

Agency Budget Comparison

Agency Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	68,962,185	78,062,946	9,100,761	13.20 %
Operating Expenses	16,774,193	17,357,798	583,605	3.48 %
Equipment & Intangible Assets	280,379	346,232	65,853	23.49 %
Grants	1,229,849	913,497	(316,352)	(25.72)%
Benefits & Claims	6,402,569	10,281,379	3,878,810	60.58 %
Transfers	3,829,428	0	(3,829,428)	(100.00)%
Debt Service	9,335	0	(9,335)	(100.00)%
Total Expenditures	\$97,487,938	\$106,961,852	\$9,473,914	9.72 %
General Fund	92,836,932	99,899,749	7,062,817	7.61 %
State/Other Special Rev. Funds	4,450,558	6,859,615	2,409,057	54.13 %
Federal Spec. Rev. Funds	200,448	202,488	2,040	1.02 %
Total Funds	\$97,487,938	\$106,961,852	\$9,473,914	9.72 %
Total Ongoing	\$95,606,213	\$105,409,670	\$9,803,457	10.25 %
Total OTO	\$1,881,725	\$1,552,182	(\$329,543)	(17.51)%

Agency Description

The Judicial Branch provides services through the following courts and supporting functions. The Montana Supreme Court is a court of review and a court of original jurisdiction. The court has jurisdiction over appeals from all Montana district courts. This court also hears appeals from the Water and the Workersâ€™ Compensation Courts. It has original jurisdiction to hear and determine writs, attorney discipline, rules governing appellate procedure, and practice and procedures for the other courts. It also has supervisory control of all state courts and the entire judicial system. The State Law Library, governed by the board of trustees composed of the seven members of the Supreme Court, provides resource information to the public and those working within the court system.

District courts are courts of general jurisdiction that process felony cases, probate cases, civil cases and actions, special actions and proceedings, naturalization proceedings, writs, and ballot issues and have some appellate jurisdiction of cases from courts of limited jurisdiction. The Water Court adjudicates state law-based water rights and federal and Indian water right claims. The Clerk of the Supreme Court, an elected official, conducts the business of the Supreme Court, including controlling the dockets and filings, managing appellate mediations, maintaining the official roll of Montana attorneys, and licensing for the attorneys.

Agency Highlights

Judicial Branch Major Budget Highlights
<ul style="list-style-type: none"> • The legislature approved the Judicial Branch's 2021 biennium budget at \$9.5 million or 9.7% higher than the 2019 biennium. As measured from FY 2019 and adjusted for HB 3, growth was 7.6%. Significant changes include: <ul style="list-style-type: none"> ◦ The transfer of Youth Parole from the Department of Corrections to Supreme Court Operations, including 2.00 FTE and \$1.2 million over the biennium ◦ The addition of \$1.2 million in state special revenue support for court appointed special advocates (CASA) and guardian ad litem (GAL) in child abuse and neglect cases ◦ A reduction of \$320,000 in general fund over the biennium of the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) Program in the Law Library

Agency Actuals and Budget Comparison

The following table compares the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	447.08	447.08	456.44	457.94
Personal Services	33,212,899	33,503,308	35,458,877	38,992,402	39,070,544
Operating Expenses	7,942,729	8,497,287	8,276,906	8,700,383	8,657,415
Equipment & Intangible Assets	107,215	107,263	173,116	173,116	173,116
Grants	30,657	585,867	643,982	456,510	456,987
Benefits & Claims	1,214,607	1,301,146	5,101,423	5,124,173	5,157,206
Transfers	3,829,428	3,829,428	0	0	0
Debt Service	460	460	8,875	0	0
Total Expenditures	\$46,337,995	\$47,824,759	\$49,663,179	\$53,446,584	\$53,515,268
General Fund	43,885,826	45,153,996	47,682,936	49,898,292	50,001,457
State/Other Special Rev. Funds	2,391,030	2,571,473	1,879,085	3,447,020	3,412,595
Federal Spec. Rev. Funds	61,139	99,290	101,158	101,272	101,216
Total Funds	\$46,337,995	\$47,824,759	\$49,663,179	\$53,446,584	\$53,515,268
Total Ongoing	\$46,015,297	\$46,883,995	\$48,722,218	\$52,670,493	\$52,739,177
Total OTO	\$322,698	\$940,764	\$940,961	\$776,091	\$776,091

Summary of Legislative Action

The legislature approved the transfer of Youth Parole from the Department of Corrections to Supreme Court Operations, including the transfer of 2.00 FTE and \$1.2 million over the biennium. The Pretrial Diversion Program was funded in Supreme Court Operations as one-time-only from state special revenue at \$1.6 million over the biennium. \$1.2 million in state special revenue for CASA/GAL were appropriated in child abuse and neglect cases. The legislature reduced \$320,000 in general fund over the biennium to remove the Working Interdisciplinary Network of Guardianship Stakeholders Program.

Funding

The following table shows agency funding by source of authority.

Total Judicial Branch Funding by Source of Authority 2021 Biennium Budget Request - Judicial Branch						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	99,899,749	0	0	0	99,899,749	93.08 %
State Special Total	5,307,433	1,552,182	0	0	6,859,615	6.39 %
Federal Special Total	202,488	0	0	0	202,488	0.19 %
Proprietary Total	0	0	366,882	0	366,882	0.34 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$105,409,670	\$1,552,182	\$366,882	\$0	\$107,328,734	
Percent - Total All Sources	98.21 %	1.45 %	0.34 %	0.00 %		

The Judicial Branch is primarily supported by general fund with state special revenue supporting specific functions, the largest of which is the Water Court. The water adjudication fund supports a little over half of the funding for the Water Court. Other sources of state special revenue include fines, fees, and assessments for training events. In addition, the youth court intervention and prevention account derives revenue from the transfer of unexpended general fund for juvenile placement. The branch receives a small amount of federal special revenues for grants supporting specific projects such as the Court Assessment Program.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	46,741,975	46,741,975	93,483,950	93.58 %	48,722,218	48,722,218	97,444,436	91.10 %
SWPL Adjustments	2,893,380	2,846,173	5,739,553	5.75 %	2,888,653	2,841,390	5,730,043	5.36 %
PL Adjustments	12,296	23,941	36,237	0.04 %	637,997	615,217	1,253,214	1.17 %
New Proposals	250,641	389,368	640,009	0.64 %	1,197,716	1,336,443	2,534,159	2.37 %
Total Budget	\$49,898,292	\$50,001,457	\$99,899,749		\$53,446,584	\$53,515,268	\$106,961,852	

Other Legislation

HB 3 - This bill appropriated \$120,000 of general fund to Supreme Court Operations for fiscal year 2019.

SB 26 - This bill eliminates the Judicial Branch's responsibility to pay witness fees and expenses in criminal proceedings when subpoenaed on behalf of the attorney general or a county attorney and provides that the attorney general reimburses the counties up to the current appropriation level. Witness expenses include travel costs, such as airfare, mileage, lodging, and meals.

HB 654 - The bill creates a licensing requirement for first time sales of opioids in the State of Montana. The revenue will be deposited into a state special revenue account to be used to support existing drug treatment courts in Montana. HB 654 also includes a one-time transfer of \$2.0 million from the consumer protection account to the treatment court support account. HB 654 limits the Judicial Branch spending to \$250,000 a year starting in FY 2021.

Executive Budget Comparison

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

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2019	Executive Budget Fiscal 2020	Legislative Budget Fiscal 2020	Leg — Exec. Difference Fiscal 2020	Executive Budget Fiscal 2021	Legislative Budget Fiscal 2021	Leg — Exec. Difference Fiscal 2021	Biennium Difference Fiscal 20-21
FTE	447.08	454.44	456.44	2.00	455.94	457.94	2.00	2.00
Personal Services	35,458,877	39,082,874	38,992,402	(90,472)	39,161,015	39,070,544	(90,471)	(180,943)
Operating Expenses	8,276,906	8,102,119	8,700,383	598,264	8,059,152	8,657,415	598,263	1,196,527
Equipment & Intangible Assets	173,116	173,116	173,116	0	173,116	173,116	0	0
Grants	643,982	576,510	456,510	(120,000)	576,987	456,987	(120,000)	(240,000)
Benefits & Claims	5,101,423	5,124,173	5,124,173	0	5,157,206	5,157,206	0	0
Transfers	0	0	0	0	0	0	0	0
Debt Service	8,875	8,875	0	(8,875)	8,875	0	(8,875)	(17,750)
Total Costs	\$49,663,179	\$53,067,667	\$53,446,584	\$378,917	\$53,136,351	\$53,515,268	\$378,917	\$757,834
General Fund	47,682,936	50,562,076	49,898,292	(663,784)	50,665,906	50,001,457	(664,449)	(1,328,233)
State/other Special Rev. Funds	1,879,085	2,404,079	3,447,020	1,042,941	2,368,989	3,412,595	1,043,606	2,086,547
Federal Spec. Rev. Funds	101,158	101,512	101,272	(240)	101,456	101,216	(240)	(480)
Total Funds	\$49,663,179	\$53,067,667	\$53,446,584	\$378,917	\$53,136,351	\$53,515,268	\$378,917	\$757,834
Total Ongoing	\$48,722,218	\$53,067,667	\$52,670,493	(\$397,174)	\$53,136,351	\$52,739,177	(\$397,174)	(\$794,348)
Total OTO	\$940,961	\$0	\$776,091	\$776,091	\$0	\$776,091	\$776,091	\$1,552,182

The major differences in the legislative budget compared to the executive budget are:

- Pretrial Diversion Program is funded with \$1.6 million in state special revenue from the pre-trial diversion account instead of general fund, and the legislature adopted language to report on the number of program participants and related costs to the Law and Justice Interim Committee annually

- The legislature approved the transfer of Youth Parole from the Department of Corrections to Supreme Court Operations, including 2.00 FTE and associated funding
- A \$300,000 fund switch was approved over the biennium from general fund to state special revenue for juvenile delinquency intervention and placement (JDIP)
- A \$320,000 reduction in general fund in the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) Program
- The legislature removed \$17,750 in debt service and added \$7,750 in operating expenses for copiers in the Law Library, which reduced \$10,000 in general fund over the biennium
- Water Courts Supervision had an increase in general fund of \$12,296 in FY 2020 and \$11,777 in FY 2021 in personal services
- The legislature approved a reduction of \$51,245 in FY 2020 and \$51,245 in FY 2021 in District Court Operations and an increase in Legal Services Division in the Department of Justice by the same amount for witness expenses as provided in SB 26 because SB 26 was passed and approved.

Language and Statutory Authority

The following language was adopted by the legislature for HB 2:

"Pretrial Program shall report on the number of program participants and related costs to the law and justice interim committee annually in September of each year."

"If HB 111 is not passed and approved, then Youth Parole is void."

"If SB 26 is not passed and approved, Supreme Court Operations are increased by \$51,245 in general fund in FY 2020 and \$51,245 in general fund in FY 2021."

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	13,554,887	15,285,299	1,730,412	12.77 %
Operating Expenses	10,193,865	10,435,537	241,672	2.37 %
Equipment & Intangible Assets	8,885	17,770	8,885	100.00 %
Grants	1,109,849	913,497	(196,352)	(17.69)%
Benefits & Claims	6,332,569	10,211,379	3,878,810	61.25 %
Transfers	3,829,428	0	(3,829,428)	(100.00)%
Total Expenditures	\$35,029,483	\$36,863,482	\$1,833,999	5.24 %
General Fund	34,198,119	34,085,858	(112,261)	(0.33)%
State/Other Special Rev. Funds	630,916	2,575,136	1,944,220	308.16 %
Federal Spec. Rev. Funds	200,448	202,488	2,040	1.02 %
Total Funds	\$35,029,483	\$36,863,482	\$1,833,999	5.24 %
Total Ongoing	\$33,147,758	\$35,311,300	\$2,163,542	6.53 %
Total OTO	\$1,881,725	\$1,552,182	(\$329,543)	(17.51)%

Program Description

The Supreme Court has appellate jurisdiction for the State of Montana. The court has original jurisdiction to issue, hear, and determine writs of habeas corpus and other writs provided by law. It also has general supervisory control over all other courts in the state. The Supreme Court is charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, and admission to the bar and conduct of its members. Within the Supreme Court Operations Program, the Office of Court Administrator provides centralized services to the Judicial Branch including information technology, budget and finance, payroll and human resource management, policy and technical support for the Youth Courts, judicial education, and services provided through the federal Court Assessment Program related to child abuse and neglect cases. The Boards and Commissions Program provides staff and other support to constitutionally and statutorily required commissions attached to the Montana Supreme Court, specifically the Judicial Standards Commission, the Sentence Review Board, and the Commission on Courts of Limited Jurisdiction. The Boards and Commissions Program also supports activities of the Commission on Practice. Other specialized commissions and task forces, not required by the Constitution and statute but created by the Supreme Court to address specific issues, receive minimal financial assistance with travel expenses and supplies.

