

Agency Legislative Budget

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

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	723.30	0.00	3.75	727.05	0.00	3.75	727.05	727.05
Personal Services	34,727,873	7,248,089	(1,671,251)	40,304,711	7,448,650	(565,789)	41,610,734	81,915,445
Operating Expenses	16,547,696	3,145,067	5,101,481	24,794,244	2,953,281	852,222	20,353,199	45,147,443
Equipment	1,865,973	504,181	1,700	2,371,854	503,721	(58,300)	2,311,394	4,683,248
Capital Outlay	0	0	0	0	0	0	0	0
Benefits & Claims	847,236	0	0	847,236	0	0	847,236	1,694,472
Debt Service	592,730	3,300,000	0	3,892,730	4,275,000	0	4,867,730	8,760,460
Total Costs	\$54,581,508	\$14,197,337	\$3,431,930	\$72,210,775	\$15,180,652	\$228,133	\$69,990,293	\$142,201,068
General Fund	21,194,347	3,026,156	4,679,872	28,900,375	3,106,950	1,072,656	25,373,953	54,274,328
State/Other Special	30,563,970	10,584,574	(1,280,985)	39,867,559	11,478,056	(913,367)	41,128,659	80,996,218
Federal Special	1,901,636	(58,620)	(143,591)	1,699,425	(54,632)	(113,175)	1,733,829	3,433,254
Proprietary	921,555	645,227	176,634	1,743,416	650,278	182,019	1,753,852	3,497,268
Expendable Trust	0	0	0	0	0	0	0	0
Total Funds	\$54,581,508	\$14,197,337	\$3,431,930	\$72,210,775	\$15,180,652	\$228,133	\$69,990,293	\$142,201,068

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:

- Providing legal representation for the state and its political subdivisions in criminal appeals
- Providing legal services and counsel for the state, county and municipal agencies, and their officials
- Enforcing Montana traffic laws and registering all motor vehicles
- Enforcing state fire safety codes and regulations
- Assisting local law enforcement agencies in bringing offenders to justice
- Managing a statewide system of death investigations and providing scientific analyses of specimens submitted by law enforcement officials, coroners and state agencies
- Maintaining and disseminating criminal justice information to authorized state, local, and other entities
- Providing uniform regulation of all gambling activities in the state of Montana

Agency Highlights

Department of Justice Major Budget Highlights	
◆	The FY 2008 and 2009 budget is \$17.6 million and \$15.5 million, respectively, greater than the FY 2006 base budget. The majority of the increase occurs in state special revenue (\$9.3 million and \$10.6 million for FY 2008 and 2009, respectively) while general fund increases \$7.7 million and \$4.2 million above the FY 2006 base budget for FY 2008 and 2009, respectively
◆	General fund increases include funding for: <ul style="list-style-type: none"> • Statewide present law adjustments, (\$3.8 million) • Potential litigation with Wyoming (\$3.0 million) • Base adjustments for motor vehicle division functions (\$2.2 million), • Additional staffing in various areas of the department (\$1.3 million and 10.00 FTE) • Increased funding for the Forensic Science Division (state crime lab,

<ul style="list-style-type: none"> • \$1.3 million and 3.00 FTE) • The Methamphetamine Watch Program (\$1.0 million)
<ul style="list-style-type: none"> ◆ State special revenue increases include funding for: <ul style="list-style-type: none"> • Statewide present law adjustments, (\$8.6 million) • The motor vehicle automated system (\$7.6 million) • Base adjustments for motor vehicle and highway patrol functions (\$3.4 million) • Exemption of the highway patrol from vacancy savings as provided in statute (\$1.4 million) • Other information technology projects (\$1.2 million and 1.00 FTE) ◆ The department received a supplemental appropriation of \$1.3 million general fund for major litigation costs, including the American Civil Liberties Union litigation related to public defense services and the school funding lawsuit ◆ HB 287 opposes the implementation of the federal REAL ID Act of 2005 and directs the department not to implement the provisions of this federal law ◆ HB 4 of the special session appropriates \$7.25 million to purchase the crime lab building

Summary of Legislative Action

The legislature provided funding for the department that is \$17.6 million and \$15.5 million greater than the FY 2006 base budget for FY 2008 and 2009, respectively. The majority of the increase occurs in state special revenue (\$9.3 million and \$10.6 million for FY 2008 and 2009, respectively) while general fund increases \$7.7 million and \$4.2 million above the base budget for FY 2008 and 2009, respectively. The legislature provided general fund for:

- Statewide present law adjustments, \$3.8 million
- Potential litigation with Wyoming, \$3.0 million
- Base adjustments for motor vehicle division functions, \$2.2 million
- Increased funding for the Forensic Science Division, \$1.3 million and 3.00 FTE including:
 - Progression to market pay increases, \$300,000
 - Lab equipment, \$230,750
 - Exemption from 4 percent vacancy savings, \$187,710
 - A child forensic interview specialist, \$188,006 and 1.00 FTE
 - A toxicologist, \$144,620 and 1.00 FTE
 - A latent print examiner, \$144,620 and 1.00 FTE
- Additional staffing in various areas of the department, \$1.0 million and 8.00 FTE
- The Methamphetamine Watch Program, \$1.0 million
- Child sexual abuse support functions, \$0.5 million
- Executive protection funding switch, \$351,729
- Increases rental costs for the Division of Criminal Investigation, \$350,000

General fund increases are offset by a reduction of \$3.9 million and 21.75 FTE to remove funding for the state contribution for county attorney salaries, which under the provisions of HB 12 (passed during the regular session) is now statutorily appropriated.

State special revenue increases include funding for:

- Statewide present law adjustments, \$8.6 million
- The motor vehicle automated system, \$7.6 million
- Base adjustments for motor vehicle and highway patrol functions, \$3.3 million
- Exemption of the highway patrol from vacancy savings as provided in statute, \$1.4 million
- Other information technology projects, \$1.2 million and 1.00 FTE
- 2009 biennium pay plan, \$1.0 million
- Additional investigators, \$511,082 and 4.00 FTE

State special revenue increases are offset by a decrease of \$4.6 million to remove the portion of funding included in statewide present law adjustments that is statutorily appropriated (HB 35 of the 2005 session) for Montana Highway Patrol salaries.

Proprietary funds increase due to increased funding for e-government services (\$1.1 million) and additional FTE (2.00) liquor investigators (\$365,950).

Department staffing increases by a net of 3.75 FTE due to increases in various divisions that are offset by the removal of funding for county attorney salaries. FTE changes for the department are summarized in Figure 1.

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.

Figure 1 2009 Biennium Budget FTE Changes		
Division	Function	Incr (Decr)
Legal Services	Prosecution Services Bureau	2.00
Legal Services	Child Protection Unit	2.00
Legal Services	Water Court Claims	2.00
Gambling Control	Gambling Investigators	2.00
Gambling Control	Tobacco Investigation Unit	2.00
Gambling Control	Liquor Investigators	2.00
Motor Vehicle	Driver Lic. Security	2.00
Highway Patrol	Communications Operators	5.00
Criminal Invest.	Mngmt/Leadership Trainer	1.00
Criminal Invest.	Peace Office Train/Standards	1.50
County Attorney	County Attorney Payroll	(21.75)
Information Tech	Information Svcs Technician	1.00
Forensic Science	Toxicologist	1.00
Forensic Science	Latent Print Examiner	1.00
Forensic Science	Child Interview Specialist	1.00
Total Net Change		3.75

Total Agency Funding 2009 Biennium Budget						
Agency Program	General Fund	State Spec.	Fed Spec.	Proprietary	Grand Total	Total %
01 Legal Services Division	\$ 13,355,850	\$ 720,572	\$ 1,132,960	\$ -	\$ 15,209,382	10.70%
02 Office Of Consumer Protection	35,000	1,373,162	-	-	1,408,162	0.99%
07 Gambling Control Division	-	5,455,603	-	2,213,951	7,669,554	5.39%
12 Motor Vehicle Division	14,439,123	17,836,152	-	1,122,252	33,397,527	23.49%
13 Highway Patrol Division	513,479	45,964,773	-	-	46,478,252	32.68%
18 Div. Of Criminal Investigation	10,219,733	3,845,420	2,293,510	-	16,358,663	11.50%
19 County Attorney Payroll	-	-	-	-	-	0.00%
28 Central Services Division	827,918	1,325,204	-	134,423	2,287,545	1.61%
29 Information Technology Service	6,888,774	3,868,924	6,784	26,642	10,791,124	7.59%
32 Forensic Science Division	7,994,451	606,408	-	-	8,600,859	6.05%
Grand Total	\$ 54,274,328	\$ 80,996,218	\$ 3,433,254	\$ 3,497,268	\$ 142,201,068	100.00%

As illustrated in the table above, the department receives the largest share of its funding from state special revenues (57 percent) with the bulk of this funding supporting two functions, the Montana Highway Patrol and motor vehicle functions such as titling, registration, and driver licensing. State special revenue supporting these functions comes from the highways state special revenue account. General fund provides the second largest source of funding for the department (39 percent) with the bulk of this funding supporting the Motor Vehicle, Legal Services, Criminal Investigation, and Forensic Science Divisions. Among the functions performed by these divisions are motor vehicle titling and registrations, drivers licensing, legal and prosecution services, assistance with criminal investigations, training of law enforcement officials, and testing and analysis of evidence. Federal funds and proprietary revenues each provide less than 2.5 percent of the department's funding. Federal funds are used primarily in the Legal Services and Criminal Investigation Divisions, while proprietary funds are used primarily in the Gambling Control and Motor Vehicle Divisions to support liquor licensing and investigations functions and internet based motor vehicle related services for the public.

Other Legislation

House Bill 12 – This bill establishes the state contribution for a county attorney salary at 50 percent of 85 percent of a district court judges salary plus 50 percent of the employer health insurance benefits contribution, and provides a statutory appropriation for this purpose. Funding for county attorney salaries was removed from the budget of the Department of Justice.

House Bill 287 – This bill opposes the implementation of the federal REAL ID Act of 2005 and directs the department not to implement provision of this federal law. The REAL ID Act of 2005 establishes federal minimum standards for driver licenses and identification cards issued by states. The federal law becomes effective May 11, 2008.

House Bill 461 – This bill relates to cigarette fire safety standards. The legislature provided the department \$132,000 state special revenue for the biennium for implementation of the provisions of this bill.

House Bill 630 – This bill provides that the department Consumer Protection Unit investigate instances of internet phishing. The legislature provided \$6,300 state special revenue for the department to implement the provisions of this legislation.

