

Agency Biennium Comparison

The following table compares the 2017 biennium appropriated budget to the 2019 biennium requested budget by type of expenditure and source of funding.

Agency Budget Comparison				
Budget Item	Appropriated Budget 16-17	Requested Budget 18-19	Biennium Change	Biennium % Change
Personal Services	120,072,863	113,515,494	(6,557,369)	(5.46)%
Operating Expenses	71,039,829	65,240,529	(5,799,300)	(8.16)%
Equipment & Intangible Assets	4,923,116	4,406,609	(516,507)	(10.49)%
Grants	180,000	180,000	0	0.00 %
Benefits & Claims	2,242,382	2,242,382	0	0.00 %
Transfers	39,501	22,590	(16,911)	(42.81)%
Debt Service	1,453,592	1,720,257	266,665	18.35 %
Total Expenditures	\$199,951,283	\$187,327,861	(\$12,623,422)	(6.31)%
General Fund	70,478,450	66,338,312	(4,140,138)	(5.87)%
State/Other Special Rev. Funds	122,971,806	114,479,819	(8,491,987)	(6.91)%
Federal Spec. Rev. Funds	2,708,500	2,718,490	9,990	0.37 %
Proprietary Funds	3,792,527	3,791,240	(1,287)	(0.03)%
Total Funds	\$199,951,283	\$187,327,861	(\$12,623,422)	(6.31)%
Total Ongoing	\$199,751,271	\$187,327,861	(\$12,423,410)	(6.22)%
Total OTO	\$200,012	\$0	(\$200,012)	(100.00)%

Mission Statement

The mission of the Department of Justice (DOJ) is "protecting and promoting public safety and the rule of law."

There is additional, more detailed information about the department in the agency profile. The profile may be viewed at:

http://leg.mt.gov/content/Publications/fiscal/Budget-Books/2019/Budget-Analysis/section_d/4110-00agency-profile.pdf

Agency Highlights

Department of Justice Major Budget Highlights
<ul style="list-style-type: none"> • The statutory salary survey of county sheriff's offices in eight counties results in a 2.3% increase for uniformed officer of the Montana Highway Patrol and funding is requested for the increase • Funding operations of the Eastern Montana Crime Laboratory would cost \$1.1 million general fund for the biennium • Most programs are only requesting statewide present law adjustments
Legislative Action Issues
<ul style="list-style-type: none"> • Ongoing funding is requested for programming and enhancements to the criminal history system and the costs are not typically ongoing

Agency Actuals and Budget Comparison

The following table compares the 2017 biennium appropriated budget to the 2019 biennium requested budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2016	Approp. Fiscal 2016	Approp. Fiscal 2017	Request Fiscal 2018	Request Fiscal 2019
FTE	759.42	759.42	759.42	723.68	733.17
Personal Services	57,972,916	59,228,996	60,843,867	56,255,407	57,260,087
Operating Expenses	31,327,810	34,861,333	36,178,496	32,483,332	32,757,197
Equipment & Intangible Assets	2,647,585	2,567,791	2,355,325	2,176,170	2,230,439
Grants	89,082	90,000	90,000	90,000	90,000
Benefits & Claims	869,465	1,121,191	1,121,191	1,121,191	1,121,191
Transfers	28,206	28,206	11,295	11,295	11,295
Debt Service	142,723	726,796	726,796	857,258	862,999
Total Expenditures	\$93,077,787	\$98,624,313	\$101,326,970	\$92,994,653	\$94,333,208
General Fund	34,620,092	34,709,844	35,768,606	33,144,473	33,193,839
State/Other Special Rev. Funds	55,616,147	60,692,609	62,279,197	56,596,480	57,883,339
Federal Spec. Rev. Funds	1,029,178	1,344,413	1,364,087	1,360,420	1,358,070
Proprietary Funds	1,812,370	1,877,447	1,915,080	1,893,280	1,897,960
Total Funds	\$93,077,787	\$98,624,313	\$101,326,970	\$92,994,653	\$94,333,208
Total Ongoing	\$92,977,685	\$98,524,212	\$101,227,059	\$92,994,653	\$94,333,208
Total OTO	\$100,102	\$100,101	\$99,911	\$0	\$0

Agency Discussion

5% Reduction Plan

Statute requires that agencies submit plans to reduce general fund and certain state special revenue funds by 5%. A summary of the entire 2019 biennium 5% plan submitted for this agency is in the appendix. For this agency the 5% plan includes reductions totaling \$1.7 million general fund and \$876,000 state special revenue.

Elected Official Proposal

Department-wide

Restore NP 555 – Appropriation Rebase - The attorney general requests that the legislature not reduce the funding and staffing for the department as recommended by the executive in new proposal decision packages DP 555 – Appropriation Rebase.