Program Highlights

Supreme Court Operations Major Budget Highlights
<ul style="list-style-type: none"> • The proposed Supreme Court Operations Program's 2021 biennium budget is 5.2% or \$1.8 million higher than the 2019 biennium budget. Significant changes include: <ul style="list-style-type: none"> ◦ The transfer of Youth Parole from the Department of Corrections to Supreme Court Operations, including 2.00 FTE and \$1.2 million over the biennium ◦ \$1.6 million in state special revenue funding as one-time-only over the biennium for the Pretrial Diversion Program

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	82.75	82.75	91.00	92.50
Personal Services	6,502,669	6,556,129	6,998,758	7,601,637	7,683,662
Operating Expenses	4,914,767	5,017,725	5,176,140	5,222,455	5,213,082
Equipment & Intangible Assets	0	0	8,885	8,885	8,885
Grants	30,657	585,867	523,982	456,510	456,987
Benefits & Claims	1,194,430	1,266,146	5,066,423	5,089,173	5,122,206
Transfers	3,829,428	3,829,428	0	0	0
Total Expenditures	\$16,471,951	\$17,255,295	\$17,774,188	\$18,378,660	\$18,484,822
General Fund	16,179,306	16,840,547	17,357,572	16,989,820	17,096,038
State/Other Special Rev. Funds	231,506	315,458	315,458	1,287,568	1,287,568
Federal Spec. Rev. Funds	61,139	99,290	101,158	101,272	101,216
Total Funds	\$16,471,951	\$17,255,295	\$17,774,188	\$18,378,660	\$18,484,822
Total Ongoing	\$16,149,253	\$16,314,531	\$16,833,227	\$17,602,569	\$17,708,731
Total OTO	\$322,698	\$940,764	\$940,961	\$776,091	\$776,091

Funding

The following table shows program funding by source of authority.

Judicial Branch, 01-Supreme Court Operations Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	34,085,858	0	0	34,085,858	92.47 %
02151 YthCrt Intervention?evention	485,884	0	0	485,884	18.87 %
02342 Law Library Digital Project	0	0	0	0	0.00 %
02399 Judicial Education Conferences	122,508	0	0	122,508	4.76 %
02536 Legal Asistance	241,710	0	0	241,710	9.39 %
02961 State Grants to Drug Courts	172,852	0	0	172,852	6.71 %
02369 Pre-Trial Diversion Account	1,552,182	0	0	1,552,182	60.28 %
State Special Total	\$2,575,136	\$0	\$0	\$2,575,136	6.99 %
03041 Probation Training Fund	0	0	0	0	0.00 %
03153 Court Improvement Prg Grants	0	0	0	0	0.00 %
03240 COURT ASSESSMENT PROGRAM	202,488	0	0	202,488	100.00 %
03352 NCHIP-MBCC Grant	0	0	0	0	0.00 %
03162 MBCC Grant	0	0	0	0	0.00 %
Federal Special Total	\$202,488	\$0	\$0	\$202,488	0.55 %
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$36,863,482	\$0	\$0	\$36,863,482	

General fund supports most costs of the program.

State special revenue supports administration of juvenile delinquency intervention prevention (JDIP) funds, training for judges from conference fees, legal assistance for indigent victims of domestic violence from court filing fees primarily from dissolution of marriage filings, and grants to drug courts from drug court fees charged to participants.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	16,416,611	16,416,611	32,833,222	96.33 %	16,833,227	16,833,227	33,666,454	91.33 %
SWPL Adjustments	106,323	61,650	167,973	0.49 %	106,402	61,673	168,075	0.46 %
PL Adjustments	0	12,164	12,164	0.04 %	25,070	37,234	62,304	0.17 %
New Proposals	466,886	605,613	1,072,499	3.15 %	1,413,961	1,552,688	2,966,649	8.05 %
Total Budget	\$16,989,820	\$17,096,038	\$34,085,858		\$18,378,660	\$18,484,822	\$36,863,482	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	424,700	0	354	425,054	0.00	419,693	0	298	419,991
DP 2 - Fixed Costs	0.00	(322,733)	(275)	0	(323,008)	0.00	(363,447)	(275)	0	(363,722)
DP 3 - Inflation Deflation	0.00	4,356	0	0	4,356	0.00	5,404	0	0	5,404
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	70	0	70	0.00	0	70	0	70
DP 103 - Drug Court General Fund FTE and Additional Fees Authority	2.50	0	25,000	0	25,000	2.50	0	25,000	0	25,000
DP 104 - Rent Increase	0.00	0	0	0	0	0.00	12,164	0	0	12,164
Grand Total All Present Law Adjustments	2.50	\$106,323	\$24,795	\$354	\$131,472	2.50	\$73,814	\$24,795	\$298	\$98,907

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Supreme Court Operations.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

DP 103 - Drug Court General Fund FTE and Additional Fees Authority -

The legislature approved 2.50 permanent FTE for the drug courts. Juvenile Drug Court will receive 0.50 FTE, 1.00 FTE is for the Adult Drug Court, and 1.00 FTE is for Veterans Treatment Court. The positions have been filled with HB 2 modified FTE since FY 2016.

Also included is an additional \$25,000 of state special revenue fund authority in each year of the biennium related to fees collected from drug court participants.

DP 104 - Rent Increase -

The legislature approved a general fund appropriation of \$12,164 in FY 2021 to cover an increase in lease payments for the space rented at the Park Avenue building. This reflects seven months at the new rate.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 101 - Funding for Expiring Grant Funded Drug Courts	0.00	0	0	0	0	1.50	138,815	0	0	138,815
DP 102 - Child Abuse Diversion Project	0.50	44,007	0	0	44,007	0.50	43,919	0	0	43,919
DP 211 - Youth Parole (HB 111)	2.00	572,879	21,224	0	594,103	2.00	572,879	21,224	0	594,103
DP 403 - Pretrial Program OTO	3.25	0	776,091	0	776,091	3.25	0	776,091	0	776,091
DP 404 - Funding Transfer for JDIP	0.00	(150,000)	150,000	(240)	(240)	0.00	(150,000)	150,000	(240)	(240)
Total	5.75	\$466,886	\$947,315	(\$240)	\$1,413,961	7.25	\$605,613	\$947,315	(\$240)	\$1,552,688

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 101 - Funding for Expiring Grant Funded Drug Courts -

The legislature approved funding to support 1.50 FTE in FY 2021. The 1st Judicial District Family Treatment Court (Lewis & Clark County) and the 20th Judicial District Adult Drug Court (Lake County) were initiated with federal Department of Justice drug court implementation grants that will expire on 9/30/2020 and will be funded with general fund in FY 2021.

DP 102 - Child Abuse Diversion Project -

The legislature approved 0.50 FTE and related funding for the Court Diversion Project. This program was originally provided for in HB 612 passed by the 2015 Legislature and had one-time-only appropriations in the 2019 biennium. The program is designed to remove child abuse and neglect cases from the normal court track and place them into a diversion model. In the model, parents and the social worker develop a mediated treatment plan to transition children home. The case is not filed in court, parties are not assigned attorneys, and it remains an informal matter. Child abuse and neglect cases are very time-consuming for the court, defense attorneys, and county attorneys.

DP 211 - Youth Parole (HB 111) -

The legislature provided appropriations for youth parole (HB 111) in the amount of \$572,879 in general fund and \$21,224 in state special revenue funds in FY 2020 and \$572,879 in general fund and \$21,224 in state special revenue funds in

FY 2021. HB 111 moves 2.00 FTE into Supreme Court Operations and provides \$979,148 in operating expenses over the biennium.

DP 403 - Pretrial Program OTO -

The legislature approved 3.25 FTE and related funding in state special revenue to continue the Pretrial Diversion Program. The 3.25 FTE includes a 0.75 FTE pretrial program supervisor, 1.00 FTE and three 0.50 FTE public safety assessment coordinators.

This program, required by the 2017 Legislature, assists the criminal justice system with the handling of persons arrested and held in jail in five pilot counties (Butte-Silver Bow, Lake, Lewis & Clark, Missoula, and Yellowstone). The goals are to maximize public safety by reserving detention for those offenders who pose the greatest risk to reoffend or fail to appear in court, maximize court appearance, and maximize the appropriate use of release and detention by use of service designed to fulfill the two goals.

DP 404 - Funding Transfer for JDIP -

The legislature approved a funding switch of \$150,000 in FY 2020 and \$150,000 in FY 2021 from general fund to state special funds and a \$480 reduction in federal special revenue funds over the biennium for Juvenile Delinquency Intervention and Placement.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	761,000	794,063	33,063	4.34 %
Operating Expenses	724,625	735,661	11,036	1.52 %
Equipment & Intangible Assets	195,484	176,442	(19,042)	(9.74)%
Grants	120,000	0	(120,000)	(100.00)%
Debt Service	9,335	0	(9,335)	(100.00)%
Total Expenditures	\$1,810,444	\$1,706,166	(\$104,278)	(5.76)%
General Fund	1,810,444	1,706,166	(104,278)	(5.76)%
Total Funds	\$1,810,444	\$1,706,166	(\$104,278)	(5.76)%
Total Ongoing	\$1,810,444	\$1,706,166	(\$104,278)	(5.76)%
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The State Law Library of Montana (22-1-501, MCA) provides access to legal information consistent with the present and anticipated needs, responsibilities, and concerns of Montana's courts, legislature, state officers and employees, members of the bar of the Supreme Court of Montana, and members of the general public. The library selects, acquires, and maintains resources consistent with this mission. More electronic licenses are acquired each year, which frequently replace hard copies. This allows the library to get the information more quickly to the customer and to conserve its available shelf space for books and other printed material. The library's space, equipment, and technology are maintained in a manner that will ensure operational efficiency, improve collection preservation, and respond to requirements for accessibility of users and staff.

Library staff provide extensive training in legal research methods and access to the Montana court system. The library's web site (www.lawlibrary.mt.gov) has been designed to help Montana's citizens find the statutes, court cases and rules, legal forms, and explanation of the laws they need. Non-lawyers who cannot afford attorneys make up 75% of the people the Law Library assists. The library also operates a Court-Help Center.

Program Highlights

Law Library Major Budget Highlights
<ul style="list-style-type: none"> • The Law Library's 2021 biennium budget is 5.8% lower or \$104,300 less than the 2019 biennium budget. • A reduction of \$320,000 in general fund over the biennium was approved in the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) Program

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	6.75	6.75	6.75	6.75
Personal Services	328,974	358,975	402,025	396,866	397,197
Operating Expenses	340,309	350,711	373,914	367,826	367,835
Equipment & Intangible Assets	107,215	107,263	88,221	88,221	88,221
Grants	0	0	120,000	0	0
Debt Service	460	460	8,875	0	0
Total Expenditures	\$776,958	\$817,409	\$993,035	\$852,913	\$853,253
General Fund	776,958	817,409	993,035	852,913	853,253
Total Funds	\$776,958	\$817,409	\$993,035	\$852,913	\$853,253
Total Ongoing	\$776,958	\$817,409	\$993,035	\$852,913	\$853,253
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Judicial Branch, 03-Law Library Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	1,706,166	0	0	1,706,166	82.30 %
State Special Total	\$0	\$0	\$0	\$0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %
06019 Lexis Proprietary Account	0	366,882	0	366,882	100.00 %
Proprietary Total	\$0	\$366,882	\$0	\$366,882	17.70 %
Total All Funds	\$1,706,166	\$366,882	\$0	\$2,073,048	

HB 2 funding for the Law Library is entirely general fund. The Law Library also operates an enterprise type proprietary funded program for which the legislature does not approve rates.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	993,035	993,035	1,986,070	116.41 %	993,035	993,035	1,986,070	116.41 %
SWPL Adjustments	24,878	25,218	50,096	2.94 %	24,878	25,218	50,096	2.94 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	(165,000)	(165,000)	(330,000)	(19.34)%	(165,000)	(165,000)	(330,000)	(19.34)%
Total Budget	\$852,913	\$853,253	\$1,706,166		\$852,913	\$853,253	\$1,706,166	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	24,841	0	0	24,841	0.00	25,172	0	0	25,172
DP 3 - Inflation Deflation	0.00	37	0	0	37	0.00	46	0	0	46
Grand Total All Present Law Adjustments	0.00	\$24,878	\$0	\$0	\$24,878	0.00	\$25,218	\$0	\$0	\$25,218

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Law Library.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The “New Proposals” table shows new changes to spending.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 301 - WINGS Program	0.00	(160,000)	0	0	(160,000)	0.00	(160,000)	0	0	(160,000)
DP 302 - Copier Debt Service Adjustment	0.00	(5,000)	0	0	(5,000)	0.00	(5,000)	0	0	(5,000)
Total	0.00	(\$165,000)	\$0	\$0	(\$165,000)	0.00	(\$165,000)	\$0	\$0	(\$165,000)

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 301 - WINGS Program -

The legislature approved a \$320,000 general fund reduction over the biennium by eliminating appropriations for the Montana Working Interdisciplinary Network of Guardianship Stakeholders Program.

DP 302 - Copier Debt Service Adjustment -

The legislature reduced \$10,000 in general fund over the biennium for an adjustment to debt service for copiers.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	49,850,464	56,750,800	6,900,336	13.84 %
Operating Expenses	5,267,200	5,633,486	366,286	6.95 %
Equipment & Intangible Assets	67,723	135,446	67,723	100.00 %
Benefits & Claims	70,000	70,000	0	0.00 %
Total Expenditures	\$55,255,387	\$62,589,732	\$7,334,345	13.27 %
General Fund	54,154,986	61,052,455	6,897,469	12.74 %
State/Other Special Rev. Funds	1,100,401	1,537,277	436,876	39.70 %
Total Funds	\$55,255,387	\$62,589,732	\$7,334,345	13.27 %
Total Ongoing	\$55,255,387	\$62,589,732	\$7,334,345	13.27 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The District Courts have original jurisdiction in all felony criminal cases, most civil matters and other cases in law, and in equity. These courts may issue all writs appropriate to their jurisdiction and hear appeals from Courts of Limited Jurisdiction pursuant to statutory parameters. The District Courts are also the state's Youth Courts, responsible for managing juvenile probation functions. There are 49 District Court judges in 22 judicial districts serving all 56 counties. The 2001 Legislature mandated state funding of District Court expenses, including salaries and operating expenses for judges and their employees. District Court costs are the largest segment of the Judicial Branch budget.