House Bill 781 – This bill revises the racial profiling law and requires that the department gather data related to racial profiling. The legislature provided \$161,750 general fund as a one-time-only appropriation for implementation of the data gathering provisions and \$1,000 a year state special revenue for officer training and education related to racial profiling.

House Bill 840 – This bill revises license plate laws. The legislature provided the department \$10,276 general fund and \$6,850 state special revenue for FY 2008 to implement the provisions of this legislation.

Senate Bill 273 – This bill revises the peace officers standards and training council and provisions related to this function. This legislation also moves responsibility for this function to the Department of Justice from the Montana Board of Crime Control. The legislature provided the Department of Justice \$167,789 and 1.50 FTE for the biennium to implement the provisions of this legislation.

Executive Budget Comparison

The following table compares the legislative budget in the 2009 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2006	Executive Budget Fiscal 2008	Legislative Budget Fiscal 2008	Leg – Exec. Difference Fiscal 2008	Executive Budget Fiscal 2009	Legislative Budget Fiscal 2009	Leg – Exec. Difference Fiscal 2009	Biennium Difference Fiscal 08-09
FTE	1,169.64	1,224.64	1,248.14	23.50	1,232.64	1,256.89	24.25	
Personal Services	54,729,334	61,721,847	65,180,522	3,458,675	62,337,314	68,375,443	6,038,129	9,496,804
Operating Expenses	68,842,101	103,965,218	100,232,350	(3,732,868)	107,554,906	107,205,907	(348,999)	(4,081,867)
Equipment	257,098	572,513	572,513	0	473,098	473,098	0	0
Benefits & Claims	4,508,563	4,508,563	4,508,563	0	4,508,563	4,508,563	0	0
Transfers	1,866,299	1,866,299	1,866,299	0	1,866,299	1,866,299	0	0
Debt Service	216,708	216,708	216,708	0	216,708	216,708	0	0
Total Costs	\$130,420,103	\$172,851,148	\$172,576,955	(\$274,193)	\$176,956,888	\$182,646,018	\$5,689,130	\$5,414,937
General Fund	127,238,338	168,325,029	168,035,336	(289,693)	172,543,206	178,198,838	5,655,632	5,365,939
State/Other Special	2,501,435	3,760,674	3,768,289	7,615	3,648,217	3,665,848	17,631	25,246
Federal Special	219,056	223,376	223,376	0	223,376	223,376	0	0
Proprietary	461,274	542,069	549,954	7,885	542,089	557,956	15,867	23,752
Total Funds	\$130,420,103	\$172,851,148	\$172,576,955	(\$274,193)	\$176,956,888	\$182,646,018	\$5,689,130	\$5,414,937

The legislature provided funding that is about \$3.5 million, primarily in state special revenue (\$3.0 million), less than the executive request. State special revenue decreases are primarily due to the exclusion of funding for highway patrol salaries that is statutorily appropriated.

General fund support for the agency is about \$600,000 less than the executive request due to inclusion of increases for elected official proposals and some legislative initiatives not included in the executive budget exclusion of funding for several items included in the executive budget and a funding reduction related to the passage of HB 12 during the 2007 regular session. Items included in the executive budget but not approved by the legislature include:

- Major litigation, \$500,000 for the biennium
- Tobacco settlement enforcement, \$255,999 for the biennium including 2.00 FTE
- Medicaid fraud unit, \$51,306 general fund and \$153,918 federal funds for the biennium including 1.00 FTE
- End of Life Registry, \$48,687 for the biennium including 0.50 FTE

Elected official proposals supported by general fund and approved by the legislature but not included in the executive budget are:

- Increased rental costs for the Division of Criminal Investigation, \$350,000 for the biennium
- Progression to market increases for forensic scientists, \$300,000 for the biennium
- Exemption of the forensic lab from 4 percent vacancy savings, \$187,710 for the biennium
- Supervisor for the Eastern Montana Drug Task Force, \$140,790 for the biennium
- Forensic Rape Examination Program, \$35,000 for the biennium

Legislative initiatives funded included:

- Methamphetamine Watch Program, \$1 million
- Child sexual abuse support function, \$500,000
- Child forensic interview specialist, \$188,006

The legislature also provided funding to implement the provision of several bills passed during the 2007 regular and special sessions, including:

- HB 13, the 2009 biennium pay plan, \$1.6 million
- SB 273 which revises peace officer standards and training, \$167,789 and 1.50 FTE
- HB 781 related to racial profiling and data collection, \$161,750
- HB 131 related to employer contributions toward retirement, \$31,967
- HB 840 related to motor vehicle registration, \$10,276

These increases are offset by the removal of \$4.4 million for present law adjustments and the base budget funding for county attorney salaries. HB 12 passed during the regular session changes the state contribution toward county attorney salaries and health insurance benefits, and provides a statutory appropriation for this purpose. Thus, funding is no longer included in the appropriations act.

The legislature provided state special revenue in excess of the executive request for:

- Exemption of the highway patrol staff from vacancy savings, \$1.4 million (this correction was included in the December, 2006 revisions to the executive budget)
- HB 13, the 2009 biennium pay plan, \$1.0 million
- Anticipated increases in consumer protection litigation settlements, \$200,000
- HB 461 related to cigarette fire safety standards, \$132,000

These increases are offset by non-inclusion of funding for Montana Highway Patrol salaries that is statutorily appropriated (HB 35 of the 2005 session), including:

- A reduction to offset costs included in statewide present law adjustments, \$4.6 million
- Non inclusion of a proposed 2009 pay increase, \$839,370

Additionally, two proposals were withdrawn by the department during the legislative process including funding for video gambling machine testing and a funding change for victims services restitution. The latter necessitated a statutory change (that was not passed) for implementation.

Federal funds are \$66,000 less than the executive request due to the inclusion of the 2009 biennium pay plan funding (\$86,330) and exclusion of funding related to the Medicaid fraud unit (\$153,918).

Proprietary funds differ from the executive request due to inclusion of funding for the 2009 biennium pay plan.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	50.50	0.00	6.00	56.50	0.00	6.00	56.50	56.50
Personal Services	2,956,473	376,956	522,728	3,856,157	391,977	676,177	4,024,627	7,880,784
Operating Expenses	1,213,664	54,816	3,049,580	4,318,060	67,402	35,000	1,316,066	5,634,126
Equipment	0	0	0	0	0	0	0	0
Benefits & Claims	847,236	0	0	847,236	0	0	847,236	1,694,472
Total Costs	\$5,017,373	\$431,772	\$3,572,308	\$9,021,453	\$459,379	\$711,177	\$6,187,929	\$15,209,382
General Fund	4,351,077	237,798	3,513,671	8,102,546	264,757	637,470	5,253,304	13,355,850
State/Other Special	305,254	37,062	11,529	353,845	37,345	24,128	366,727	720,572
Federal Special	361,042	156,912	47,108	565,062	157,277	49,579	567,898	1,132,960
Total Funds	\$5,017,373	\$431,772	\$3,572,308	\$9,021,453	\$459,379	\$711,177	\$6,187,929	\$15,209,382

Program Description

The Legal Services Division provides the Attorney General with legal research and analysis; legal counsel for state government officials, bureaus, and boards; legal assistance to local governments and Indian tribes; legal assistance, training, and support for county prosecutors; and assistance to victims of crime, including compensation payments.

County prosecutor services provide special prosecution assistance to counties in some circumstances, certain special task force and investigation sections, 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. The 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

Legal Services Division Major Budget Highlights	
♦	FY 2008 and 2009 funding for the division increases about \$4.0 million and \$1.2 million, respectively, compared to the FY 2006 base budget, the bulk of the increase (\$3.7 million and \$0.9 million for FY 2008 and 2009, respectively) occurring in the general fund
♦	General fund increases primarily due to: <ul style="list-style-type: none"> • \$3.0 million as a biennial, one-time-only appropriation for major litigation related to the Yellowstone Basin water management issues • \$776,000 for 6.00 FTE and related costs for additional staff, including staff for prosecution services, the child protective unit, and to intervene in water court claims

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Legal Services Division						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 4,351,077	86.7%	\$ 8,102,546	89.8%	\$ 5,253,304	84.9%
01100 General Fund	4,351,077	86.7%	8,102,546	89.8%	5,253,304	84.9%
02000 Total State Special Funds	305,254	6.1%	353,845	3.9%	366,727	5.9%
02013 Continuing Legal Education	-	-	6,500	0.1%	6,500	0.1%
02074 Gambling License Fee Account	76,634	1.5%	87,526	1.0%	90,382	1.5%
02337 Antitrust Activity	620	0.0%	-	-	-	-
02422 Highways Special Revenue	75,300	1.5%	87,160	1.0%	90,008	1.5%
02937 Justice State Special Misc	152,700	3.0%	172,659	1.9%	179,837	2.9%
03000 Total Federal Special Funds	361,042	7.2%	565,062	6.3%	567,898	9.2%
03169 Federal Crime Victims Benefits	270,021	5.4%	270,021	3.0%	270,021	4.4%
03187 Bcc Grants To Dept. Of Justice	-	-	76,150	0.8%	76,220	1.2%
03801 Dept Of Justice-Misc Grants	91,021	1.8%	218,891	2.4%	221,657	3.6%
Grand Total	\$ 5,017,373	100.0%	\$ 9,021,453	100.0%	\$ 6,187,929	100.0%

The division receives about 84 percent of its funding from the general fund. Major litigation and intervention in water court cases are supported entirely by the general fund, while the crime victims unit is supported by a combination of general fund and the federal crime victims' assistance grant. State special revenue from sources such as gambling license fees and highway state special revenue provide about 6 percent of the support for the division and support activities related to gambling enforcement, the Montana Highway Patrol and the Motor Vehicle Division. The Child Protection Unit is supported by a combination of general fund and federal funds.

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----					-----Fiscal 2009-----					
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds	
Personal Services				511,223					526,864	
Vacancy Savings				(134,267)					(134,887)	
Inflation/Deflation				15,576					16,988	
Fixed Costs				32,740					43,914	
Total Statewide Present Law Adjustments				\$425,272					\$452,879	
DP 108 - Continuing Legal Education - Base Adjustment										
0.00	0	6,500	0	6,500	0.00	0	6,500	0	6,500	
Total Other Present Law Adjustments										
0.00	\$0	\$6,500	\$0	\$6,500	0.00	\$0	\$6,500	\$0	\$6,500	
Grand Total All Present Law Adjustments				\$431,772					\$459,379	

DP 108 - Continuing Legal Education - Base Adjustment - The legislature provided \$13,000 state special revenue for the biennium for the Continuing Legal Education Program, which did not have any expenditures in the FY 2006 base budget. Revenue to cover the costs of this program will be generated by fees charged to attend training.

