduct investigations of homicide, fraud, robbery, assault, corruption, arson, organized crime, dangerous drug activity, and other felony crimes. The program activity includes investigating state agencies as well as providing investigative training to law enforcement officers. The division also has specialized criminal investigation units for the following fraud investigations: 1) Workers' Compensation; 2) welfare; 3) Medicaid; and 4) legislative audits. The Fire Prevention and Investigation Bureau is responsible for safeguarding life and property from fire, explosion, and arson through investigative, inspection, and fire code interpretation and enforcement functions. The Division of Criminal Investigation operates under state and federal mandates.

### Funding

General fund is the primary funding source for the Fire Prevention and Investigation Bureau and for general criminal investigations, and it also supplies the match for welfare and Medicaid fraud investigations. General fund supports the eastern narcotics investigation effort and provides match for the western effort. Federal funds are the major source of funding for the western narcotic investigation efforts, with a match from the general fund.

The state fund account supports State Fund fraud investigations and prosecutions.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					204,414					221,238
Vacancy Savings					(77,796)					(78,302)
Inflation/Deflation					(707)					(214)
Fixed Costs					43,748					47,094
<b>Total Statewide Present Law Adjustments</b>					<b>\$169,659</b>					<b>\$189,816</b>
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(4,795)	(528)	(3,157)	(8,480)	0.00	(4,808)	(529)	(3,166)	(8,503)
DP 699 - Vacancy Savings at 4 Percent	0.00	(22,220)	(2,826)	(9,665)	(34,711)	0.00	(22,332)	(2,836)	(9,711)	(34,879)
DP 1840 - DCI Operating Base Adjustments	0.00	42,854	5,221	30,086	78,161	0.00	43,766	5,389	30,401	79,556
DP 1845 - Vehicles Base Budget Reduction	0.00	(74,845)	0	0	(74,845)	0.00	(74,845)	0	0	(74,845)
DP 1846 - Non-Employee Travel	0.00	(3,668)	0	0	(3,668)	0.00	(3,668)	0	0	(3,668)
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>(\$62,674)</b>	<b>\$1,867</b>	<b>\$17,264</b>	<b>(\$43,543)</b>	<b>0.00</b>	<b>(\$61,887)</b>	<b>\$2,024</b>	<b>\$17,524</b>	<b>(\$42,339)</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$126,116</b>					<b>\$147,477</b>

### Present Law Adjustments

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

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 1840 - DCI Operating Base Adjustments - The legislature approved:

1. \$30,000 for overtime costs;
2. an annual increase of \$10,000 in order to procure consulting services. The Division of Criminal Investigation (DCI) has experienced an increase in the number of requests from local governments to conduct financial investigations. The investigations often require the assistance of a professional auditor who works in conjunction with an investigator. The base expenditures in this category are \$128,292;
3. \$15,000 each year to access the Criminal Justice Information Network (CJIN) to obtain criminal history information. Fees collected from users fund CJIN. DCI has never been budgeted to pay for these fees;
4. \$50,262 in fiscal 2002 and \$51,657 in fiscal 2003 to support increases in rent;
5. \$15,000 each year for vehicles. The criminal investigators and Deputy State Fire Marshal each drive 20,000 to 25,000 miles per year. DP 1845 reduced the base budget for vehicles by \$74,845 each year; and
6. a reduction of \$42,101 each year in one-time-only costs for office supplies and minor equipment.

DP 1845 - Vehicles Base Budget Reduction - The legislature approved the removal of \$74,845 from the base budget for vehicles each year.

DP 1846 - Non-Employee Travel - This is a base adjustment which reduces non-employee travel by 50 percent.

New Proposals										
Prgm	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 1842 - Criminal Investigator Funding Switch										
18	0.00	0	(45,546)	45,546	0	0.00	0	(45,546)	45,546	0
DP 1844 - DCI Legislative Contract Authority										
18	0.00	0	15,000	135,000	150,000	0.00	0	15,000	135,000	150,000
<b>Total</b>	<b>0.00</b>	<b>\$0</b>	<b>(\$30,546)</b>	<b>\$180,546</b>	<b>\$150,000</b>	<b>0.00</b>	<b>\$0</b>	<b>(\$30,546)</b>	<b>\$180,546</b>	<b>\$150,000</b>

**New Proposals**

DP 1842 - Criminal Investigator Funding Switch - The legislature approved a funding switch of \$91,092 for the biennium from state special revenue to federal authority to support funding the services of a criminal investigator. The division will seek alternative funding through federal law enforcement grants. Currently the division has three criminal investigators. They are located in Billings and are responsible for providing investigative assistance to local law enforcement agencies in Eastern Montana. The state compensation insurance fund supports one investigator. As a result of a decrease in the level of state fund fraud activity, funding for one of these investigative positions will be lost, which the division plans to replace with federal funds.