Program Highlights

District Court Operations Major Budget Highlights
<ul style="list-style-type: none"> • The proposed District Court Operations 2021 biennium budget request is \$7.3 million or 13.3% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ An additional \$5.5 million in general fund for personal services statewide present law adjustments ◦ The addition of \$1.2 million in state special revenue support for court appointed special advocates (CASA) and guardian ad litem (GAL) in child abuse and neglect cases

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	327.58	327.58	328.69	328.69
Personal Services	24,179,416	24,386,366	25,464,098	28,377,046	28,373,754
Operating Expenses	2,378,971	2,820,166	2,447,034	2,833,548	2,799,938
Equipment & Intangible Assets	0	0	67,723	67,723	67,723
Benefits & Claims	20,177	35,000	35,000	35,000	35,000
Total Expenditures	\$26,578,564	\$27,241,532	\$28,013,855	\$31,313,317	\$31,276,415
General Fund	25,761,388	26,327,868	27,827,118	30,527,466	30,524,989
State/Other Special Rev. Funds	817,176	913,664	186,737	785,851	751,426
Total Funds	\$26,578,564	\$27,241,532	\$28,013,855	\$31,313,317	\$31,276,415
Total Ongoing	\$26,578,564	\$27,241,532	\$28,013,855	\$31,313,317	\$31,276,415
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Judicial Branch, 04-District Court Operations Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	61,052,455	0	0	61,052,455	97.54 %	
02141 Fines & Fees Fund	172,898	0	0	172,898	11.25 %	
02961 State Grants to Drug Courts	0	0	0	0	0.00 %	
02562 Crt Appointed Special Advocate	1,364,379	0	0	1,364,379	88.75 %	
State Special Total	\$1,537,277	\$0	\$0	\$1,537,277	2.46 %	
03077 Drug Trmt Court Fed Res 13VTC	0	0	0	0	0.00 %	
03078 Drug Trmt Court Fed Res 13Adlt	0	0	0	0	0.00 %	
03114 Drug Trmt Crt Fed Res JD1/SW	0	0	0	0	0.00 %	
03115 Drug Trmt Court Fed Res OJJDP	0	0	0	0	0.00 %	
03373 Drug Trmt Court Fed Res JD7	0	0	0	0	0.00 %	
03154 Drug Trmt Crt Fed Res JD8	0	0	0	0	0.00 %	
03040 Drug Trmt Crt Fed Res JD5	0	0	0	0	0.00 %	
03455 Drug Trmt Court Fed Res JD20	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$62,589,732	\$0	\$0	\$62,589,732		

Most of the funding for District Court Operations comes from the general fund. State special revenues supporting the program come from court imposed fines and fees.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	27,827,118	27,827,118	55,654,236	91.16 %	28,013,855	28,013,855	56,027,710	89.52 %
SWPL Adjustments	2,751,593	2,749,116	5,500,709	9.01 %	2,751,206	2,748,729	5,499,935	8.79 %
PL Adjustments	0	0	0	0.00 %	599,501	565,076	1,164,577	1.86 %
New Proposals	(51,245)	(51,245)	(102,490)	(0.17)%	(51,245)	(51,245)	(102,490)	(0.16)%
Total Budget	\$30,527,466	\$30,524,989	\$61,052,455		\$31,313,317	\$31,276,415	\$62,589,732	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	2,748,207	0	0	2,748,207	0.00	2,744,914	0	0	2,744,914
DP 2 - Fixed Costs	0.00	0	(387)	0	(387)	0.00	0	(387)	0	(387)
DP 3 - Inflation Deflation	0.00	3,386	0	0	3,386	0.00	4,202	0	0	4,202
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	99	0	99	0.00	0	99	0	99
DP 401 - Funding for CASA/GAL	0.00	0	599,402	0	599,402	0.00	0	564,977	0	564,977
DP 402 - Retired Judges	1.11	0	0	0	0	1.11	0	0	0	0
Grand Total All Present Law Adjustments	1.11	\$2,751,593	\$599,114	\$0	\$3,350,707	1.11	\$2,749,116	\$564,689	\$0	\$3,313,805

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the District Court Operations.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

DP 401 - Funding for CASA/GAL -

The legislature approved funding for statutorily required costs for the appointment of court appointed special advocates and guardians ad litem in child abuse and neglect cases.

DP 402 - Retired Judges -

District courts across the state bring in retired judges to preside in cases where a judge may need to recuse him/herself from a case or to cover other absences. The legislature approved the request for 1.11 FTE for the judges. Funding was moved from operating expenses to personal services.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 405 - SB 26 Witness Expenses	0.00	(51,245)	0	0	(51,245)	0.00	(51,245)	0	0	(51,245)
Total	0.00	(\$51,245)	\$0	\$0	(\$51,245)	0.00	(\$51,245)	\$0	\$0	(\$51,245)

*“Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 405 - SB 26 Witness Expenses -

The legislature approved the reduction of \$51,245 in FY 2020 and \$51,245 in FY 2021 from the District Court Operations and an increase by the same amount to Legal Service Division in Department of Justice for witness expenses as provided in SB 26.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	3,777,831	4,170,237	392,406	10.39 %
Operating Expenses	500,998	465,948	(35,050)	(7.00)%
Equipment & Intangible Assets	8,287	16,574	8,287	100.00 %
Total Expenditures	\$4,287,116	\$4,652,759	\$365,643	8.53 %
General Fund	1,567,875	1,905,557	337,682	21.54 %
State/Other Special Rev. Funds	2,719,241	2,747,202	27,961	1.03 %
Total Funds	\$4,287,116	\$4,652,759	\$365,643	8.53 %
Total Ongoing	\$4,287,116	\$4,652,759	\$365,643	8.53 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Water Courts Supervision Program, located in Bozeman, adjudicates claims of existing water rights in Montana pursuant to Title 3, Chapter 7 and Title 85, Chapter 2, MCA.

Program Highlights

Water Courts Supervision Major Budget Highlights
<ul style="list-style-type: none"> The Water Courts Supervision's 2021 biennium budget is \$365,600 or 8.5% higher than the 2019 biennium budget. Changes to the budget are all statewide present law adjustments

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	24.50	24.50	24.50	24.50
Personal Services	1,704,750	1,704,749	2,073,082	2,085,378	2,084,859
Operating Expenses	264,731	264,735	236,263	232,974	232,974
Equipment & Intangible Assets	0	0	8,287	8,287	8,287
Total Expenditures	\$1,969,481	\$1,969,484	\$2,317,632	\$2,326,639	\$2,326,120
General Fund	627,133	627,133	940,742	953,038	952,519
State/Other Special Rev. Funds	1,342,348	1,342,351	1,376,890	1,373,601	1,373,601
Total Funds	\$1,969,481	\$1,969,484	\$2,317,632	\$2,326,639	\$2,326,120
Total Ongoing	\$1,969,481	\$1,969,484	\$2,317,632	\$2,326,639	\$2,326,120
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Judicial Branch, 05-Water Courts Supervision Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	1,905,557	0	0	1,905,557	40.96 %	
02431 Water Adjudication	2,747,202	0	0	2,747,202	100.00 %	
State Special Total	\$2,747,202	\$0	\$0	\$2,747,202	59.04 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$4,652,759	\$0	\$0	\$4,652,759		

General fund provides a little less than half of the funding for Water Courts Supervision. The remaining funding is from the water adjudication state special revenue account.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	940,742	940,742	1,881,484	98.74 %	2,317,632	2,317,632	4,635,264	99.62 %
SWPL Adjustments	0	0	0	0.00 %	(4,419)	(4,419)	(8,838)	(0.19)%
PL Adjustments	12,296	11,777	24,073	1.26 %	13,426	12,907	26,333	0.57 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$953,038	\$952,519	\$1,905,557		\$2,326,639	\$2,326,120	\$4,652,759	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 2 - Fixed Costs	0.00	0	(4,419)	0	(4,419)	0.00	0	(4,419)	0	(4,419)
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	1,130	0	1,130	0.00	0	1,130	0	1,130
DP 1001 - Statewide Present Law Fund Shift	0.00	12,296	0	0	12,296	0.00	11,777	0	0	11,777
Grand Total All Present Law Adjustments	0.00	\$12,296	(\$3,289)	\$0	\$9,007	0.00	\$11,777	(\$3,289)	\$0	\$8,488

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

DP 1001 - Statewide Present Law Fund Shift -

The legislature approved \$12,296 in FY 2020 and \$11,777 in FY 2021 in general fund for Water Courts Supervision.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	1,018,003	1,062,547	44,544	4.38 %
Operating Expenses	87,505	87,166	(339)	(0.39)%
Total Expenditures	\$1,105,508	\$1,149,713	\$44,205	4.00 %
General Fund	1,105,508	1,149,713	44,205	4.00 %
Total Funds	\$1,105,508	\$1,149,713	\$44,205	4.00 %
Total Ongoing	\$1,105,508	\$1,149,713	\$44,205	4.00 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Office of Clerk of the Supreme Court Program, pursuant to Title 3, Chapter 2, part 4, conducts the business of the court, and serves as the liaison between the public, attorneys and the Supreme Court. By statutory authority, the clerk controls the docket and filings, manages the appellate process, and is the custodian of all legal records for the public and the court. Additionally, the clerk administers appellate mediation, maintains the official roll of Montana attorneys, and is responsible for licensing Montana’s attorneys.

Program Highlights

Clerk of Court Major Budget Highlights
<ul style="list-style-type: none"> The Clerk of the Court's 2021 biennium budget request is \$44,200 or 4.0% higher than the 2019 biennium budget but only 1.8% higher compared to the FY 2019 base

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	5.50	5.50	5.50	5.50
Personal Services	497,090	497,089	520,914	531,475	531,072
Operating Expenses	43,951	43,950	43,555	43,580	43,586
Total Expenditures	\$541,041	\$541,039	\$564,469	\$575,055	\$574,658
General Fund	541,041	541,039	564,469	575,055	574,658
Total Funds	\$541,041	\$541,039	\$564,469	\$575,055	\$574,658
Total Ongoing	\$541,041	\$541,039	\$564,469	\$575,055	\$574,658
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Judicial Branch, 06-Clerk of Court Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	1,149,713	0	0	1,149,713	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$1,149,713	\$0	\$0	\$1,149,713		

The Clerk of Court Program is funded entirely with general fund.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	564,469	564,469	1,128,938	98.19 %	564,469	564,469	1,128,938	98.19 %
SWPL Adjustments	10,586	10,189	20,775	1.81 %	10,586	10,189	20,775	1.81 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$575,055	\$574,658	\$1,149,713		\$575,055	\$574,658	\$1,149,713	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	10,561	0	0	10,561	0.00	10,158	0	0	10,158
DP 3 - Inflation Deflation	0.00	25	0	0	25	0.00	31	0	0	31
Grand Total All Present Law Adjustments	0.00	\$10,586	\$0	\$0	\$10,586	0.00	\$10,189	\$0	\$0	\$10,189

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Clerk of Court.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

Agency Budget Comparison

Agency Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	115,655,819	128,756,806	13,100,987	11.33 %
Operating Expenses	74,087,624	75,695,815	1,608,191	2.17 %
Equipment & Intangible Assets	6,419,625	4,864,150	(1,555,475)	(24.23)%
Capital Outlay	30,059	0	(30,059)	(100.00)%
Local Assistance	50,000	50,000	0	0.00 %
Grants	192,200	180,000	(12,200)	(6.35)%
Benefits & Claims	2,242,382	2,242,382	0	0.00 %
Transfers	22,590	22,590	0	0.00 %
Debt Service	1,116,294	669,594	(446,700)	(40.02)%
Total Expenditures	\$199,816,593	\$212,481,337	\$12,664,744	6.34 %
General Fund	65,697,785	70,970,901	5,273,116	8.03 %
State/Other Special Rev. Funds	127,638,911	134,682,258	7,043,347	5.52 %
Federal Spec. Rev. Funds	2,690,476	2,851,887	161,411	6.00 %
Proprietary Funds	3,789,421	3,976,291	186,870	4.93 %
Total Funds	\$199,816,593	\$212,481,337	\$12,664,744	6.34 %
Total Ongoing	\$198,016,593	\$211,081,674	\$13,065,081	6.60 %
Total OTO	\$1,800,000	\$1,399,663	(\$400,337)	(22.24)%

Agency Description

The Department of Justice (DOJ), under the direction of the Attorney General, is responsible for statewide legal services and counsel, law enforcement and public safety. The duties of the department are as follows:

- Provide legal representation for the state and its political subdivisions in criminal appeals
- Provide legal services and counsel for the state, county and municipal agencies, and their officials
- Enforce Montana traffic laws and register all motor vehicles
- Enforce state fire safety codes and regulations
- Assist local law enforcement agencies in bringing offenders to justice
- Manage a statewide system of death investigations and provide scientific analyses of specimens submitted by law enforcement officials, coroners and state agencies
- Maintain and disseminate criminal justice information to authorized state, local, and other entities
- Provide uniform regulation of all gambling activities in the state of Montana
- Enforce consumer protection laws and regulations relating to unfair and deceptive business practices, and assist Montana consumers in making sound decisions by providing public outreach
- Provide statewide leadership on issues related to victims of crime and administer the crime victim compensation program for the benefit of innocent victims

Agency Highlights

Department of Justice Major Budget Highlights
<ul style="list-style-type: none"> • The legislature approved the Department of Justice's 2021 biennium budget at \$12.7 million, or 6.3% higher than the 2019 biennium budget. As measured from the FY 2019 base, growth was 4.5%. Significant changes include: <ul style="list-style-type: none"> ◦ Additional personal services of \$3.8 million in the 2021 biennium for statewide present law adjustments ◦ Increased personal services authority of \$1.8 million for Montana highway patrol increases established by a statutorily required salary survey ◦ State special revenue funding of approximately \$0.3 million and 1.00 FTE for an additional Montana highway patrol officer ◦ A one-time-only appropriation of \$0.9 million in operating expenses over the biennium to provide for the Criminal Justice Information Network (CJIN) and Criminal Records and Identification Services Section (CRISS) ◦ A reduction of \$1.7 million in operating expenses over the biennium ◦ The transfer \$887,000 in general fund of the Public Safety Officer Standards & Training (POST) to the Montana Law Enforcement Academy switching funding from general fund to state special revenue