New Proposals

New Proposals										
Program	FTE	-----Fiscal 2008-----				-----Fiscal 2009-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 104 - Prosecution Services Bureau										
01	2.00	167,066	0	0	167,066	2.00	161,247	0	0	161,247
DP 105 - Child Protective Unit										
01	2.00	124,052	0	43,014	167,066	2.00	119,721	0	41,526	161,247
DP 107 - Water Court Claims										
01	2.00	103,473	0	0	103,473	2.00	100,884	0	0	100,884
DP 110 - Major Litigation - Wyoming (OTO)										
01	0.00	3,000,000	0	0	3,000,000	0.00	0	0	0	0
DP 6013 - 2009 Biennium Pay Plan - HB 13										
01	0.00	115,527	11,237	3,744	130,508	0.00	251,846	23,824	7,932	283,602
DP 6014 - Retirement Employer Contributions - HB 131										
01	0.00	3,553	292	350	4,195	0.00	3,772	304	121	4,197
Total	6.00	\$3,513,671	\$11,529	\$47,108	\$3,572,308*	6.00	\$637,470	\$24,128	\$49,579	\$711,177*

DP 104 - Prosecution Services Bureau - The legislature provided \$328,313 general fund for the biennium to support 2.00 FTE and related operating costs to increase the staffing of the Prosecution Services Bureau due to workload issues.

DP 105 - Child Protective Unit - The legislature provided \$328,313 total funds including \$243,773 general fund and \$84,540 federal funds to support 2.00 FTE and related operating costs for additional staff in the Child Protective Unit of the division.

DP 107 - Water Court Claims - The legislature provided \$204,357 general fund for the biennium to support 2.00 FTE and related operating costs to continue funding for the Water Court claims and to increase the staff from two 0.50 FTE to two 1.00 FTE positions (an attorney and a paralegal). 2007 biennium funding for this function was a one-time-only appropriation from the Resource Indemnity Trust. The department has the authority to intervene in water claims adjudications.

DP 110 - Major Litigation - Wyoming (OTO) - The legislature provided \$3.0 million general fund as a one-time-only, biennial appropriation for activities and potential litigation related to the Yellowstone River Compact. Per the department, Wyoming has failed to respond to Montana's claims for water deliveries arising under the Yellowstone River Compact among Montana, Wyoming, and North Dakota, resulting in inadequate water supplies in Montana in certain parts of the tributaries of the Yellowstone River that flow into Montana from Wyoming.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

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FTE	8.75	0.00	0.00	8.75	0.00	0.00	8.75	8.75
Personal Services	351,409	109,389	19,999	480,797	111,340	40,693	503,442	984,239
Operating Expenses	82,035	11,830	117,500	211,365	13,023	117,500	212,558	423,923
Total Costs	\$433,444	\$121,219	\$137,499	\$692,162	\$124,363	\$158,193	\$716,000	\$1,408,162
General Fund	208	(208)	17,500	17,500	(208)	17,500	17,500	35,000
State/Other Special	433,236	121,427	119,999	674,662	124,571	140,693	698,500	1,373,162
Total Funds	\$433,444	\$121,219	\$137,499	\$692,162	\$124,363	\$158,193	\$716,000	\$1,408,162

Program Description

The Office of Consumer Protection enforces Montana's consumer protection laws and regulations related to: deceptive and misleading advertising, including "bait and switch" and false claims; unfair acts by a business, including changing a contract after a sale, abusive arbitration and debt collection misconduct; door-to-door sales; telemarketing, including running Montana's do-not-call list; car and truck sales and repair, including the New Vehicle Warranty Act (or Lemon Law) violations; antitrust issues, including price fixing, monopoly abuse and restraint of trade.

Program Highlights

Office Of Consumer Protection Major Budget Highlights	
♦	FY 2008 and 2009 funding for the division increased about \$692,000 and \$715,000, respectively, when compared to the FY 2006 base budget. The increase is primarily attributable to state special revenue, which increases due to statewide present law adjustments and the provision of a \$200,000 biennial appropriation due to settlements anticipated as the result of litigation
♦	General fund increases due to the provision of a biennial appropriation totaling \$35,000 to support the forensic rape examination program, which pays for rape examination kits

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Office Of Consumer Prote						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 208	0.0%	\$ 17,500	2.5%	\$ 17,500	2.4%
01100 General Fund	208	0.0%	17,500	2.5%	17,500	2.4%
02000 Total State Special Funds	433,236	100.0%	674,662	97.5%	698,500	97.6%
02140 Consumer Education Settlement	433,236	100.0%	674,662	97.5%	698,500	97.6%
Grand Total	\$ 433,444	100.0%	\$ 692,162	100.0%	\$ 716,000	100.0%

Other than \$35,000 of general fund, which supports the Forensic Rape Examination Payment Program, the division is funded entirely by state special revenue from the consumer education settlement account. Revenue for this account comes from settlements from litigation of consumer related cases.

Present Law Adjustments

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

Present Law Adjustments										
Fiscal 2008						Fiscal 2009				
FTE	General Fund	State Special	Federal Special	Total Funds		FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				128,590						130,622
Vacancy Savings				(19,201)						(19,282)
Inflation/Deflation				467						517
Fixed Costs				11,363						12,506
Total Statewide Present Law Adjustments				\$121,219						\$124,363
Grand Total All Present Law Adjustments				\$121,219						\$124,363

New Proposals

New Proposals										
Fiscal 2008						Fiscal 2009				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2009 Biennium Pay Plan - HB 13										
02	0.00	0	16,326	0	16,326	0.00	0	36,997	0	36,997
DP 6014 - Retirement Employer Contributions - HB 131										
02	0.00	0	523	0	523	0.00	0	546	0	546
DP 9905 - Forensic Rape Examination Payment Program										
02	0.00	17,500	0	0	17,500	0.00	17,500	0	0	17,500
DP 9911 - Consumer Protection Litigation (Biennial)										
02	0.00	0	100,000	0	100,000	0.00	0	100,000	0	100,000
DP 9913 - HB 630 "Restrict Internet Phishing"										
02	0.00	0	3,150	0	3,150	0.00	0	3,150	0	3,150
Total	0.00	\$17,500	\$119,999	\$0	\$137,499*	0.00	\$17,500	\$140,693	\$0	\$158,193*

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

DP 9905 - Forensic Rape Examination Payment Program - The legislature provided \$35,000 general fund as a biennial appropriation to support the Forensic Rape Examination Payment Program.

DP 9911 - Consumer Protection Litigation (Biennial) - The legislature provided \$200,000 state special revenue in a biennial appropriation to support consumer protection litigation by the Office of Consumer Protection.

DP 9913 - HB 630 "Restrict Internet Phishing" - The legislature provided \$3,150 of state special revenue per year (\$6,300 for the biennium) for the implementation of the provisions of HB 630 related to internet "phishing". The Department of Justice will be responsible for investigation and prosecution of internet "phishing" cases.

Proprietary Program Description

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

ALSB has 17.00 FTE funded from the revenues generated.

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

Alternate Sources: 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. Agencies must receive approval from the Legal Services Review Committee prior to contracting for outside legal services.

Customers Served: ALSB serves state agencies, boards, and commissions that have entered contracts with ALSB. According to Executive Order 5-93, agencies must receive approval from the Legal Services Review Committee prior to contracting for outside legal services.

Proprietary Revenues and Expenses

Change in Service or Fees - An increase in the rate per hour for attorneys from \$74 to \$84 and investigator services from \$46 to \$50 beginning in FY 2008 is included in this bill.

Working Capital Discussion -The objective of program management is to recover costs to fund necessary and ongoing operations. The program will increase cash on hand from a projected cash balance without the above increase of \$47,063 at the end of the 2009 biennium to a \$213,431 positive balance. A 60-day working capital would be approximately \$217,000.

Fund Equity and Reserved Fund Balance - The program would like to maintain a working fund balance of sixty days. However this has never been done due to the need to keep rates down.

Cash Flow Discussion - With the proposed rate increase, the department anticipates that cash flow should be sufficient to maintain the proposed rates through the 2011 biennium without an increase.

Proprietary Rate Explanation

Rate Explanation – Rates are based upon cost of operations to include attorney and investigators. The rates take into consideration holidays, non billable hours, sick and vacation leave. Rates must be sufficient to cover all personnel costs and operating expenses.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	43.50	0.00	6.00	49.50	0.00	6.00	49.50	49.50
Personal Services	2,206,760	195,633	388,421	2,790,814	208,821	505,645	2,921,226	5,712,040
Operating Expenses	645,442	73,498	148,250	867,190	81,982	148,250	875,674	1,742,864
Equipment	72,445	0	60,000	132,445	0	0	72,445	204,890
Debt Service	4,880	0	0	4,880	0	0	4,880	9,760
Total Costs	\$2,929,527	\$269,131	\$596,671	\$3,795,329	\$290,803	\$653,895	\$3,874,225	\$7,669,554
State/Other Special	2,089,414	181,662	421,922	2,692,998	197,075	476,116	2,762,605	5,455,603
Proprietary	840,113	87,469	174,749	1,102,331	93,728	177,779	1,111,620	2,213,951
Total Funds	\$2,929,527	\$269,131	\$596,671	\$3,795,329	\$290,803	\$653,895	\$3,874,225	\$7,669,554

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.

Program Highlights

Gambling Control Division Major Budget Highlights	
♦	FY 2008 and 2009 funding for the division is about \$862,000 and \$941,000, respectively, greater than the FY 2006 base budget, primarily due to the addition of 6.00 FTE for investigation functions related to gambling licensing (2.00 FTE), tobacco enforcement (2.00 FTE), and liquor licensing activities (2.00 FTE)

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Gambling Control Division						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
02000 Total State Special Funds	\$ 2,089,414	71.3%	\$ 2,692,998	71.0%	\$ 2,762,605	71.3%
02074 Gambling License Fee Account	2,089,414	71.3%	2,567,495	67.6%	2,632,529	67.9%
02937 Justice State Special Misc	-	-	125,503	3.3%	130,076	3.4%
06000 Total Proprietary Funds	840,113	28.7%	1,102,331	29.0%	1,111,620	28.7%
06005 Liquor Division	840,113	28.7%	1,102,331	29.0%	1,111,620	28.7%
Grand Total	\$ 2,929,527	100.0%	\$ 3,795,329	100.0%	\$ 3,874,225	100.0%

The division is funded primarily with state special revenue (71 percent) from gambling license fees, which supports activities related to gambling regulation including investigation, inspections, collection, and distribution of gambling fees.

Proprietary funds from liquor licensing and taxes compose the balance of the division's funding and supports investigation and activities related to alcoholic beverage licensing and tobacco enforcement.