DP 1844 - DCI Legislative Contract Authority - The legislature approved \$135,000 in Legislative Contract Authority federal funds each year and \$15,000 in state special funds each year.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	21.30	0.75	0.00	22.05	0.75	0.00	22.05	22.05
Personal Services	1,556,508	139,243	0	1,695,751	193,086	0	1,749,594	3,445,345
<b>Total Costs</b>	<b>\$1,556,508</b>	<b>\$139,243</b>	<b>\$0</b>	<b>\$1,695,751</b>	<b>\$193,086</b>	<b>\$0</b>	<b>\$1,749,594</b>	<b>\$3,445,345</b>
General Fund	1,556,508	139,243	0	1,695,751	193,086	0	1,749,594	3,445,345
<b>Total Funds</b>	<b>\$1,556,508</b>	<b>\$139,243</b>	<b>\$0</b>	<b>\$1,695,751</b>	<b>\$193,086</b>	<b>\$0</b>	<b>\$1,749,594</b>	<b>\$3,445,345</b>

**Program Description**

The County Attorney Payroll Program pays half of the salary and benefits of the 56 county attorneys.

**Funding**

The County Attorney Payroll Program is entirely funded by the general fund, as required by Section 7-4-2502, MCA.

Present Law Adjustments	-----Fiscal 2002-----				-----Fiscal 2003-----					
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					36,970					36,971
Vacancy Savings					0					0
<b>Total Statewide Present Law Adjustments</b>					<b>\$36,970</b>					<b>\$36,971</b>
DP 699 - Vacancy Savings at 4 Percent	0.00	(624)	0	0	(624)	0.00	(626)	0	0	(626)
DP 1901 - County Attorney Adjustments	0.75	102,897	0	0	102,897	0.75	156,741	0	0	156,741
<b>Total Other Present Law Adjustments</b>	<b>0.75</b>	<b>\$102,273</b>	<b>\$0</b>	<b>\$0</b>	<b>\$102,273</b>	<b>0.75</b>	<b>\$156,115</b>	<b>\$0</b>	<b>\$0</b>	<b>\$156,115</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$139,243</b>					<b>\$193,086</b>

**Present Law Adjustments**

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

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 1901 - County Attorney Adjustments - The legislature approved three adjustments that will affect some or all county attorneys. State law allows counties to compensate for longevity. State law also provides for an annual cost-of-living adjustment (COLA), and allows counties to change the status of the county attorney from part-time to full-time or vice versa. The legislature approved \$259,638 during the 2003 biennium to make these adjustments.

Sweetgrass County will move their county attorney from part- to full-time. Golden Valley and Musselshell counties currently share one full-time attorney. A second full-time attorney will be hired, allowing each county its own attorney. The state will pay for half of this increase. Section 7-4-2503, MCA, establishes the calculation for county attorneys' salary levels and allows counties to grant COLA increases to county attorneys. The COLA adjustment for county officials' salaries, as determined by the Bureau of Business and Economic Research at the University of Montana, amounts to 2.2 percent annually.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	11.50	1.00	0.00	12.50	1.00	0.00	12.50	12.50
Personal Services	432,818	55,933	0	488,751	58,305	0	491,123	979,874
Operating Expenses	521,136	112,357	0	633,493	95,349	0	616,485	1,249,978
Capital Outlay	0	0	0	0	0	0	0	0
Transfers	0	0	150,000	150,000	0	150,000	150,000	300,000
Debt Service	79,484	2,600	0	82,084	2,600	0	82,084	164,168
<b>Total Costs</b>	<b>\$1,033,438</b>	<b>\$170,890</b>	<b>\$150,000</b>	<b>\$1,354,328</b>	<b>\$156,254</b>	<b>\$150,000</b>	<b>\$1,339,692</b>	<b>\$2,694,020</b>
General Fund	1,033,438	71,283	0	1,104,721	56,532	0	1,089,970	2,194,691
State/Other Special	0	0	50,000	50,000	0	50,000	50,000	100,000
Federal Special	0	99,607	100,000	199,607	99,722	100,000	199,722	399,329
<b>Total Funds</b>	<b>\$1,033,438</b>	<b>\$170,890</b>	<b>\$150,000</b>	<b>\$1,354,328</b>	<b>\$156,254</b>	<b>\$150,000</b>	<b>\$1,339,692</b>	<b>\$2,694,020</b>

**Program Description**

The Montana Law Enforcement Academy provides a professional education and training program in criminal justice for Montana law enforcement officers and other criminal justice personnel. The academy provides an annual curriculum specifically designed to meet the needs of the adult and juvenile criminal justice systems.

