

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	719.35	6.25	4.62	730.22	7.25	0.50	727.10	727.10
Personal Services	32,162,994	3,587,539	1,460,096	37,210,629	3,689,743	2,638,938	38,491,675	75,702,304
Operating Expenses	14,894,825	3,486,124	1,658,984	20,039,933	(562,971)	1,238,965	15,570,819	35,610,752
Equipment	1,738,154	224,703	(32,869)	1,929,988	265,559	(50,487)	1,953,226	3,883,214
Capital Outlay	0	0	0	0	0	0	0	0
Benefits & Claims	893,436	0	0	893,436	0	0	893,436	1,786,872
Transfers	0	0	0	0	0	0	0	0
Debt Service	249,592	1,342,847	22,050	1,614,489	(67,153)	22,050	204,489	1,818,978
Total Costs	\$49,939,001	\$8,641,213	\$3,108,261	\$61,688,475	\$3,325,178	\$3,849,466	\$57,113,645	\$118,802,120
General Fund	18,499,006	2,068,880	1,701,647	22,269,533	1,601,934	2,379,657	22,480,597	44,750,130
State/Other Special	27,843,614	5,868,843	1,454,417	35,166,874	1,449,923	1,918,205	31,211,742	66,378,616
Federal Special	2,786,344	182,708	(380,686)	2,588,366	190,809	(1,026,478)	1,950,675	4,539,041
Proprietary	810,037	520,782	332,883	1,663,702	82,512	578,082	1,470,631	3,134,333
Total Funds	\$49,939,001	\$8,641,213	\$3,108,261	\$61,688,475	\$3,325,178	\$3,849,466	\$57,113,645	\$118,802,120

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
7. Maintaining and disseminating criminal justice information to authorized state, local, and other entities
8. Providing uniform regulation of all gambling activities in the state of Montana

Agency Highlights

Department of Justice Major Budget Highlights
<ul style="list-style-type: none"> ◆ The legislature: <ul style="list-style-type: none"> • Approved funding of \$0.2 million to support the January 2006 license plate reissue • Approved funding to support the provisions of the Federal Patriot Act by adding 2.00 FTE and \$0.2 million • Added funding for additional prisoner per diem of \$1.3 million to pay for jail time for arrests for driving with a suspended drivers' license due to a DUI conviction or refusal to test for alcohol • Approved \$0.1 million and 1.00 FTE for a narcotics agent in Miles City • Provided support for the Montana Drug Task Force of \$1.5 million that was previously funded with federal funds from the Byrne grant and decreased federal funding by \$1.1 million

- Fully funded the state's share of 50 percent of the county attorney payroll with an increase of \$0.4 million
- Added 5.00 FTE and \$0.9 million to support workload increases in the Forensic Lab
- Provided funding for HB 447 pay plan increase of \$3.1 million
- Added 1.00 FTE and \$0.1 million to support claims in water court adjudication
- Transferred the Office of Consumer Protection from the Department of Administration which included 8.75 FTE and \$1.0 million in funding
- Provided the Information Technology Services Division with 3.50 FTE and \$0.4 million to support information technology efforts
- Funded a criminal history data coordination effort for \$0.3 million
- Funded the installation of the Automated Accounting and Reporting System with \$1.1 million
- Provided funding for interest on borrowed funds for the reengineering and automation project of \$1.3 million
- Restored vacancy savings in the Highway Patrol for \$1.0 million
- Provided an increase of \$0.8 million for Homeland Security efforts
- Approved a transfer of \$1.4 million to the Department of Transportation related to the Montana Carrier Safety Assistance Program from the Highway Patrol
- Approved an appropriation of \$0.4 million in federal funds to take DNA samples from felons

Summary of Legislative Action

The legislature increased FTE by 7.75 in the 2007 biennium over the base budget. Total funding increased by \$18.8 million when comparing the 2007 biennium budget with the base budget. General fund increased by \$7.8 million, state special revenues increased by \$10.7 million, and federal funds decreased by \$1.0 million. The reasons for these changes are as follows:

The increase in general fund of \$7.8 million over the base budget is due to:

- 1) Motor Vehicle Division:
 - a. \$0.2 million for the delivery of an increased number of license plates due to the reissues as per 61-3-332(4)(b), MCA
 - b. Base adjustments \$0.3 million
 - c. Elimination of \$0.3 million in one-time costs
 - d. An increase of 2.00 FTE and \$0.2 million to support the federal Patriot Act
 - e. An increase of 1.00 FTE and \$0.1 million to provide an audit function related to new legislation that revised motor vehicle laws as per the provision of SB 285
- 2) Highway Patrol Division received prisoner per diem of \$1.3 million to pay for jail time for arrests for driving with a suspended drivers license due to a DUI conviction or the refusal to take a test to detect the presence of alcohol as per the provisions of HB 99
- 3) Division of Criminal Investigations:
 - a. \$0.1 million and 1.00 FTE for a narcotics agent in Miles City
 - b. Funding for replacement vehicles of \$0.2 million
 - c. Support for the Montana Drug Task Force of \$1.5 million and 1.00 FTE that was previously funded with federal funds from the Byrne grant
- 4) County attorney payroll received an increase of \$0.4 million
- 5) Forensic Science Division received \$0.9 million and 5.00 FTE to support workload increases in the lab
- 6) Information Technology Services Division has a transfer approved of 3.52 FTE and \$0.4 million from general fund to state special revenue to adhere to the statewide FTE reduction

- 7) HB 447 pay plan increase of \$1.3 million
- 8) Statewide present law adjustments

Increases in state special funds of \$10.7 million over the base budget are due to:

- 1) Legal Services Division received an increase of 1.00 FTE and \$0.1 million to support claims in Water Court adjudication as per the provisions of HB 782 and HB 22
- 2) Office of Consumer Protection was transferred from the Department of Administration which included 8.75 FTE and \$1.0 million in funding as per the provisions of HB 425
- 3) Information Technology Services Division:
 - a. An increase of 3.50 FTE and \$0.4 million to support work load increases and other information technology efforts
 - b. Continued funding for 1.00 FTE and \$0.1 million for a security and disaster recovery officer
 - c. Criminal history data coordination effort for \$0.3 million
 - d. A transfer of 3.52 FTE and \$0.4 million from general fund to state special revenue to adhere to the statewide FTE reduction
- 4) Gambling Control Division:
 - a. Funding for the installation of the Automated Accounting and Reporting System of \$1.1 million
 - b. Base adjustments in the Gambling Control Division of \$0.1 million
- 5) Motor Vehicle Division:
 - a. Interest on borrowed funds for the reengineering and automation project of \$1.3 million
 - b. Base adjustments in the Motor Vehicle Division of \$0.2 million
- 6) Highway Patrol Division:
 - a. Base adjustments of \$2.0 million
 - b. Restoration of vacancy savings of \$1.0 million as per the provisions of HB 35
- 7) Division of Criminal Investigation:
 - a. Loss of county contributions related to the support of the Federally funded drug task force of \$0.2 million
 - b. Law Enforcement Academy base adjustments of \$0.4 million
- 8) HB 447 pay plan increase of \$1.8 million
- 9) Statewide present law adjustments

A decrease of \$1.0 million in federal funds from the base budget is mostly due to:

- 1) Division of Criminal Investigation:
 - a. A decrease due to the loss of the Byrne grant that funded the Montana drug task force of \$1.2 million
 - b. An increase of \$0.8 million for Homeland Security efforts
- 2) Forensic Lab received an increase for DNA samples from felons of \$0.4 million as per the provisions of HB 113
- 3) Highway Patrol Division transferred 1.4 and the Montana Carrier Safety Assistance Program to the Department of Transportation
- 4) Various divisions had decreases that totaled 6.75 FTE and \$0.6 million related to expired federal grants
- 5) Statewide present law adjustments

Agency Discussion

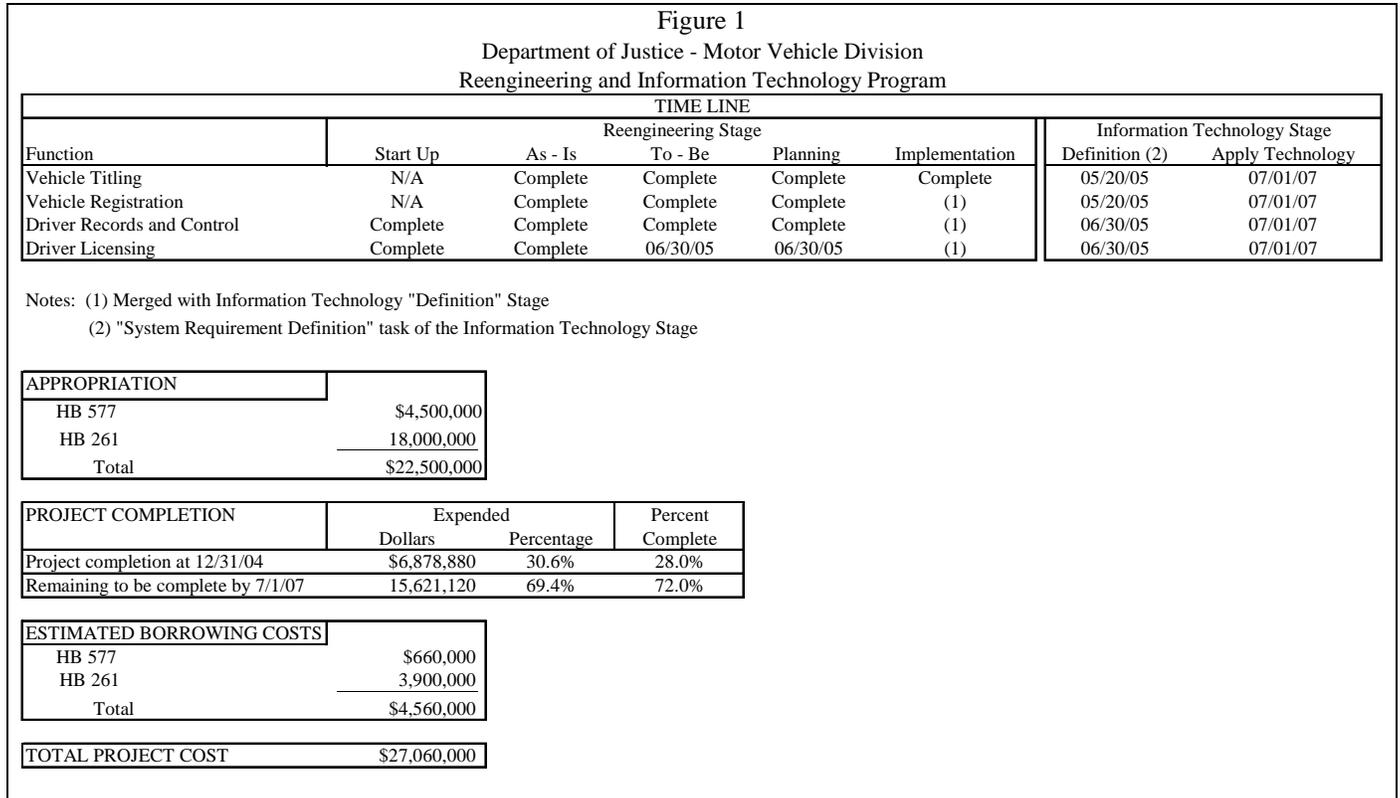
Motor Vehicle Reengineering and Information Technology Project

The Project

The Motor Vehicle Division (MVD), with the assistance of the Information Technology Services Division (ITSD), is undergoing a process to upgrade the MVD's business processes and supporting technology. This project is referred to as the TEAM 261 project. This project is working on the following four functions: vehicle titling, vehicle registration, driver records and control, and driver licensing. Currently, MVD has many manual work processes. The project intends to either change the way that this work is accomplished in order make it more efficient and less costly or automate the process. The project also intends to institute best practices to many of the current processes.

The Process

As the figure illustrates, there are two stages of the project, the reengineering stage and the information technology stage. During the reengineering stage, each of the four functions will proceed through five tasks. The first task is referred to as the start-up task. This is where the project team meets to map out what needs to be accomplished to begin the process. The second task is called the "As Is" task. During this task the project team maps out how work is currently being accomplished in the function. The third task is the "To Be" task, which designs how the work will be done in the future. The planning task takes the work accomplished in the To Be task and designs the new workflow processes and maps out how technology will be applied to these processes. The new workflow process is put to work in the implementation task. Finally, new information technology is first planned for and then applied to the functions to complete the project.