Present Law Adjustments

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

Present Law Adjustments										
Fiscal 2008						Fiscal 2009				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					295,731					309,469
Vacancy Savings					(100,098)					(100,648)
Inflation/Deflation					2,627					2,687
Fixed Costs					9,382					12,753
Total Statewide Present Law Adjustments					\$207,642					\$224,261
DP 701 - GCD - Base Adjustment	0.00	0	43,657	0	61,489*	0.00	0	47,245	0	66,542*
Total Other Present Law Adjustments	0.00	\$0	\$43,657	\$0	\$61,489*	0.00	\$0	\$47,245	\$0	\$66,542*
Grand Total All Present Law Adjustments					\$269,131*					\$290,803*

DP 701 - GCD - Base Adjustment - The legislature provided \$128,031 total funds, \$90,902 state special revenue and \$37,129 proprietary fund, to annualize operating expenses for positions that were vacant during the base year and for increased travel and rent.

New Proposals

New Proposals										
Fiscal 2008						Fiscal 2009				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 702 - Continue OTO Approp - Gambling Database										
07	0.00	0	85,250	0	85,250	0.00	0	85,250	0	85,250
DP 703 - GCD - New Investigators - Gambling										
07	2.00	0	147,848	0	147,848	2.00	0	118,102	0	118,102
DP 704 - Tobacco Investigation Unit - Make MOU Permanent										
07	2.00	0	122,432	0	122,432	2.00	0	122,700	0	122,700
DP 707 - GCD - New Investigators - Liquor										
07	2.00	0	0	0	147,848*	2.00	0	0	0	118,102*
DP 6013 - 2009 Biennium Pay Plan - HB 13										
07	0.00	0	64,872	0	90,081*	0.00	0	148,483	0	206,086*
DP 6014 - Retirement Employer Contributions - HB 131										
07	0.00	0	1,520	0	3,212*	0.00	0	1,581	0	3,655*
Total	6.00	\$0	\$421,922	\$0	\$596,671*	6.00	\$0	\$476,116	\$0	\$653,895*

DP 702 - Continue OTO Approp - Gambling Database - The legislature provided \$170,500 state special revenue for the biennium as a one-time-only, biennial appropriation, to complete activities related to the design, development, and implementation of a new database for the division to receive machine data and tax payments electronically, through the state website. The legislature provided \$1.5 million of funding for the 2007 biennium of which the division has spent about \$1.2 million.

DP 703 - GCD - New Investigators - Gambling - The legislature provided \$265,950 in gambling state special revenue for the 2009 biennium to support an additional 2.00 FTE investigators and associated operating and equipment costs to help manage the growth and regulation of live poker tables and tournaments.

DP 704 - Tobacco Investigation Unit - Make MOU Permanent - The legislature provided \$245,132 state special revenue for the biennium to support an additional 2.00 FTE investigators and related operating expenses. These positions are currently funded through a memorandum of understanding with the Department of Public Health and Human Service by tobacco settlement funds and would address an increase in workload related to tobacco tax evasion and smuggling.

DP 707 - GCD - New Investigators - Liquor - The legislature provided \$265,950 proprietary funds for the biennium to support an additional 2.00 FTE liquor investigators and related operating costs to provide manpower to conduct investigations of out-of-state residents and publicly traded companies.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	153.00	0.00	2.00	155.00	0.00	2.00	155.00	155.00
Personal Services	4,996,142	723,058	290,163	6,009,363	739,047	542,163	6,277,352	12,286,715
Operating Expenses	3,963,633	2,249,408	28,655	6,241,696	2,273,128	11,529	6,248,290	12,489,986
Equipment	43,439	21,500	0	64,939	21,500	0	64,939	129,878
Capital Outlay	0	0	0	0	0	0	0	0
Debt Service	457,974	3,300,000	0	3,757,974	4,275,000	0	4,732,974	8,490,948
Total Costs	\$9,461,188	\$6,293,966	\$318,818	\$16,073,972	\$7,308,675	\$553,692	\$17,323,555	\$33,397,527
General Fund	5,255,195	1,647,137	234,898	7,137,230	1,670,964	375,734	7,301,893	14,439,123
State/Other Special	4,194,867	4,096,829	83,920	8,375,616	5,087,711	177,958	9,460,536	17,836,152
Proprietary	11,126	550,000	0	561,126	550,000	0	561,126	1,122,252
Total Funds	\$9,461,188	\$6,293,966	\$318,818	\$16,073,972	\$7,308,675	\$553,692	\$17,323,555	\$33,397,527

Program Description

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

Program Highlights

Motor Vehicle Division Major Budget Highlights	
♦	FY 2008 and 2009 funding for the division is \$6.6 million and \$7.9 million, respectively, greater than the FY 2006 base budget
♦	State special revenue increases the greatest dollar amount, by \$4.2 million and \$5.3 million for FY 2008 and 2009, respectively due largely to base adjustments related to payment of debt on bonds used to finance a new computer system
♦	General fund increases \$1.9 million and \$2.0 million for FY 2008 and 2009, respectively, when the same comparison is made due primarily to base budget adjustments for operating costs
♦	Proprietary funding increases \$550,000 each year due to funding and fees related to e-government applications
♦	HB 287 passed during the 2007 regular session directs the department not to implement the requirements of the federal "REAL I.D. Act of 2005" requiring that drivers licensing documentation and processes meet certain federal requirements

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Motor Vehicle Division						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 5,255,195	55.5%	\$ 7,137,230	44.4%	\$ 7,301,893	42.2%
01100 General Fund	5,255,195	55.5%	7,137,230	44.4%	7,301,893	42.2%
02000 Total State Special Funds	4,194,867	44.3%	8,375,616	52.1%	9,460,536	54.6%
02225 Mvd Inform Tech System Hb577	136,191	1.4%	936,191	5.8%	911,191	5.3%
02422 Highways Special Revenue	3,804,727	40.2%	4,685,476	29.1%	4,795,396	27.7%
02798 Mvd It System - Hb261	253,949	2.7%	2,753,949	17.1%	3,753,949	21.7%
06000 Total Proprietary Funds	11,126	0.1%	561,126	3.5%	561,126	3.2%
06080 Mvd/State Information Portal	11,126	0.1%	36,126	0.2%	36,126	0.2%
06083 Mvd Electronic Commerce	-	-	525,000	3.3%	525,000	3.0%
Grand Total	\$ 9,461,188	100.0%	\$ 16,073,972	100.0%	\$ 17,323,555	100.0%

The division receives the majority of its funding, about 55 percent, from state special revenue sources including the highways special revenue and MVD information technology (HB 261) funds. General fund, expended in conjunction with highway state special revenue, supports motor vehicle licensing and registration on a ratio of 40 percent general fund, and 60 percent state special revenue funds. State special revenue funds from various motor vehicle related fees repay debt that supports design and development of a new automated system, MERLIN. Proprietary funds derived from a fee charged for government e-commerce related activities comprise the balance (about 3 percent) of the funding for the division and support government e-commerce activities.

Present Law Adjustments

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

Present Law Adjustments									
-----Fiscal 2008-----					-----Fiscal 2009-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				950,939					967,599
Vacancy Savings				(237,881)					(238,552)
Inflation/Deflation				52,905					55,154
Fixed Costs				(165,732)					(149,354)
Total Statewide Present Law Adjustments				\$600,231					\$634,847
DP 1201 - Base Adjustments MVD Titling and Registration									
0.00	288,907	192,605	0	481,512	0.00	288,907	192,605	0	481,512
DP 1202 - Base Adjustments MVD Driver Licensing Functions									
0.00	817,334	544,889	0	1,362,223	0.00	820,390	546,926	0	1,367,316
DP 1206 - Base Adjustments for HB577 Debt Payments									
0.00	0	800,000	0	800,000	0.00	0	775,000	0	775,000
DP 1207 - Base Adjustments for HB261 Debt Payments									
0.00	0	2,500,000	0	2,500,000	0.00	0	3,500,000	0	3,500,000
DP 1212 - MV Proprietary Account Spending Authority									
0.00	0	0	0	25,000*	0.00	0	0	0	25,000*
DP 1213 - HB 671 Proprietary Account Spending Authority									
0.00	0	0	0	525,000*	0.00	0	0	0	525,000*
Total Other Present Law Adjustments									
0.00	\$1,106,241	\$4,037,494	\$0	\$5,693,735*	0.00	\$1,109,297	\$5,014,531	\$0	\$6,673,828*
Grand Total All Present Law Adjustments				\$6,293,966*					\$7,308,675*

DP 1201 - Base Adjustments MVD Titling and Registration - The legislature provided \$963,024 total funds, \$577,814 general fund and \$385,210 state special revenue, for base budget adjustments in the areas of overtime, legal fees, court costs, printing, postage, and rent. The majority of this funding supports three items: data network charges (\$294,000), printing of decals (\$160,420), and specialized printer cartridges (\$130,000).

DP 1202 - Base Adjustments MVD Driver Licensing Functions - The legislature provided \$2.7 million total funds, \$1.6 million general fund and \$1.1 million state special revenue, for base budget adjustments related to on-going driver licensing and driver control responsibilities. Almost \$2.5 million of the funding requested in this decision package is for the production of digital driver licenses and identification cards. The current contract for these services expires in FY 2007. A request for proposal will be issued and the department anticipates costs for these services will increase from \$3.15 to \$10.00 for each driver license and identification card produced.

DP 1206 - Base Adjustments for HB577 Debt Payments - The legislature provided \$1,575,000 state special revenue as a biennial appropriation for debt service and system acquisition costs for the Motor Vehicle System, Phase One, Titling System project (HB 577 from the 2001 session). The \$4.5 million Board of Investments loan (initiated in FY 2002) to finance the motor vehicle titling information technology system under the INTERCAP loan program was placed on a 10-year repayment schedule funded by a \$4 increase in lien filing fees.

DP 1207 - Base Adjustments for HB261 Debt Payments - The legislature provided \$6.0 million state special revenue as a biennial appropriation for debt payments (HB 261 of the 2003 session) to fund the Motor Vehicle System, Phase Two, Vehicle Registration and Driver Licensing/Driver Control System. The Board of Investments \$18 million loan for the motor vehicle registration and driver licensing/driver control information technology system under the INTERCAP loan program was initiated in FY 2004 with a 10-year repayment schedule funded by a \$5 increase in titling fees.