**Funding**

The Law Enforcement Academy is funded primarily with general fund, but also uses some state and federal grant monies. The academy charges tuition for certain classes, particularly specialized courses. All tuition fees are deposited to the general fund. Revenues to the general fund in fiscal 2000 were approximately \$141,900, or 13.7 percent of the total cost.

Present Law Adjustments										
-----Fiscal 2002-----					-----Fiscal 2003-----					
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					41,817					44,168
Vacancy Savings					(12,859)					(12,929)
Inflation/Deflation					6,510					4,524
Fixed Costs					1,078					2,456
<b>Total Statewide Present Law Adjustments</b>					<b>\$36,546</b>					<b>\$38,219</b>
DP 699 - Vacancy Savings at 4 Percent	0.00	(6,233)	0	0	(6,233)	0.00	(6,257)	0	0	(6,257)
DP 2201 - Academy Base Adjustments	0.00	40,970	0	0	40,970	0.00	24,570	0	0	24,570
DP 2206 - Stop Violence Against Women Grant	1.00	0	0	99,607	99,607	1.00	0	0	99,722	99,722
<b>Total Other Present Law Adjustments</b>	<b>1.00</b>	<b>\$34,737</b>	<b>\$0</b>	<b>\$99,607</b>	<b>\$134,344</b>	<b>1.00</b>	<b>\$18,313</b>	<b>\$0</b>	<b>\$99,722</b>	<b>\$118,035</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$170,890</b>					<b>\$156,254</b>

**Present Law Adjustments**

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

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 2201 - Academy Base Adjustments - The legislature approved the funding detailed below:

1. \$14,000 in support of procuring contracted services for each year of the biennium, and \$8,000 per year for supplies and non-employee travel. These funds will help address fluctuations in attendance rates for officers hired by local law enforcement agencies and required to attend the Academy for basic training. The 1999 legislature appropriated this amount annually and the division reverted the funds in fiscal 2000;
2. \$10,420 for contracted services, to increase the hourly rate paid to contracted instructors from \$12.50 per hour to \$14.00, and to restore \$3,880 in funding that was supported by federal grant monies in fiscal 2000;
3. \$2,250 per year to cover an increase in the food service contract;
4. \$3,700 each year to meet increased utility costs;
5. \$2,600 each year to lease a larger tractor; and
6. a reduction of \$16,400 in fiscal 2003 for costs associated with DARE. The Academy provides DARE training every two years, in even-numbered years.

DP 2206 - Stop Violence Against Women Grant - Since 1996, the Academy has received an annual grant from the Montana Board of Crime Control, designated to help stop violence against women. This grant funds a partnership between the Law Enforcement Academy and the Montana Coalition Against Sexual and Domestic Violence. The grant funds a training officer at the academy and advanced training facilitated by the coalition.

New Proposals										
Prgm	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 2207 - Academy LCA 22	0.00	0	50,000	100,000	150,000	0.00	0	50,000	100,000	150,000
<b>Total</b>	<b>0.00</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$100,000</b>	<b>\$150,000</b>	<b>0.00</b>	<b>\$0</b>	<b>\$50,000</b>	<b>\$100,000</b>	<b>\$150,000</b>

**New Proposals**

DP 2207 - Academy LCA - The legislature approved Legislative Contract Authority of \$100,000 in federal funds and \$50,000 state special funds each year.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	13.25	1.00	0.00	14.25	1.00	0.00	14.25	14.25
Personal Services	468,305	83,724	0	552,029	87,318	0	555,623	1,107,652
Operating Expenses	122,664	29,982	0	152,646	(37,216)	0	85,448	238,094
<b>Total Costs</b>	<b>\$590,969</b>	<b>\$113,706</b>	<b>\$0</b>	<b>\$704,675</b>	<b>\$50,102</b>	<b>\$0</b>	<b>\$641,071</b>	<b>\$1,345,746</b>
General Fund	254,296	48,380	0	302,676	21,030	0	275,326	578,002
State/Other Special	324,913	62,982	0	387,895	28,001	0	352,914	740,809
Proprietary	11,760	2,344	0	14,104	1,071	0	12,831	26,935
<b>Total Funds</b>	<b>\$590,969</b>	<b>\$113,706</b>	<b>\$0</b>	<b>\$704,675</b>	<b>\$50,102</b>	<b>\$0</b>	<b>\$641,071</b>	<b>\$1,345,746</b>

**Program Description**

The Central Services Division provides the administrative, personnel, budgetary, accounting, and fiscal support for the Department of Justice. The program also administers the County Attorney Payroll.