Expected Completion Dates

The figure indicates that the vehicle titling tasks are complete and the vehicle registrations and drivers records and control tasks are to be completed by June 30, 2005. The driver licensing function is not scheduled to be completed until June 30, 2006. All information technology applications are expected to be completed by July 1, 2007. The figure also indicates that the project has expended approximately 31 percent of its funding and is 28 percent complete.

Funding

The project is funded with special revenue funds that include a \$4.00 increase in lien filing fees on vehicles and a \$5.00 increase in titling fees. The cost of the project is expected to be \$27.1 million. This amount includes \$4.5 million from HB 577 as passed by the 2001 Legislature, and \$18 million from HB 261 as passed by the 2003 Legislature. The interest on the loans is expected to be \$4.6 million. Funding for interest must be approved by the legislature for the biennium in which the payments are made.

Legislative Issue

The 59th Legislature attempted to gain a clear understanding of the project's expected completion date and total cost. However, the project's management could not provide this information during subcommittee hearings. Further, project

management cannot provide a clear expectation that the project will be able to accomplish all that it is intended to accomplish at the current level of funding provided to the project. Project management's intent is to do as much as possible with the funding that was provided by the legislature and to seek out other sources of funds, such as federal grants. However, project management does not know at this time what tasks will not be accomplished or if the project will be able to afford the appropriate technology to support MVD's processes.

Funding

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

Total Agency Funding 2007 Biennium Legislative Budget						
Agency Program	General Fund	State Spec.	Fed Spec.	Proprietary	Grand Total	Total %
01 Legal Services Division	\$ 7,799,336	\$ 755,414	\$ 898,683	\$ -	\$ 9,453,433	8.0%
02 Office Of Consumer Protection	2,185	1,035,799	-	-	1,037,984	0.9%
07 Gambling Control Division	-	5,500,388	-	2,156,039	7,656,427	6.4%
12 Motor Vehicle Division	11,675,548	9,159,081	-	837,500	21,672,129	18.2%
13 Highway Patrol Division	1,338,185	41,973,521	294,671	-	43,606,377	36.7%
18 Div. Of Criminal Investigation	7,595,197	3,106,102	2,576,137	-	13,277,436	11.2%
19 County Attorney Payroll	3,873,832	-	-	-	3,873,832	3.3%
28 Central Services Division	720,944	1,124,164	-	114,152	1,959,260	1.6%
29 Information Technology Service	6,056,400	3,117,739	167,868	26,642	9,368,649	7.9%
32 Forensic Science Division	5,688,503	606,408	601,682	-	6,896,593	5.8%
Grand Total	\$ 44,750,130	\$ 66,378,616	\$ 4,539,041	\$ 3,134,333	\$ 118,802,120	100.0%

Other Legislation

House Bill 35 – This bill provided salary increases for both existing and new highway patrol officers, provided a funding mechanism to pay for these increases, and exempted the highway patrol from vacancy savings for certain authorized positions. The funding mechanism is a \$5.00 increase on vehicle registration.

House Bill 87 – This bill transfers the fleet vehicle registration from the Department of Transportation to the Department of Justice.

House Bill 99 – This bill provides the Highway Patrol Division with general fund of \$573,623 in FY 2006 and \$764,562 in FY 2007 for prisoner per diem when a patrol makes an arrest for driving with a suspended license that resulted from: 1) the person's conviction of a DUI; or 2) the person's refusal to take a breath or blood test upon request of an officer when there is suspicion that alcohol is present.

House Bill 102 – This bill deposits certain fees assessed on vehicles and driver's licenses to the general fund and statutorily appropriates amounts from the general fund to pay certain supplemental benefits under the Montana Highway Patrol Officer's Retirement Pension Trust. This bill also transfers the balance remaining in the state special revenue account to the Highway Patrol Officer's Retirement Pension Trust Fund to the general fund by July 1, 2005.

House Bill 113 – This bill requires that all felons submit to a DNA sample and authorizes the use of previously collected samples. HB 2 provided an appropriation of federal funds to the forensic lab to fund this process.

House Bill 192 – This bill revises laws governing commercial driver's licenses to comply with regulations issued by the federal motor vehicle carrier safety administration of the Department of Transportation and the Transportation Security Administration of the Department of Homeland Security. HB 2 provided an appropriation to pay for programming costs.

House Bill 425 – This bill transferred the Office of Consumer Affairs from the Department of Administration to the Department of Justice. This transfer included 8.75 FTE and \$992,000 in state special revenue and a minor amount of general fund.

House Bill 541 – This bill allows for the permanent registration of certain motor homes. The Department of Justice was provided funding to make changes in programming of routines necessary to enforce the provisions of this bill.

House Bill 671 – This bill revises the motor vehicle laws in general and automates and simplifies certain processes in the motor vehicle division. The legislature provided proprietary funding to the Department of Justice for operation, maintenance, and enhancement of the Motor Vehicle Division's electronic commerce, including payments to third party vendors.

House Bill 782 – This bill provides that the attorney general intervene in the proceeding before the water court on issue remarks that have not been resolved. The legislature approved 1.00 FTE and state special revenue of \$49,000 in FY 2006 and \$49,000 in FY 2007 for the Legal Services Division to provide intervener services in water court claims primarily where examination indicates abandonment or non-perfection of water rights. The state special revenue is from interest earned on the resource indemnity trust fund that is not appropriated to another function.

Senate Bill 282 – This bill revised the law prohibiting racial profiling by requiring written policies and complaint procedures and training for law enforcement officers. The Law Enforcement Academy within the Department of Justice was provided funding to develop and conduct training classes on racial profiling.

Senate Bill 285 – This bill revises motor vehicle laws. The Department of Justice was provided general fund to support 1.00 FTE and operating costs to provide audit services in the Motor Vehicle Division as required by the legislation.

Senate Bill 423 – This bill revise laws governing the issuing of certain driver's licenses after revocation, and alcohol interlock ignition devices laws. The Department of Justice was provided funding to make changes in programming of routines necessary to enforce the provisions of this bill.

Executive Budget Comparison

The following table compares the legislative budget for the 2007 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2004	Executive Budget Fiscal 2006	Legislative Budget Fiscal 2006	Leg - Exec. Difference Fiscal 2006	Executive Budget Fiscal 2007	Legislative Budget Fiscal 2007	Leg - Exec. Difference Fiscal 2007	Biennium Difference Fiscal 06-07
FTE	719.35	711.97	730.22	18.25	709.83	727.10	17.27	
Personal Services	32,162,994	35,219,096	37,210,629	1,991,533	35,205,378	38,491,675	3,286,297	5,277,830
Operating Expenses	14,894,825	18,454,869	20,039,933	1,585,064	14,305,307	15,570,819	1,265,512	2,850,576
Equipment	1,738,154	1,929,988	1,929,988	0	1,953,226	1,953,226	0	0
Capital Outlay	0	0	0	0	0	0	0	0
Benefits & Claims	893,436	893,436	893,436	0	893,436	893,436	0	0
Transfers	0	0	0	0	0	0	0	0
Debt Service	249,592	2,554,489	1,614,489	(940,000)	204,489	204,489	0	(940,000)
Total Costs	\$49,939,001	\$59,051,878	\$61,688,475	\$2,636,597	\$52,561,836	\$57,113,645	\$4,551,809	\$7,188,406
General Fund	18,499,006	21,276,103	22,269,533	993,430	19,702,668	22,480,597	2,777,929	3,771,359
State/Other Special	27,843,614	33,902,247	35,166,874	1,264,627	29,366,120	31,211,742	1,845,622	3,110,249
Federal Special	2,786,344	2,863,202	2,588,366	(274,836)	2,595,992	1,950,675	(645,317)	(920,153)
Proprietary	810,037	1,010,326	1,663,702	653,376	897,056	1,470,631	573,575	1,226,951
Total Funds	\$49,939,001	\$59,051,878	\$61,688,475	\$2,636,597	\$52,561,836	\$57,113,645	\$4,551,809	\$7,188,406

The legislative budget has 18.25 FTE in FY 2006 and 17.27 FTE in FY 2007 more than the executive budget. The legislative budget is \$2.6 million greater than the executive budget in FY 2006 and \$4.6 million greater than the executive budget in FY 2007. The major changes enacted by the legislature compared to the executive budget include:

- o General fund of \$101,180 in FY 2006 and \$95,138 in FY 2007 and 2.00 FTE in the motor vehicle division to support the provisions of the Patriot Act

- State special revenue from excess funds in the resource indemnity trust were provided to fund 1.00 FTE and \$49,000 in each fiscal year to provide legal services for water rights adjudication claims
- The legislature approved the transfer of the Office of Consumer Protection from the Department of Administration that included 8.50 FTE and \$0.5 million in each fiscal year
- The legislature did not approve general fund of \$1.1 million to fund an accounting and reporting system for the Gambling Control Division but did approve funding of \$0.7 in state special revenue from gambling machine license fees and \$0.4 million in proprietary funds from liquor license fees for this effort
- A reduction was approved in state special revenue for interest expense associated with HB 577 borrowings by \$0.1 million and for HB 261 borrowings by \$0.8 million for the biennium
- The legislature approved the request by Montana Association of Counties and certain county attorneys to increase the funding that the state contributes to the county attorney payroll by \$103,365 in FY 2006 and \$151,095 in FY 2007
- The legislature approved a fund switch to support the Montana drug task force. This action approved 1.00 FTE and general fund of \$754,995 in FY 2006 and 1.00 FTE and \$754,813 in FY2007, while decreasing state special revenue by \$85,229 in FY 2006 and \$85,194 in FY 2007, and decreasing federal funds by \$612,796 for FY 2006 and \$612,848 for FY 2007
- The legislature did not approve 1.00 FTE and \$75,894 in state special revenues and \$177,086 in federal funds for each fiscal year to support the Montana drug task force but did approve general fund for this effort as noted in the item above
- General fund of \$0.6 million in FY 2006 and \$0.8 million in FY 2007 was approved to provide prisoner per diem for arrests made when offenders are driving with a suspended licenses because of a DUI conviction or failure to test for alcohol at the time of an arrest
- The legislature approved \$250,000 in state special revenue in FY 2006 to implement the Criminal History and Identification system
- The legislature approved a biennial appropriation of \$409,480 in FY 2006 in federal funds to support the requirement that felons submit DNA samples
- The legislature approved proprietary funds of \$262,500 in FY 2006 and \$525,000 in FY 2007 to support and enhance web access portal to the motor vehicle system in accordance with the provisions of House Bill No. 671
- The legislature approved HB 447 for an increase in the pay plan of \$1.4 million in general fund, \$1.8 million in state special revenues, and \$0.1 million in federal funds

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	50.00	0.00	1.00	51.00	0.00	1.00	51.00	51.00
Personal Services	2,722,749	191,097	131,982	3,045,828	189,006	263,825	3,175,580	6,221,408
Operating Expenses	881,923	37,855	1,687	921,465	(360,043)	1,808	523,688	1,445,153
Benefits & Claims	893,436	0	0	893,436	0	0	893,436	1,786,872
Debt Service	0	0	0	0	0	0	0	0
Total Costs	\$4,498,108	\$228,952	\$133,669	\$4,860,729	(\$171,037)	\$265,633	\$4,592,704	\$9,453,433
General Fund	3,695,876	275,197	72,622	4,043,695	(125,597)	185,362	3,755,641	7,799,336
State/Other Special	339,667	(26,133)	57,185	370,719	(25,243)	70,271	384,695	755,414
Federal Special	462,565	(20,112)	3,862	446,315	(20,197)	10,000	452,368	898,683
Total Funds	\$4,498,108	\$228,952	\$133,669	\$4,860,729	(\$171,037)	\$265,633	\$4,592,704	\$9,453,433

Program Description

The Legal Services Division provides:

- 1) The Attorney General with legal research and analysis
- 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
- 5) Assistance to victims of crime, including compensation payments

County Prosecutor Services 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. County Prosecutor Services 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.

The Appellate Legal Services Bureau is responsible for representing the state in all criminal appeals and responds to all habeas corpus and post conviction proceedings where federal and state courts order the state to defend the legality of convictions.

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

Office of Victim Services and Restorative Justice is a consolidated effort to elevate the status and respond to the needs of victims of crime in Montana. The office also provides the cross training and coordination with local law enforcement to more fully address the broad needs of victims.