Agency Actuals and Budget Comparison

The following table compares the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	770.41	770.41	776.91	776.91
Personal Services	59,046,979	56,723,563	58,932,256	64,403,133	64,353,673
Operating Expenses	28,369,657	35,339,212	38,748,412	38,329,094	37,366,721
Equipment & Intangible Assets	2,915,238	4,014,300	2,405,325	2,458,825	2,405,325
Capital Outlay	29,385	30,059	0	0	0
Local Assistance	8,657	25,000	25,000	25,000	25,000
Grants	122,200	102,200	90,000	90,000	90,000
Benefits & Claims	655,292	1,121,191	1,121,191	1,121,191	1,121,191
Transfers	11,295	11,295	11,295	11,295	11,295
Debt Service	73,450	781,497	334,797	334,797	334,797
Total Expenditures	\$91,232,153	\$98,148,317	\$101,668,276	\$106,773,335	\$105,708,002
General Fund	30,486,767	31,530,081	34,167,704	35,524,377	35,446,524
State/Other Special Rev. Funds	58,298,625	63,429,748	64,209,163	67,834,092	66,848,166
Federal Spec. Rev. Funds	818,033	1,334,835	1,355,641	1,425,962	1,425,925
Proprietary Funds	1,628,728	1,853,653	1,935,768	1,988,904	1,987,387
Total Funds	\$91,232,153	\$98,148,317	\$101,668,276	\$106,773,335	\$105,708,002
Total Ongoing	\$91,136,153	\$96,848,317	\$101,168,276	\$105,697,381	\$105,384,293
Total OTO	\$96,000	\$1,300,000	\$500,000	\$1,075,954	\$323,709

Summary of Legislative Action

The legislature approved the Department of Justice's 2021 biennium budget at an increase of \$12.7 million or 6.3% higher than the 2019 biennium. The legislature approved the transfer of Public Safety Office Standards and Training into the Montana Law Enforcement Academy within the Division of Criminal Investigation. The legislature approved 1.00 FTE for an additional Montana highway patrol trooper. A one-time-only appropriation of \$0.9 million in operating expenses over the biennium was approved to provide for the Criminal Justice Information Network (CJIN) and Criminal Records and Identification Services Section (CRISS). The legislature approved a \$1.7 million reduction in operating expenses over the biennium across several programs including Legal Services Division, Justice Information Technology Services Division, Division of Criminal Investigation, Forensic Science Division, Motor Vehicle Division, and Central Services Division.

Funding

The following table shows agency funding by source of authority.

Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	70,970,901	0	0	6,903,216	77,874,117	34.22 %
State Special Total	133,282,595	1,399,663	0	4,579,673	139,261,931	61.20 %
Federal Special Total	2,851,887	0	0	250,000	3,101,887	1.36 %
Proprietary Total	3,976,291	0	3,327,781	0	7,304,072	3.21 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$211,081,674	\$1,399,663	\$3,327,781	\$11,732,889	\$227,542,007	
Percent - Total All Sources	92.77 %	0.62 %	1.46 %	5.16 %		

Funding for the Department of Justice varies by division and function. General fund supports the Legal Services Division, Information Technology Services Division, Division of Criminal Investigations, Motor Vehicle Division, Forensic Science Division, and Central Services Division. For the 2021 biennium, general fund provided 33.6% of DOJ HB 2 funding.

State special revenue supports 63.1% of the DOJ HB 2 funding in the 2021 budget. State special revenue from consumer protection settlement proceeds supports consumer protection activities, gambling licensing fees support the Gambling Control Division, and motor vehicle fees support the Motor Vehicle Division.

Federal special revenue combined with general fund support Medicaid fraud investigation and the Child Protection Unit within the Legal Services Division.

Proprietary funds support liquor licensing functions and legal service provided under contract to other state agencies.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	34,167,704	34,167,704	68,335,408	96.29 %	101,168,276	101,168,276	202,336,552	95.23 %
SWPL Adjustments	2,501,013	2,425,364	4,926,377	6.94 %	3,650,423	3,536,157	7,186,580	3.38 %
PL Adjustments	0	0	0	0.00 %	28,482	28,482	56,964	0.03 %
New Proposals	(1,144,340)	(1,146,544)	(2,290,884)	(3.23)%	1,926,154	975,087	2,901,241	1.37 %
Total Budget	\$35,524,377	\$35,446,524	\$70,970,901		\$106,773,335	\$105,708,002	\$212,481,337	

Other Legislation

SB 26 - This bill removes the requirement for courts to pay travel costs for prosecution witnesses and appropriated \$51,245 in FY 2020 and \$51,245 in FY 2021 in HB 2 in the Legal Services Division. SB 26 reduced the same amount in the District Court Operations in the Judicial Branch for witness expenses.

SB 52 - This bill revises laws relating to sexual assault evidence kits and creates a process for sexual assault evidence kits to be created, collected and delivered to a law enforcement agency. The funding for SB 52 is appropriated in HB 2 to the Forensic Science Division.

SB 352 - This bill appropriated \$3,750,000 in FY 2020 and \$3,750,000 in FY 2021 in state special revenue for the purpose of upgrading and maintaining existing public safety radio system infrastructure for the benefit of law enforcement agencies statewide.

HB 21 - This bill authorizes the Department of Justice to assist with the investigation of all missing persons cases and requires the employment of a missing persons specialist. The objectives of this bill will require 1.00 FTE Compliance Specialist to provide this assistance.

HB 543 - This bill requires the Department of Justice to remove records and data from specific applications in the event of criminal records needing to be expunged. Additional 0.25 FTE will be necessary to remove records from systems and complete programming changes.

HB 715 - This bill appropriates \$230,000 in general fund and \$1,460,000 in state special revenue funds in FY 2020 and \$220,000 in general fund and \$1,460,000 in state special revenue funds in FY 2021. HB 715 appropriates a total of 6.25 new permanent FTE in FY 2020 and a total of 12.25 new permanent FTE in FY 2021.

HB 749 - This bill allows for a two-person human trafficking team consisting of two agents from the Division of Criminal Investigation. State special revenue of \$519,815 will be appropriated in fiscal year 2020.

Executive Budget Comparison

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

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2019	Executive Budget Fiscal 2020	Legislative Budget Fiscal 2020	Leg — Exec. Difference Fiscal 2020	Executive Budget Fiscal 2021	Legislative Budget Fiscal 2021	Leg — Exec. Difference Fiscal 2021	Biennium Difference Fiscal 20-21
FTE	770.41	784.91	776.91	(8.00)	784.91	776.91	(8.00)	(8.00)
Personal Services	58,932,256	64,941,719	64,403,133	(538,586)	64,893,136	64,353,673	(539,463)	(1,078,049)
Operating Expenses	38,748,412	39,023,185	38,329,094	(694,091)	37,931,893	37,366,721	(565,172)	(1,259,263)
Equipment & Intangible Assets	2,405,325	2,582,825	2,458,825	(124,000)	2,405,325	2,405,325	0	(124,000)
Capital Outlay	0	0	0	0	0	0	0	0
Local Assistance	25,000	25,000	25,000	0	25,000	25,000	0	0
Grants	90,000	90,000	90,000	0	90,000	90,000	0	0
Benefits & Claims	1,121,191	1,121,191	1,121,191	0	1,121,191	1,121,191	0	0
Transfers	11,295	11,295	11,295	0	11,295	11,295	0	0
Debt Service	334,797	334,797	334,797	0	334,797	334,797	0	0
Total Costs	\$101,668,276	\$108,130,012	\$106,773,335	(\$1,356,677)	\$106,812,637	\$105,708,002	(\$1,104,635)	(\$2,461,312)
General Fund	34,167,704	36,860,313	35,524,377	(1,335,936)	36,780,486	35,446,524	(1,333,962)	(2,669,898)
State/other Special Rev. Funds	64,209,163	67,858,588	67,834,092	(24,496)	66,622,594	66,848,166	225,572	201,076
Federal Spec. Rev. Funds	1,355,641	1,423,048	1,425,962	2,914	1,423,011	1,425,925	2,914	5,828
Other	1,935,768	1,988,063	1,988,904	841	1,986,546	1,987,387	841	1,682
Total Funds	\$101,668,276	\$108,130,012	\$106,773,335	(\$1,356,677)	\$106,812,637	\$105,708,002	(\$1,104,635)	(\$2,461,312)
Total Ongoing	\$101,168,276	\$107,315,012	\$105,697,381	(\$1,617,631)	\$106,747,637	\$105,384,293	(\$1,363,344)	(\$2,980,975)
Total OTO	\$500,000	\$815,000	\$1,075,954	\$260,954	\$65,000	\$323,709	\$258,709	\$519,663

The major differences in the legislative budget compared to the executive budget are:

- A \$1.7 million reduction in operating expenses over the biennium
- 4.00 FTE less for Montana Highway Patrol than requested by the executive
- 1.00 FTE, or 0.50 FTE greater than the executive request, for a medical examiner in the Forensic Science Division as one-time-only
- The transfer of the Public Safety Officer Standards and Training to the Montana Law Enforcement Academy of approximately \$0.9 million over the biennium from general fund to state special revenue.
- An increase of \$51,245 in FY 2020 and \$51,245 in FY 2021 in Legal Services Division and a reduction by the same amount in District Court Operations in the Judicial Branch for witness expenses as provided in SB 26
- An increase of \$125,000 in FY 2020 and \$125,000 in FY 2021 in general fund for the Forensic Science Division to test sexual assault evidence kits

Language and Statutory Authority

The following language was adopted by the legislature for HB 2:

"It is the intent of the legislature that the department of justice eliminate all highway state special revenue nonrestricted account funding from its base budget in the 2023 biennium in the Justice Information Technology Services Division, Division of Criminal Investigation, Forensic Science Division, and Central Services Division."

"Gambling Control Division shall report to the legislative finance committee annually in September as to the solvency of the gambling license fee account."

"SB 26 Witness Expenses is contingent on passage and approval of SB 26."

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	10,812,466	12,282,732	1,470,266	13.60 %
Operating Expenses	4,378,962	5,064,264	685,302	15.65 %
Benefits & Claims	2,242,382	2,242,382	0	0.00 %
Total Expenditures	\$17,433,810	\$19,589,378	\$2,155,568	12.36 %
General Fund	13,443,006	15,208,659	1,765,653	13.13 %
State/Other Special Rev. Funds	2,527,719	2,854,525	326,806	12.93 %
Federal Spec. Rev. Funds	1,463,085	1,526,194	63,109	4.31 %
Total Funds	\$17,433,810	\$19,589,378	\$2,155,568	12.36 %
Total Ongoing	\$17,433,810	\$19,589,378	\$2,155,568	12.36 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Legal Services Division (LSD) provides:

- Legal research and analysis for the Attorney General
- 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
- Assistance to victims of crime, including compensation payments

The Prosecution Services Bureau assists local county attorneys by providing training and assisting in the prosecution of complex criminal cases, particularly homicide cases. The bureau prosecutes cases where the county attorney has a conflict of interest, as well as drug, workers' compensation, and Medicaid fraud cases. The bureau also investigates complaints against county attorneys.

The Appellate Services Bureau handles appeals of criminal matters, including death penalty cases, and represents the state in federal court when constitutional challenges are made to a criminal conviction.

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 and federal reserved water rights.

The Child Protection Unit handles child abuse and neglect cases around Montana. The unit has offices in Bozeman, Billings, Great Falls, and Miles City and focuses on resolving the legal status of children who have been in foster care for more than 15 out of the most recent 22 months.

The Office of Victim Services (OVS) works to elevate the status of victims and their rights and responds to the needs of crime victims in Montana. It serves as a central reference point for victims of crime, administers the Crime Victim Compensation Program and the Forensic Rape Examination Payment Program, and offers information and referral services. OVS staffs the Domestic Violence Fatality Review Commission and provides training and information for those who work with victims, including law enforcement, victim advocates, probation and parole officers, and local community organizations.

The Office of Consumer Protection responds to consumer complaints and enforces Montana's consumer protection laws and regulations relating to unfair and deceptive business practices.