**Funding**

The Central Services Division (CSD) is funded by an allocation from the four major funds that support the Department of Justice, in proportion to total budgeted costs.

	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					80,123					83,782
Vacancy Savings					(15,072)					(15,182)
Inflation/Deflation					96					279
Fixed Costs					23,579					(36,782)
<b>Total Statewide Present Law Adjustments</b>					<b>\$88,726</b>					<b>\$32,097</b>
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(2,137)	(2,623)	0	(4,857)*	0.00	(2,146)	(2,634)	0	(4,877)*
DP 699 - Vacancy Savings at 4 Percent	0.00	(3,275)	(4,190)	0	(7,617)*	0.00	(3,292)	(4,212)	0	(7,657)*
DP 2802 - CSD Additional Staff	1.00	16,106	20,599	0	37,454*	1.00	13,132	16,797	0	30,539*
<b>Total Other Present Law Adjustments</b>	<b>1.00</b>	<b>\$10,694</b>	<b>\$13,786</b>	<b>\$0</b>	<b>\$24,980*</b>	<b>1.00</b>	<b>\$7,694</b>	<b>\$9,951</b>	<b>\$0</b>	<b>\$18,005*</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$113,706*</b>					<b>\$50,102*</b>

\* "Total Funds" amount may include dollars from funds other than general fund, state special fund, and federal special funds (i.e., proprietary).

**Present Law Adjustments**

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

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 2802 - CSD Additional Staff - The legislature approved funding for 1.0 FTE (grade 11) and the associated operating expenses needed to support the position. The position will work in the accounting section. The CSD provides overhead services to all divisions within the department.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	46.00	1.00	(2.00)	45.00	1.00	(2.00)	45.00	45.00
Personal Services	1,576,351	333,583	(220,960)	1,688,974	344,463	(221,737)	1,699,077	3,388,051
Operating Expenses	1,497,674	97,397	0	1,595,071	101,050	0	1,598,724	3,193,795
Equipment	169,589	0	0	169,589	0	0	169,589	339,178
Transfers	0	0	300,000	300,000	0	300,000	300,000	600,000
Debt Service	384,972	0	0	384,972	0	0	384,972	769,944
<b>Total Costs</b>	<b>\$3,628,586</b>	<b>\$430,980</b>	<b>\$79,040</b>	<b>\$4,138,606</b>	<b>\$445,513</b>	<b>\$78,263</b>	<b>\$4,152,362</b>	<b>\$8,290,968</b>
General Fund	2,486,200	435,155	(220,960)	2,700,395	449,719	(221,737)	2,714,182	5,414,577
State/Other Special	657,371	(970)	0	656,401	(984)	0	656,387	1,312,788
Federal Special	474,801	(3,190)	300,000	771,611	(3,207)	300,000	771,594	1,543,205
Proprietary	10,214	(15)	0	10,199	(15)	0	10,199	20,398
<b>Total Funds</b>	<b>\$3,628,586</b>	<b>\$430,980</b>	<b>\$79,040</b>	<b>\$4,138,606</b>	<b>\$445,513</b>	<b>\$78,263</b>	<b>\$4,152,362</b>	<b>\$8,290,968</b>

### Program Description

The Information Technology Services Division provides a full range of information technology and criminal justice services for the Department of Justice including: 1) system development and maintenance of the motor vehicle registration system; 2) the driver history system; 3) the Criminal History Record Information and Montana Uniform Crime Reporting systems; 4) support for the Department of Justice computer system; 5) identification services for the criminal justice community through criminal history record checking and fingerprint processing; and 6) system development and support for the Criminal Justice Information Network (CJIN). CJIN links law enforcement/criminal justice agencies with information sources at local, state, and national levels by interfacing with the National Law Enforcement Telecommunications System, the National Crime Information Center (NCIC), and numerous State of Montana files.

### Funding

General fund is the primary funding source for the Information Technology Services Division. Fees generated by the Criminal Justice Information Network (CJIN) partially support the operating costs of the CJIN network, as do some federal funds. In fiscal 2000, fees of \$508,656 were collected from 107 users comprised of state agencies, cities, counties, and federal agencies. Approximately 4.6 percent, or \$23,700, of the amount collected from state agencies was a general fund cost.