Program Highlights

Department of Justice Legal Services Division Major Budget Highlights	
<ul style="list-style-type: none"> ◆ Total funding increases by \$0.5 million over the base budget mostly due to: <ul style="list-style-type: none"> • Increase of 1.00 FTE and \$0.1 million to support claims in Water Court adjudication • \$0.3 million for the HB 447 pay plan adjustment • Statewide present law adjustments 	

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 3,695,876	82.2%	\$ 4,043,695	83.2%	\$ 3,755,641	81.8%
	01100 General Fund	3,695,876	82.2%	4,043,695	83.2%	3,755,641	81.8%
02000	Total State Special Funds	339,667	7.6%	370,719	7.6%	384,695	8.4%
	02003 Misc Grants And Nrd	120,615	2.7%	172,123	3.5%	176,945	3.9%
	02013 Continuing Legal Education	6,216	0.1%	6,215	0.1%	6,215	0.1%
	02074 Gambling License Fee Account	174,358	3.9%	151,600	3.1%	159,460	3.5%
	02337 Antitrust Activity	2,088	0.0%	2,088	0.0%	2,088	0.0%
	02422 Highways Special Revenue	36,390	0.8%	38,693	0.8%	39,987	0.9%
03000	Total Federal Special Funds	462,565	10.3%	446,315	9.2%	452,368	9.8%
	03169 Federal Crime Victims Benefits	309,000	6.9%	309,000	6.4%	309,000	6.7%
	03187 Bcc Grants To Dept. Of Justice	52,175	1.2%	52,087	1.1%	54,209	1.2%
	03801 Dept Of Justice-Misc Grants	101,390	2.3%	85,228	1.8%	89,159	1.9%
Grand Total		<u>\$ 4,498,108</u>	<u>100.0%</u>	<u>\$ 4,860,729</u>	<u>100.0%</u>	<u>\$ 4,592,704</u>	<u>100.0%</u>

This program is primarily funded with general fund.

State special funds are provided by the following entities:

- Montana State Fund pays for one attorney
- The Department of Fish Wildlife and Parks pays for one-half of an attorney
- The Gambling Control Division pays for two attorneys with gambling funds
- The gas tax pays for the services of one-half of an attorney's time to work on Highway Patrol and Motor Vehicle Division issues
- Antitrust fund revenues pay for antitrust expenditures
- Excess funds in the resource indemnity trust fund pay for one attorney for water claims adjudication

Federal funds support one attorney that works on statewide drug cases and 25 percent of the funding for the Child Protection Unit.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					330,925					328,765
Vacancy Savings					(117,938)					(117,869)
Inflation/Deflation					(4,933)					(4,773)
Fixed Costs					31,081					33,023
Total Statewide Present Law Adjustments					\$239,135					\$239,146
DP 111 - Major litigation biennial appropriation	0.00	11,707	0	0	11,707	0.00	(388,293)	0	0	(388,293)
DP 112 - Exempt staff pay raise reduction	0.00	(21,890)	0	0	(21,890)	0.00	(21,890)	0	0	(21,890)
Total Other Present Law Adjustments	0.00	(\$10,183)	\$0	\$0	(\$10,183)	0.00	(\$410,183)	\$0	\$0	(\$410,183)
Grand Total All Present Law Adjustments					\$228,952					(\$171,037)

DP 111 - Major litigation biennial appropriation - The legislature approved a biennial appropriation of \$400,000 for major litigation services for the 2007 biennium.

DP 112 - Exempt staff pay raise reduction - The legislature reduced funding for exempt staff pay raises awarded in the 2005 biennium to the FY 2004 base level.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 335 - Water Court Claims (Biennial/OTO)											
01	1.00	0	49,000	0	49,000	1.00	0	49,000	0	49,000	
DP 6010 - 2007 Biennium Pay Plan - HB 477											
01	0.00	72,622	8,185	3,862	84,669	0.00	185,362	21,271	10,000	216,633	
Total	1.00	\$72,622	\$57,185	\$3,862	\$133,669*	1.00	\$185,362	\$70,271	\$10,000	\$265,633*	

DP 335 - Water Court Claims (Biennial/OTO) - The legislature approved 1.00 FTE and state special revenue of \$49,000 in FY 2006 and \$49,000 in FY 2007 for the Legal Services Division to provide intervener services in water court claims primarily where examination indicates abandonment or non-perfection of water rights. The state special revenue is provided by funds in excess of the constitutionally mandated \$100 million in the resource indemnity trust fund.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	8.75	0.00	0.00	8.75	0.00	0.00	8.75	8.75
Personal Services	291,909	104,607	12,117	408,633	105,326	31,721	428,956	837,589
Operating Expenses	113,020	(12,633)	0	100,387	(13,012)	0	100,008	200,395
Transfers	0	0	0	0	0	0	0	0
Total Costs	\$404,929	\$91,974	\$12,117	\$509,020	\$92,314	\$31,721	\$528,964	\$1,037,984
General Fund	1,400	(615)	0	785	0	0	1,400	2,185
State/Other Special	403,529	92,589	12,117	508,235	92,314	31,721	527,564	1,035,799
Total Funds	\$404,929	\$91,974	\$12,117	\$509,020	\$92,314	\$31,721	\$528,964	\$1,037,984

Program Description

The Office of Consumer Affairs advocates on the behalf of Montana consumers in matters of unfair or deceptive acts in the conduct of any business. The office investigates consumer complaints and provides an informal mediation process for consumer complaints against businesses. The office enforces Montana consumer protection laws and regulations relating to telemarketing, personal solicitation of sales, the New Motor Vehicle Warranty, Consumer Protection, and Unfair Trade Practices Acts.

Program Highlights

<p>Department of Justice Office of Consumer Protection Major Budget Highlights</p>
<p>◆ This office was transferred from the Department of Administration</p>

Funding

The Office of Consumer Affairs is funded from the general fund and state special revenue funds.

Program Funding Table							
Office Of Consumer Protection							
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 1,400	0.3%	\$ 785	0.2%	\$ 1,400	0.3%
	01100 General Fund	1,400	0.3%	785	0.2%	1,400	0.3%
02000	Total State Special Funds	403,529	99.7%	508,235	99.8%	527,564	99.7%
	02140 Consumer Education Settlement	403,529	99.7%	508,235	99.8%	527,564	99.7%
Grand Total		<u>\$ 404,929</u>	<u>100.0%</u>	<u>\$ 509,020</u>	<u>100.0%</u>	<u>\$ 528,964</u>	<u>100.0%</u>

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					121,133					121,882
Vacancy Savings					(16,526)					(16,556)
Inflation/Deflation					(504)					(503)
Fixed Costs					(42,508)					(42,879)
Total Statewide Present Law Adjustments					\$61,595					\$61,944
DP 301 - Indirect/Administrative Costs	0.00	0	30,379	0	30,379	0.00	0	30,370	0	30,370
Total Other Present Law Adjustments	0.00	\$0	\$30,379	\$0	\$30,379	0.00	\$0	\$30,370	\$0	\$30,370
Grand Total All Present Law Adjustments					\$91,974					\$92,314

DP 301 - Indirect/Administrative Costs - The legislature approved state special revenue to fund increases in indirect cost payments for services received from other proprietary funded centralized service functions of the agency.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6010 - 2007 Biennium Pay Plan - HB 477	02	0.00	0	12,117	0	12,117	0.00	0	31,721	0	31,721
Total		0.00	\$0	\$12,117	\$0	\$12,117*	0.00	\$0	\$31,721	\$0	\$31,721*

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Description

Agency Legal Services Bureau (ALSB) provides legal, hearing examiner, and investigative services to state agency clients on a contract basis. ALSB attorneys and investigators bill clients for their services and case-related and incidental costs. ALSB has 20 FTE funded from the revenues generated. The Attorney General is the legal officer for the state per Article VI, Section 4(4), of the Montana Constitution. Montana Code Annotated § 2-4-611(2) provides that state agencies may request from the Attorney General's Office a hearing examiner in a contested case.

Proprietary Program Description

The Attorney General is the legal officer for the state per Article VI, Section 4(4), Montana Constitution. Montana Code Annotated 2-4-611(2) provides that state agencies may request from the Attorney General's Office a hearing examiner in a contested case.

State agencies have the option to use in-house or private counsel and investigators to do the work provided by ALSB. Private law firms, however, typically charge considerably more per hour than ALSB, and ALSB attorneys and investigators have specific knowledge and experience that agencies find beneficial. According to Executive Order 5-93, agencies must receive approval from the Legal Services Review Committee (made up of a representative of the Attorney General, the Budget Director, and the Governor's Chief Legal Counsel) prior to contracting for outside legal services.

ALSB serves State of Montana agencies, boards, and commissions that have entered contracts with ALSB.

Proprietary Revenues and Expenses*Working Capital Discussion*

The objective of program management is to recover costs only to fund necessary, ongoing operations.

Fund Equity and Reserved Fund Balance

While there is no requirement that an excess fund balance be maintained, the program management seeks to build a limited capital reserve fund. Rates are influenced by the working capital necessary to maintain current operations.

Cash Flow Discussion

Cash flow into the program fluctuates depending on the volume of work in any given month, which can vary considerably.

Proprietary Rate Explanation

The legislature approved a rate increase for attorney services from \$71.80 per hour in FY 2006 to \$74.00 per hour in FY 2007. The FY 2006 rate was unchanged from the 2005 biennium rate. The legislature also approved a rate increase for investigator services (sometimes referred to as paralegal services) from \$39.80 per hour in FY 2005 to \$44.00 per hour in FY 2006 and to \$46.00 per hour in FY 2007.

These rates are based upon the amount of caseload expected to be accomplished by the agency and the actual costs to provide services.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	43.50	0.00	1.00	44.50	0.00	1.00	44.50	44.50
Personal Services	2,075,704	73,489	122,194	2,271,387	74,086	227,225	2,377,015	4,648,402
Operating Expenses	548,712	1,570,497	45,000	2,164,209	71,374	45,000	665,086	2,829,295
Equipment	85,062	0	0	85,062	0	0	85,062	170,124
Debt Service	4,303	0	0	4,303	0	0	4,303	8,606
Total Costs	\$2,713,781	\$1,643,986	\$167,194	\$4,524,961	\$145,460	\$272,225	\$3,131,466	\$7,656,427
General Fund	464	(464)	0	0	(464)	0	0	0
State/Other Special	1,929,137	1,167,560	148,183	3,244,880	103,606	222,765	2,255,508	5,500,388
Proprietary	784,180	476,890	19,011	1,280,081	42,318	49,460	875,958	2,156,039
Total Funds	\$2,713,781	\$1,643,986	\$167,194	\$4,524,961	\$145,460	\$272,225	\$3,131,466	\$7,656,427

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 and distributing licensing fees for gambling machines and activities, the division collects the gambling tax assessed on the net proceeds of gambling activities. It conducts investigations related to alcoholic beverage licensing and tobacco enforcement. An appointed Gaming Advisory Council of nine members advises the Attorney General to ensure uniform statewide regulation of gambling activities. State law mandates the gambling control program.

Program Highlights

Department of Justice Gambling Control Division Major Budget Highlights
<ul style="list-style-type: none"> ◆ State special revenue increases by \$1.6 million over the base budget mostly due to: <ul style="list-style-type: none"> ● Funding for the installation of the Automated Accounting and Reporting System of \$1.1 million ● Base adjustments of \$0.1 million ● Statewide present law adjustments ◆ Proprietary funds increase by \$0.6 million over the base budget mostly due to: <ul style="list-style-type: none"> ● Funding for the installation of the Automated Accounting and Reporting System of \$0.4 million ● Base adjustments \$0.1 million

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding		Base	% of Base	Budget	% of Budget	Budget	% of Budget
		FY 2004	FY 2004	FY 2006	FY 2006	FY 2007	FY 2007
01000	Total General Fund	\$ 464	0.0%	\$ -	-	\$ -	-
	01100 General Fund	464	0.0%	-	-	-	-
02000	Total State Special Funds	1,929,137	71.1%	3,244,880	71.7%	2,255,508	72.0%
	02074 Gambling License Fee Account	1,929,137	71.1%	3,244,880	71.7%	2,255,508	72.0%
06000	Total Proprietary Funds	784,180	28.9%	1,280,081	28.3%	875,958	28.0%
	06005 Liquor Division	784,180	28.9%	1,280,081	28.3%	875,958	28.0%
Grand Total		\$ 2,713,781	100.0%	\$ 4,524,961	100.0%	\$ 3,131,466	100.0%

Primary funding for the Gambling Division comes from the revenues generated through licenses and permits for gambling operations, machines, and other gambling activities, as well as license fees for video gambling machine manufactures/distributors. As authorized in 23-5-612, MCA, revenues include 50 percent of the gambling machine permit fee (the other 50 percent goes to the 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 to operate the division and other agency programs.

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.