Program Highlights

Legal Services Division Major Budget Highlights
<ul style="list-style-type: none"> • The Legal Services Division's 2021 biennium budget is \$2.2 million or 12.4% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ An additional \$1.4 million in personal services requested as part of statewide present law adjustments ◦ A reduction in operating expenses of \$373,000 over the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	63.50	63.50	63.50	63.50
Personal Services	5,722,488	5,372,743	5,439,723	6,143,755	6,138,977
Operating Expenses	1,289,301	1,735,786	2,643,176	2,530,017	2,534,247
Benefits & Claims	655,292	1,121,191	1,121,191	1,121,191	1,121,191
Total Expenditures	\$7,667,081	\$8,229,720	\$9,204,090	\$9,794,963	\$9,794,415
General Fund	6,254,817	6,255,397	7,187,609	7,604,355	7,604,304
State/Other Special Rev. Funds	1,186,475	1,247,322	1,280,397	1,427,458	1,427,067
Federal Spec. Rev. Funds	225,789	727,001	736,084	763,150	763,044
Total Funds	\$7,667,081	\$8,229,720	\$9,204,090	\$9,794,963	\$9,794,415
Total Ongoing	\$7,667,081	\$8,229,720	\$9,204,090	\$9,794,963	\$9,794,415
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 01-Legal Services Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	15,208,659	0	0	15,208,659	75.93 %
02106 Crime Victims Compensation-St	0	0	441,028	441,028	13.38 %
02140 Consumer Education Settlement	2,274,830	0	0	2,274,830	69.03 %
02937 DOJ Misc SSR MOUs	579,695	0	0	579,695	17.59 %
02445 Coal Fired Generation	0	0	0	0	0.00 %
State Special Total	\$2,854,525	\$0	\$441,028	\$3,295,553	16.45 %
03169 Federal Crime Victims Benefits	1,094,137	0	0	1,094,137	71.69 %
03187 BCC Grants To Dept. Of Justice	2	0	0	2	0.00 %
03801 Dept Of Justice-Misc Grants	432,055	0	0	432,055	28.31 %
Federal Special Total	\$1,526,194	\$0	\$0	\$1,526,194	7.62 %
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$19,589,378	\$0	\$441,028	\$20,030,406	

Each of the various functions within Legal Services Division has a unique funding source. Attorneys are supported by general fund and state special revenue from consumer education settlement funds and other state special revenues generated from agreements with other state agencies. Work for the Reserved Water Rights Compact Commission and prosecution of hunting violations are funded by the Department of Fish, Wildlife, and Parks, and prosecution of workers' compensation violations are funded by the Montana State Fund. The cost of major litigation is entirely supported by general fund. Funding for assistance to crime victims comes from the general fund, state special revenue (restitution funds), and federal grants. State special revenue from the settlement of consumer protection litigation funds the portion of the division that supports consumer protection functions.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	7,187,609	7,187,609	14,375,218	94.52 %	9,204,090	9,204,090	18,408,180	93.97 %
SWPL Adjustments	552,149	552,098	1,104,247	7.26 %	718,320	717,772	1,436,092	7.33 %
PL Adjustments	0	0	0	0.00 %	7,956	7,956	15,912	0.08 %
New Proposals	(135,403)	(135,403)	(270,806)	(1.78)%	(135,403)	(135,403)	(270,806)	(1.38)%
Total Budget	\$7,604,355	\$7,604,304	\$15,208,659		\$9,794,963	\$9,794,415	\$19,589,378	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----				-----Fiscal 2021-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	538,906	140,965	24,161	704,032	0.00	535,005	140,194	24,055	699,254
DP 2 - Fixed Costs	0.00	6,571	1,045	0	7,616	0.00	8,812	1,425	0	10,237
DP 3 - Inflation Deflation	0.00	6,672	0	0	6,672	0.00	8,281	0	0	8,281
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	5,051	2,905	7,956	0.00	0	5,051	2,905	7,956
Grand Total All Present Law Adjustments	0.00	\$552,149	\$147,061	\$27,066	\$726,276	0.00	\$552,098	\$146,670	\$26,960	\$725,728

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Legal Services Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay increases in fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 101 - Legal Services Budget Modifications	0.00	(186,648)	0	0	(186,648)	0.00	(186,648)	0	0	(186,648)
DP 405 - SB 26 Witness Expenses	0.00	51,245	0	0	51,245	0.00	51,245	0	0	51,245
Total	0.00	(\$135,403)	\$0	\$0	(\$135,403)	0.00	(\$135,403)	\$0	\$0	(\$135,403)

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 101 - Legal Services Budget Modifications -

The legislature approved a general fund reduction of \$186,648 in FY 2020 and \$186,648 in FY 2021 for budget modifications in operating expenses.

DP 405 - SB 26 Witness Expenses -

The legislature approved an increase of \$51,245 in FY 2020 and \$51,245 in FY 2021 in the Legal Services Division and a reduction by the same amount in the District Court Operations in the Judicial Branch for witness expenses. The funding was contingent on the passage and approval of SB 26. Note: SB 26 was passed and approved.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	52,828,343	55,378,090	2,549,747	4.83 %
Operating Expenses	17,644,540	18,303,690	659,150	3.74 %
Equipment & Intangible Assets	4,635,194	4,015,330	(619,864)	(13.37)%
Total Expenditures	\$75,108,077	\$77,697,110	\$2,589,033	3.45 %
State/Other Special Rev. Funds	75,108,077	77,697,110	2,589,033	3.45 %
Total Funds	\$75,108,077	\$77,697,110	\$2,589,033	3.45 %
Total Ongoing	\$75,108,077	\$77,697,110	\$2,589,033	3.45 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Montana Highway Patrol Division (MHP) 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

Montana Highway Patrol Major Budget Highlights
<ul style="list-style-type: none"> • The Montana Highway Patrol's 2021 biennium budget is \$2.6 million or 3.5% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ Increased personal services authority of \$1.8 million for Montana Highway Patrol increases established by a statutorily required salary survey ◦ State special revenue funding of approximately \$0.3 million and 1.00 FTE for an additional Montana Highway Patrol officer

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	305.09	305.09	306.09	306.09
Personal Services	26,122,505	26,149,250	26,679,093	27,708,324	27,669,766
Operating Expenses	8,182,268	8,553,191	9,091,349	9,166,089	9,137,601
Equipment & Intangible Assets	2,492,161	2,643,029	1,992,165	2,023,165	1,992,165
Total Expenditures	\$36,796,934	\$37,345,470	\$37,762,607	\$38,897,578	\$38,799,532
State/Other Special Rev. Funds	36,796,934	37,345,470	37,762,607	38,897,578	38,799,532
Total Funds	\$36,796,934	\$37,345,470	\$37,762,607	\$38,897,578	\$38,799,532
Total Ongoing	\$36,796,934	\$37,345,470	\$37,762,607	\$38,897,578	\$38,799,532
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 03-Montana Highway Patrol Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	0	0	0	0	0.00 %
02014 Highway Patrol Pay & Retention	14,267,245	0	0	14,267,245	18.36 %
02143 Drug Forfeitures-State	0	0	0	0	0.00 %
02937 DOJ Misc SSR MOUs	0	0	0	0	0.00 %
02464 MHP Administrative SSR	63,429,865	0	0	63,429,865	81.64 %
02372 MHP MISC	0	0	0	0	0.00 %
State Special Total	\$77,697,110	\$0	\$0	\$77,697,110	100.00 %
03549 MHP Grants	0	0	0	0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$77,697,110	\$0	\$0	\$77,697,110	

Functions of the Montana Highway Patrol are supported by state special revenue, with the bulk of the costs supported by the MHP administrative account established by the 2017 Legislature.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	0	0	0	0.00 %	37,762,607	37,762,607	75,525,214	97.20 %
SWPL Adjustments	0	0	0	0.00 %	27,574	(7,273)	20,301	0.03 %
PL Adjustments	0	0	0	0.00 %	13,162	13,162	26,324	0.03 %
New Proposals	0	0	0	0.00 %	1,094,235	1,031,036	2,125,271	2.74 %
Total Budget	\$0	\$0	\$0		\$38,897,578	\$38,799,532	\$77,697,110	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	0	50,810	0	50,810	0.00	0	12,252	0	12,252
DP 2 - Fixed Costs	0.00	0	(23,451)	0	(23,451)	0.00	0	(19,792)	0	(19,792)
DP 3 - Inflation Deflation	0.00	0	215	0	215	0.00	0	267	0	267
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	13,162	0	13,162	0.00	0	13,162	0	13,162
Grand Total All Present Law Adjustments	0.00	\$0	\$40,736	\$0	\$40,736	0.00	\$0	\$5,889	\$0	\$5,889

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Montana Highway Patrol.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 301 - MHP Salary Survey	0.00	0	900,000	0	900,000	0.00	0	900,000	0	900,000
DP 302 - MHP Base Adjustment	0.00	0	25,000	0	25,000	0.00	0	25,000	0	25,000
DP 303 - MHP Trooper FTE	1.00	0	169,235	0	169,235	1.00	0	106,036	0	106,036
Total	1.00	\$0	\$1,094,235	\$0	\$1,094,235	1.00	\$0	\$1,031,036	\$0	\$1,031,036

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 301 - MHP Salary Survey -

The legislature approved a 4.3% increase for uniformed officers' salaries based on results of the salary survey conducted by the Department of Administration in accordance with 2-18-303, MCA. The survey averaged the starting wage in eight Montana county sheriff's offices.

DP 302 - MHP Base Adjustment -

The legislature approved additional state special revenue to support rent increases included in operating expenses.

DP 303 - MHP Trooper FTE -

The legislature approved 1.00 FTE for an additional trooper to address increased traffic safety needs. The position will be paid for using MHP state special revenue. This includes \$78,421 in personal services, \$59,814 in operating expenses, and \$31,000 in equipment and intangible assets in FY 2020, and \$78,421 in personal services and \$27,615 in operating expenses in FY 2021.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	5,414,455	6,945,876	1,531,421	28.28 %
Operating Expenses	3,549,804	4,016,269	466,465	13.14 %
Equipment & Intangible Assets	122,654	96,140	(26,514)	(21.62)%
Capital Outlay	30,059	0	(30,059)	(100.00)%
Total Expenditures	\$9,116,972	\$11,058,285	\$1,941,313	21.29 %
General Fund	8,555,565	9,750,490	1,194,925	13.97 %
State/Other Special Rev. Funds	526,601	1,272,989	746,388	141.74 %
Federal Spec. Rev. Funds	5,270	5,270	0	0.00 %
Proprietary Funds	29,536	29,536	0	0.00 %
Total Funds	\$9,116,972	\$11,058,285	\$1,941,313	21.29 %
Total Ongoing	\$9,116,972	\$11,058,285	\$1,941,313	21.29 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Justice Information Technology Services Division (JITSD) engineers, designs, plans, implements, directs, evaluates, operates, and manages all information technology systems and services within the Department of Justice.

These systems include the Montana enhanced registration licensing network (MERLIN), driver testing, and license/identification production, integrated justice information sharing broker (IJIS Broker), SmartCop, criminal justice information network (CJIN), computerized criminal history, automated biometric identification system, sexual or violent offender repository and web site, laboratory management information system, GenTax, and many other technology solutions deployed within the department.

The division provides direct and indirect support for statewide services to federal, state, and local law enforcement agencies in identification of persons, fingerprint processing, and criminal records storage and dissemination. JITSD is also responsible for DOJ information security, disaster recovery plan and implementation, and the Information Technology Strategic Plan.

Program Highlights

Justice Information Technology Services Division Major Budget Highlights
<ul style="list-style-type: none"> • The Justice Information Technology Services Division's 2021 biennium budget is \$1.9 million or 21.3% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ Additional personal services of \$1.0 million over the biennium included in statewide present law adjustments ◦ \$0.7 million in additional personal services for 2.50 FTE for disaster recovery and Real ID

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	36.80	36.80	39.30	39.30
Personal Services	2,943,169	2,686,742	2,727,713	3,472,830	3,473,046
Operating Expenses	1,276,049	1,531,824	2,017,980	2,061,782	1,954,487
Equipment & Intangible Assets	85,834	85,834	36,820	59,320	36,820
Capital Outlay	29,385	30,059	0	0	0
Total Expenditures	\$4,334,437	\$4,334,459	\$4,782,513	\$5,593,932	\$5,464,353
General Fund	4,053,736	4,053,759	4,501,806	4,873,690	4,876,800
State/Other Special Rev. Funds	263,298	263,297	263,304	702,839	570,150
Federal Spec. Rev. Funds	2,635	2,635	2,635	2,635	2,635
Proprietary Funds	14,768	14,768	14,768	14,768	14,768
Total Funds	\$4,334,437	\$4,334,459	\$4,782,513	\$5,593,932	\$5,464,353
Total Ongoing	\$4,334,437	\$4,334,459	\$4,782,513	\$5,593,932	\$5,464,353
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 04-Justice Information Technology Services Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	9,750,490	0	0	9,750,490	88.17 %
02016 Criminal Justice Info Network	7,926	0	0	7,926	0.62 %
02074 Gambling License Fee Account	34,926	0	0	34,926	2.74 %
02140 Consumer Education Settlement	245,284	0	0	245,284	19.27 %
02349 Highway Non-Restricted Account	14	0	0	14	0.00 %
02456 61-6-158 MTIVS & MCE	0	0	0	0	0.00 %
02797 Criminal Records Info Sys	95,496	0	0	95,496	7.50 %
02798 61-3-550 MVD MERLIN HB261	746,381	0	0	746,381	58.63 %
02937 DOJ Misc SSR MOUs	7,188	0	0	7,188	0.56 %
02799 MVD Administrative Fee	27,154	0	0	27,154	2.13 %
02464 MHP Administrative SSR	108,620	0	0	108,620	8.53 %
State Special Total	\$1,272,989	\$0	\$0	\$1,272,989	11.51 %
03800 Medicaid Fraud	5,270	0	0	5,270	100.00 %
Federal Special Total	\$5,270	\$0	\$0	\$5,270	0.05 %
06005 Liquor Division	14,264	0	0	14,264	48.29 %
06500 Agency Legal Services	15,272	0	0	15,272	51.71 %
Proprietary Total	\$29,536	\$0	\$0	\$29,536	0.27 %
Total All Funds	\$11,058,285	\$0	\$0	\$11,058,285	

Justice Information Technology Services Division is funded mainly with general fund. State special revenue, which makes up 11.5% of the funding in the 2021 biennium, comes primarily from Motor Vehicle Division MERLIN funds, consumer education settlement funds, criminal records information system fees, and the MHP administrative account. The balance of JISTD's funding comes from a small amount of federal special revenues (Medicaid) and proprietary funds including liquor licensing fees and agency legal service fees.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	4,501,806	4,501,806	9,003,612	92.34 %	4,782,513	4,782,513	9,565,026	86.50 %
SWPL Adjustments	503,665	506,775	1,010,440	10.36 %	503,665	506,775	1,010,440	9.14 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	(131,781)	(131,781)	(263,562)	(2.70)%	307,754	175,065	482,819	4.37 %
Total Budget	\$4,873,690	\$4,876,800	\$9,750,490		\$5,593,932	\$5,464,353	\$11,058,285	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	524,230	0	0	524,230	0.00	523,594	0	0	523,594
DP 2 - Fixed Costs	0.00	(22,272)	0	0	(22,272)	0.00	(18,937)	0	0	(18,937)
DP 3 - Inflation Deflation	0.00	1,707	0	0	1,707	0.00	2,118	0	0	2,118
Grand Total All Present Law Adjustments	0.00	\$503,665	\$0	\$0	\$503,665	0.00	\$506,775	\$0	\$0	\$506,775

**Total Funds* amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Justice Information Technology Services Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 406 - JITSD FTE	2.50	0	439,535	0	439,535	2.50	0	306,846	0	306,846
DP 407 - JITSD Budget Modifications	0.00	(131,781)	0	0	(131,781)	0.00	(131,781)	0	0	(131,781)
Total	2.50	(\$131,781)	\$439,535	\$0	\$307,754	2.50	(\$131,781)	\$306,846	\$0	\$175,065

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 406 - JITSD FTE -

The legislature approved 2.50 FTE and related personal services appropriations to reinforce the department's disaster recovery and Real ID efforts as required by the Motor Vehicle Division.