DP 1212 - MV Proprietary Account Spending Authority - The legislature provided \$50,000 state special revenue for the biennium as a biennial appropriation for costs of development, maintenance, and distribution of information in the state's motor vehicle and driver licensing database applications electronically. The division is developing e-government applications that allow individuals to access certain information on-line for a fee. For example, an individual or prospective employer may obtain a copy of a driving record for a fee through an online application. The vendor collects the fees, retains a portion of the fee, and remits a portion to the department for deposit into a proprietary account.

DP 1213 - HB 671 Proprietary Account Spending Authority - The legislature provided \$1,050,000 state special revenue for the biennium to support operating costs for an enhanced motor vehicle web portal that allows third party users to access the system. This funding would be used to develop an e-government application through which temporary vehicle registration permits would be purchased. Fees charged for this service would be deposited to a proprietary account.

New Proposals

New Proposals										
Program	FTE	Fiscal 2008				FTE	Fiscal 2009			
		General Fund	State Special	Federal Special	Total Funds		General Fund	State Special	Federal Special	Total Funds
DP 1208 - Driver License Security Requirements										
12	2.00	112,283	0	0	112,283	2.00	112,371	0	0	112,371
DP 6013 - 2009 Biennium Pay Plan - HB 13										
12	0.00	108,682	74,710	0	183,392	0.00	259,486	175,510	0	434,996
DP 6014 - Retirement Employer Contributions - HB 131										
12	0.00	3,657	2,360	0	6,017	0.00	3,877	2,448	0	6,325
DP 9915 - HB 840 "Revise License Plate Laws"										
12	0.00	10,276	6,850	0	17,126	0.00	0	0	0	0
Total	2.00	\$234,898	\$83,920	\$0	\$318,818*	2.00	\$375,734	\$177,958	\$0	\$553,692*

DP 1208 - Driver License Security Requirements - The legislature provided \$224,654 general fund for the biennium to continue 2.00 FTE and related operating costs for driver license security requirements required by the Patriot Act and funded with a one-time-only appropriation in the 2007 biennium.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

DP 9915 - HB 840 "Revise License Plate Laws" - The legislature provided \$10,276 general fund and \$6,850 state special revenue in FY 2008 for the department to implement the provisions of HB 840, which revises license plate laws.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	264.05	0.00	5.00	269.05	0.00	5.00	269.05	269.05
Personal Services	13,465,542	4,466,222	(2,038,028)	15,893,736	4,565,281	(1,924,998)	16,105,825	31,999,561
Operating Expenses	5,253,566	220,690	92,328	5,566,584	312,621	(69,436)	5,496,751	11,063,335
Equipment	1,573,902	257,681	(173,675)	1,657,908	357,221	(173,675)	1,757,448	3,415,356
Total Costs	\$20,293,010	\$4,944,593	(\$2,119,375)	\$23,118,228	\$5,235,123	(\$2,168,109)	\$23,360,024	\$46,478,252
General Fund	0	0	336,789	336,789	0	176,690	176,690	513,479
State/Other Special	19,945,808	5,077,235	(2,241,604)	22,781,439	5,367,751	(2,130,225)	23,183,334	45,964,773
Federal Special	347,202	(132,642)	(214,560)	0	(132,628)	(214,574)	0	0
Total Funds	\$20,293,010	\$4,944,593	(\$2,119,375)	\$23,118,228	\$5,235,123	(\$2,168,109)	\$23,360,024	\$46,478,252

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.

Program Highlights

Highway Patrol Division Major Budget Highlights	
♦	FY 2008 and 2009 funding for the division increase \$2.8 million and \$3.1 million, respectively, when compared to the FY 2006 base budget, with the increase occurring primarily in state special revenue <ul style="list-style-type: none"> • State special revenue increases primarily due to increases in personal service costs • General fund increases from zero in the base budget to \$513,479 for the 2009 biennium budget due to the movement of funding for the executive protection function from the Governor's office to the department and provision of funding (\$161,750 as a one-time-only appropriation) to support data gathering required by HB 781 that was passed during the 2007 regular session • Federal funds decrease from \$347,202 in FY 2006 to zero in the 2009 biennium budget due to the movement of the motor carrier safety assistance section to the Department of Transportation
♦	The statewide present law adjustment for personal services increases costs by about \$3.8 million a year above the FY 2006 base budget expenditure level, primarily due to a pay increase that is funded from a statutory appropriation; this increase is offset by a decision package reducing personal services costs by about \$2.3 million a year to remove funding that is statutorily appropriated

Program Narrative

During the 2005 session, legislation was passed (HB 35) which provided for a state special revenue account that is statutorily appropriated to the department and funded by a \$5 increase in vehicle registration fees. This state special revenue account may be used to fund:

- An increase in the base salary for MHP officer positions existing as of June 30, 2006
- The base salary and associated operating costs for new highway patrol officer positions created after June 30, 2006
- Biennial salary increases after June 30, 2006 for highway patrol officers

This legislation provided that before January 1 of each odd numbered year a salary survey be conducted of the labor market, which for this purpose is defined as county sheriff departments for Butte-Silver Bow, Cascade, Yellowstone, Missoula, Lewis and Clark, Gallatin, Flathead and Dawson counties or consolidated governments. This legislation also provided that a salary survey be completed for implementation of salary adjustments in the first full pay period of FY 2007.

The pay adjustment related to this legislation is included in the statewide present law adjustment for personal services. However, a decision package to remove approximately \$2.3 million a year of state special revenue related to this adjustment is also reflected in the 2009 biennium budget for the division as these funds are already statutorily appropriated.

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Highway Patrol Division						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ -	-	\$ 336,789	1.5%	\$ 176,690	0.8%
01100 General Fund	-	-	336,789	1.5%	176,690	0.8%
02000 Total State Special Funds	19,945,808	98.3%	22,781,439	98.5%	23,183,334	99.2%
02014 Highway Patrol Retire Clearing	-	-	75	0.0%	155	0.0%
02422 Highways Special Revenue	19,812,999	97.6%	22,766,099	98.5%	23,167,914	99.2%
02937 Justice State Special Misc	132,809	0.7%	15,265	0.1%	15,265	0.1%
03000 Total Federal Special Funds	347,202	1.7%	-	-	-	-
03166 Mcsap-Truck Inspection Program	347,202	1.7%	-	-	-	-
Grand Total	\$ 20,293,010	100.0%	\$ 23,118,228	100.0%	\$ 23,360,024	100.0%

Highway Patrol Division functions are supported by funding from the highways state special revenue account (additional information on this account may be found under the Department of Transportation), except for executive protection, which is supported by the general fund.

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					3,830,301					3,929,355
Vacancy Savings					(691,852)					(695,798)
Inflation/Deflation					4,129					4,997
Fixed Costs					237,346					314,848
Total Statewide Present Law Adjustments					\$3,379,924					\$3,553,402
DP 1301 - MHP base adjustments	0.00	0	866,456	0	866,456	0.00	0	979,557	0	979,557
DP 9906 - Exempt MHP from Vacancy Savings	0.00	0	698,213	0	698,213	0.00	0	702,164	0	702,164
Total Other Present Law Adjustments	0.00	\$0	\$1,564,669	\$0	\$1,564,669	0.00	\$0	\$1,681,721	\$0	\$1,681,721
Grand Total All Present Law Adjustments					\$4,944,593					\$5,235,123

DP 1301 - MHP base adjustments - The legislature provided \$1.8 million state special revenue for the biennium for adjustments to FY 2006 base expenditures including:

- Increases in overtime and mandatory employee benefit costs - \$1.3 million
- Vehicles - \$614,902
- Rent - \$263,845
- Maintenance agreements - \$268,000
- Prisoner per diem - \$145,946
- Gasoline - \$94,200

DP 9906 - Exempt MHP from Vacancy Savings - The legislature removed vacancy savings from the Montana Highway Patrol since statutory provisions exempt this program from vacancy savings. This adjustment was reflected in the adjustments to the executive budget published in December, 2006.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1303 - Communications Operators										
13	5.00	0	152,659	0	152,659	5.00	0	152,791	0	152,791
DP 1305 - MCSAP Reduction from base										
13	0.00	0	(29,537)	(214,560)	(244,097)	0.00	0	(29,537)	(214,574)	(244,111)
DP 1306 - Executive protection funding switch										
13	0.00	175,039	(175,039)	0	0	0.00	176,690	(176,690)	0	0
DP 6013 - 2009 Biennium Pay Plan - HB 13										
13	0.00	0	88,855	0	88,855	0.00	0	201,641	0	201,641
DP 6014 - Retirement Employer Contributions - HB 131										
13	0.00	0	3,040	0	3,040	0.00	0	3,152	0	3,152
DP 9907 - Remove Portion Salaries Statutorily Appropriated										
13	0.00	0	(2,282,582)	0	(2,282,582)	0.00	0	(2,282,582)	0	(2,282,582)
DP 9916 - HB 781 "Rev Racial Profiling Law - Data Gathering"										
13	0.00	161,750	1,000	0	162,750	0.00	0	1,000	0	1,000
Total	5.00	\$336,789	(\$2,241,604)	(\$214,560)	(\$2,119,375)*	5.00	\$176,690	(\$2,130,225)	(\$214,574)	(\$2,168,109)*

DP 1303 - Communications Operators - The legislature provided \$305,450 state special revenue for the biennium to support an additional 5.00 FTE communication system operators (dispatchers) for its statewide communication dispatch center in Helena.

DP 1305 - MCSAP Reduction from base - The legislature reduced funding for the division by \$488,208 (\$59,074 state special revenue and \$429,134 federal funds) for the biennium, to reflect the movement of the Motor Carrier Safety Assistance Section (MCSAP) to the Department of Transportation effective October 1, 2005.