Present Law Adjustments	Fiscal 2006					Fiscal 2007				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					167,969					168,590
Vacancy Savings					(89,749)					(89,773)
Inflation/Deflation					(5,451)					(5,450)
Fixed Costs					9,592					10,468
Total Statewide Present Law Adjustments					\$82,361					\$83,835
DP 3 - Enhancement of GCD Database and Business Processes	0.00	0	1,065,000	0	1,500,000*	0.00	0	0	0	0
DP 4 - GCD Base Adjustments	0.00	0	51,728	0	72,856*	0.00	0	51,728	0	72,856*
DP 71 - Exempt pay raise reduction	0.00	0	(7,974)	0	(11,231)*	0.00	0	(7,974)	0	(11,231)*
Total Other Present Law Adjustments	0.00	\$0	\$1,108,754	\$0	\$1,561,625*	0.00	\$0	\$43,754	\$0	\$61,625*
Grand Total All Present Law Adjustments					\$1,643,986*					\$145,460*

DP 3 - Enhancement of GCD Database and Business Processes - The legislature approved \$1.5 million in funding to reengineer certain business processes and implement new technology to improve service to taxpayers and licensees through an Automated Accounting and Reporting System (AARS). These improvements are intended to develop web entry and electronic payments of taxes and permit fees. This appropriation of \$1.5 million is biennial, restricted, and one-time-only and placed in FY 2006. The total is \$1,065,000 state special revenue and \$435,000 proprietary funds.

DP 4 - GCD Base Adjustments - The legislature approved an increase over base operating expenses to pay overtime to the technical services unit, annualize operating expenses for positions held vacant for all or part of the base year, provide authorization for out of country travel for the purpose of investigating license applications from foreign gambling machine manufactures, provide training to help in the conduct of investigations into illegal gambling, and provide for increases in rent expense to cover increases provided for in existing contracts.

DP 71 - Exempt pay raise reduction - The legislature reduced funding for exempt staff pay raises awarded in the 2005 biennium to the FY 2004 base level.

New Proposals

Program	FTE	Fiscal 2006				Fiscal 2007				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Change Appropriation for Lab Machine Testing 07	1.00	0	56,512	0	56,512	1.00	0	56,446	0	56,446
DP 6 - Request Authority To Pay ID Bureau 07	0.00	0	45,000	0	45,000	0.00	0	45,000	0	45,000
DP 6010 - 2007 Biennium Pay Plan - HB 477 07	0.00	0	46,671	0	65,682*	0.00	0	121,319	0	170,779*
Total	1.00	\$0	\$148,183	\$0	\$167,194*	1.00	\$0	\$222,765	\$0	\$272,225*

DP 5 - Change Appropriation for Lab Machine Testing - The legislature eliminated the statutory appropriation for the lab machine testing fees and transferred the position and related expense to the division's HB 2 appropriation. This is an appropriation of \$56,512 in FY 2006 and \$56,446 in FY 2007.

DP 6 - Request Authority To Pay ID Bureau - The legislature approved authority to pay the Identification Bureau to process fingerprint cards for license applicant background checks.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	151.00	2.00	2.00	155.00	2.00	2.00	155.00	155.00
Personal Services	4,510,760	662,927	253,487	5,427,174	660,604	552,094	5,723,458	11,150,632
Operating Expenses	3,898,236	73,737	392,150	4,364,123	(77,128)	570,480	4,391,588	8,755,711
Equipment	36,616	(3,801)	0	32,815	(28,801)	0	7,815	40,630
Capital Outlay	0	0	0	0	0	0	0	0
Transfers	0	0	0	0	0	0	0	0
Debt Service	224,731	1,342,847	0	1,567,578	(67,153)	0	157,578	1,725,156
Total Costs	\$8,670,343	\$2,075,710	\$645,637	\$11,391,690	\$487,522	\$1,122,574	\$10,280,439	\$21,672,129
General Fund	4,925,852	687,947	240,529	5,854,328	504,047	391,321	5,821,220	11,675,548
State/Other Special	3,744,491	1,387,763	92,608	5,224,862	(16,525)	206,253	3,934,219	9,159,081
Proprietary	0	0	312,500	312,500	0	525,000	525,000	837,500
Total Funds	\$8,670,343	\$2,075,710	\$645,637	\$11,391,690	\$487,522	\$1,122,574	\$10,280,439	\$21,672,129

Program Description

The Motor Vehicle Division, under 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
- 6) Providing motor voter registration
- 7) Fleet vehicle registration

Program Highlights

Department of Justice Motor Vehicle Division Major Budget Highlights
<ul style="list-style-type: none"> ◆ General fund increases by \$1.8 million over the base budget mostly due to: <ul style="list-style-type: none"> ● Funding for the license plate reissue of \$0.2 million ● Base adjustments of \$0.3 million ● Elimination of \$0.3 million in one-time costs ● An increase of 2.00 FTE and \$0.2 million to support the Patriot Act. ● An increase of 1.00 FTE and \$0.1 million to provide an audit function related to new legislation ● \$0.4 million for HB 447 pay plan increases ● Statewide present law adjustments ◆ State special revenue increases by \$1.7 million over the base budget mostly due to: <ul style="list-style-type: none"> ● Interest on borrowed funds for the reengineering and automation project of \$1.3 million ● Base adjustments in the Motor Vehicle Division of \$0.2 million ● \$0.3 million for HB 447 pay plan increases ● Statewide present law adjustments

- ◆ Proprietary funds increase by \$0.8 million due to funding for operating costs to support web portal access to the Motor Vehicle Division

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding		Program Funding Table Motor Vehicle Division					
		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 4,925,852	56.8%	\$ 5,854,328	51.4%	\$ 5,821,220	56.6%
	01100 General Fund	4,925,852	56.8%	5,854,328	51.4%	5,821,220	56.6%
02000	Total State Special Funds	3,744,491	43.2%	5,224,862	45.9%	3,934,219	38.3%
	02225 Mvd Inform Tech System Hb577	67,153	0.8%	210,000	1.8%	-	-
	02422 Highways Special Revenue	3,669,706	42.3%	3,807,514	33.4%	3,926,871	38.2%
	02545 Organ Donor Registry	7,632	0.1%	7,348	0.1%	7,348	0.1%
	02798 Mvd It System - Hb261	-	-	1,200,000	10.5%	-	-
06000	Total Proprietary Funds	-	-	312,500	2.7%	525,000	5.1%
	06080 Mvd/State Information Portal	-	-	312,500	2.7%	525,000	5.1%
Grand Total		<u>\$ 8,670,343</u>	<u>100.0%</u>	<u>\$ 11,391,690</u>	<u>100.0%</u>	<u>\$ 10,280,439</u>	<u>100.0%</u>

The Motor Vehicle Division is supported by the general fund, state special funds, and proprietary funds. State special funds come primarily from the Highway State Special Revenue Account. Proprietary funds are from temporary registration permit fees on vehicles and are used to support the operating costs for an enhanced motor vehicle web portal that allows 3rd party users to access the motor vehicle registration system.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					796,711					794,472
Vacancy Savings					(212,308)					(212,196)
Inflation/Deflation					(87,202)					(87,214)
Fixed Costs					798					7,131
Total Statewide Present Law Adjustments					\$497,999					\$502,193
DP 8 - Base Adjustments MVD Field Operations Bureau	2.00	86,048	57,366	0	143,414	2.00	79,484	52,989	0	132,473
DP 10 - Base Adjustments for HB 577 Debt Payments	0.00	0	142,847	0	142,847	0.00	0	(67,153)	0	(67,153)
DP 11 - Required New General Issue License Plates - OTO	0.00	192,470	0	0	192,470	0.00	0	0	0	0
DP 36 - Base Adjustments MVD Title and Registration Bureau	0.00	41,198	27,465	0	68,663	0.00	53,815	35,877	0	89,692
DP 37 - Base Adjustments for HB 261 Debt Payments	0.00	0	1,200,000	0	1,200,000	0.00	0	0	0	0
DP 121 - Eliminate OTO Organ Donor Registry	0.00	0	(7,632)	0	(7,632)	0.00	0	(7,632)	0	(7,632)
DP 123 - HB261 One time backfill costs reduction	0.00	(40,205)	0	0	(40,205)	0.00	(40,205)	0	0	(40,205)
DP 124 - Field Ops - One-time-only expenditure reduction	0.00	(43,045)	0	0	(43,045)	0.00	(43,045)	0	0	(43,045)
DP 125 - Records/Drvs Control - one-time cost reduction	0.00	(28,801)	0	0	(28,801)	0.00	(28,801)	0	0	(28,801)
DP 126 - Title & Regis. - One-time expenditure reduction	0.00	(50,000)	0	0	(50,000)	0.00	(50,000)	0	0	(50,000)
Total Other Present Law Adjustments	2.00	\$157,665	\$1,420,046	\$0	\$1,577,711	2.00	(\$28,752)	\$14,081	\$0	(\$14,671)
Grand Total All Present Law Adjustments					\$2,075,710					\$487,522

DP 8 - Base Adjustments MVD Field Operations Bureau - The legislature approved certain base budget adjustments in the Motor Vehicle Division – Field Operations Bureau, including 2.00 FTE as training and development specialists. The adjustment also includes funding for overtime, consulting services, computer processing, postage, rent vehicles repairs, and scanner maintenance contracts.

DP 10 - Base Adjustments for HB 577 Debt Payments - The legislature approved budget authority for interest payments on borrowed funds related to the Motor Vehicle System, Phase One, Titling System project (MVD Project) as provided by HB 577 passed by the 2001 Legislature.

DP 11 - Required New General Issue License Plates - OTO - The legislature approved a one-time-only present law base adjustment of \$192,470 in general fund for FY 2006. Montana State Prison Industries will also incur additional one-time costs generated by the new general issue license plates. Revenues received from the sale of the plates will offset these production costs. Section 61-3-332(4)(b), MCA, requires the manufacture and issuance of new general issue motor vehicle license plates beginning January 1, 2006.

DP 36 - Base Adjustments MVD Title and Registration Bureau - The legislature approved certain base budget adjustments in the Motor Vehicle Division – Title and Registration Bureau. This decision package increases the base by \$68,663 in FY 2006 and \$89,692 in FY 2007.

DP 37 - Base Adjustments for HB 261 Debt Payments - The legislature approved authority for interest payments on borrowed funds related to the HB 261 funded Motor Vehicle System, Phase Two, Vehicle Registration and Driver Licensing/Driver Control System project.

DP 121 - Eliminate OTO Organ Donor Registry - The legislature approved the elimination of the FY 2004 one-time-only startup organ donor registry expenses. Ongoing costs for the monthly updates to the organ donor registry are included in the present law budget.

DP 123 - HB261 One time backfill costs reduction - The legislature approved the removal of \$40,205 general fund from the base in FY 2006 and FY 2007 for funds to pay a contractor for supporting the HB 261 project. This project is the reengineering of processes and the installation of new technology in the motor vehicle titling and registration area. In FY 2004 the project hired contractors to support the project. For the 2007 biennium the positions are budgeted in HB 2 so contractor expenditures are not necessary.

DP 124 - Field Ops - One-time-only expenditure reduction - The legislature approved the removal of \$43,045 general fund in FY 2006 and FY 2007 for remodeling of the Billings driver licensing facility in FY 2004. This amount carried over to FY 2006 and FY 2007 because the remodeling was done in the base year.

DP 125 - Records/Drvs Control - one-time cost reduction - The legislature approved the removal of \$28,801 general fund in each of FY 2006 and FY 2007. These funds were in the FY 2004 base and used for a one-time purchase of modular workstations for a work area in the Records and Drivers Control Bureau.

DP 126 - Title & Regis. - One-time expenditure reduction - The legislature approved a reduction of \$50,000 general fund in each of FY 2006 and FY 2007 for the purchase of additional postage in the base year FY 2004. This purchase was to insure that an adequate amount of postage would be available for the next fiscal year and was a one-time-only expenditure for FY 2004. The 2007 biennium contains a postage request considered adequate for this period.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 12 - MV Proprietary Account Spending Authority	12	0.00	0	0	0	50,000*	0.00	0	0	0	0
DP 127 - Statewide FTE Reduction	12	(1.00)	(32,418)	0	0	(32,418)	(1.00)	(32,329)	0	0	(32,329)
DP 306 - Patriot Act Support	12	2.00	101,180	0	0	101,180	2.00	95,138	0	0	95,138
DP 326 - Fleet Transfer from DOT	12	0.00	0	7,348	0	7,348	0.00	0	7,348	0	7,348
DP 328 - HB 671 Proprietary	12	0.00	0	0	0	262,500*	0.00	0	0	0	525,000*
DP 329 - Senate Bill 285 Auditor	12	1.00	47,813	0	0	47,813	1.00	44,837	0	0	44,837
DP 330 - Programming Costs Motor Veh. Leg. (Restricted/OTO)	12	0.00	15,192	10,128	0	25,320	0.00	0	0	0	0
DP 6010 - 2007 Biennium Pay Plan - HB 477	12	0.00	108,762	75,132	0	183,894	0.00	283,675	198,905	0	482,580
Total	2.00	\$240,529	\$92,608	\$0	\$645,637*	2.00	\$391,321	\$206,253	\$0	\$1,122,574*	

DP 12 - MV Proprietary Account Spending Authority - The legislature approved authority for proprietary funds to cover the cost of development, maintenance, and distribution of information in the state's motor vehicle and driver licensing database applications. This authorization was biennial and for \$50,000. The 2003 Legislature passed HB 767, which revised the laws governing the release of information amending 61-11-105, MCA. This statute provides for a convenience fee and allows for the use of a point of entry for electronic government services.