DP 407 - JITSD Budget Modifications -

The legislature approved a general fund reduction of \$131,781 in FY 2020 and \$131,781 in FY 2021 in operating expenses in Justice Information Technology Services Division.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	15,216,439	17,674,811	2,458,372	16.16 %
Operating Expenses	9,822,855	10,462,945	640,090	6.52 %
Equipment & Intangible Assets	265,904	246,904	(19,000)	(7.15)%
Grants	192,200	180,000	(12,200)	(6.35)%
Transfers	22,590	22,590	0	0.00 %
Total Expenditures	\$25,519,988	\$28,587,250	\$3,067,262	12.02 %
General Fund	14,401,916	14,755,222	353,306	2.45 %
State/Other Special Rev. Funds	9,895,951	12,511,605	2,615,654	26.43 %
Federal Spec. Rev. Funds	1,222,121	1,320,423	98,302	8.04 %
Total Funds	\$25,519,988	\$28,587,250	\$3,067,262	12.02 %
Total Ongoing	\$25,519,988	\$27,707,250	\$2,187,262	8.57 %
Total OTO	\$0	\$880,000	\$880,000	100.00 %

Program Description

The Division of Criminal Investigation (DCI) includes the administration, management, and coordination of criminal investigative services and training performed by the Investigations Bureau, the Narcotics Bureau, the Crime Information Bureau, the Law Enforcement Academy Bureau, and the Children’s Justice Bureau.

The Investigations Bureau consists of four sections. The Fire Prevention and Investigation Section is responsible for safeguarding life and property from fire, explosion, and arson through investigation, inspection, and fire code interpretation and enforcement functions. The Major Case Section provides criminal investigative assistance to city, county, state, and federal law enforcement agencies. The Medicaid Fraud Control Section is responsible for investigating any crime that occurs in a health care facility, including theft, drug diversion, sexual assault, and homicide. The Medicaid Fraud Control Section also investigates elder exploitation, elder abuse, and fraud by providers within the Medicaid system. The Montana Analysis and Technical Information Center (MATIC), a statewide criminal intelligence center, addresses homeland security issues.

The Narcotics Bureau investigates dangerous drug violations and provides investigative assistance to city, county, state, and federal law enforcement agencies as requested. The bureau also investigates organized criminal activity.

The Crime Information Bureau is responsible for the repository of all Montana criminal records, maintains and operates the criminal justice information network that supports public safety, and administers the Amber Alert Program. The bureau also manages the Computer Internet Crime Unit focused on digital forensics support for criminal investigations, online sexual predator cases, and maintains the sexual and violent offender registry.

The Law Enforcement Academy Bureau provides criminal justice officers and other qualified individuals with basic and specialized training in the field of law enforcement, as well as advanced training opportunities for law enforcement officials statewide.

The Children’s Justice Bureau supports safety and justice for Montana children and other underserved and vulnerable citizens through training, technical support, and assistance to Montana professionals who respond to children and other citizens victimized by crime and abuse. The bureau’s programs include facilitation of Montana child sexual abuse response teams, the child and family ombudsman, drug endangered children awareness training, the Montana Developmental Center facility investigator, and the state Sexual Assault Kit Initiative Program.

Program Highlights

Division of Criminal Investigation Major Budget Highlights	
<ul style="list-style-type: none"> • The Division of Criminal Investigation's 2021 biennium budget is \$3.1 million or 12.0% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ A one-time-only appropriation of \$0.9 million in operating expenses over the biennium to provide for the Criminal Justice Information Network (CJIN) and Criminal Records and Identification Services Section (CRISS) ◦ The approval of 1.00 FTE for a cyber investigator ◦ A \$499,000 reduction in operating expenses over the biennium ◦ The transfer of POST into the Division of Criminal Investigation 	

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	104.99	104.99	108.99	108.99
Personal Services	7,511,108	7,295,441	7,920,998	8,838,167	8,836,644
Operating Expenses	3,987,088	4,856,943	4,965,912	5,604,691	4,858,254
Equipment & Intangible Assets	81,471	142,452	123,452	123,452	123,452
Grants	122,200	102,200	90,000	90,000	90,000
Transfers	11,295	11,295	11,295	11,295	11,295
Total Expenditures	\$11,713,162	\$12,408,331	\$13,111,657	\$14,667,605	\$13,919,645
General Fund	6,786,178	6,837,069	7,564,847	7,376,777	7,378,445
State/Other Special Rev. Funds	4,337,375	4,966,063	4,929,888	6,630,651	5,880,954
Federal Spec. Rev. Funds	589,609	605,199	616,922	660,177	660,246
Total Funds	\$11,713,162	\$12,408,331	\$13,111,657	\$14,667,605	\$13,919,645
Total Ongoing	\$11,713,162	\$12,408,331	\$13,111,657	\$13,852,605	\$13,854,645
Total OTO	\$0	\$0	\$0	\$815,000	\$65,000

Funding

The following table shows program funding by source of authority.

Department of Justice, 05-Division of Criminal Investigation Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	14,755,222	0	0	14,755,222	51.50 %	
02006 Cigarette Fire Safety Standard	196,950	0	0	196,950	1.57 %	
02016 Criminal Justice Info Network	1,032,425	0	0	1,032,425	8.21 %	
02118 Local Govt Subgrants	0	0	0	0	0.00 %	
02143 Drug Forfeitures-State	0	0	61,557	61,557	0.49 %	
02349 Highway Non-Restricted Account	166	0	0	166	0.00 %	
02546 MT Law Enforcement Academy	4,738,750	0	0	4,738,750	37.69 %	
02797 Criminal Records Info Sys	6,119,556	0	0	6,119,556	48.67 %	
02937 DOJ Misc SSR MOUs	423,758	0	0	423,758	3.37 %	
State Special Total	\$12,511,605	\$0	\$61,557	\$12,573,162	43.89 %	
03051 Homeland Security	0	0	0	0	0.00 %	
03187 BCC Grants To Dept. Of Justice	14,780	0	0	14,780	1.12 %	
03214 Drug Forfeitures - Federal	0	0	0	0	0.00 %	
03542 DCI Grants	0	0	0	0	0.00 %	
03800 Medicaid Fraud	1,305,643	0	0	1,305,643	98.88 %	
03811 NCHIP FFY2015	0	0	0	0	0.00 %	
Federal Special Total	\$1,320,423	\$0	\$0	\$1,320,423	4.61 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$28,587,250	\$0	\$61,557	\$28,648,807		

Division of Criminal Investigation is supported by a combination of general fund, state special, and federal special revenue. General fund supports criminal investigations, fire prevention and investigation, state matching funds for Medicaid fraud investigators, drug task forces, the computer crime unit, sexual and violent offender registry, amber alert, and the child sexual abuse response team.

The three largest sources of state special revenue supporting DCI are Montana Law Enforcement Academy surcharges that support the operation of the academy, Criminal Justice Information Network (CJIN) revenue that supports itself, and revenue from criminal justice background checks that are paid in exchange for completion of the background check.

The largest source of federal state special revenue is Medicaid funding that supports investigation of Medicaid fraud.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	7,564,847	7,564,847	15,129,694	102.54 %	13,111,657	13,111,657	26,223,314	91.73 %
SWPL Adjustments	61,321	62,989	124,310	0.84 %	528,006	530,776	1,058,782	3.70 %
PL Adjustments	0	0	0	0.00 %	1,563	1,563	3,126	0.01 %
New Proposals	(249,391)	(249,391)	(498,782)	(3.38)%	1,026,379	275,649	1,302,028	4.55 %
Total Budget	\$7,376,777	\$7,378,445	\$14,755,222		\$14,667,605	\$13,919,645	\$28,587,250	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	Fiscal 2020					Fiscal 2021				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	79,443	441,601	47,384	568,428	0.00	78,578	441,968	47,384	567,930
DP 2 - Fixed Costs	0.00	(26,575)	(18,162)	(4,138)	(48,875)	0.00	(26,079)	(17,496)	(4,069)	(47,644)
DP 3 - Inflation Deflation	0.00	8,453	0	0	8,453	0.00	10,490	0	0	10,490
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	1,554	9	1,563	0.00	0	1,554	9	1,563
Grand Total All Present Law Adjustments	0.00	\$61,321	\$424,993	\$43,255	\$529,569	0.00	\$62,989	\$426,026	\$43,324	\$532,339

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Division of Criminal Investigation.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	Fiscal 2020					Fiscal 2021				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 305 - POST Transfer	3.00	0	261,125	0	261,125	3.00	0	260,387	0	260,387
DP 306 - POST Operating Transfer	0.00	0	182,624	0	182,624	0.00	0	182,632	0	182,632
DP 307 - POST Additional Operating Transfer	0.00	0	17,021	0	17,021	0.00	0	17,021	0	17,021
DP 502 - DCI Authority Increase CRISS/CJIN (OTO)	0.00	0	815,000	0	815,000	0.00	0	65,000	0	65,000
DP 507 - DCI CYBER INVESTIGATOR FTE	1.00	0	0	0	0	1.00	0	0	0	0
DP 508 - DCI Budget Modifications	0.00	(249,391)	0	0	(249,391)	0.00	(249,391)	0	0	(249,391)
Total	4.00	(\$249,391)	\$1,275,770	\$0	\$1,026,379	4.00	(\$249,391)	\$525,040	\$0	\$275,649

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 305 - POST Transfer -

The legislature approved the transfer of POST personal services and associated FTE to the Montana Law Enforcement Academy. Personal services will be funded by state special revenue funds for the amount of \$261,125 in FY 2020 and \$260,387 in FY 2021.

DP 306 - POST Operating Transfer -

The legislature approved the transfer of POST operating expenses to the Montana Law Enforcement Academy. Operating expenses are \$182,624 in FY 2020 and \$182,632 in FY 2021 and are funded by state special revenue.

DP 307 - POST Additional Operating Transfer -

The legislature approved additional POST operating funds of \$17,021 in FY 2020 and \$17,021 in FY 2021.

DP 502 - DCI Authority Increase CRISS/CJIN (OTO) -

The legislature approved additional operating expenses for the Criminal Record Information System Section/Criminal Justice Information Network as one-time-only.

DP 507 - DCI CYBER INVESTIGATOR FTE -

The legislature approved 1.00 FTE for a cyber investigator. A cyber investigator will contribute to the Governor's Information Security Advisory Council and Attorney General's National Association of Attorneys General cyber efforts to build a stronger cyber response to those attacking state systems and defrauding business and the general public.

DP 508 - DCI Budget Modifications -

The legislature approved a general fund reduction in operating expenses of \$249,391 in FY 2020 and \$249,391 in FY 2021.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	3,150,389	2,968,380	(182,009)	(5.78)%
Operating Expenses	462,599	359,401	(103,198)	(22.31)%
Total Expenditures	\$3,612,988	\$3,327,781	(\$285,207)	(7.89)%
Proprietary Funds	3,612,988	3,327,781	(285,207)	(7.89)%
Total Funds	\$3,612,988	\$3,327,781	(\$285,207)	(7.89)%

Program Description

The Agency Legal Services Bureau (ALS) within Department of Justice provides legal, hearing examiner, and investigative services to state agency clients on a contract basis. ALS attorneys and investigators bill clients for their services, case-related, and incidental costs. ALS FTE are funded from the revenues generated. The customers served are state agencies, boards, and commissions that have entered into contracts with ALS.

The Attorney General is the legal officer for the state per Article VI, Section 4(4), of the Montana Constitution. Statute 2-4-611(2), MCA provides that state agencies may request from the Attorney General's Office a hearing examiner in a contested case. State agencies have the option to use in-house or private counsel and investigators instead of ALS. Executive Order 5-93 provides that agencies must receive approval from the Legal Services Review Committee (made up of a representative of the Attorney General, Budget Director, and the Governor's Chief Legal Counsel) prior to contracting for outside legal services.

Program Highlights

Agency Legal Services Major Budget Highlights
<ul style="list-style-type: none"> • Agency Legal Services Bureau is entirely funded with non-budgeted proprietary funds • Agency Legal Services Bureau's 2021 biennium budget decreases by \$285,000 or 7.9% when compared to the 2019 biennium budget. Reductions included in statewide present law adjustments for personal services make up the majority of the reduction

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	14.00	14.00	14.00	14.00
Personal Services	1,428,164	1,498,977	1,651,412	1,483,179	1,485,201
Operating Expenses	275,904	283,629	178,970	179,646	179,755
Total Expenditures	\$1,704,068	\$1,782,606	\$1,830,382	\$1,662,825	\$1,664,956
Proprietary Funds	1,704,068	1,782,606	1,830,382	1,662,825	1,664,956
Total Funds	\$1,704,068	\$1,782,606	\$1,830,382	\$1,662,825	\$1,664,956

Funding

The following table shows program funding by source of authority.