LFD COMMENT	<p>The executive has requested reductions totaling \$1,937,249 in FY 2018 and \$1,937,247 in FY 2019 including 3.50 FTE reductions each year. The decision packages associated with the executive request and that show the funding and staff details are in the following program discussions:</p> <ul style="list-style-type: none"> • 01 - Legal Services Division • 04 - Justice Information Technology Services Division • 05 - Division of Criminal Investigation • 07 - Gambling Control Division • 09 - Motor Vehicle Division • 10 - Central Services Division • 19 - POST
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Restore NP 560 - Balance Highway State Special Revenue Account - The attorney general requests that the legislature not reduce the funding and staff for the department as recommended by the executive in new proposal decision packages DP 560 – Balance Highway State Special Revenue Account.

**LFD
COMMENT**

The executive has requested reductions totaling \$4,090,000 in FY 2018, including 32.24 FTE, and \$2,860,000 in FY 2019, including 22.75 FTE. The decision packages associated with the executive request and that show the funding and staff details are in the following program discussions:

- 03 – Montana Highway Patrol
- 04 - Justice Information Technology Services Division
- 09 - Motor Vehicle Division
- 10 - Central Services Division

Montana Highway Patrol

DP 301 – MHP Salary Survey - The attorney general increases in state special revenue of \$580,000 each year to fund the statutory uniformed officers' base salary increase 2.32% per the statutory survey conducted by the Department of Administration.

**LFD
COMMENT**

In statute, uniformed officers of the Montana Highway Patrol receive a salary increase based on a Department of Administration salary survey of county sheriff's offices in eight Montana counties. The most recent survey identified a 2.32% increase. Increases given to uniformed officers are exclusive of and not in addition to any increases otherwise awarded to other state employees.

DP 302 - MHP Present Law Adjustments - The attorney general requests increases in state special revenue of \$1,260,000 each year to fund present law increases for:

- Personal services for overtime increases (\$600,000 per year)
- Operating expenses to fund increases in prisoner incarceration and medical expenses at detention centers, and lease increases (\$660,000 per year)

DP 305 - MHP Vacant Positions Adjustment - The attorney general requests increases in state special revenue of \$152,000 each year to fund the difference between funding 21 vacant positions under the Governor's budget development policy of 83% of market and the Montana Highway Patrol's contractual agreement level of 100% of market for 21 law enforcement academy cadets that would be hired to fill the positions that were vacant when the budget development snapshot was taken.

Justice Information Technology Services Division

NP 401 JITSD Funding Switch - The attorney general requests that the legislature not switch the funding for JITSD from the general fund to the consumer protection state special revenue fund as recommended by the executive in new proposal decision packages DP 401 – JITSD Funding Switch.

**LFD
COMMENT**

The executive has requested reducing general fund by \$401,609 in FY 2018 and by \$403,255 in FY 2019 while increasing funding from the consumer protection state special revenue fund by the same amounts of the general fund reductions. Refer to the decision package discussion in the Justice Information Technology Services Division narrative for further information.

Division of Criminal Investigations

PL 502 - DCI Present Law Adjustments - The attorney general requests increases in general fund of \$38,509 each year to pay for maintenance contracts of information technology systems.

NP 504 - CRISS Programming and Enhancements - The attorney general requests funding from the criminal records information system state special revenue in the amounts of \$504,370 in FY 2018 and \$380,495 in FY 2019 to fund costs for programming and enhancements of the Computerized Criminal History System (CCH).

**LFD
ISSUE**Computer System Programming and Enhancements are not On-going

This request is funded by the criminal records information system state special revenue. Nearly all of the revenues into this fund are from fees paid when an entity requests either state or FBI record checks. Although occasionally done when needed, programming and enhancements of the CCH are not regularly recurring and predictable from one year to the next. As such, the legislature may want to designate funding for this request as one time only.

Forensic Science Division

PL 801 - FSD Present Law Adjustments - The attorney general requests increases in general fund of \$323,642 in FY 2018 and \$325,801 in FY 2019 to fund the following present law costs for the division:

- Restoration of the \$200,000 funding transferred for FY 2017 to FY 2016 to cover shortfalls due to medical examiner staff turnover
- Increased maintenance costs for laboratory equipment
- Laboratory supplies
- Debt service to lease laboratory equipment instead of purchasing equipment

NP 803 - FSD Eastern Crime Lab FTE Yellowstone County - The attorney general requests general fund in the amounts of \$550,541 in FY 2018 and \$510,667 in FY 2019 to fund personal services for 5.00 FTE (two autopsy assistants, two chemists, and one evidence technician) and operating costs of the Eastern Montana Crime Laboratory in Billings. Additionally, the request includes \$40,097 to purchase X-ray equipment in FY 2018.