DP 127 - Statewide FTE Reduction - The legislature approved the continuance of a 2003 session HB 2 directive to lessen general funded personal services. The reduction is for 1.00 FTE that was in the drivers rehabilitation program.

DP 306 - Patriot Act Support - The legislature approved 2.00 FTE and \$101,180 general fund for FY 2006 and 2.00 FTE and \$95,138 general fund for FY 2007 to support Patriot Act efforts. One FTE will provide an audit of internal activities to assure that the department is in conformity with federal laws. One FTE will staff a help desk to assist the public with Patriot Act issues.

DP 326 - Fleet Transfer from DOT - The legislature approved the transfer of the fleet vehicle registration responsibilities from the Department of Transportation to the Department of Justice as per the provisions of HB 87. This decision package transfers the base level funding and new state special funds of \$7,348 in each fiscal year of the biennium.

DP 328 - HB 671 Proprietary - The legislature approved proprietary funds of \$262,500 in FY 2006 and \$525,000 in FY 2007 to support operating costs for an enhanced motor vehicle web portal that allows 3rd party users to access the system.

DP 329 - Senate Bill 285 Auditor - The legislature approved 1.00 FTE and general fund of \$47,813 in FY 2006 and 1.00 FTE and general fund of \$44,837 in FY 2007 to support an audit position in the Department of Motor Vehicle. This position will work with the new provisions of SB 282 that streamlines the motor vehicle registration process.

DP 330 - Programming Costs Motor Veh. Leg. (Restricted/OTO) - The legislature approved funding to provide programming updates that occurred due to various provisions of legislation. These updates are in the Department of Motor Vehicles computer routines.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Language

The legislature approved the following language for inclusion in HB2:

"The legislature approved the attorney general's request for 2 FTE and general fund money of \$101,180 in fiscal year 2006 and \$95,138 in fiscal year 2007 to support the Patriot Act. These FTE will provide auditing and public contact services regarding issues surrounding the Patriot Act. This approval is contingent upon a current level fund transfer by the department and verified by the budget director."

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	274.55	0.00	(7.38)	267.17	0.00	(10.50)	264.05	264.05
Personal Services	13,566,678	822,355	260,714	14,649,747	824,079	520,552	14,911,309	29,561,056
Operating Expenses	4,636,800	1,470,047	332,686	6,439,533	(506,689)	430,581	4,560,692	11,000,225
Equipment	1,379,551	168,504	(49,626)	1,498,429	234,360	(67,244)	1,546,667	3,045,096
Total Costs	\$19,583,029	\$2,460,906	\$543,774	\$22,587,709	\$551,750	\$883,889	\$21,018,668	\$43,606,377
General Fund	0	0	573,623	573,623	0	764,562	764,562	1,338,185
State/Other Special	18,718,765	2,330,804	673,859	21,723,428	435,240	1,096,088	20,250,093	41,973,521
Federal Special	864,264	130,102	(703,708)	290,658	116,510	(976,761)	4,013	294,671
Total Funds	\$19,583,029	\$2,460,906	\$543,774	\$22,587,709	\$551,750	\$883,889	\$21,018,668	\$43,606,377

Program Description

The Highway Patrol Division (HPD) is responsible for patrolling the highways of Montana, enforcing traffic laws, and investigating traffic crashes. The patrol gives assistance and information to motorists and first aid to those injured in traffic crashes, transports blood and medical supplies in emergency situations, and assists other law enforcement agencies when requested. The patrol provides 24-hour-a-day, 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, which includes all levels of inspections as well as safety review audits.

Program Highlights

Department of Justice Highway Patrol Division Major Budget Highlights
<ul style="list-style-type: none"> ◆ General fund increases by \$1.3 million over the base budget due to prisoner per diem to pay for jail time for arrests made when driving with a suspended drivers' license due to a DUI conviction or refusal to test for alcohol ◆ State special revenue increases by \$4.5 million over the base budget mostly due to: <ul style="list-style-type: none"> • Base adjustments of \$2.0 million • Restoration of vacancy savings of \$1.0 million • \$1.1 million for HB 447 pay plan increases • Statewide present law adjustments ◆ Federal funds decrease by \$1.4 million due to the transfer of the MCSAP program to the Department of Transportation

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

		Program Funding Table Highway Patrol Division					
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ -	-	\$ 573,623	2.5%	\$ 764,562	3.6%
	01100 General Fund	-	-	573,623	2.5%	764,562	3.6%
02000	Total State Special Funds	18,718,765	95.6%	21,723,428	96.2%	20,250,093	96.3%
	02003 Misc Grants And Nrd	91,420	0.5%	151,329	0.7%	156,890	0.7%
	02422 Highways Special Revenue	18,627,345	95.1%	21,572,099	95.5%	20,093,203	95.6%
03000	Total Federal Special Funds	864,264	4.4%	290,658	1.3%	4,013	0.0%
	03166 Mcsap-Truck Inspection Program	864,264	4.4%	290,658	1.3%	4,013	0.0%
Grand Total		\$ 19,583,029	100.0%	\$ 22,587,709	100.0%	\$ 21,018,668	100.0%

The Highway Patrol Division is funded primarily from the highways state special revenue account, which receives most of its revenue from fuel taxes and gross vehicle weight (GVW) fees. General fund is used to fund prisoner per diem in cases where offenders are driving with a suspended license due to a DUI conviction or failure to test for alcohol.

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.

Present Law Adjustments	Fiscal 2006					Fiscal 2007				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					599,624					601,405
Vacancy Savings					(566,650)					(566,707)
Inflation/Deflation					(33,759)					(33,798)
Fixed Costs					51,632					51,872
Total Statewide Present Law Adjustments					\$50,847					\$52,772
DP 13 - Base Adjustment MHP Operations										
0.00	0		923,143	0	923,143	0.00	0	1,017,204	0	1,017,204
DP 14 - Base Adjustments MCSAP										
0.00	0		22,129	388,517	410,646	0.00	0	18,769	375,077	393,846
DP 38 - Base Adjustment Recruit School										
0.00	0		21,083	0	21,083	0.00	0	21,083	0	21,083
DP 131 - Exempt staff pay raise reduction										
0.00	0		(9,903)	0	(9,903)	0.00	0	(9,903)	0	(9,903)
DP 132 - Biennial appropriation for prisoner per diem										
0.00	0		1,065,090	0	1,065,090	0.00	0	(923,252)	0	(923,252)
Total Other Present Law Adjustments	0.00	\$0	\$2,021,542	\$388,517	\$2,410,059	0.00	\$0	\$123,901	\$375,077	\$498,978
Grand Total All Present Law Adjustments					\$2,460,906					\$551,750

DP 13 - Base Adjustment MHP Operations - The legislature approved an increase of \$923,143 in FY 2006 and \$1,017,204 in FY 2007 for a number of adjustments including overtime, gasoline, rent, maintenance contracts, and vehicle replacement. This budget supports the uniformed officers in seven districts, officers and support staff in the Helena headquarters, the aircraft unit, radio technicians, and the communication center in Helena.

DP 14 - Base Adjustments MCSAP - The legislature approved an increase of \$410,646 in FY 2006 and \$393,846 in FY 2007 for the Motor Carrier Safety Assistance Program (MCSAP) budget for a number of adjustments, including overtime,

consulting and professional services, and travel and training, and computer replacement. Personnel perform inspections and enforce federal and state regulations regarding hazardous material and safety for inter-state and intra-state commercial motor carriers.

DP 38 - Base Adjustment Recruit School - The legislature approved an increase of \$21,083 in FY 2006 and \$21,083 in FY 2007 for the Recruit Training School budget for a number of adjustments that include overtime, differential pay, and travel. The HPD conducts an annual Recruit Training School to train the new recruits to fill vacancies. Training consists of 16 weeks of on-campus training and eight weeks of field training.

DP 131 - Exempt staff pay raise reduction - The legislature reduced funding for exempt staff pay raises awarded in the 2005 biennium to the FY 2004 base level.

DP 132 - Biennial appropriation for prisoner per diem - The legislature approved a biennial appropriation for prisoner per diem. This is the cost the HPD pays to board prisoners in the county detention facilities. The cost per day is negotiated in contracts by the Department of Corrections with each county. The HPD spent \$923,252 for prisoner per diem in FY 2004. This addition assumes costs will increase by 3 percent per year for a total of \$1,988,342 for the biennium or an increase of \$1,065,090 (\$1,988,342 less base of \$923,252 = \$1,065,090) above the base for the biennium.

New Proposals

New Proposals											
Program	FTE	-----Fiscal 2006-----				-----Fiscal 2007-----					
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 15 - MCSAP New Entrant Program	13	2.00	0	0	158,065	158,065	2.00	0	0	104,270	104,270
DP 135 - Restore Vacancy Savings for Patrol Officers (Requires Legislation)	13	0.00	0	407,283	0	407,283	0.00	0	543,074	0	543,074
DP 136 - Transfer MCSAP Program to Dept of Transportation (Requires Legislation)	13	(9.38)	0	(124,814)	(864,323)	(989,137)	(12.50)	0	(163,021)	(1,085,044)	(1,248,065)
DP 334 - Prisoner Per Diem - HB 99	13	0.00	573,623	0	0	573,623	0.00	764,562	0	0	764,562
DP 6010 - 2007 Biennium Pay Plan - HB 477	13	0.00	0	391,390	2,550	393,940	0.00	0	716,035	4,013	720,048
Total	(7.38)	\$573,623	\$673,859	(\$703,708)	\$543,774*	(10.50)	\$764,562	\$1,096,088	(\$976,761)	\$883,889*	

DP 15 - MCSAP New Entrant Program - The legislature approved an appropriation for \$158,065 in FY 2006 and \$104,270 in FY 2007 for the Motor Carrier Safety Assistance Program (MCSAP). Section personnel perform inspections and enforce adherence to federal and state regulations regarding hazardous material and safety by inter-state and intra-state commercial motor carriers. The Federal Highway Administration has authorized MCSAP funds to be used for the New Entrant Program that provides new commercial motor vehicle companies with assistance in setting up driver education and commercial vehicle safety programs. This program is not part of the current program as listed in DP 136 below. There is no required federal match for this program.

DP 135 - Restore Vacancy Savings for Patrol Officers - The legislature approved restoration of vacancy savings in the Highway Patrol Division as per the provisions of HB 35.

DP 136 - Transfer MCSAP Program to Dept of Transportation - The legislature approved the transfer of the MCSAP program from the Department of Justice to the Department of Transportation. This transfer consolidates all commercial motor vehicle regulation functions in one group. This move will be effective Oct 1, 2005.

DP 334 - Prisoner Per Diem - HB 99 - The legislature approved general fund of \$573,623 in FY 2006 and \$764,562 in FY 2007 for the Highway Patrol Division to provide prisoner per diem for individuals driving a vehicle with a suspended drivers license if the reason for the suspension was that: 1) the person was convicted of a DUI; or 2) refused to take a breath or blood test upon request of an officer.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	77.50	(4.00)	8.00	81.50	(3.00)	7.00	81.50	81.50
Personal Services	3,075,309	603,078	525,804	4,204,191	660,753	651,667	4,387,729	8,591,920
Operating Expenses	1,693,910	284,260	227,981	2,206,151	314,489	191,096	2,199,495	4,405,646
Equipment	25,136	60,000	16,757	101,893	60,000	16,757	101,893	203,786
Debt Service	15,992	0	22,050	38,042	0	22,050	38,042	76,084
Total Costs	\$4,810,347	\$947,338	\$792,592	\$6,550,277	\$1,035,242	\$881,570	\$6,727,159	\$13,277,436
General Fund	2,639,892	189,398	905,934	3,735,224	277,775	942,306	3,859,973	7,595,197
State/Other Special	884,362	683,836	(18,493)	1,549,705	661,529	10,506	1,556,397	3,106,102
Federal Special	1,286,093	74,104	(94,849)	1,265,348	95,938	(71,242)	1,310,789	2,576,137
Total Funds	\$4,810,347	\$947,338	\$792,592	\$6,550,277	\$1,035,242	\$881,570	\$6,727,159	\$13,277,436

Program Description

The Division of Criminal Investigation includes the administration, management, and coordination of criminal investigative services and training performed by the Investigations Bureau, the Narcotics Bureau, and the Law Enforcement Academy Bureau.