Present Law Adjustments	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					413,515					424,850
Vacancy Savings					(54,810)					(55,151)
Inflation/Deflation					(6,712)					(6,116)
Fixed Costs					64,742					67,920
<b>Total Statewide Present Law Adjustments</b>					<b>\$416,735</b>					<b>\$431,503</b>
DP 696 - Data Network Fixed Cost Reduction	0.00	(3,671)	(970)	(701)	(5,357)*	0.00	(3,723)	(984)	(710)	(5,432)*
DP 698 - Rent Reduction - Use of Capitol Land Grant	0.00	(11,311)	0	(2,489)	(13,800)	0.00	(11,349)	0	(2,497)	(13,846)
DP 699 - Vacancy Savings at 4 Percent	0.00	(25,122)	0	0	(25,122)	0.00	(25,236)	0	0	(25,236)
DP 2901 - ITSD Base Adjustments	0.00	58,524	0	0	58,524	0.00	58,524	0	0	58,524
DP 2902 - Administrative FTE	1.00	0	0	0	0	1.00	0	0	0	0
<b>Total Other Present Law Adjustments</b>	<b>1.00</b>	<b>\$18,420</b>	<b>(\$970)</b>	<b>(\$3,190)</b>	<b>\$14,245*</b>	<b>1.00</b>	<b>\$18,216</b>	<b>(\$984)</b>	<b>(\$3,207)</b>	<b>\$14,010*</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$430,980*</b>					<b>\$445,513*</b>

### Present Law Adjustments

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

DP 696 - Data Network Fixed Cost Reduction - The legislature approved fees and charges for data network support provided by the Information Services Division of the Department of Administration at a level lower than that proposed by the executive and used to develop the associated fixed cost budget requests. This adjustment removes the corresponding fixed costs from agency budgets.

DP 698 - Rent Reduction - Use of Capitol Land Grant - The legislature approved using Capitol Land Grant funds to augment rent payments made by tenants. Capital Land Grant funds are to be used for qualified maintenance and debt service payments of the General Services Program for state-owned facilities on the Capitol complex.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 2901 - ITSD Base Adjustments - The legislature approved funds to out-source certain information technology (IT) projects, such as programming and program maintenance. Funds were also provided for increased travel and training expenses. Approved increases are detailed below:

1. \$34,967 each year to procure contracted services that would allow the division to keep up with the department's programming needs. An additional \$8,000 was approved for an intern to cover the help desk on weekends in the Customer Services Bureau;
2. \$2,000 each year to support increased travel resulting from the expansion of the Criminal Justice Information System Network. This has led to greater demands on audit and support staff;
3. \$23,500 per year for education and training. Fully qualified people have not been found to fill IT positions. These positions include programmer analysts, LAN (Local Area Network) managers, and database administrators. As a result, training assignments have been utilized. In order to complete a training assignment, employees attend specialized training courses costing between \$600 and \$1,500 per course. The funding will provide \$13,500 per year for nine Support Services Bureau members (LAN managers, a network coordinator, and a database administrator) to

attend one week of technical training. An additional \$10,000 per year is included to cover training assignments and other specialized training for the Development Services Bureau for project managers and programmer analysts; and  
 4. a decrease of \$9,943 per year for one-time-only rent costs.

DP 2902 - Administrative FTE - The legislature approved the addition of 1.0 FTE requested to handle general office duties, but provided no funding. In fiscal 2000, a clerical position was reclassified to an administrative officer position, and was given the responsibilities of budget, fiscal, and personnel oversight. The general office duties were then contracted out to Express Services. This position has continued to perform the duties associated with the day-to-day operation of the division including such tasks as answering the telephone, distributing mail, maintaining the meeting schedule for the conference room, making travel arrangements and filing. The legislature approved discontinuing contracted services and filling the position on a permanent basis.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 684 - Personal Services Reduction-District Court Judges	29	0.00	(64,500)	0	0	(64,500)	0.00	(64,500)	0	0	(64,500)
DP 685 - Personal Services Reduction for DOR Auditors	29	0.00	(28,568)	0	0	(28,568)	0.00	(28,901)	0	0	(28,901)
DP 689 - FTE Reduction	29	(2.00)	0	0	0	0	(2.00)	0	0	0	0
DP 691 - Personal Services General Fund Reduction	29	0.00	(127,892)	0	0	(127,892)	0.00	(128,336)	0	0	(128,336)
DP 2903 - ITSD Legislative Contract Authority	29	0.00	0	0	300,000	300,000	0.00	0	0	300,000	300,000
<b>Total</b>	<b>(2.00)</b>	<b>(\$220,960)</b>	<b>\$0</b>	<b>\$300,000</b>	<b>\$79,040</b>	<b>(2.00)</b>	<b>(\$221,737)</b>	<b>\$0</b>	<b>\$300,000</b>	<b>\$78,263</b>	

**New Proposals**

DP 684 - Personal Services Reduction-District Court Judges - The legislature approved a reduction in general fund personal services to provide funds for a judge in Ravalli and Cascade Counties, as provided for in HB 214. The reduction in general fund is associated with the vacant positions discussed in DP 689 below.