Department of Justice, 06-Agency Legal Services Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
General Fund	0	0	0	0	0.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
06500 Agency Legal Services	0	3,327,781	0	3,327,781	100.00 %	
Proprietary Total	\$0	\$3,327,781	\$0	\$3,327,781	100.00 %	
Total All Funds	\$0	\$3,327,781	\$0	\$3,327,781		

Agency Legal Services (ALS) is funded with non-budgeted proprietary funds from fees charged to state agencies for attorney and paralegal work. For information on the rates charged to state agencies refer to the Other Issues section of this program narrative.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	0	0	0	0.00 %	1,830,382	1,830,382	3,660,764	110.01 %
SWPL Adjustments	0	0	0	0.00 %	(168,105)	(165,974)	(334,079)	(10.04)%
PL Adjustments	0	0	0	0.00 %	548	548	1,096	0.03 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$0	\$0	\$0		\$1,662,825	\$1,664,956	\$3,327,781	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	0	0	0	(168,233)	0.00	0	0	0	(166,211)
DP 2 - Fixed Costs	0.00	0	0	0	(26)	0.00	0	0	0	46
DP 3 - Inflation Deflation	0.00	0	0	0	154	0.00	0	0	0	191
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	0	0	548	0.00	0	0	0	548
Grand Total All Present Law Adjustments	0.00	\$0	\$0	\$0	(\$167,557)	0.00	\$0	\$0	\$0	(\$165,426)

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law adjustment in personal services to maintain operations and services of Agency Legal Services.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay increases in fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

Other Issues

2021 Biennium Report on Internal Service and Enterprise Funds

Fund	Fund Name	Agency #	Agency Name	Program Name
06500	Agency Legal Service	41100	Department of Justice	Agency Legal Services

	Actual FY 16	Actual FY 17	Projected FY 18	Budgeted FY 19	Budgeted FY 20	Budgeted FY 21
Operating Revenues						
Fees and Charges						
Charges for Services	1,555,855	1,476,098	1,631,412	1,704,528	1,704,528	1,704,528
Total Operating Revenues	1,555,855	1,476,098	1,631,412	1,704,528	1,704,528	1,704,528
Expenses						
Personal Services	1,153,742	1,252,333	1,430,805	1,494,579	1,502,052	1,502,052
Other Operating Expense	186,845	237,311	268,158	186,606	186,606	186,606
Total Operating Expense	1,340,587	1,489,644	1,698,963	1,681,185	1,688,658	1,688,658
Operating Income (Loss)	215,268	(13,547)	(67,551)	23,343	15,870	15,870
Income (Loss) Before Contributions and Transfers	215,268	(13,547)	(67,551)	23,343	15,870	15,870
Change in Net Position	215,268	(13,547)	(67,551)	23,343	15,870	15,870
Beginning Net Position - July 1	(107,616)	107,653	94,106	26,555	49,898	65,768
Prior Period Adjustments						
Change in Net Position	215,268	(13,547)	(67,551)	23,343	15,870	15,870
Ending Net Position - June 30	107,653	94,106	26,555	49,898	65,768	81,638

Expenses

The primary costs for ALS are personal services for 14.00 FTE and operating costs. Factors that influence costs include the state pay plan, the ability to recruit and retain staff, and general inflationary pressures that increase costs for items such as utilities, rent, supplies, and equipment. As proposed, the costs for Agency Legal Services Bureau decrease by \$168,104 and \$165,974 between FY 2019 and FY 2020 and FY 2021 respectively. The decreases are included as part of the statewide present law adjustment for the ALS, mainly for personal services.

Revenues

Revenues are generated by fees charged to other state agencies for services provided.

Rate(s) and Rate Explanation

For the 2021 biennium the following rates are proposed by the executive. The rates charged in the base year and those by paid state agencies in FY 2018 are shown for comparison purposes.

Requested Rates for Internal Service or Enterprise Funds Fee/Rate Information						
	Actual FY 16	Actual FY 17	Actual FY 18	Budgeted FY 19	Budgeted FY 20	Budgeted FY 21
Fee Description:						
-Attorney (per hour)	106	106	106	106	106	106
-Investigator (per hour)	62	62	62	62	62	62

Expenses

The primary costs for ALS are personal services for 14.00 FTE and operating costs. Factors that influence costs include the state pay plan, the ability to recruit and retain staff, and general inflationary pressures that increase costs for items such as utilities, rent, supplies, and equipment. The costs for Agency Legal Services Bureau decrease by \$167,557 and \$165,426 between FY 2019 and FY 2020 and FY 2021 respectively. The decreases are included as part of the statewide present law adjustment for the ALS, mainly for personal services.

Revenues

Revenues are generated by fees charged to other state agencies for services provided.

Rate(s) and Rate Explanation

For the 2021 biennium the following rates were approved by the legislature. The rates charged in the base year and those by paid state agencies in FY 2018 are shown for comparison purposes.

Approved Rates for Internal Service or Enterprise Funds Fee/Rate Information						
	Actual FY 16	Actual FY 17	Actual FY 18	Budgeted FY 19	Budgeted FY 20	Budgeted FY 21
Fee Description:						
-Attorney (per hour)	106	106	106	106	106	106
-Investigator (per hour)	62	62	62	62	62	62

The rates approved by the legislature are the maximum the program may charged during the interim. They are not the rates the program must charge.

Program Budget Comparison

Program Budget Comparison					
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change	
Personal Services	6,999,895	7,465,574	465,679	6.65 %	
Operating Expenses	1,647,409	1,648,863	1,454	0.09 %	
Equipment & Intangible Assets	165,720	165,720	0	0.00 %	
Total Expenditures	\$8,813,024	\$9,280,157	\$467,133	5.30 %	
State/Other Special Rev. Funds	6,297,874	6,588,916	291,042	4.62 %	
Proprietary Funds	2,515,150	2,691,241	176,091	7.00 %	
Total Funds	\$8,813,024	\$9,280,157	\$467,133	5.30 %	
Total Ongoing	\$8,813,024	\$9,280,157	\$467,133	5.30 %	
Total OTO	\$0	\$0	\$0	0.00 %	

Program Description

The Gambling Control Division (GCD) was established by the 1989 Legislature to regulate the gambling industry in Montana. GCD has criminal justice authority and conducts routine field inspections, audits, and investigations related to gambling activities. In addition to collecting and distributing licensing and permit fees for gambling machines and activities, GCD collects the gambling tax assessed on the net proceeds of gambling activities. GCD 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. The Gambling Control Division is mandated by state law.

Program Highlights

Gambling Control Division Major Budget Highlights
<ul style="list-style-type: none"> The Gambling Control Division's 2021 biennium budget is \$467,000 or 5.3% higher than the 2019 biennium. Significant changes include an additional \$330,000 in personal services for a statewide present law adjustment

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	45.99	45.99	45.99	45.99
Personal Services	3,247,792	3,432,256	3,567,639	3,735,679	3,729,895
Operating Expenses	558,369	821,866	825,543	824,264	824,599
Equipment & Intangible Assets	72,258	82,860	82,860	82,860	82,860
Total Expenditures	\$3,878,419	\$4,336,982	\$4,476,042	\$4,642,803	\$4,637,354
State/Other Special Rev. Funds	2,754,988	3,119,884	3,177,990	3,296,392	3,292,524
Proprietary Funds	1,123,431	1,217,098	1,298,052	1,346,411	1,344,830
Total Funds	\$3,878,419	\$4,336,982	\$4,476,042	\$4,642,803	\$4,637,354
Total Ongoing	\$3,878,419	\$4,336,982	\$4,476,042	\$4,642,803	\$4,637,354
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 07-Gambling Control Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	0	0	0	0	0.00 %	
02074 Gambling License Fee Account	6,316,749	0	3,700,088	10,016,837	97.17 %	
02120 Live Game Tax	0	0	20,000	20,000	0.19 %	
02790 6901-Statewide Tobacco Sttlmnt	272,167	0	0	272,167	2.64 %	
State Special Total	\$6,588,916	\$0	\$3,720,088	\$10,309,004	79.30 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
06005 Liquor Division	2,691,241	0	0	2,691,241	100.00 %	
Proprietary Total	\$2,691,241	\$0	\$0	\$2,691,241	20.70 %	
Total All Funds	\$9,280,157	\$0	\$3,720,088	\$13,000,245		

Gambling Control Division (GCD) activities are supported primarily by state special revenue generated from gambling licensing fees. Liquor licensing fees (a proprietary fund) support GCD functions related to liquor licensing. A small amount of funds from the tobacco settlement state special revenue account support activities related to enforcement of settlement provisions.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	0	0	0	0.00 %	4,476,042	4,476,042	8,952,084	96.46 %
SWPL Adjustments	0	0	0	0.00 %	165,303	159,854	325,157	3.50 %
PL Adjustments	0	0	0	0.00 %	1,458	1,458	2,916	0.03 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$0	\$0	\$0		\$4,642,803	\$4,637,354	\$9,280,157	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	0	119,308	0	168,040	0.00	0	115,202	0	162,256
DP 2 - Fixed Costs	0.00	0	(1,949)	0	(2,745)	0.00	0	(1,712)	0	(2,411)
DP 3 - Inflation Deflation	0.00	0	8	0	8	0.00	0	9	0	9
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	1,035	0	1,458	0.00	0	1,035	0	1,458
Grand Total All Present Law Adjustments	0.00	\$0	\$118,402	\$0	\$166,761	0.00	\$0	\$114,534	\$0	\$161,312

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Gambling Control Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	6,820,877	8,713,903	1,893,026	27.75 %
Operating Expenses	3,766,538	3,997,508	230,970	6.13 %
Equipment & Intangible Assets	902,097	12,000	(890,097)	(98.67)%
Debt Service	619,594	669,594	50,000	8.07 %
Total Expenditures	\$12,109,106	\$13,393,005	\$1,283,899	10.60 %
General Fund	10,136,088	9,984,856	(151,232)	(1.49)%
State/Other Special Rev. Funds	1,973,018	3,408,149	1,435,131	72.74 %
Total Funds	\$12,109,106	\$13,393,005	\$1,283,899	10.60 %
Total Ongoing	\$11,309,106	\$12,873,342	\$1,564,236	13.83 %
Total OTO	\$800,000	\$519,663	(\$280,337)	(35.04)%

Program Description

The Forensic Science Division (FSD), better known as the state crime lab, was established in Montana Code in 1977. The FSD has facilities in both Missoula and Billings. The Missoula facility houses the medical examiners, DNA/serology, toxicology, chemical analysis, latent prints, firearms/toolmarks, quality assurance, and evidence functions. The Billings facility also contains medical examiner, chemical analysis, and evidence functions.

Program Highlights

Forensic Science Division Major Budget Highlights
<ul style="list-style-type: none"> • The Forensic Science Division's 2021 biennium budget is \$1.3 million or 10.6% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ Additional personal services of \$1.1 million included in statewide present law adjustments ◦ Approval of 1.00 FTE for a forensic scientist position offset with a funding reduction in the Motor Vehicle Division ◦ Approval of one-time-only 1.00 FTE for a full-time medical examiner ◦ A \$258,000 reduction in operating expenses over the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	40.30	40.30	42.30	42.30
Personal Services	3,878,865	3,337,019	3,483,858	4,356,311	4,357,592
Operating Expenses	1,309,287	1,764,145	2,002,393	1,999,706	1,997,802
Equipment & Intangible Assets	98,398	896,097	6,000	6,000	6,000
Debt Service	61,692	284,797	334,797	334,797	334,797
Total Expenditures	\$5,348,242	\$6,282,058	\$5,827,048	\$6,696,814	\$6,696,191
General Fund	4,953,284	5,753,283	4,382,805	4,991,617	4,993,239
State/Other Special Rev. Funds	394,958	528,775	1,444,243	1,705,197	1,702,952
Total Funds	\$5,348,242	\$6,282,058	\$5,827,048	\$6,696,814	\$6,696,191
Total Ongoing	\$5,348,242	\$5,482,058	\$5,827,048	\$6,435,860	\$6,437,482
Total OTO	\$0	\$800,000	\$0	\$260,954	\$258,709

Funding

The following table shows program funding by source of authority.

Department of Justice, 08-Forensic Science Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	9,984,856	0	0	9,984,856	74.55 %
02349 Highway Non-Restricted Account	782,672	0	0	782,672	22.96 %
02945 DOJ Blood Draw MCA 61-8-402	299,602	0	0	299,602	8.79 %
02450 Medical Examiner SSR	2,325,875	0	0	2,325,875	68.24 %
State Special Total	\$3,408,149	\$0	\$0	\$3,408,149	25.45 %
03187 BCC Grants To Dept. Of Justice	0	0	0	0	0.00 %
03561 FSD Federal Grants	0	0	0	0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$13,393,005	\$0	\$0	\$13,393,005	

Forensic Science Division is funded primarily with general fund. The 2017 Legislature established the medical examiner state special revenue account for the operation and administration of state forensic laboratories.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	4,382,805	4,382,805	8,765,610	87.79 %	5,827,048	5,827,048	11,654,096	87.02 %
SWPL Adjustments	513,520	518,003	1,031,523	10.33 %	513,520	518,003	1,031,523	7.70 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	95,292	92,431	187,723	1.88 %	356,246	351,140	707,386	5.28 %
Total Budget	\$4,991,617	\$4,993,239	\$9,984,856		\$6,696,814	\$6,696,191	\$13,393,005	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	Fiscal 2020					Fiscal 2021				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	522,771	0	0	522,771	0.00	526,970	0	0	526,970
DP 2 - Fixed Costs	0.00	(9,251)	0	0	(9,251)	0.00	(8,967)	0	0	(8,967)
Grand Total All Present Law Adjustments	0.00	\$513,520	\$0	\$0	\$513,520	0.00	\$518,003	\$0	\$0	\$518,003

**Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Forensic Science Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	Fiscal 2020					Fiscal 2021				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 802 - FSD DNA FTE	1.00	99,390	0	0	99,390	1.00	96,529	0	0	96,529
DP 804 - FSD Budget Modifications	0.00	(129,098)	0	0	(129,098)	0.00	(129,098)	0	0	(129,098)
DP 805 - FSD ME FT FTE (OTO)	1.00	0	260,954	0	260,954	1.00	0	258,709	0	258,709
DP 806 - Evidence Kits	0.00	125,000	0	0	125,000	0.00	125,000	0	0	125,000
Total	2.00	\$95,292	\$260,954	\$0	\$356,246	2.00	\$92,431	\$258,709	\$0	\$351,140

**Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 802 - FSD DNA FTE -

The legislature approved 1.00 FTE for a forensic scientist position which is offset with a funding reduction in the Motor Vehicle Division. According to FSD, the DNA casework at the Forensic Science Division has increased 88.0% over the past 5 years, including increases in more time-consuming sex assault cases.