The Investigations Bureau consists of four sections:

- Fire Prevention and Investigation Section – This section is responsible for safeguarding life and property from fire, explosion, and arson through investigative, inspection, and fire code interpretation and enforcement.
- Investigative Support Section – This section is responsible for investigating crimes involving the use of computers; maintaining the Sexual and Violent Offender Registry; providing advanced training opportunities for law enforcement officials statewide; establishing a statewide intelligence center; and addressing homeland security issues.
- Major Case Section – This section provides criminal investigative assistance to city, county, state and federal law enforcement agencies. Investigations include homicide and other violent crimes, organized crime activity, white-collar crimes, sex crimes, corruption, official misconduct, theft, complex financial crimes, workers compensation fraud, and internal agency investigations.
- Medicaid Fraud Control Section – This section is responsible for investigating any crime that occurs in a health care facility, including theft, drug diversion, sexual assault, and homicide. The section also investigates elder exploitation, as well as elder abuse and fraud by providers within the Medicaid system. This may include investigations into doctors, dentists, durable medical equipment companies, mental health providers, and other Medicaid providers.

The Narcotics Bureau investigates dangerous drug violations and provides investigative assistance to city, county, state and federal law enforcement agencies as requested. The bureau also investigates organized criminal activity and assists the Investigations Bureau in its investigations. The division's narcotics agents work in an undercover capacity on a regular basis to investigate narcotics related crimes and also respond to methamphetamine laboratories statewide. Division of Criminal Investigation drug enforcement teams operate throughout Montana and coordinate their efforts with several local drug teams as well as federal authorities.

The Law Enforcement Academy Bureau provides criminal justice officers and other qualified individuals with basic and specialized training in the field of law enforcement. More than 1,000 officers and associated criminal justice personnel attend the academy each year. Basic Programs provide entry-level certification training for law enforcement officers,

corrections/detention officers and public safety communicators. The Professional and Advanced Training Program is responsible for advanced/specialized training for police officers and associated criminal justice personnel.

Program Highlights

Department of Justice Criminal Investigation Division Major Budget Highlights	
<ul style="list-style-type: none"> ◆ General fund increases by \$2.3 million over the base budget due to: <ul style="list-style-type: none"> • FTE and \$0.1 million for a narcotics agent in Miles City • Funding for replacement vehicles of \$0.2 million • Support for the Montana Drug Task Force of \$1.5 million that was previously funded with federal funds from the Byrne grant • Statewide present law adjustments ◆ State special revenue increases by \$1.3 million over the base budget mostly due to: <ul style="list-style-type: none"> • Law Enforcement Academy base adjustments of \$0.4 million • Loss of county contributions related to the support of the federally funded drug task force of \$0.2 million • Statewide present law adjustments ◆ The overall level of federal funds remained unchanged; however, the following items did change: <ul style="list-style-type: none"> • A decrease due to the loss of the Byrne grant that funded the Montana drug task force of \$1.2 million • An increase of \$0.8 million for Homeland Security efforts • Statewide present law adjustments 	

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding Table Div. Of Criminal Investi							
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 2,639,892	54.9%	\$ 3,735,224	57.0%	\$ 3,859,973	57.4%
	01100 General Fund	2,639,892	54.9%	3,735,224	57.0%	3,859,973	57.4%
02000	Total State Special Funds	884,362	18.4%	1,549,705	23.7%	1,556,397	23.1%
	02003 Misc Grants And Nrd	297,847	6.2%	258,199	3.9%	235,909	3.5%
	02079 Fire Protection & Permitting	40,270	0.8%	40,215	0.6%	42,027	0.6%
	02143 Drug Forfeitures-State	41,477	0.9%	44,114	0.7%	45,290	0.7%
	02546 Mtlaw Enforc. Acad. Surcharge	504,768	10.5%	1,207,177	18.4%	1,233,171	18.3%
03000	Total Federal Special Funds	1,286,093	26.7%	1,265,348	19.3%	1,310,789	19.5%
	03187 Bcc Grants To Dept. Of Justice	893,895	18.6%	340,553	5.2%	368,381	5.5%
	03800 Medicaid Fraud	392,198	8.2%	494,440	7.5%	512,747	7.6%
	03801 Dept Of Justice-Misc Grants	-	-	<u>430,355</u>	<u>6.6%</u>	<u>429,661</u>	<u>6.4%</u>
Grand Total		<u>\$ 4,810,347</u>	<u>100.0%</u>	<u>\$ 6,550,277</u>	<u>100.0%</u>	<u>\$ 6,727,159</u>	<u>100.0%</u>

The Fire Prevention and Investigation Bureau, and general criminal investigation are primarily funded by the general fund. The general fund is also used to match welfare and Medicaid fraud investigations. General fund supports the eastern and western narcotics investigation effort. Federal funds are the major source of homeland security efforts. The Montana State Fund supports state fund fraud investigations and prosecutions.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					933,465					929,121
Vacancy Savings					(160,353)					(160,179)
Inflation/Deflation					7,865					5,197
Fixed Costs					18,287					20,625
Total Statewide Present Law Adjustments					\$799,264					\$794,764
DP 18 - Montana Law Enforcement Academy Base Adjustment	0.00	0	180,530	0	180,530	0.00	0	180,530	0	180,530
DP 19 - One Narcotics Regional Agent in Charge -Miles City	0.00	0	0	0	0	1.00	61,451	0	0	61,451
DP 20 - Reinstate vehicle replacement program	0.00	75,578	20,000	0	95,578	0.00	97,032	0	0	97,032
DP 21 - Medicaid Fraud Program - COLA	0.00	0	0	0	0	0.00	7,276	0	21,829	29,105
DP 22 - Present Law Base Adjustment for Division	0.00	0	0	0	0	0.00	42,000	0	0	42,000
DP 181 - Decrease FTE due to lack of funding	(4.00)	0	0	(170,034)	(170,034)	(4.00)	0	0	(169,640)	(169,640)
DP 312 - Base Adjustment for Division	0.00	42,000	0	0	42,000	0.00	0	0	0	0
Total Other Present Law Adjustments	(4.00)	\$117,578	\$200,530	(\$170,034)	\$148,074	(3.00)	\$207,759	\$180,530	(\$147,811)	\$240,478
Grand Total All Present Law Adjustments					\$947,338					\$1,035,242

DP 18 - Montana Law Enforcement Academy Base Adjustment - The legislature approved \$361,060 of state special revenue authority for the biennium to raise the spending authority of the Montana Law Enforcement Academy (MLEA) to that level appropriated in FY 2004. Spending in the base year was much less than was appropriated due to the cash shortage in the new MLEA surcharge account.

DP 19 - One Narcotics Regional Agent in Charge -Miles City - The legislature approved \$61,451 of general fund and 1.00 FTE in FY 2007 to fund a supervisor in the division's Miles City narcotics office - the Eastern Montana Drug Task Force. The Eastern Montana Drug Task Force (EMDTF) is a grant-funded operation located in Miles City, Montana, consisting of one supervisor, one administrative support staff, and three local law enforcement agents. The task force represents a partnership between local and state law enforcement entities and is funded through local and federal funds. The EMDTF Regional Agent in Charge (RAC) is currently staffed with an agent position "borrowed" from the Billings narcotics team. This effectively reduces the staff in Billings by one agent position. This addition provides the EMDTF with its own RAC position, so that the "borrowed" agent position can return to Billings, and adds state support of this currently local and federal government funded team.

DP 20 - Reinstate vehicle replacement program - The legislature approved \$172,610 of general fund and \$20,000 of state special revenue authority for the biennium to reinstate the division's vehicle replacement program. This addition allows the division to purchase six vehicles over the biennium (1 for the workers compensation fraud investigator and 5 for narcotics investigators), and lease 4 pickup trucks for the deputy state fire marshals and 3 sedans for general investigators.

DP 21 - Medicaid Fraud Program - COLA - The legislature approved \$29,105 in FY 2007, \$7,276 of general fund and \$21,829 of federal special revenue authority, to pay for increases in the present law base of the Medicaid Fraud Control Unit. Each year, the Medicaid Fraud grant allows for a 5 percent cost-of-living adjustment. The Medicaid Fraud Control Unit is funded 25 percent from the general fund and 75 percent from federal funds.

DP 22 - Present Law Base Adjustment for Division - The legislature approved \$42,000 of general fund in FY 2007 for miscellaneous increases to the present law base of the division. Increases are for: 1) cost-of-living increases for the Narcotics Bureau; 2) cost-of-living increases for the Investigations Bureau; and 3) funding of continuing Amber Alert expenditures. The Amber Alert program was established with a one-time appropriation to create the program in Montana. This addition provides a small amount of funding for continuing operating costs of this program.

DP 181 - Decrease FTE due to lack of funding - The legislature approved a reduction of 4.00 FTE that were funded with federal special revenue authority. The division has no federal funding for these positions.

DP 312 - Base Adjustment for Division - The legislature approved an increase of \$42,000 of general fund in FY 2006 for miscellaneous increases to the present law base of the division. Increases are for: 1) cost-of-living increases for the Narcotics Bureau; 2) cost-of-living increases for the Investigations Bureau; and 3) funding of continuing Amber Alert expenditures. The Amber Alert program was established with a one-time appropriation to create the program in Montana.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 16 - Funding Authority - Homeland Security	18	5.00	0	0	423,322	423,322	5.00	0	0	422,527	422,527
DP 308 - MLEA Store	18	0.00	0	25,000	0	25,000	0.00	0	25,000	0	25,000
DP 309 - Miles City - NARC Regional Agent	18	1.00	61,451	0	0	61,451	0.00	0	0	0	0
DP 310 - Medicaid Fraud Program II - COLA	18	0.00	6,498	0	19,495	25,993	0.00	0	0	0	0
DP 311 - Medicaid Fraud Agent	18	1.00	15,500	0	46,500	62,000	1.00	15,500	0	46,500	62,000
DP 313 - Drug Task Force	18	1.00	754,995	(85,229)	(612,796)	56,970	1.00	754,813	(85,194)	(612,848)	56,771
DP 333 - Cultural Awareness Training	18	0.00	0	16,760	0	16,760	0.00	0	5,760	0	5,760
DP 6010 - 2007 Biennium Pay Plan - HB 477	18	0.00	67,490	24,976	28,630	121,096	0.00	171,993	64,940	72,579	309,512
Total		8.00	\$905,934	(\$18,493)	(\$94,849)	\$792,592*	7.00	\$942,306	\$10,506	(\$71,242)	\$881,570*

DP 16 - Funding Authority - Homeland Security - The legislature approved \$845,849 of federal special revenue authority and 5.00 FTE for the biennium to allow for the continuation of the Homeland Security efforts now underway. Funding authority was provided to continue the memorandum of understanding with the Department of Military Affairs, Disaster and Emergency Services, for the Homeland Security program.

DP 308 - MLEA Store - The legislature approved an appropriation of \$50,000 for a store at the Montana Law Enforcement Academy (MLEA). This appropriation is for proprietary funds. The store would purchase items for resale to the students at the academy.

DP 309 - Miles City - NARC Regional Agent - The legislature approved \$61,451 of general fund and 1.00 FTE in FY 2006 to fund a supervisor in the division's Miles City narcotics office - the Eastern Montana Drug Task Force. The Eastern Montana Drug Task Force (EMDTF) is a grant-funded operation located in Miles City, Montana, consisting of one supervisor, one administrative support, and three local law enforcement agents. The task force represents a

partnership between local and state law enforcement entities and is funded through local and federal funds. The EMDTF Regional Agent in Charge (RAC) is currently staffed with an agent position "borrowed" from the Billings narcotics team. This effectively reduces the staff in Billings by one agent position. This proposal provides the EMDTF with its own RAC position, so that the "borrowed" agent position can return to Billings. This package adds state support of this currently local and federal government funded team.