**LFD
ISSUE**X-Ray Equipment Purchase is not an On-going Expense

The purchase of X-Ray equipment in FY 2018 is a one-time expense. The legislature may want to designate \$40,097 in FY 2018 as one time only.

Motor Vehicle Division

DP 901 - MVD Present Law Adjustments - The attorney general requests increases in general fund of \$78,340 in FY 2018 and \$82,188 in FY 2019, and increases in state special revenue of \$52,227 in FY 2018 and \$54,792 in FY 2019 to fund increased costs of present law operations for items such as lease increases of driver licensing examination stations throughout the state, increased costs for janitorial services, increased cost for security paper used for printing titles, and the net cost difference from leasing motor pool vehicles to replace old agency vehicles.

*Legislative Audit Findings***LFD
COMMENT**

The Legislative Audit Division conducted a performance audit on Protecting Montana Consumers in January 2016. The audit found:

1. DOJ needs to more consistently define and document the cost savings produced by the Office of Consumer Protection. Without accurate information on cost recovery, the legislature is not able to effectively allocate resources for the work of OCP.

The Legislative Auditor recommends the Department of Justice:

1. Develop, document, and implement policies and procedures related to the Office of Consumer Protection's documentation of preventive savings and recovered amounts.

Additional information on the audit can be found at:

<http://leg.mt.gov/content/Publications/Audit/Summary/14P-08-summary.pdf>

Comparison of FY 2017 Legislative Budget to FY 2017 Base

Figure 1 demonstrates the beginning FY 2017 budget as adopted by the 2015 legislature, plus modifications done by the executive (and authorized in statute) during the interim, and the finalized 2017 Base Budget. The columns provide detail showing the changes that occurred over the course of the interim to reach the 2017 Base Budget. The 2017 Base Budget was agreed upon by the Legislative Finance Committee and the executive as a measuring point to start the 2019 biennium budgeting process.

Figure 1

FY 2017 Appropriation Transactions - Department of Justice								
	Leg Approp	Allocations	Program Transfers	OP Changes	Other	2017 Base	% Change from Legislative Approp	% Change from Approp + Allocations
01 Legal Services Division								
Personal Services	\$5,864,763	\$216,117	\$57,956	\$0		\$6,138,836	4.7%	1.0%
Operating Expenses	2,108,352					2,108,352	0.0%	0.0%
Benefits & Claims	1,121,191					1,121,191	0.0%	0.0%
Program Total	9,094,306	216,117	57,956	-	-	9,368,379	3.0%	0.6%
03 Montana Highway Patrol								
Personal Services	25,748,876	1,088,439				26,837,315	4.2%	0.0%
Operating Expenses	8,751,502					8,751,502	0.0%	0.0%
Equipment	1,992,165					1,992,165	0.0%	0.0%
Program Total	36,492,543	1,088,439	-	-	-	37,580,982	3.0%	0.0%
04 Justice Information Technology Services Division								
Personal Services	2,975,295	126,873				3,102,168	4.3%	0.0%
Operating Expenses	1,769,352		127,592			1,896,944	7.2%	7.2%
Equipment	36,820					36,820	0.0%	0.0%
Program Total	4,781,467	126,873	127,592	-	-	5,035,932	5.3%	2.6%
05 Division Of Criminal Investigations								
Personal Services	7,585,860	354,230				7,940,090	4.7%	0.0%
Operating Expenses	4,390,233		81,774 (90,000)			4,382,007	-0.2%	-0.2%
Equipment	123,452					123,452	0.0%	0.0%
Grants				90,000		90,000	100.0%	100.0%
Transfers-out	11,295					11,295	0.0%	0.0%
Program Total	12,110,840	354,230	81,774	-	-	12,546,844	3.6%	0.7%
07 Gambling Control Division								
Personal Services	3,451,149	154,888				3,606,037	4.5%	0.0%
Operating Expenses	843,767					843,767	0.0%	0.0%
Equipment	82,860					82,860	0.0%	0.0%
Program Total	4,377,776	154,888	-	-	-	4,532,664	3.5%	0.0%
08 Forensic Services Division								
Personal Services	3,149,107	115,954				3,265,061	3.7%	0.0%
Operating Expenses	1,232,529				(200,000)	1,032,529	-16.2%	-16.2%
Equipment	6,000					6,000	0.0%	0.0%
Debt Service	110,096					110,096	0.0%	0.0%
Program Total	4,497,732	115,954	-	-	(200,000)	4,413,686	-1.9%	-4.3%
09 Motor Vehicle Division								

