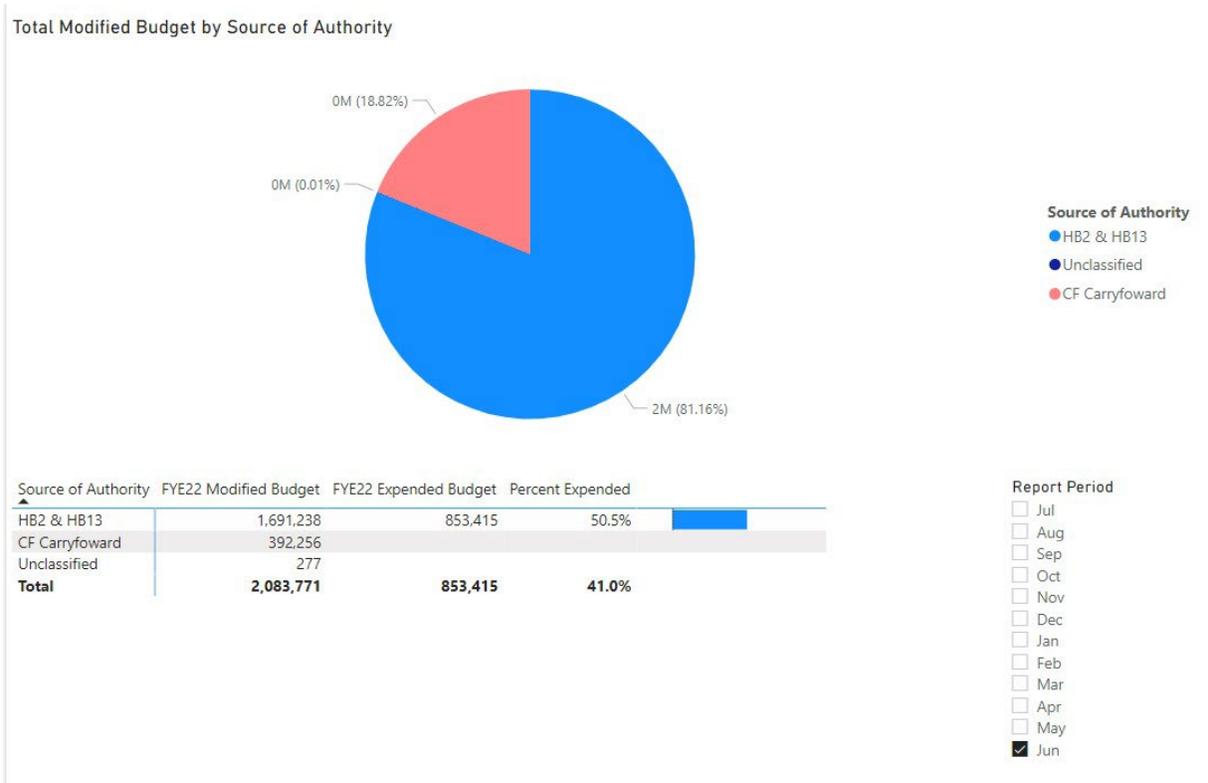


# CONSUMER COUNSEL

## TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the agency is shown in the pie chart below. HB 2 and HB 13 provide 81.2% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.



## Carryforward

The Consumer Counsel established \$174,404 in operating expenses in FY 2020 carryforward authority in FY 2021. At the 2021 fiscal year-end, the funding had not been utilized. The Consumer Counsel reestablished the carryforward authority in FY 2022 as operating expenses. As this authority has not been utilized in FY 2022 it will revert.

In addition, the Consumer Counsel established \$217,852 in operating expenses for FY 2021 carryforward authority in December 2021. As reflected in the figure above, as of the end of FY 2022 the Consumer Counsel has not expended these carryforward appropriations. The FY 2021 carryforward authority will be available for FY 2023 expenditures.

## Unclassified

Per 39-71-403(1)(b)(iv), MCA, when workers' compensation premiums are lower than the previous year, state agencies shall reduce personal services appropriations by the amount of the premium reduction. To track the

changes in appropriation authority, total appropriation is not reduced, instead the Governor’s Office of Budget and Program Planning (OBPP) requires state agencies to:

- Reduce HB 2, statutory, and proprietary appropriations
- Create a separate offsetting entry on the financial statements in the same amount using an identifying number for workers’ compensation entries

The offsetting entries are identified as “frozen” appropriations, which means the appropriations will not be spent unless authorized by OBPP. The Consumer Counsel reduced personal services appropriations by \$277 for workers’ compensation premium savings.

## HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget between June 1, 2022 and fiscal year end (FYE). Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

Agency Name	June Modified Budget	FYE22 Modified Budget	Net Modifications
<input type="checkbox"/> <b>Consumer Counsel</b>	<b>1,691,238</b>	<b>1,691,238</b>	
ADMINISTRATIVE PROGRAM	1,691,238	1,691,238	
<b>Total</b>	<b>1,691,238</b>	<b>1,691,238</b>	

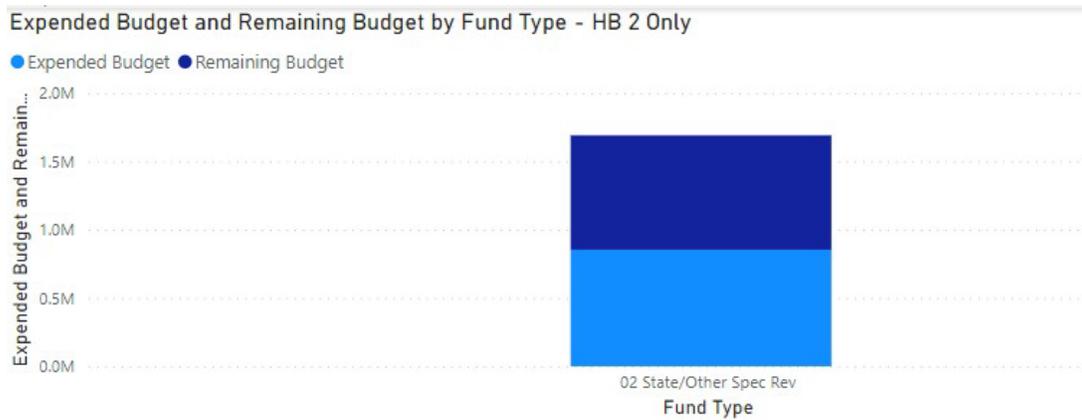
Acct & Lvl 1 DESC	June Modified Budget	FYE22 Modified Budget	Net Modifications
<input type="checkbox"/> 61000 Personal Services	682,407	682,407	
<input type="checkbox"/> 62000 Operating Expenses	967,838	967,838	
<input type="checkbox"/> 69000 Debt Service	40,993	40,993	

Fund Type	June Modified Budget	FYE22 Modified Budget	Net Modifications
<input type="checkbox"/> 02 State/Other Spec Rev	1,691,238	1,691,238	

Since the end of May, the Consumer Counsel had not made any additional modifications to its HB 2 budget.

## HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through fiscal year end.



acclv1_descr	Modified Budget	Expended Budget	Percent Expended
<input type="checkbox"/> Personal Services	682,407	483,608	70.9%
<input type="checkbox"/> Operating Expenses	967,838	328,816	34.0%
<input type="checkbox"/> Debt Service	40,993	40,992	100.0%

Program Name	Modified Budget	Expended Budget	Percent Expended
<input type="checkbox"/> ADMINISTRATIVE PROGRAM	1,691,238	853,415	50.5%
<b>Total</b>	<b>1,691,238</b>	<b>853,415</b>	<b>50.5%</b>

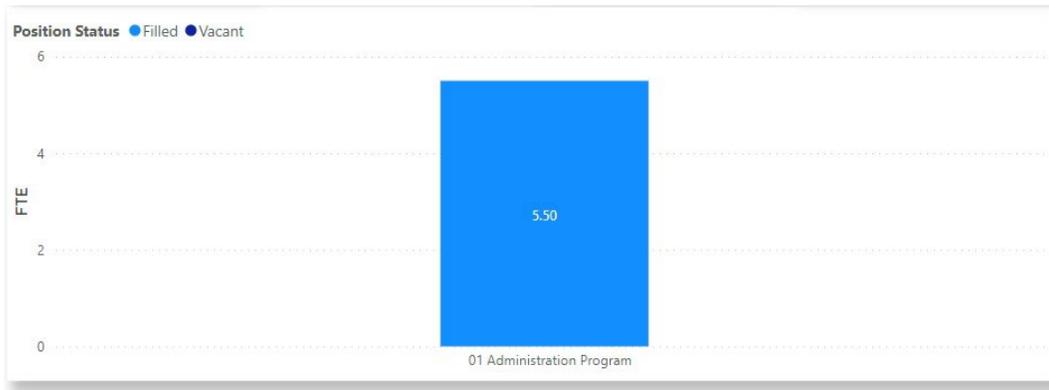
The Consumer Counsel is entirely funded with state special revenue generated by fees imposed on regulated entities under the jurisdiction of the Public Service Commission.