DP 310 - Medicaid Fraud Program II - COLA - The legislature approved \$25,993 in FY 2006, \$6,498 of general fund and \$19,495 of federal special revenue authority, to pay for increases in the base of the Medicaid Fraud Control Unit. Each year, the Medicaid Fraud grant allows for a 5 percent cost-of-living adjustment. The Medicaid Fraud Control Unit is funded 25 percent from the general fund and 75 percent from federal funds.

DP 311 - Medicaid Fraud Agent - The legislature approved an appropriation for 1.00 FTE and \$15,500 of general fund and \$46,500 of federal funds for FY 2006 and 1.00 FTE and \$15,500 of general fund and \$46,500 of federal funds for FY 2007 to support the Medicaid fraud control unit. This unit investigates provider fraud of the Medicaid system, elder abuse, and elder exploitation at the request of local law enforcement, the health care community, and concerned citizens. Increases in workload have resulted in the need for an additional agent. The program is funded 75 percent with federal funds and 25 percent general fund.

DP 313 - Drug Task Force - The legislature approved a general fund appropriation for 1.00 FTE and \$754,995 in FY 2006 and 1.00 FTE and \$754,813 in FY 2007 for the Montana Drug Task Force. The legislature also approved a reduction in state special revenue of \$85,229 in FY 2006 and \$85,194 in FY 2007 as well as a reduction in federal funds of \$612,796 for FY 2006 and \$612,848 for FY 2007. In the 2005 biennium the Division of Criminal Investigation (DCI) received 75 percent of its funding for drug task forces from the Montana Board of Crime Control through the Byrne Grant program; however, this federal funding is not expected to be received during the 2007 biennium. DCI operates drug task forces in Butte, Great Falls, Havre and Miles City.

DP 333 - Cultural Awareness Training - The legislature approved general fund of \$16,760 in FY 2006 and \$5,760 in FY 2007 for the Division of Criminal Investigation to provide cultural awareness training to prevent racial profiling. This program will be funded with state special revenues from student fees.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Language

The legislature approved the following language for inclusion in HB2:

"The legislature approved the attorney general's request for 1 FTE and general fund money of \$61,451 in fiscal year 2006 to support the Miles City narcotics program. This approval is contingent upon a current level fund transfer by the department and verified by the budget director."

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	21.55	0.00	0.00	21.55	0.00	0.00	21.55	21.55
Personal Services	1,739,734	172,854	0	1,912,588	221,510	0	1,961,244	3,873,832
Total Costs	\$1,739,734	\$172,854	\$0	\$1,912,588	\$221,510	\$0	\$1,961,244	\$3,873,832
General Fund	1,739,734	172,854	0	1,912,588	221,510	0	1,961,244	3,873,832
Total Funds	\$1,739,734	\$172,854	\$0	\$1,912,588	\$221,510	\$0	\$1,961,244	\$3,873,832

Program Description

The County Attorney Payroll program pays approximately half of the salary and benefits for the attorneys who serve Montana's 56 counties, as required by 7-4-2502, MCA. County compensation boards within each county determine county attorney salaries. By law, the state's contribution is limited to the general fund amount the legislature appropriates for this program. The state's contribution may be less than half of the board-approved salary.

Program Highlights

Department of Justice County Attorney Payroll Major Budget Highlights
<ul style="list-style-type: none"> • General fund increases by \$0.4 million over the base budget primarily due to funding of a full 50 percent of the county attorney pay and benefits

Funding

This program is entirely funded by the general fund, as required by 7-4-2502, MCA.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					6,489					7,415
Total Statewide Present Law Adjustments					\$6,489					\$7,415
DP 23 - County Attorney Pay - State Share	0.00	63,000	0	0	63,000	0.00	63,000	0	0	63,000
DP 318 - County Attorney Payroll - increase	0.00	103,365	0	0	103,365	0.00	151,095	0	0	151,095
Total Other Present Law Adjustments	0.00	\$166,365	\$0	\$0	\$166,365	0.00	\$214,095	\$0	\$0	\$214,095
Grand Total All Present Law Adjustments					\$172,854					\$221,510

DP 23 - County Attorney Pay - State Share - The legislature approved \$63,000 in FY 2006 and \$63,000 in FY 2007 for the state's share of County Attorney pay.

DP 318 - County Attorney Payroll - increase - The legislature approved an increase over and above the amount approved by the executive of \$103,365 in FY 2006 and \$151,095 in FY 2007 for the state's share of County Attorney pay. This amount is to adjust the base amount to pay approximately 50 percent of county attorneys' salaries and benefits.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	16.00	0.00	0.00	16.00	0.00	0.00	16.00	16.00
Personal Services	678,804	98,743	22,800	800,347	98,502	59,143	836,449	1,636,796
Operating Expenses	141,963	49,964	0	191,927	(11,426)	0	130,537	322,464
Total Costs	\$820,767	\$148,707	\$22,800	\$992,274	\$87,076	\$59,143	\$966,986	\$1,959,260
General Fund	344,241	13,227	8,250	365,718	(10,193)	21,178	355,226	720,944
State/Other Special	457,189	98,389	13,178	568,756	63,876	34,343	555,408	1,124,164
Proprietary	19,337	37,091	1,372	57,800	33,393	3,622	56,352	114,152
Total Funds	\$820,767	\$148,707	\$22,800	\$992,274	\$87,076	\$59,143	\$966,986	\$1,959,260

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.

Program Highlights

Department of Justice Central Services Division Major Budget Highlights
<ul style="list-style-type: none"> Total funds increase over the base budget by \$0.3 million due to statewide present law adjustments and HB 447 pay plan increases

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding Table Central Services Divisio							
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 344,241	41.9%	\$ 365,718	36.9%	\$ 355,226	36.7%
	01100 General Fund	344,241	41.9%	365,718	36.9%	355,226	36.7%
02000	Total State Special Funds	457,189	55.7%	568,756	57.3%	555,408	57.4%
	02003 Misc Grants And Nrd	27,001	3.3%	29,425	3.0%	30,552	3.2%
	02074 Gambling License Fee Account	46,945	5.7%	57,822	5.8%	56,336	5.8%
	02422 Highways Special Revenue	383,243	46.7%	481,509	48.5%	468,520	48.5%
06000	Total Proprietary Funds	19,337	2.4%	57,800	5.8%	56,352	5.8%
	06005 Liquor Division	3,679	0.4%	28,900	2.9%	28,176	2.9%
	06500 Agency Legal Services	15,658	1.9%	28,900	2.9%	28,176	2.9%
Grand Total		<u>\$ 820,767</u>	<u>100.0%</u>	<u>\$ 992,274</u>	<u>100.0%</u>	<u>\$ 966,986</u>	<u>100.0%</u>

Central Services Division is funded by an allocation from the four major funds that support the Department of Justice, in proportion to the total budgeted costs. These funds are the general fund, the gas tax, the gambling tax, and other miscellaneous funds.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					140,305					140,054
Vacancy Savings					(32,765)					(32,755)
Inflation/Deflation					(833)					(832)
Fixed Costs					50,797					(10,594)
Total Statewide Present Law Adjustments					\$157,504					\$95,873
DP 283 - Exempt staff pay raise reduction										
	0.00	(3,255)	(5,014)	0	(8,797)*	0.00	(3,255)	(5,014)	0	(8,797)*
Total Other Present Law Adjustments	0.00	(\$3,255)	(\$5,014)	\$0	(\$8,797)*	0.00	(\$3,255)	(\$5,014)	\$0	(\$8,797)*
Grand Total All Present Law Adjustments					\$148,707*					\$87,076*

DP 283 - Exempt staff pay raise reduction - The legislature reduced funding for exempt staff pay raises awarded in the 2005 biennium to the FY 2004 base level.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6010 - 2007 Biennium Pay Plan - HB 477											
28	0.00	8,250	13,178	0	22,800*	0.00	21,178	34,343	0	59,143*	
Total	0.00	\$8,250	\$13,178	\$0	\$22,800*	0.00	\$21,178	\$34,343	\$0	\$59,143*	

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	51.00	3.00	0.00	54.00	3.00	0.00	54.00	54.00
Personal Services	1,963,099	456,378	77,023	2,496,500	454,640	197,617	2,615,356	5,111,856
Operating Expenses	1,919,431	(50,496)	250,000	2,118,935	(47,545)	0	1,871,886	3,990,821
Equipment	132,986	0	0	132,986	0	0	132,986	265,972
Debt Service	0	0	0	0	0	0	0	0
Total Costs	\$4,015,516	\$405,882	\$327,023	\$4,748,421	\$407,095	\$197,617	\$4,620,228	\$9,368,649
General Fund	2,862,503	267,367	(150,510)	2,979,360	267,676	(53,139)	3,077,040	6,056,400
State/Other Special	1,063,270	134,035	475,780	1,673,085	135,126	246,258	1,444,654	3,117,739
Federal Special	83,223	(2,321)	1,753	82,655	(2,508)	4,498	85,213	167,868
Proprietary	6,520	6,801	0	13,321	6,801	0	13,321	26,642
Total Funds	\$4,015,516	\$405,882	\$327,023	\$4,748,421	\$407,095	\$197,617	\$4,620,228	\$9,368,649

Program Description

The Justice Information Technology Services Division provides a full range of information technology and criminal justice services for the department including system development and maintenance of:

- 1) The motor vehicle titling and registration system
- 2) The driver license and history system
- 3) The criminal history record information system
- 4) The Montana Uniform Crime Reporting System
- 5) The Department of Justice internal computers and systems
- 6) 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.

The program also provides identification services for the criminal justice community through criminal history record checking and fingerprint processing.

Program Highlights

Department of Justice Information Technology Services Division Major Budget Highlights
<ul style="list-style-type: none"> ◆ General fund increases by \$0.3 million over the base budget mostly due to: <ul style="list-style-type: none"> ● A transfer of 3.52 FTE and \$0.4 million from general fund to state special revenue to adhere to the statewide FTE reduction ● \$0.2 million for HB 447 pay plan increases ● Statewide present law adjustments ◆ State special revenue increases by \$1.0 million over the base budget mostly due to: <ul style="list-style-type: none"> ● An increase of 3.50 FTE and \$0.4 million to support information technology efforts

- Funding for 1.00 FTE and \$0.1 million for a security and disaster recovery officer
- A criminal history data coordination effort for \$0.3 million
- A transfer of 3.52 FTE and \$0.4 million from general fund to state special revenue to adhere to the statewide FTE

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 2,862,503	71.3%	\$ 2,979,360	62.7%	\$ 3,077,040	66.6%
	01100 General Fund	2,862,503	71.3%	2,979,360	62.7%	3,077,040	66.6%
02000	Total State Special Funds	1,063,270	26.5%	1,673,085	35.2%	1,444,654	31.3%
	02003 Misc Grants And Nrd	3,051	0.1%	3,051	0.1%	3,051	0.1%
	02016 Criminal Justice Info Network	580,598	14.5%	655,281	13.8%	659,134	14.3%
	02074 Gambling License Fee Account	23,453	0.6%	16,652	0.4%	16,652	0.4%
	02422 Highways Special Revenue	57,984	1.4%	57,984	1.2%	57,984	1.3%
	02797 Cjis - Background Checks	398,184	9.9%	940,117	19.8%	707,833	15.3%
03000	Total Federal Special Funds	83,223	2.1%	82,655	1.7%	85,213	1.8%
	03187 Bcc Grants To Dept. Of Justice	80,955	2.0%	80,387	1.7%	82,945	1.8%
	03800 Medicaid Fraud	2,268	0.1%	2,268	0.0%	2,268	0.0%
06000	Total Proprietary Funds	6,520	0.2%	13,321	0.3%	13,321	0.3%
	06005 Liquor Division	-	-	6,801	0.1%	6,801	0.1%
	06500 Agency Legal Services	6,520	0.2%	6,520	0.1%	6,520	0.1%
Grand Total		<u>\$ 4,015,516</u>	<u>100.0%</u>	<u>\$ 4,748,421</u>	<u>100.0%</u>	<u>\$ 4,620,228</u>	<u>100.0%</u>

General fund is the primary funding source for the division. Fees generated by the criminal justice information network (CJIN) partially support the operating costs of the CJIN network, as do some federal funds. Proprietary funds are from the agency legal services program and are used to participate in the computer replacement program.

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.