DP 685 - Personal Services Reduction for DOR Auditors - The legislature approved a reduction in general fund personal services to provide funds for salary upgrades for Department of Revenue auditors. The reduction in general fund is associated with the vacant positions discussed in DP 689 below.

DP 689 - FTE Reduction - The legislature reduced FTE for all positions vacant for over seven months. This decision package did not reduce funds for the 2003 biennium, but the eliminated positions are not to be funded in the present law base budget submitted for the 2005 biennium. (DP's 684 and 685 above reduced the funds for the 2003 biennium.)

DP 691 - Personal Services General Fund Reduction - The legislature reduced general fund personal services funding at a level equivalent to the general fund share of 1 percent of authorized FTE. No FTE were reduced.

DP 2903 - ITSD Legislative Contract Authority - The legislature approved legislative contract authority of \$600,000 over the biennium in the event federal grants are received.

**Language**

Item [Information Technology Services Division] includes a reduction of \$127,892 general fund in fiscal 2002 and \$128,336 general fund in fiscal 2003. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The Office of Budget and Program Planning shall provide a report that details reallocation to the Legislative Finance Committee by October 15 of each fiscal year.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Operating Expenses	164,479	13,245	(177,724)	0	14,457	(178,936)	0	0
<b>Total Costs</b>	<b>\$164,479</b>	<b>\$13,245</b>	<b>(\$177,724)</b>	<b>\$0</b>	<b>\$14,457</b>	<b>(\$178,936)</b>	<b>\$0</b>	<b>\$0</b>
General Fund	164,479	13,245	(177,724)	0	14,457	(178,936)	0	0
<b>Total Funds</b>	<b>\$164,479</b>	<b>\$13,245</b>	<b>(\$177,724)</b>	<b>\$0</b>	<b>\$14,457</b>	<b>(\$178,936)</b>	<b>\$0</b>	<b>\$0</b>

**Program Description**

The Extradition and Transportation of Prisoners Program reimburses county sheriffs for allowable expenses associated with transporting prisoners to Montana detention centers and for expenses of extraditing prisoners to Montana. Until SB 328 was passed and approved, expenditures for this program were overseen by the Governor's Office and bills were paid by the Department of Justice. With the passage of SB 328, the entire program and duties were moved to the Governor's Office.

**Funding**

This program is funded entirely by the general fund.

	-----Fiscal 2002-----					-----Fiscal 2003-----				
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 3001 - TOP Base Adjustments	0.00	13,245	0	0	13,245	0.00	14,457	0	0	14,457
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$13,245</b>	<b>\$0</b>	<b>\$0</b>	<b>\$13,245</b>	<b>0.00</b>	<b>\$14,457</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,457</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$13,245</b>					<b>\$14,457</b>

**Present Law Adjustments**

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

DP 3001 - TOP Base Adjustments - The legislature approved a three percent inflationary increase for the shuttle coordinator contract, at a cost of \$1,178 in fiscal 2002 and \$2,390 in fiscal 2003. In addition, based on cost increases experienced in fiscal 2000, the legislature approved an additional \$12,067 each year.

New Proposals	-----Fiscal 2002-----					-----Fiscal 2003-----					
	Prgm	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 3002 - SB 328 - Transfer Program to Governor's Office	30	0.00	(177,724)	0	0	(177,724)	0.00	(178,936)	0	0	(178,936)
<b>Total</b>	<b>0.00</b>	<b>(\$177,724)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$177,724)</b>	<b>0.00</b>	<b>(\$178,936)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$178,936)</b>	

**New Proposals**

DP 3002 - SB 328 - Transfer Program to Governor's Office - SB 328 moves the Extradition and Transportation of Prisoners program from the Department of Justice to the Governor's Office.

**Language**

If SB 328 is not passed and approved, the Extradition and Transportation of Prisoners program will remain in the Department of Justice as Program 30 and there is appropriated \$177,724 of general fund in fiscal 2002 and \$178,936 of general fund in fiscal 2003. In addition, if SB 328 is not passed and approved, the amendment to the reference copy of [this act] striking the language accompanying the Extradition and Transportation of Prisoners program in the Department of Justice is void. (Note: SB 328 was passed and approved.)