### Personal Services

Personal services made up 40.4% of the HB 2 modified budget and, as shown in the chart above, were 70.9% expended as of the end of the fiscal year.

### Vacancies

The following chart shows the filled and vacant FTE within the agency as of August 1, 2022.



As of August 1, 2022, all positions within the Consumer Counsel were filled.

***Turnover***

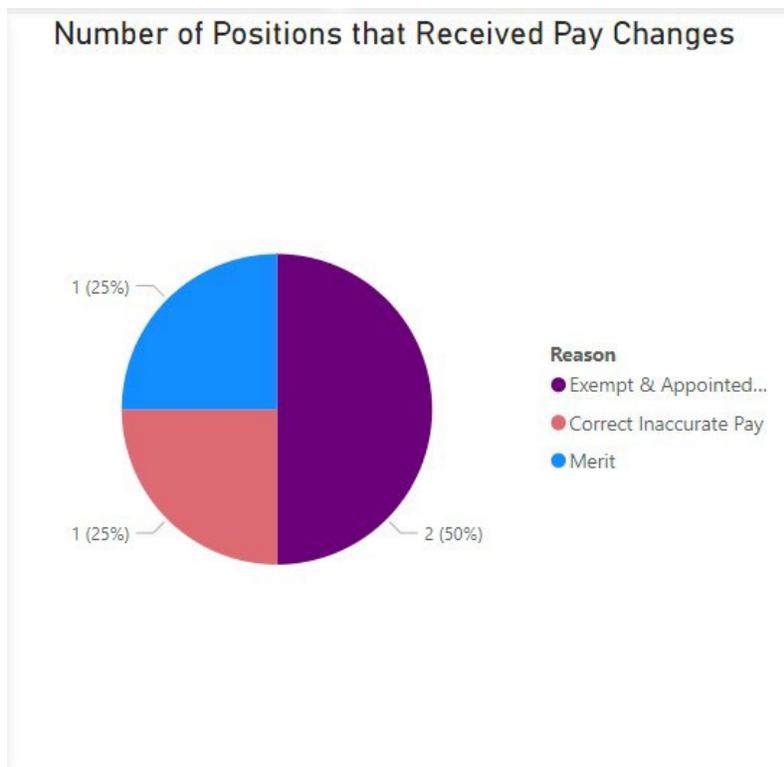
In FY 2021, the Consumer Counsel director retired. In October 2021, the Legislative Consumer Committee appointed a new director from agency staff. The attorney position freed up by this appointment was vacant between October 2021 and mid-April 2022.

***Utilization Rate***

The Consumer Counsel utilized 73.2% of its budgeted HB 2 personal services hours due to turnover in the director positions. The vacancy and changes in the salaries for the new hires result in lower expenditures for personal services.

***Pay Rate Changes***

The following figure shows the pay adjustments within the Consumer Counsel in FY 2022. The following figure includes both legislatively approved pay changes and management decisions.



Statute exempts the employees of the Consumer Counsel from the general provisions, classification, and compensation determination requirements outlined for other state employees. The human resource system categorizes these positions as exempt and appointed.

### **Operating Expenses**

Operating expenses make up 57.2% of the FY 2022 HB 2 modified budget. Included in the operating expenses is a restricted, biennial appropriation of \$150,000 for caseload contingencies. As of the end of May, the Public Service Commission filings and state and federal court hearings have not required the use of the caseload contingency.

### **OTHER ISSUES**

#### **Required Reports**

The Consumer Counsel did not have any budget amendments, operating plan changes, or program transfers that require reporting to the Legislative Finance Committee.