Present Law Adjustments	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					555,340					553,452
Vacancy Savings					(100,742)					(100,661)
Inflation/Deflation					(4,171)					(4,149)
Fixed Costs					31,602					34,531
Total Statewide Present Law Adjustments					\$482,029					\$483,173
DP 24 - Security and Disaster Recovery Officer FTE	1.00	0	62,969	0	62,969	1.00	0	62,870	0	62,870
DP 25 - Programmer/Analyst FTE	1.00	0	0	0	0	1.00	0	0	0	0
DP 26 - Data Base Analyst for FileNet	1.00	0	0	0	0	1.00	0	0	0	0
DP 27 - Business Systems Analyst FTE	1.00	0	0	0	0	1.00	0	0	0	0
DP 28 - Systems Production Support and Maintenance FTE	1.00	0	0	0	0	1.00	0	0	0	0
DP 29 - FBI Background Check Passthru Authority	0.00	0	70,000	0	70,000	0.00	0	70,000	0	70,000
DP 291 - Eliminate Positions Where Federal Funding was Lost	(2.00)	0	0	(61,189)	(61,189)	(2.00)	0	0	(61,021)	(61,021)
DP 292 - HB261 Backfill Contract - One time only reduction	0.00	(147,927)	0	0	(147,927)	0.00	(147,927)	0	0	(147,927)
Total Other Present Law Adjustments	3.00	(\$147,927)	\$132,969	(\$61,189)	(\$76,147)	3.00	(\$147,927)	\$132,870	(\$61,021)	(\$76,078)
Grand Total All Present Law Adjustments					\$405,882					\$407,095

DP 24 - Security and Disaster Recovery Officer FTE - The legislature approved 1.00 FTE and state special revenue for a security and disaster recovery officer. This FTE would be responsible for directing the information technology security program. The tasks of this position would include developing, implementing, and maturing of security on all DOJ information technology systems in order to centrally manage physical access, access to systems, educating users of individual responsibilities, and minimizing the possibility of malicious access.

DP 25 - Programmer/Analyst FTE - The legislature approved 1.00 FTE as a Motor Vehicle Division programmer/analyst. This function is currently being accomplished by a contract employee and is funded under contract services. There is no net change in cost.

DP 26 - Data Base Analyst for FileNet - The legislature approved 1.00 FTE as a database administrator. This function is currently being accomplished by a contract employee and is funded under contract services. This FTE will maintain custom DOJ databases and platforms in a FileNet environment.

DP 27 - Business Systems Analyst FTE - The legislature approved 1.00 FTE as a business systems analyst. This function is currently being accomplished by a contract employee and is funded under contract services. There is no net change in cost.

DP 28 - Systems Production Support and Maintenance FTE - The legislature approved 1.00 FTE for a systems production support and maintenance employee beginning in FY 2006, utilizing current level funding from contracted services with a net zero request for spending authority. This requires a transfer of funds from contract services to personal services.

DP 29 - FBI Background Check Pass Through Authority - The legislature approved additional pass-through spending authority required to transfer monies owed to the FBI when fingerprint background checks are conducted by the FBI on behalf of the Department of Justice, Criminal Justice Information Services Bureau. This increase is based on current experience in this area and industry trends. Fingerprinting is increasing due to security needs.

DP 291 - Eliminate Positions Where Federal Funding was Lost - The legislature approved elimination of two positions that were funded from a federal grant that has since expired. These FTE were providing background checks and this process had been automated.

DP 292 - HB261 Backfill Contract - One time only reduction - The legislature approved a reduction in each year of the biennium for several positions in ITSD that were hired to backfill for the HB 261 project.

New Proposals

Program	FTE	Fiscal 2006				Fiscal 2007					
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
DP 293 - Statewide FTE Reduction	29	(3.50)	(213,215)	0	0	(213,215)	(3.52)	(213,448)	0	0	(213,448)
DP 316 - Reinstate statewide FTE reduction	29	3.50	0	213,215	0	213,215	3.52	0	213,448	0	213,448
DP 325 - Criminal History Data Coordination	29	0.00	0	250,000	0	250,000	0.00	0	0	0	0
DP 6010 - 2007 Biennium Pay Plan - HB 477	29	0.00	62,705	12,565	1,753	77,023	0.00	160,309	32,810	4,498	197,617
Total	0.00	(\$150,510)	\$475,780	\$1,753	\$327,023*	0.00	(\$53,139)	\$246,258	\$4,498	\$197,617*	

DP 293 - Statewide FTE Reduction - The legislature approved an FTE reduction to make permanent a personal services reduction made by the 2003 Legislature.

DP 316 - Reinstate statewide FTE reduction - The legislature approved an increase to reinstate DP 293 with state special revenue.

DP 325 - Criminal History Data Coordination - The legislature approved restricted, biennial and one-time-only state special revenue of \$250,000 in FY 2006 to support the Criminal History and Identification process. The Information Technology Services Division is performing this process.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	25.50	5.25	0.00	30.75	5.25	0.00	30.75	30.75
Personal Services	1,538,248	402,011	53,975	1,994,234	401,237	135,094	2,074,579	4,068,813
Operating Expenses	1,060,830	62,893	409,480	1,533,203	67,009	0	1,127,839	2,661,042
Equipment	78,803	0	0	78,803	0	0	78,803	157,606
Debt Service	4,566	0	0	4,566	0	0	4,566	9,132
Total Costs	\$2,682,447	\$464,904	\$463,455	\$3,610,806	\$468,246	\$135,094	\$3,285,787	\$6,896,593
General Fund	2,289,044	463,969	51,199	2,804,212	467,180	128,067	2,884,291	5,688,503
State/Other Special	303,204	0	0	303,204	0	0	303,204	606,408
Federal Special	90,199	935	412,256	503,390	1,066	7,027	98,292	601,682
Total Funds	\$2,682,447	\$464,904	\$463,455	\$3,610,806	\$468,246	\$135,094	\$3,285,787	\$6,896,593

Program Description

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

Program Highlights

Department of Justice Forensic Science Division Major Budget Highlights
<ul style="list-style-type: none"> ◆ General fund increases by \$1.1 million over the base budget due to: <ul style="list-style-type: none"> • 5.00 FTE and \$0.9 million to support workload increases in the Forensic Lab • \$0.2 million for HB 447 pay plan increases • Statewide present law adjustments ◆ Federal funds increase by \$0.5 million from the base budget due to: <ul style="list-style-type: none"> • An increase for DNA samples required of felons of \$0.4 million • A reduction of 0.75 FTE and \$0.1 million for a position that no longer qualified for federal funding. • Statewide present law adjustments

Funding

The following table shows program funding, by source, for the base year and for the 2007 biennium as adopted by the legislature.

		Program Funding Table Forensic Science Division					
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 2,289,044	85.3%	\$ 2,804,212	77.7%	\$ 2,884,291	87.8%
	01100 General Fund	2,289,044	85.3%	2,804,212	77.7%	2,884,291	87.8%
02000	Total State Special Funds	303,204	11.3%	303,204	8.4%	303,204	9.2%
	02034 Earmarked Alcohol Funds	303,204	11.3%	303,204	8.4%	303,204	9.2%
03000	Total Federal Special Funds	90,199	3.4%	503,390	13.9%	98,292	3.0%
	03187 Bcc Grants To Dept. Of Justice	90,199	3.4%	93,910	2.6%	98,292	3.0%
	03214 Special Law Enforcement Assist	-	-	409,480	11.3%	-	-
Grand Total		<u>\$ 2,682,447</u>	<u>100.0%</u>	<u>\$ 3,610,806</u>	<u>100.0%</u>	<u>\$ 3,285,787</u>	<u>100.0%</u>

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. Federal funds are used to fund certain lab positions and a program to take DNA samples from convicted felons.

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.

	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					101,145					101,867
Vacancy Savings					(65,576)					(65,603)
Inflation/Deflation					(2,143)					(2,083)
Fixed Costs					24,861					25,907
Total Statewide Present Law Adjustments					\$58,287					\$60,088
DP 30 - Base Adjustment-Annualize Rent										
	0.00	31,145	0	0	31,145	0.00	31,145	0	0	31,145
DP 31 - Forensic Scientist - Chemist										
	1.00	61,503	0	0	61,503	1.00	61,430	0	0	61,430
DP 32 - Forensic Science - Serologist/DNA										
	1.00	61,503	0	0	61,503	1.00	61,430	0	0	61,430
DP 34 - Forensic Scientist - Toxicologist										
	0.00	0	0	0	0	1.00	61,430	0	0	61,430
DP 35 - Forensic Pathologist										
	1.00	158,495	0	0	158,495	1.00	158,649	0	0	158,649
DP 111 - Support Forensic Science Lab										
	3.00	140,000	0	0	140,000	2.00	80,000	0	0	80,000
DP 321 - FTE reduction due to lack of federal funding										
	(0.75)	0	0	(37,230)	(37,230)	(0.75)	0	0	(37,127)	(37,127)
DP 322 - Exempt staff pay raise reduction										
	0.00	(8,799)	0	0	(8,799)	0.00	(8,799)	0	0	(8,799)
Total Other Present Law Adjustments										
	5.25	\$443,847	\$0	(\$37,230)	\$406,617	5.25	\$445,285	\$0	(\$37,127)	\$408,158
Grand Total All Present Law Adjustments					\$464,904					\$468,246

DP 30 - Base Adjustment-Annualize Rent - The legislature approved an increase for the lease that provides office space for the forensic laboratory in Missoula. The lease is for 31,145 sq. ft and the increase is \$1.00 per sq. ft. The Forensic Science Division leases space from a private vendor.

DP 31 - Forensic Scientist - Chemist - The legislature approved 1.00 FTE as a chemist. This FTE would keep the current number of chemists at four, as this FTE would replace with general fund a position that is currently funded with federal funds that expire on June 30, 2005. This section analyzes solid dosage drugs submitted by law enforcement. Examples include illegal street drugs, substances from clandestine laboratories, prescription drugs, product tampering cases, and animal poisoning cases. This section also analyzes gun shot residue, paint, ignitable liquids, explosives and filament.

DP 32 - Forensic Science - Serologist/DNA - The legislature approved 1.00 FTE serologist/DNA. This position would keep the current number of serologists at four, as it changes the funding of 1.00 FTE to general fund from the current federal funds, which expire on June 30, 2005. This section of the laboratory provides the forensic analysis of biological evidence for the law enforcement agencies of Montana. The Serology/DNA section of the laboratory identifies probative biological fluids and develops DNA profiles that identify the source of the fluid.

DP 34 - Forensic Scientist - Toxicologist - The legislature approved 1.00 FTE as a toxicologist. This section of the laboratory analyzes biological specimens submitted by law enforcement, correctional agencies, county coroners, and forensic pathologists. Some of the primary duties of this section include establishing the cause or clarifying the circumstances of death through a post-mortem investigation and confirming the presence or absence of alcohol and/or drugs in corrections programs submissions and in DUI cases.

DP 35 - Forensic Pathologist - The legislature approved 1.00 FTE for a pathologist associate medical examiner to address the increased number of autopsies conducted at the lab. A forensic pathologist is responsible for determining the cause and manner of sudden unexpected deaths, or deaths unattended by a physician. The pathologist performs forensic autopsies, collects evidence to be analyzed by other scientists in the laboratory, serves as an advisor to the coroners throughout Montana, and reviews all coroners' reports on deaths occurring in the state. The forensic pathologist also assists investigators and scientists with crime scene reconstruction.

DP 111 - Support Forensic Science Lab - The legislature approved 3.00 FTE in FY 2006 and 2.00 FTE in FY 2007. The positions would work to reduce the backlog in the forensic lab and to address increases in caseload.

DP 321 - FTE reduction due to lack of federal funding - The legislature approved a 0.75 FTE reduction, as the department did not receive the federal funding necessary to maintain the position.

DP 322 - Exempt staff pay raise reduction - The legislature reduced funding for exempt staff pay raises awarded in the 2005 biennium to the FY 2004 base level.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 327 - DNA Felons Federal Funds	32	0.00	0	0	409,480	409,480	0.00	0	0	0	0
DP 6010 - 2007 Biennium Pay Plan - HB 477	32	0.00	51,199	0	2,776	53,975	0.00	128,067	0	7,027	135,094
Total	0.00	\$51,199	\$0	\$412,256	\$463,455*	0.00	\$128,067	\$0	\$7,027	\$135,094*	

DP 327 - DNA Felons Federal Funds - The legislature approved a biennial appropriation for \$409,480 in federal funds to contract with the forensic DNA labs for analysis of DNA samples of convicted felons as per the provisions of HB 113.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Language

The legislature approved the following language for inclusion in HB2:

The Governor has indicated his intent to line-item veto the language illustrated in *italic*. However, his authority to do so is questioned and may be challenged through legal action.

"The department shall prepare an economic analysis that compares the value of a purchase by the state versus the continued lease by the state of the forensic lab facility located in Missoula. The department shall present this analysis to the legislative finance committee at its first meeting following July 1, 2005."