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2000	PL Base Adjustment Fiscal 2002	New Proposals Fiscal 2002	Total Leg. Budget Fiscal 2002	PL Base Adjustment Fiscal 2003	New Proposals Fiscal 2003	Total Leg. Budget Fiscal 2003	Total Leg. Budget Fiscal 02-03
FTE	24.00	0.00	0.50	24.50	0.00	0.50	24.50	24.50
Personal Services	1,261,709	59,721	27,470	1,348,900	66,351	27,563	1,355,623	2,704,523
Operating Expenses	891,512	110,544	24,150	1,026,206	100,633	24,150	1,016,295	2,042,501
Equipment	82,807	37,386	0	120,193	30,386	0	113,193	233,386
Transfers	0	0	100,000	100,000	0	100,000	100,000	200,000
Debt Service	3,033	0	0	3,033	0	0	3,033	6,066
<b>Total Costs</b>	<b>\$2,239,061</b>	<b>\$207,651</b>	<b>\$151,620</b>	<b>\$2,598,332</b>	<b>\$197,370</b>	<b>\$151,713</b>	<b>\$2,588,144</b>	<b>\$5,186,476</b>
General Fund	1,886,174	171,660	51,620	2,109,454	161,079	51,713	2,098,966	4,208,420
State/Other Special	303,202	3	0	303,205	3	0	303,205	606,410
Federal Special	49,685	35,988	100,000	185,673	36,288	100,000	185,973	371,646
<b>Total Funds</b>	<b>\$2,239,061</b>	<b>\$207,651</b>	<b>\$151,620</b>	<b>\$2,598,332</b>	<b>\$197,370</b>	<b>\$151,713</b>	<b>\$2,588,144</b>	<b>\$5,186,476</b>

### Program Description

The Forensic Science Division, which includes the State Crime Lab in Missoula and the State Medical Examiner, provides for a statewide system of death investigation, forensic science training, and scientific criminal investigation and analysis for specimens submitted by law enforcement officials, coroners, and state agencies. The division tests firearms, tool marks, hair, fiber, drugs, blood, body fluids, and tissues. The laboratory also analyzes blood, breath, and urine samples in connection with driving under the influence of alcohol or drugs (DUI) and provides the certification, maintenance, and training of all law enforcement personnel on breath testing instruments.

### Funding

The Forensic Science Division is funded primarily from the general fund. The division receives approximately \$300,000 annually from the earmarked alcohol tax for laboratory testing and intoxilizer equipment repair, which is done at the lab in support of the DUI Enforcement Program. An on-going federal grant supports two chemists and meets the related operating costs; this grant requires a 25 percent general fund match.

	-----Fiscal 2002-----				-----Fiscal 2003-----					
	FTE	General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
Personal Services					114,780					121,687
Vacancy Savings					(38,639)					(38,847)
Inflation/Deflation					(209)					(171)
Fixed Costs					32,474					34,525
<b>Total Statewide Present Law Adjustments</b>					<b>\$108,406</b>					<b>\$117,194</b>
DP 699 - Vacancy Savings at 4 Percent										
0.00	(16,420)	0	0	(16,420)	0.00	(16,489)	0	0	(16,489)	
DP 3201 - FSD Base Adjustments										
0.00	187,642	0	0	187,642	0.00	180,642	0	0	180,642	
DP 3202 - Lab Accreditation										
0.00	12,000	0	0	12,000	0.00	0	0	0	0	
DP 3205 - Laboratory Equipment Reduction										
0.00	(82,807)	0	0	(82,807)	0.00	(82,807)	0	0	(82,807)	
DP 3206 - Non-Employee Travel										
0.00	(1,170)	0	0	(1,170)	0.00	(1,170)	0	0	(1,170)	
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>\$99,245</b>	<b>\$0</b>	<b>\$0</b>	<b>\$99,245</b>	<b>0.00</b>	<b>\$80,176</b>	<b>\$0</b>	<b>\$0</b>	<b>\$80,176</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$207,651</b>					<b>\$197,370</b>

### Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature.

"Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 699 - Vacancy Savings at 4 Percent - The legislature approved increasing the statewide vacancy savings rate to 4 percent and including the state share of health insurance premiums in the calculation for determining the amount.

DP 3201 - FSD Base Adjustments - The Forensic Science Division moved from its former location at the St. Patrick's Hospital in Missoula to interim space at the old Loyola High School Building, the University of Montana, and the Sunset Funeral Home. When construction was completed, there was a second move to the new laboratory at 2679 Palmer. Normal laboratory operations were disrupted as a result of the new move, and a number of base adjustments were approved to return to a normal operating budget level. Some adjustments include a decrease in budget categories due to one-time-only, unexpected expenditures. Other categories show increases caused by the moves. The major base increases include equipment purchases and the need to annualize rent for the new lab, as this space was occupied for only five months in fiscal 2000. The approved changes are listed below.