DP 1306 - Executive protection funding switch - The legislature provided a general fund increase of \$351,729 for the biennium with an offsetting reduction in state special revenue for executive protection. Previously, the Governor's Office paid the MHP with a general fund appropriation and MHP recorded receipt of that reimbursement in a state special revenue account. With the movement of this function from the Governor's Office, the expenditure is made from the MHP and could be charged to the general fund at the time the expenditure is recorded.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

DP 9907 - Remove Portion Salaries Statutorily Appropriated - The legislature removed the portion of the statewide present law adjustment for personal services related to pay increases funded by a statutory appropriation

DP 9916 - HB 781 "Rev Racial Profiling Law - Data Gathering" - The legislature provided \$161,750 general fund in FY 2008 as a one-time-only appropriation and \$1,000 a year of state special revenue to implement the provisions of HB 781, which revises racial profiling laws and provides for collection of data.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	79.50	0.00	2.50	82.00	0.00	2.50	82.00	82.00
Personal Services	3,813,261	517,916	358,982	4,690,159	545,533	551,523	4,910,317	9,600,476
Operating Expenses	2,177,978	(49,080)	1,598,216	3,727,114	(41,160)	600,379	2,737,197	6,464,311
Equipment	106,916	0	0	106,916	0	0	106,916	213,832
Debt Service	40,022	0	0	40,022	0	0	40,022	80,044
Total Costs	\$6,138,177	\$468,836	\$1,957,198	\$8,564,211	\$504,373	\$1,151,902	\$7,794,452	\$16,358,663
General Fund	3,482,713	362,255	1,683,854	5,528,822	389,650	818,548	4,690,911	10,219,733
State/Other Special	1,465,988	188,947	249,483	1,904,418	193,480	281,534	1,941,002	3,845,420
Federal Special	1,189,476	(82,366)	23,861	1,130,971	(78,757)	51,820	1,162,539	2,293,510
Expendable Trust	0	0	0	0	0	0	0	0
Total Funds	\$6,138,177	\$468,836	\$1,957,198	\$8,564,211	\$504,373	\$1,151,902	\$7,794,452	\$16,358,663

Program Description

The Division of Criminal Investigation includes the administration, management, and coordination of criminal investigative services and training performed by the:

- Investigations Bureau including:
 - Fire Prevention and Investigation Section, which safeguards life and property from fire, explosion, and arson through investigative, inspection, and fire code interpretation and enforcement functions
 - Investigative Support Section, which investigates crimes involving the use of computers, maintains the Sexual and Violent Offender Registry, provides advanced training opportunities for law enforcement officials statewide, established a statewide intelligence center, and addresses homeland security issues
 - Major Case Section, which provides criminal investigative assistance to city, county, state, and federal law enforcement agencies
 - Medicaid Fraud Control Section, which investigates any crime that occurs in a health care facility, including theft, drug diversion, sexual assault, and homicide. The section also investigates elder exploitation, elder abuse, and fraud by providers within the Medicaid system
- Narcotics Bureau, which 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.
- Law Enforcement Academy (MLEA) Bureau, which provides criminal justice officers and other qualified individuals with basic and specialized training in the field of law enforcement.

Program Highlights

Division of Criminal Investigation Major Budget Highlights	
♦	FY 2008 and 2009 support for the division is \$2.4 million and \$1.7 million, respectively, greater than the FY 2006 base budget, with the bulk of the change (\$2.0 million and \$1.2 million in FY 2008 and 2009, respectively) occurring in the general fund
•	General fund increases due to statewide present law adjustments and new proposals, including \$1.0 million for the Methamphetamine Watch Program, \$0.5 million for child sexual abuse program support functions, \$350,000 for increases rental costs, and \$338,596 for the 2009 biennium pay plan
♦	SB 273 of the 2007 regular session revises provisions related to peace officer standards and training and moves this function to the Department of Justice from the Montana Board of Crime Control

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Div. Of Criminal Investi						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 3,482,713	56.7%	\$ 5,528,822	64.6%	\$ 4,690,911	60.2%
01100 General Fund	3,482,713	56.7%	5,528,822	64.6%	4,690,911	60.2%
02000 Total State Special Funds	1,465,988	23.9%	1,904,418	22.2%	1,941,002	24.9%
02079 Fire Protection & Permitting	22,601	0.4%	43,347	0.5%	44,179	0.6%
02143 Drug Forfeitures-State	43,705	0.7%	33,871	0.4%	33,871	0.4%
02546 Mtlaw Enforc. Acad. Surcharge	1,201,730	19.6%	1,391,069	16.2%	1,422,248	18.2%
02937 Justice State Special Misc	197,952	3.2%	436,131	5.1%	440,704	5.7%
03000 Total Federal Special Funds	1,189,476	19.4%	1,130,971	13.2%	1,162,539	14.9%
03051 Homeland Security	154,304	2.5%	360,144	4.2%	372,523	4.8%
03187 Bcc Grants To Dept. Of Justice	566,740	9.2%	291,241	3.4%	293,186	3.8%
03800 Medicaid Fraud	468,432	7.6%	479,586	5.6%	496,830	6.4%
Grand Total	\$ 6,138,177	100.0%	\$ 8,564,211	100.0%	\$ 7,794,452	100.0%

The division is funded by a combination of general fund (60 percent), state special revenue (25 percent), and federal funds (13 percent). The largest source of state special revenue for the division is the Montana Law Enforcement Academy surcharge. Federal funds from several sources support specific functions as specified in the grant award.

Functions such as investigative services, narcotics investigation, the Statewide Drug Task Force, and Miles City Narcotics agent are supported entirely by the general fund. The general fund also supports fire prevention and investigation, investigation of major criminal cases, and provides the 25 percent matching funds required by Medicaid to support investigation of Medicaid Fraud.

State special revenue includes:

- Revenue from fire protection and permitting fees, which support a portion of fire prevention and investigation activities
- Drug fines and forfeitures, which partially support some drug task forces (Southwest – Butte, Tri-agency - Havre)
- Montana Law Enforcement Academy surcharges, which support the academy

Federal funds include:

- Medicaid funds, which support 75 percent of the costs of Medicaid Fraud investigations
- Justice Assistance Grants, which partially support various drug task forces (Southwest – Butte, Tri-agency - Havre , Eastern Montana – Miles City)
- Stop Violence Against Women grant, which supports specific MLEA activities
- Homeland security grant

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
FTE	General Fund	State Special	Federal Special	Total Funds		FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				698,383						727,147
Vacancy Savings				(180,467)						(181,614)
Inflation/Deflation				40,944						43,002
Fixed Costs				93,469						99,331
Total Statewide Present Law Adjustments				\$652,329						\$687,866
DP 1810 - Deduct Excess Authority	0.00	0	(14,464)	(169,029)	(183,493)	0.00	0	(14,464)	(169,029)	(183,493)
Total Other Present Law Adjustments	0.00	\$0	(\$14,464)	(\$169,029)	(\$183,493)	0.00	\$0	(\$14,464)	(\$169,029)	(\$183,493)
Grand Total All Present Law Adjustments				\$468,836						\$504,373

DP 1810 - Deduct Excess Authority - The legislature decreased funding by \$384,570 (\$46,512 state special revenue and \$338,058 federal funds) due to the completion of a federal grant.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1806 - One Management/Leadership Trainer										
18	1.00	0	71,447	0	71,447	1.00	0	69,497	0	69,497
DP 1807 - State Special Authority for Grants										
18	0.00	0	86,327	0	86,327	0.00	0	86,295	0	86,295
DP 6013 - 2009 Biennium Pay Plan - HB 13										
18	0.00	104,200	24,931	23,355	152,486	0.00	234,396	58,933	51,299	344,628
DP 6014 - Retirement Employer Contributions - HB 131										
18	0.00	2,545	778	506	3,829	0.00	2,682	809	521	4,012
DP 9902 - DCI Building Rent										
18	0.00	171,500	0	0	171,500	0.00	178,500	0	0	178,500
DP 9903 - Supervisor Eastern Montana Drug Task Force										
18	0.00	70,395	0	0	70,395	0.00	70,395	0	0	70,395
DP 9908 - Methamphetamine Watch Program (Rstd/Biennial/OTO)										
18	0.00	1,000,000	0	0	1,000,000	0.00	0	0	0	0
DP 9909 - Child Sexual Abuse Support Prog - Restricted/Bienn										
18	0.00	250,000	0	0	250,000	0.00	250,000	0	0	250,000
DP 9917 - HB 461 "Cigarette Fire Safety Standards"										
18	0.00	0	66,000	0	66,000	0.00	0	66,000	0	66,000
DP 9918 - SB 273 "Revise Peace Officers Standards/Training"										
18	1.50	85,214	0	0	85,214	1.50	82,575	0	0	82,575
Total	2.50	\$1,683,854	\$249,483	\$23,861	\$1,957,198*	2.50	\$818,548	\$281,534	\$51,820	\$1,151,902*

DP 1806 - One Management/Leadership Trainer - The legislature provided \$140,944 state special revenue for the biennium to support a 1.00 FTE management and leadership trainer for the Professional Programs Unit of the Montana Law Enforcement Academy.

DP 1807 - State Special Authority for Grants - The legislature provided \$172,622 state special revenue for the biennium to provide the matching funds for the Southwest Montana Drug Task Force and the Eastern Montana Drug Task Force, which are both funded through a grant from the Montana Board of Crime Control. The grants require a 25 percent match that comes either from forfeiture funds or from the local agencies participating in the task forces.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

DP 9902 - DCI Building Rent - The legislature provided \$350,000 general fund (\$171,500 in FY 2008 and \$178,500 in FY 2009) to support an increase in office rental costs for the division.

DP 9903 - Supervisor Eastern Montana Drug Task Force - The legislature provided funding to continue the position of supervisor for one of the drug task forces. This position was supported by a one-time-only appropriation in the base budget year.

DP 9908 - Methamphetamine Watch Program (Rstd/Biennial/OTO) - The legislature provided \$1 million as a restricted, biennial, one-time-only appropriation for the Methamphetamine Watch Program, established in statute, 44-4-1002, MCA.

DP 9909 - Child Sexual Abuse Support Prog - Restricted/Bienn - The legislature provided \$500,000 as a restricted, biennial appropriation to provide technical assistance and support to local governments and entities to respond to reports of child sexual abuse, including forensic interview training, equipment to document interviews, and assistance to multidisciplinary teams, using the Cornerhouse Model of training.

DP 9917 - HB 461 "Cigarette Fire Safety Standards" - The legislature provided \$66,000 state special revenue a year (\$132,000 for the biennium) that the department anticipates collecting under the provisions of HB 461 of the regular session. This funding will be used for the Fire Marshal program.

DP 9918 - SB 273 "Revise Peace Officers Standards/Training" - The legislature provided general fund of \$85,214 and \$82,575 in FY 2008 and 2009, respectively, (\$167,789 for the biennium) and 1.50 FTE for the department to implement the provisions of SB 273 of the regular session, which revises the peace officer standards and training function and places responsibility for the function in the Department of Justice instead of under the Montana Board of Crime Control.

Language

"Methamphetamine Watch Program may be used only for the purpose of making grants for community awareness, as provided 44-4-1002(3), to private, nonprofit programs engaged in public awareness media campaigns to combat the use of methamphetamine, especially among the young."

"Child Sexual Abuse Support Function may be used only to provide technical assistance and support to local governments and entities to respond to reports of child sexual abuse, including forensic interview training, equipment to document interviews, and assistance to multidisciplinary teams, using the cornerhouse model of training."