Personal Services	7,773,129	529,878	(57,956)			8,245,051	6.1%	-0.7%
Operating Expenses	16,198,769		408,871			16,607,640	2.5%	2.5%
Equipment	114,028					114,028	0.0%	0.0%
Debt Service	616,700					616,700	0.0%	0.0%
Program Total	24,702,626	529,878	350,915	-	-	25,583,419	3.6%	1.4%
10 Central Services Division								
Personal Services	1,359,057	62,218				1,421,275	4.6%	0.0%
Operating Expenses	953,837		(618,237)			335,600	-64.8%	-64.8%
Program Total	2,312,894	62,218	(618,237)	-	-	1,756,875	-24.0%	-26.0%
19 Post Council								
Personal Services	203,330	10,025				213,355	4.9%	0.0%
Operating Expenses	144,923				50,000	194,923	34.5%	34.5%
Program Total	348,253	10,025	-	-	50,000	408,278	17.2%	14.0%
Grand Total	\$98,718,437	\$2,658,622	\$0	\$0	(\$150,000)	\$101,227,059	2.5%	-0.1%
Leg Approp = Legislative Appropriation								
Allocations = include Contingency Base & Pay Plan								
OP = Operating Plan Changes								

Significant budget changes adopted by the executive include:

- 1.00 FTE and nearly \$58,000 general fund was moved from the Motor Vehicle Division to the Legal Services Division to create a public relations position in the attorney general's office

Funding

The following table shows proposed agency funding by source of authority. Funding for each program is discussed in detail in the individual program narratives.

Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	66,338,312	0	0	10,328,092	76,666,404	37.26 %
State Special Total	114,479,819	0	0	4,578,116	119,057,935	57.87 %
Federal Special Total	2,718,490	0	0	250,000	2,968,490	1.44 %
Proprietary Total	3,791,240	0	3,263,137	0	7,054,377	3.43 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$187,327,861	\$0	\$3,263,137	\$15,156,208	\$205,747,206	
Percent - Total All Sources	91.05 %	0.00 %	1.59 %	7.37 %		

Funding for DOJ varies by division and function. General fund supports the Legal Services Division, Motor Vehicle Division, Division of Criminal Investigation, POST, Central Services Division, Information Technology Division, and Forensic Science Division. In FY 2017 general fund provided 35.3% of DOJ funding. In the executive request, general fund would decrease by 7.2% in FY 2018 and 7.3% in FY 2019 as compared to FY 2017, but would remain as a similar percentage of DOJ funding.

The highway state special revenue account supports a number of programs where highway safety is impacted. Highway state special revenue provides significant portions of the funding for the Motor Vehicle Division, Highway Patrol Division,

and Central Services Division. State special revenue from consumer settlement proceeds supports consumer protection activities, gambling license fees support Gambling Control, and motor vehicle fees support the debt payment for the development and implementation of a computer system. In FY 2017 state special revenue provided 61.5% of DOJ funding. In the executive request, state special revenue would decrease by 9.1% in FY 2018 and by 7.1% in FY 2019 as compared to FY 2017, but would remain as a similar percentage of DOJ funding.

Federal funds combined with general fund support Medicaid fraud investigation and the Child Protection Unit within the Legal Division. In FY 2017 federal special revenue provided 1.3% of DOJ funding. In the executive request, federal special revenue would decrease by less than 1.0% in each fiscal year of the 2019 biennium as compared to FY 2017, and would remain as a similar percentage of DOJ funding. Proprietary funds support liquor licensing functions and legal services provided under contract to other agencies. In FY 2017 budgeted proprietary funds provided 1.9% of DOJ funding. In the executive request, budgeted proprietary funds would decrease by 1.1% in FY 2018 and by less than 1.0% in FY 2019 as compared to FY 2017, but would remain as a similar percentage of DOJ funding.

Please refer to the narrative for the Department of Transportation in Section C for a discussion of the highway state special revenue account.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the glossary section of the Budget Analysis.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2018	Budget Fiscal 2019	Biennium Fiscal 18-19	Percent of Budget	Budget Fiscal 2018	Budget Fiscal 2019	Biennium Fiscal 18-19	Percent of Budget
2017 Base Budget	35,668,695	35,668,695	71,337,390	107.54 %	101,227,059	101,227,059	202,454,118	108.07 %
SWPL Adjustments	(443,883)	(392,872)	(836,755)	(1.26)%	(2,588,104)	(2,355,676)	(4,943,780)	(2.64)%
PL Adjustments	(146,117)	(146,117)	(292,234)	(0.44)%	(93,726)	(93,726)	(187,452)	(0.10)%
New Proposals	(1,934,222)	(1,935,867)	(3,870,089)	(5.83)%	(5,550,576)	(4,444,449)	(9,995,025)	(5.34)%
Total Budget	\$33,144,473	\$33,193,839	\$66,338,312		\$92,994,653	\$94,333,208	\$187,327,861	

Language and Statutory Authority -

The executive requests the following language for HB 2:

"Montana Highway Patrol includes funding to hold inmates in county jails. It is the intent of the legislature that the department of justice may pay no more than \$69 per day to hold an inmate in any county jail."