1. \$121,708 each year for the annualization of rent at the new location. Base expenditures reflect only five months rental costs;
2. \$120,193 in fiscal 2002 and \$113,193 in fiscal 2002 for equipment (DP 3205 removes base year expenditures of \$82,807 for equipment). A portion of the equipment funds were used to help pay the increased costs of the move during fiscal 2000;
3. \$24,055 each year for DNA supplies. The DNA section of the laboratory was closed for seven months while the lab occupied interim laboratory space. DNA analysis was not done during that time and DNA supplies were not purchased;
4. \$1,225 each year to annualize the disposal of the lab's biological waste material. The biological waste is transported to Utah for disposal. When the crime laboratory rented space from the St. Patrick's Hospital, the hospital disposed of the lab's biological waste material. The cost of this service was \$175 per month;
5. \$300 per year for contracted services. The base budget contains \$9,300 for the cost of conducting autopsies at a local funeral home until the new lab was complete. The \$300 increase will provide \$9,600 each year (\$600 per day) to hire a pathologist for three weeks per year to replace Dr. Dale during his vacation. In the past, a private forensic pathologist in Great Falls provided emergency coverage in Dr. Dale's absence at a cost of \$1,550 per year (\$50 per day for 31 days in fiscal 2000). This pathologist has retired and is not being replaced;
6. a reduction of \$26,638 each year to remove the costs of relocation;
7. a reduction of \$20,399 for one-time costs associated with upgrading the facilities used during the interim move;
8. a reduction of \$8,700 each year for equipment repair and maintenance. Two pieces of instrumentation required the manufacturer to disassemble, move, and reassemble them at the new laboratory;
9. a reduction of \$7,745 each year for one-time expenditures of chairs and tables to furnish the training room in the new laboratory;
10. a reduction of \$7,204 each year for the one-time purchase of two laptop computers;
11. a \$5,900 decrease each year for the one-time cost to purchase refrigerators in which to store specimens for the interim move; and
12. a decrease of \$3,253 each year to remove one-time costs associated with the installation of a new telephone system.

DP 3202 - Lab Accreditation - The American Society of Crime Laboratory Directors (ASCLD) has established an accreditation program in the field of forensic science. These standards are widely accepted in the forensic science profession and there is proposed federal legislation that would require laboratories to be accredited or seeking accreditation in order to apply for federal grants. In addition, accreditation would acknowledge that the lab meets and adheres to the guidelines governing the operation of a forensic lab. The cost of \$12,000 in fiscal 2002 represents a pre-audit visit and the accreditation examination. The legislature approved the \$12,000 for a pre-audit visit in preparation for potential accreditation only if the federal government requires forensic labs to be accredited to be eligible for federal funds (see the "Language" section for this division).

DP 3205 - Laboratory Equipment Reduction - The legislature removed \$82,807 each year for one-time-only equipment.

DP 3206 - Non-Employee Travel - This is a base adjustment which reduces non-employee travel by 50 percent.

New Proposals										
Prgm	FTE	-----Fiscal 2002-----				-----Fiscal 2003-----				
		General	State Special	Federal Special	Total Funds	FTE	General	State Special	Federal Special	Total Funds
DP 3204 - FSD Legislative Contract Authority										
32	0.00	0	0	100,000	100,000	0.00	0	0	100,000	100,000
DP 3207 - Forensic Scientist										
32	0.50	27,470	0	0	27,470	0.50	27,563	0	0	27,563
DP 3208 - HB 359 - Expand Collection of DNA Evidence										
32	0.00	24,150	0	0	24,150	0.00	24,150	0	0	24,150
<b>Total</b>	<b>0.50</b>	<b>\$51,620</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$151,620</b>	<b>0.50</b>	<b>\$51,713</b>	<b>\$0</b>	<b>\$100,000</b>	<b>\$151,713</b>

**New Proposals**

DP 3204 - FSD Legislative Contract Authority - The legislature approved legislative contract authority of \$200,000 over the biennium in the event that federal grants are received.

DP 3207 - Forensic Scientist - The legislature approved funding for a 0.5 FTE forensic scientist. This position will provide peer review in the trace evidence section of the lab and provide support on the backlog of methamphetamine cases.

DP 3208 - HB 359 - Expand Collection of DNA Evidence - The legislature appropriated general fund for the collection and analysis of DNA evidence on all adult felony offenses. Previously, collections were limited to sexual or violent offenses.

**Language**

Item [Forensic Science Division] includes \$12,000 in general fund for fiscal 2002 for lab accreditation. The use of the funds for accreditation is contingent on passage of a federal requirement that a lab needs to be accredited to receive federal funds.

Item [HB 359 - Expand Collection of DNA Evidence] is contingent upon passage and approval of HB 359.