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	21.75	0.00	(21.75)	0.00	0.00	(21.75)	0.00	0.00
Personal Services	1,912,587	26,609	(1,939,196)	0	28,567	(1,941,154)	0	0
Total Costs	\$1,912,587	\$26,609	(\$1,939,196)	\$0	\$28,567	(\$1,941,154)	\$0	\$0
General Fund	1,912,587	26,609	(1,939,196)	0	28,567	(1,941,154)	0	0
Total Funds	\$1,912,587	\$26,609	(\$1,939,196)	\$0	\$28,567	(\$1,941,154)	\$0	\$0

Program Description

Historically, County Attorney Payroll Program paid 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. Past statutory provisions limited, the state's contribution to the general fund amount the legislature appropriated for this program.

HB 12 of the 2007 regular session changed how the amount paid to counties for county attorney payroll is calculated and provided a statutory appropriation for this purpose. HB 12 provides that the state contribution toward county attorney salaries is 50 percent of 85 percent of a district court judge's salary, plus 50 percent of the employer contributions for group health benefits. District court judges salaries are established biennially based upon a salary survey of four surrounding states and Montana's salary information (as provided in statute). Because a statutory appropriation was established, funding for this item is no longer included in an appropriations act.

Program Highlights

County Attorney Payroll Major Budget Highlights
<ul style="list-style-type: none"> ◆ HB 12 passed during the 2007 regular session establishes the state contribution for county attorney salaries at 50 percent of 85 percent of a district court judge's salary, plus 50 percent of the employer contributions for group health benefits, and provides for a statutory appropriation ◆ Because a statutory appropriation was provided by the 2007 Legislature, funding for this item is no longer included in the appropriations act

Funding

Funding for the state share of county attorney salaries is provided by the general fund and per HB 12 of the 2007 regular session is statutorily appropriated rather than being included in the appropriations act.

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds		FTE	General Fund	State Special	Total Funds
Personal Services					26,609					28,567
Total Statewide Present Law Adjustments					\$26,609					\$28,567
Grand Total All Present Law Adjustments					\$26,609					\$28,567

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds		FTE	General Fund	State Special	Total Funds
DP 1902 - Remove County Atty Pay										
19	(21.75)	(1,939,196)	0	0	(1,939,196)	(21.75)	(1,941,154)	0	0	(1,941,154)
Total	(21.75)	(\$1,939,196)	\$0	\$0	(\$1,939,196)*	(21.75)	(\$1,941,154)	\$0	\$0	(\$1,941,154)*

DP 1902 - Remove County Atty Pay - HB 12 passed during the 2007 regular session changed the process and amount of funding provided by the state for county attorney salaries. Because HB 12 provided a statutory appropriation, funding for county attorney salaries is removed from the appropriations act.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	17.50	0.00	0.00	17.50	0.00	0.00	17.50	17.50
Personal Services	787,551	115,935	29,208	932,694	117,948	67,289	972,788	1,905,482
Operating Expenses	150,545	77,923	0	228,468	3,050	0	153,595	382,063
Total Costs	\$938,096	\$193,858	\$29,208	\$1,161,162	\$120,998	\$67,289	\$1,126,383	\$2,287,545
General Fund	334,708	78,330	10,080	423,118	46,566	23,526	404,800	827,918
State/Other Special	546,393	107,770	17,243	671,406	67,882	39,523	653,798	1,325,204
Proprietary	56,995	7,758	1,885	66,638	6,550	4,240	67,785	134,423
Total Funds	\$938,096	\$193,858	\$29,208	\$1,161,162	\$120,998	\$67,289	\$1,126,383	\$2,287,545

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

Central Services Division Major Budget Highlights	
♦	Statewide present law adjustments and the 2009 biennium pay plan are the only adjustments to the division budget

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Central Services Division							
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009	
01000 Total General Fund	\$ 334,708	35.7%	\$ 423,118	36.4%	\$ 404,800	35.9%	
01100 General Fund	334,708	35.7%	423,118	36.4%	404,800	35.9%	
02000 Total State Special Funds	546,393	58.2%	671,406	57.8%	653,798	58.0%	
02003 Misc Grants And Nrd	29,421	3.1%	16,242	1.4%	16,904	1.5%	
02074 Gambling License Fee Account	55,408	5.9%	69,695	6.0%	67,637	6.0%	
02140 Consumer Education Settlement	-	-	16,242	1.4%	16,904	1.5%	
02422 Highways Special Revenue	461,564	49.2%	569,227	49.0%	552,353	49.0%	
06000 Total Proprietary Funds	56,995	6.1%	66,638	5.7%	67,785	6.0%	
06005 Liquor Division	41,312	4.4%	55,803	4.8%	56,496	5.0%	
06500 Agency Legal Services	15,683	1.7%	10,835	0.9%	11,289	1.0%	
Grand Total	\$ 938,096	100.0%	\$ 1,161,162	100.0%	\$ 1,126,383	100.0%	

Centralized services costs are allocated among the funding sources for the department based upon the existing levels of expenditures by fund, increased proportionately to reflect the proposed expenditures. This results in the division being funded primarily from state special revenue which provides 58 percent of the division's funding. Sources of state special revenue include highways special revenue and gambling license fees. General fund provides 36 percent of the funding for the division and proprietary funds provide the remaining 6 percent.

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					153,579					155,679
Vacancy Savings					(37,644)					(37,731)
Inflation/Deflation					183					211
Fixed Costs					77,740					2,839
Total Statewide Present Law Adjustments					\$193,858					\$120,998
Grand Total All Present Law Adjustments					\$193,858					\$120,998

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6013 - 2009 Biennium Pay Plan - HB 13										
28	0.00	9,701	16,656	0	28,079*	0.00	23,126	38,908	0	66,066*
DP 6014 - Retirement Employer Contributions - HB 131										
28	0.00	379	587	0	1,129*	0.00	400	615	0	1,223*
Total	0.00	\$10,080	\$17,243	\$0	\$29,208*	0.00	\$23,526	\$39,523	\$0	\$67,289*

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program’s allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	54.00	0.00	1.00	55.00	0.00	1.00	55.00	55.00
Personal Services	2,437,246	406,662	130,070	2,973,978	415,863	251,914	3,105,023	6,079,001
Operating Expenses	1,787,580	469,341	2,000	2,258,921	204,468	2,000	1,994,048	4,252,969
Equipment	54,577	225,000	0	279,577	125,000	0	179,577	459,154
Total Costs	\$4,279,403	\$1,101,003	\$132,070	\$5,512,476	\$745,331	\$253,914	\$5,278,648	\$10,791,124
General Fund	2,982,360	327,885	75,547	3,385,792	343,614	177,008	3,502,982	6,888,774
State/Other Special	1,279,806	773,642	56,523	2,109,971	402,241	76,906	1,758,953	3,868,924
Federal Special	3,916	(524)	0	3,392	(524)	0	3,392	6,784
Proprietary	13,321	0	0	13,321	0	0	13,321	26,642
Total Funds	\$4,279,403	\$1,101,003	\$132,070	\$5,512,476	\$745,331	\$253,914	\$5,278,648	\$10,791,124

Program Description

The Information Technology Services Division provides a full range of information technology and criminal justice services for the department, including system development and maintenance of the motor vehicle titling and registration system, driver license and history system, criminal history record information system, and the Montana Uniform Crime Reporting System. The division also provides support for the Department of Justice internal computers and systems, identification services for the criminal justice community through criminal history record checking and fingerprint processing, and system development and support for the Criminal Justice Information Network (CJIN). CJIN links law enforcement/criminal justice agencies with information sources at local, state, and national levels by interfacing with the National Law Enforcement Telecommunications System, the National Crime Information Center (NCIC), and numerous state files.

Program Highlights

Information Technology Services Division Major Budget Highlights	
♦	2009 biennium funding for the division is \$1.2 million and \$0.9 million greater in FY 2008 and 2009, respectively, than the FY 2006 base budget <ul style="list-style-type: none"> • FY 2008 and 2009 general fund support is about \$400,000 and \$500,000, respectively, greater than the base budget due to statewide present law adjustments and the 2009 biennium pay plan • FY 2008 and 2009 state special revenue is about \$800,000 and \$500,000, respectively, greater than the base budget due primarily to funding for technology projects and the addition of 1.00 FTE

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Information Technology S						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 2,982,360	69.7%	\$ 3,385,792	61.4%	\$ 3,502,982	66.4%
01100 General Fund	2,982,360	69.7%	3,385,792	61.4%	3,502,982	66.4%
02000 Total State Special Funds	1,279,806	29.9%	2,109,971	38.3%	1,758,953	33.3%
02016 Criminal Justice Info Network	534,811	12.5%	879,382	16.0%	512,498	9.7%
02074 Gambling License Fee Account	57,417	1.3%	57,417	1.0%	57,417	1.1%
02422 Highways Special Revenue	57,984	1.4%	57,984	1.1%	57,984	1.1%
02797 Cjis - Background Checks	626,543	14.6%	1,112,137	20.2%	1,128,003	21.4%
02937 Justice State Special Misc	3,051	0.1%	3,051	0.1%	3,051	0.1%
03000 Total Federal Special Funds	3,916	0.1%	3,392	0.1%	3,392	0.1%
03187 Bcc Grants To Dept. Of Justice	1,648	0.0%	1,124	0.0%	1,124	0.0%
03800 Medicaid Fraud	2,268	0.1%	2,268	0.0%	2,268	0.0%
06000 Total Proprietary Funds	13,321	0.3%	13,321	0.2%	13,321	0.3%
06005 Liquor Division	6,801	0.2%	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	\$ 4,279,403	100.0%	\$ 5,512,476	100.0%	\$ 5,278,648	100.0%

Division administration, computer application services, and maintenance of criminal records are entirely supported by the general fund while other functions such as computer support services and criminal justice information services receive the majority but not all of their support from the general fund. General fund also supports some computer equipment replacements.

State special revenues include:

- Gambling fee revenue, which supports a portion of computer support services
- Fees from criminal background checks, which support the Criminal Justice Information Services (CJIS) and maintenance of criminal records
- Fees from local, state, and federal agencies support the Criminal Justice Information Network (CJIN)

These various sources of state special revenue also support computer replacements for the functions supported by the specified funding source.

A small amount of federal funds (less than \$4,000 a year) support items as specified in the federal grant awards.

Proprietary funds from liquor licensing and agency legal services support computer equipment replacements for those functions.

Present Law Adjustments

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

Present Law Adjustments										
-----Fiscal 2008-----						-----Fiscal 2009-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					525,158					534,741
Vacancy Savings					(118,496)					(118,878)
Inflation/Deflation					205					317
Fixed Costs					(55,864)					(45,849)
Total Statewide Present Law Adjustments					\$351,003					\$370,331
DP 2905 - Additional Spending Authority for IJIS Broker	0.00	0	375,000	0	375,000	0.00	0	375,000	0	375,000
DP 2907 - Increase Spending Authority for CJIN Refresh	0.00	0	375,000	0	375,000	0.00	0	0	0	0
Total Other Present Law Adjustments	0.00	\$0	\$750,000	\$0	\$750,000	0.00	\$0	\$375,000	\$0	\$375,000
Grand Total All Present Law Adjustments					\$1,101,003					\$745,331

DP 2905 - Additional Spending Authority for IJIS Broker - The legislature provided \$750,000 state special revenue for the biennium as a biennial appropriation for the Integrated Justice Information System (IJIS) broker project. The IJIS broker will allow state, local, and federal agencies to connect with each other to share information such as CJIN, intel systems, records management systems, NCIC, naval criminal investigative service, criminal history records system, electronic dispositions, electronic tickets, driver photos, and BIO Metrics.

DP 2907 - Increase Spending Authority for CJIN Refresh - The legislature provided \$375,000 state special revenue for the biennium to conduct a refresh of the Criminal Justice Information Network (CJIN), which is done every four years.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 2906 - Criminal Justice Information Services Technician										
29	1.00	0	40,898	0	40,898	1.00	0	40,933	0	40,933
DP 6013 - 2009 Biennium Pay Plan - HB 13										
29	0.00	72,701	15,123	0	87,824	0.00	173,986	35,455	0	209,441
DP 6014 - Retirement Employer Contributions - HB 131										
29	0.00	2,846	502	0	3,348	0.00	3,022	518	0	3,540
Total	1.00	\$75,547	\$56,523	\$0	\$132,070*	1.00	\$177,008	\$76,906	\$0	\$253,914*

DP 2906 - Criminal Justice Information Services Technician - The legislature provided \$81,831 state special revenue for the biennium for a technician to provide technical and administrative support for the Criminal Justice Information Systems Bureau in the areas of customer service, system access, and criminal history records system information. The position was a modified position in the base budget year.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

Program Legislative Budget

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

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2006	PL Base Adjustment Fiscal 2008	New Proposals Fiscal 2008	Total Leg. Budget Fiscal 2008	PL Base Adjustment Fiscal 2009	New Proposals Fiscal 2009	Total Leg. Budget Fiscal 2009	Total Leg. Budget Fiscal 08-09
FTE	30.75	0.00	3.00	33.75	0.00	3.00	33.75	33.75
Personal Services	1,800,902	309,709	566,402	2,677,013	324,273	664,959	2,790,134	5,467,147
Operating Expenses	1,273,253	36,641	64,952	1,374,846	38,767	7,000	1,319,020	2,693,866
Equipment	14,694	0	115,375	130,069	0	115,375	130,069	260,138
Debt Service	89,854	0	0	89,854	0	0	89,854	179,708
Total Costs	\$3,178,703	\$346,350	\$746,729	\$4,271,782	\$363,040	\$787,334	\$4,329,077	\$8,600,859
General Fund	2,875,499	346,350	746,729	3,968,578	363,040	787,334	4,025,873	7,994,451
State/Other Special	303,204	0	0	303,204	0	0	303,204	606,408
Federal Special	0	0	0	0	0	0	0	0
Total Funds	\$3,178,703	\$346,350	\$746,729	\$4,271,782	\$363,040	\$787,334	\$4,329,077	\$8,600,859

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

Forensic Science Division Major Budget Highlights	
♦	Funding for the division is \$1.1 million a year greater in each year of 2009 biennium than the FY 2006 base budget <ul style="list-style-type: none"> • The entire increase is in general fund; about one-third is due to statewide present law adjustments and two-thirds is due to new proposals including exemption of the division from 4 percent vacancy savings and \$0.3 million to provide progression toward market rate pay increases for forensic scientists • The 2009 biennium budget includes funding for 3.00 additional FTE
♦	HB 4 of the 2007 special session includes an appropriation of \$7.25 million to purchase the crime lab building

Funding

The following table shows program funding, by source, for the base year and for the 2009 biennium as adopted by the legislature.

Program Funding Table Forensic Science Divisio						
Program Funding	Base FY 2006	% of Base FY 2006	Budget FY 2008	% of Budget FY 2008	Budget FY 2009	% of Budget FY 2009
01000 Total General Fund	\$ 2,875,499	90.5%	\$ 3,968,578	92.9%	\$ 4,025,873	93.0%
01100 General Fund	2,875,499	90.5%	3,968,578	92.9%	4,025,873	93.0%
02000 Total State Special Funds	303,204	9.5%	303,204	7.1%	303,204	7.0%
02034 Earmarked Alcohol Funds	303,204	9.5%	303,204	7.1%	303,204	7.0%
Grand Total	\$ 3,178,703	100.0%	\$ 4,271,782	100.0%	\$ 4,329,077	100.0%

Most functions of the division are supported by general fund. However, state special revenue from earmarked alcohol funds support maintenance and certification of breath-testing instruments used to detect the presence of alcohol in DUI cases and training of officers in proper use of the equipment.

Present Law Adjustments

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

Present Law Adjustments									
-----Fiscal 2008-----					-----Fiscal 2009-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				397,651					412,821
Vacancy Savings				(87,942)					(88,548)
Inflation/Deflation				6,527					7,340
Fixed Costs				(3,886)					(2,573)
Total Statewide Present Law Adjustments				\$312,350					\$329,040
DP 3201 - Forensic Science Lab - Base Adjustment									
0.00	34,000	0	0	34,000	0.00	34,000	0	0	34,000
Total Other Present Law Adjustments									
0.00	\$34,000	\$0	\$0	\$34,000	0.00	\$34,000	\$0	\$0	\$34,000
Grand Total All Present Law Adjustments				\$346,350					\$363,040

DP 3201 - Forensic Science Lab - Base Adjustment - The legislature provided \$68,000 general fund for the biennium for base adjustments in the DNA analysis section to annualize the costs of re-agent kits and membership in the Western Identification Network (WIN). The DNA section of the laboratory was closed for analysis from May 2005 until January 2006 due to staffing shortages. Because this section was shut down, no chemicals were purchased during that period, resulting in understatement of the base budget. One re-agent kit is used every six weeks and the kits cost \$6,000 each. The Western Identification Network (WIN) network consists of nine western states along with a number of federal agencies that maintain latent fingerprint databases. The cost for membership in this network is \$7,000 per year.

New Proposals

New Proposals										
-----Fiscal 2008-----						-----Fiscal 2009-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 3202 - Toxicologist Position										
32	1.00	73,758	0	0	73,758	1.00	70,862	0	0	70,862
DP 3203 - Latent Print Examiner Position										
32	1.00	73,758	0	0	73,758	1.00	70,862	0	0	70,862
DP 3205 - Crime Lab Equipment (RST/OTO)										
32	0.00	115,375	0	0	115,375	0.00	115,375	0	0	115,375
DP 3206 - Forensic Science Lab - Records Mgmt. OTO										
32	0.00	52,000	0	0	52,000	0.00	0	0	0	0
DP 6013 - 2009 Biennium Pay Plan - HB 13										
32	0.00	89,861	0	0	89,861	0.00	191,262	0	0	191,262
DP 6014 - Retirement Employer Contributions - HB 131										
32	0.00	2,544	0	0	2,544	0.00	2,690	0	0	2,690
DP 9900 - Progression to Market - Forensic Scientist										
32	0.00	150,000	0	0	150,000	0.00	150,000	0	0	150,000
DP 9901 - Exempt Forensic Lab from Vacancy Savings										
32	0.00	93,548	0	0	93,548	0.00	94,162	0	0	94,162
DP 9910 - Child Forensic Interview Spec - Restricted										
32	1.00	95,885	0	0	95,885	1.00	92,121	0	0	92,121
Total	3.00	\$746,729	\$0	\$0	\$746,729*	3.00	\$787,334	\$0	\$0	\$787,334*

DP 3202 - Toxicologist Position - The legislature provided \$144,620 in general fund for the biennium to support an additional 1.00 FTE toxicologist at the crime lab.

DP 3203 - Latent Print Examiner Position - The legislature provided \$144,620 general fund for the biennium to support an additional 1.00 FTE latent print examiner position to address the increasing workload and backlog of more than one year in the latent print section.

DP 3205 - Crime Lab Equipment (RST/OTO) - The legislature provided \$230,750 general fund as a biennial appropriation for equipment replacement, including replacement of two thermal cyclers T (\$8,000 each), glass refractive index measurement II (GRIM) (\$45,000), comparison microscope (\$62,000), gas chromatograph with mass selective detector (GC/MS used in the chemistry and toxicology section \$95,000), and a stereomicroscope with portable stand (\$12,750).

DP 3206 - Forensic Science Lab - Records Mgmt. OTO - The legislature provided \$52,000 general fund for the biennium as a one-time-only appropriation to review all state crime lab records. Contract services would be utilized to hire temporary help to go through each record older than five years to determine if the record can be destroyed.

DP 6013 - 2009 Biennium Pay Plan - HB 13 - The legislature passed a pay plan (HB 13 of the 2007 regular session) that provides an additional 3.0 percent in FY 2008 and FY 2009, a 0.5 percent increase in the 10-year longevity increment, an additional 0.6 percent discretionary allocation, as well as an additional \$33 per month in health insurance contribution in FY 2008 and an additional \$36 per month in FY 2009. These amounts represent this program's allocation of costs to fund this pay plan.

DP 6014 - Retirement Employer Contributions - HB 131 - The legislature adopted HB 63 and HB 131, which increases the employer contribution to retirement systems. The amounts shown represent this program's allocation of costs to fund this increased contribution.

DP 9900 - Progression to Market - Forensic Scientist - The legislature provided \$300,000 general fund (\$150,000 per year) for pay increases to progress forensic scientist toward market rates of pay so that recruitment and retention issues related to forensic scientist may be reduced.

DP 9901 - Exempt Forensic Lab from Vacancy Savings - The legislature provided \$187,710 general fund (\$93,548 in FY 2008 and \$94,162 in FY 2009) to exempt the Forensic Science Division from 4 percent vacancy savings. This funding was provided in an effort to address recruitment and retention issues related to forensic scientists.

DP 9910 - Child Forensic Interview Spec - Restricted - The legislature provided \$188,006 for the biennium (\$95,885 in FY 2008 and \$92,121 in FY 2009) as a restricted appropriation to support a forensic scientist specializing in processing of evidence in child abuse and neglect cases and in conducting forensic interviews of children.

Language

“Funding in Child Forensic Interview Specialist may be used only to support a forensic scientist specializing in processing of evidence in child abuse and neglect cases, for conducting forensic interviews of children in child abuse and neglect cases, and for related costs.”