DP 804 - FSD Budget Modifications -

The legislature approved a general fund reduction of \$129,098 in FY 2020 and \$129,098 in FY 2021 to reduce operating expenses.

DP 805 - FSD ME FT FTE (OTO) -

The legislature approved a one-time-only 1.00 FTE for a full-time medical examiner (ME) position in Billings. The 1.00 FTE increases state special revenue authority by \$260,954 in FY 2020 and \$258,709 in FY 2021.

DP 806 - Evidence Kits -

The legislature approved an increase in general fund of \$125,000 in FY 2020 and \$125,000 in FY 2021 to test sexual assault evidence kits in the Forensic Science Division.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	14,469,646	17,143,494	2,673,848	18.48 %
Operating Expenses	32,113,793	31,333,529	(780,264)	(2.43)%
Equipment & Intangible Assets	328,056	328,056	0	0.00 %
Local Assistance	50,000	50,000	0	0.00 %
Debt Service	496,700	0	(496,700)	(100.00)%
Total Expenditures	\$47,458,195	\$48,855,079	\$1,396,884	2.94 %
General Fund	16,026,049	18,531,311	2,505,262	15.63 %
State/Other Special Rev. Funds	30,249,628	29,140,458	(1,109,170)	(3.67)%
Proprietary Funds	1,182,518	1,183,310	792	0.07 %
Total Funds	\$47,458,195	\$48,855,079	\$1,396,884	2.94 %
Total Ongoing	\$46,458,195	\$48,855,079	\$2,396,884	5.16 %
Total OTO	\$1,000,000	\$0	(\$1,000,000)	(100.00)%

Program Description

The Motor Vehicle Division (MVD) 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
- Providing motor voter registration

Program Highlights

Motor Vehicle Division Major Budget Highlights
<ul style="list-style-type: none"> • The Motor Vehicle Division's 2021 biennium budget is \$1.4 million or 2.9% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ Additional personal services of \$2.2 million for a statewide present law adjustment ◦ An approval to reduce general fund by \$232,000 in Motor Vehicle Division to fund increased personal services in the Forensic Science Division

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	152.25	152.25	152.25	152.25
Personal Services	8,048,270	6,984,689	7,484,957	8,573,303	8,570,191
Operating Expenses	11,351,572	15,510,458	16,603,335	15,662,578	15,670,951
Equipment & Intangible Assets	85,116	164,028	164,028	164,028	164,028
Local Assistance	8,657	25,000	25,000	25,000	25,000
Debt Service	11,758	496,700	0	0	0
Total Expenditures	\$19,505,373	\$23,180,875	\$24,277,320	\$24,424,909	\$24,430,170
General Fund	7,013,461	7,163,456	8,862,593	9,262,966	9,268,345
State/Other Special Rev. Funds	12,031,910	15,426,160	14,823,468	14,570,288	14,570,170
Proprietary Funds	460,002	591,259	591,259	591,655	591,655
Total Funds	\$19,505,373	\$23,180,875	\$24,277,320	\$24,424,909	\$24,430,170
Total Ongoing	\$19,409,373	\$22,680,875	\$23,777,320	\$24,424,909	\$24,430,170
Total OTO	\$96,000	\$500,000	\$500,000	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 09-Motor Vehicle Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	18,531,311	0	0	18,531,311	37.85 %
02349 Highway Non-Restricted Account	0	0	0	0	0.00 %
02390 Spec Motorcycle Lic Plates	0	0	107,000	107,000	0.37 %
02456 61-6-158 MTIVS & MCE	9,223,560	0	0	9,223,560	31.54 %
02798 61-3-550 MVD MERLIN HB261	4,251,632	0	0	4,251,632	14.54 %
02799 MVD Administrative Fee	15,665,266	0	0	15,665,266	53.56 %
State Special Total	\$29,140,458	\$0	\$107,000	\$29,247,458	59.73 %
03801 Dept Of Justice-Misc Grants	0	0	0	0	0.00 %
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %
06080 MVD/State Information Portal	0	0	0	0	0.00 %
06083 61-3-118 MVD E-Commerce	1,183,310	0	0	1,183,310	100.00 %
Proprietary Total	\$1,183,310	\$0	\$0	\$1,183,310	2.42 %
Total All Funds	\$48,855,079	\$0	\$107,000	\$48,962,079	

Drivers licensing and vehicle titling and registration functions are supported by the general fund and Motor Vehicle Division administrative fee state special revenue account. State special revenues collected for vehicle registration fees support payment of debt that was incurred for the development and implementation of the computer system known as the Montana Enhanced Registration and Licensing Information Network (MERLIN) and the vehicle insurance verification system. Proprietary funds collected from fees charged for e-government services support online web based services that may be used by the public.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	8,862,593	8,862,593	17,725,186	95.65 %	23,777,320	23,777,320	47,554,640	97.34 %
SWPL Adjustments	654,335	659,714	1,314,049	7.09 %	897,598	902,859	1,800,457	3.69 %
PL Adjustments	0	0	0	0.00 %	3,953	3,953	7,906	0.02 %
New Proposals	(253,962)	(253,962)	(507,924)	(2.74)%	(253,962)	(253,962)	(507,924)	(1.04)%
Total Budget	\$9,262,966	\$9,268,345	\$18,531,311		\$24,424,909	\$24,430,170	\$48,855,079	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	632,212	456,134	0	1,088,346	0.00	630,403	454,831	0	1,085,234
DP 2 - Fixed Costs	0.00	15,537	(212,871)	0	(197,334)	0.00	21,138	(211,686)	0	(190,548)
DP 3 - Inflation Deflation	0.00	6,586	0	0	6,586	0.00	8,173	0	0	8,173
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	3,557	0	3,953	0.00	0	3,557	0	3,953
Grand Total All Present Law Adjustments	0.00	\$654,335	\$246,820	\$0	\$901,551	0.00	\$659,714	\$246,702	\$0	\$906,812

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Motor Vehicle Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 802 - FSD DNA FTE	0.00	(99,390)	0	0	(99,390)	0.00	(96,529)	0	0	(96,529)
DP 803 - FSD ME PT FTE	0.00	(20,732)	0	0	(20,732)	0.00	(15,574)	0	0	(15,574)
DP 901 - MVD Budget Modifications	0.00	(133,840)	0	0	(133,840)	0.00	(141,859)	0	0	(141,859)
Total	0.00	(\$253,962)	\$0	\$0	(\$253,962)	0.00	(\$253,962)	\$0	\$0	(\$253,962)

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 802 - FSD DNA FTE -

The legislature approved a Forensic Science Division DNA FTE, which is offset by funding reductions of \$99,390 in FY 2020 and \$96,529 in FY 2021 from the Motor Vehicle Division.

DP 803 - FSD ME PT FTE -

The legislature approved a Forensic Science Division medical examiner FTE, which is offset by funding reductions of \$20,732 in FY 2020 and \$15,574 in FY 2021 from the Motor Vehicle Division.

DP 901 - MVD Budget Modifications -

The legislature approved a general fund reduction in operating expenses of \$133,840 in FY 2020 and \$141,859 in FY 2021.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	2,618,353	3,152,326	533,973	20.39 %
Operating Expenses	830,920	868,747	37,827	4.55 %
Total Expenditures	\$3,449,273	\$4,021,073	\$571,800	16.58 %
General Fund	2,327,013	2,740,363	413,350	17.76 %
State/Other Special Rev. Funds	1,060,043	1,208,506	148,463	14.01 %
Proprietary Funds	62,217	72,204	9,987	16.05 %
Total Funds	\$3,449,273	\$4,021,073	\$571,800	16.58 %
Total Ongoing	\$3,449,273	\$4,021,073	\$571,800	16.58 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Central Services Division (CSD) provides accounting; asset management; budgeting; fiscal management; human resources; internal controls; payroll and benefits; purchasing; training; and assistance with the implementation of policies, rules, and regulations for the Department of Justice. The program also administers payments to counties for a portion of the cost of county attorney payroll costs.

Program Highlights

Central Services Division Major Budget Highlights
<ul style="list-style-type: none"> • The Central Services Division's 2021 biennium budget is \$572,000 or 16.6% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ Additional personal services of \$380,000 for a statewide present law adjustment ◦ A \$51,000 reduction in operating expenses over the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	18.49	18.49	18.49	18.49
Personal Services	1,321,258	1,232,232	1,386,121	1,574,764	1,577,562
Operating Expenses	284,389	415,013	415,907	479,967	388,780
Total Expenditures	\$1,605,647	\$1,647,245	\$1,802,028	\$2,054,731	\$1,966,342
General Fund	1,042,433	1,083,940	1,243,073	1,414,972	1,325,391
State/Other Special Rev. Funds	532,687	532,777	527,266	603,689	604,817
Proprietary Funds	30,527	30,528	31,689	36,070	36,134
Total Funds	\$1,605,647	\$1,647,245	\$1,802,028	\$2,054,731	\$1,966,342
Total Ongoing	\$1,605,647	\$1,647,245	\$1,802,028	\$2,054,731	\$1,966,342
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Justice, 10-Central Services Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	2,740,363	0	6,903,216	9,643,579	84.41 %
02006 Cigarette Fire Safety Standard	0	0	0	0	0.00 %
02014 Highway Patrol Pay & Retention	0	0	0	0	0.00 %
02016 Criminal Justice Info Network	0	0	0	0	0.00 %
02074 Gambling License Fee Account	127,170	0	0	127,170	8.72 %
02140 Consumer Education Settlement	317,745	0	0	317,745	21.79 %
02143 Drug Forfeitures-State	0	0	250,000	250,000	17.14 %
02349 Highway Non-Restricted Account	64	0	0	64	0.00 %
02456 61-6-158 MTIVS & MCE	0	0	0	0	0.00 %
02546 MT Law Enforcement Academy	0	0	0	0	0.00 %
02797 Criminal Records Info Sys	158,882	0	0	158,882	10.89 %
02798 61-3-550 MVD MERLIN HB261	0	0	0	0	0.00 %
02937 DOJ Misc SSR MOUs	0	0	0	0	0.00 %
02799 MVD Administrative Fee	318,653	0	0	318,653	21.85 %
02464 MHP Administrative SSR	285,992	0	0	285,992	19.61 %
State Special Total	\$1,208,506	\$0	\$250,000	\$1,458,506	12.77 %
03169 Federal Crime Victims Benefits	0	0	0	0	0.00 %
03187 BCC Grants To Dept. Of Justice	0	0	0	0	0.00 %
03214 Drug Forfeitures - Federal	0	0	250,000	250,000	100.00 %
03800 Medicaid Fraud	0	0	0	0	0.00 %
Federal Special Total	\$0	\$0	\$250,000	\$250,000	2.19 %
06005 Liquor Division	72,204	0	0	72,204	100.00 %
Proprietary Total	\$72,204	\$0	\$0	\$72,204	0.63 %
Total All Funds	\$4,021,073	\$0	\$7,403,216	\$11,424,289	

Central Services Division is funded by allocation of costs among the various funding sources supporting the department. General fund provides roughly 68.2% of the division's HB 2 funding. State special revenue, the largest source being the MVD administrative fee, provides an additional 30.1% of the division's HB 2 funding. Proprietary funds including liquor licensing fees provide the remainder of HB 2 funding.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	1,243,073	1,243,073	2,486,146	90.72 %	1,802,028	1,802,028	3,604,056	89.63 %
SWPL Adjustments	197,318	107,737	305,055	11.13 %	277,732	189,343	467,075	11.62 %
PL Adjustments	0	0	0	0.00 %	390	390	780	0.02 %
New Proposals	(25,419)	(25,419)	(50,838)	(1.86)%	(25,419)	(25,419)	(50,838)	(1.26)%
Total Budget	\$1,414,972	\$1,325,391	\$2,740,363		\$2,054,731	\$1,966,342	\$4,021,073	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	108,229	76,055	0	188,643	0.00	109,835	77,183	0	191,441
DP 2 - Fixed Costs	0.00	88,946	0	0	88,946	0.00	(2,276)	0	0	(2,276)
DP 3 - Inflation Deflation	0.00	143	0	0	143	0.00	178	0	0	178
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	368	0	390	0.00	0	368	0	390
Grand Total All Present Law Adjustments	0.00	\$197,318	\$76,423	\$0	\$278,122	0.00	\$107,737	\$77,551	\$0	\$189,733

**Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Central Services Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1001 - Central Services Budget Modifications	0.00	(25,419)	0	0	(25,419)	0.00	(25,419)	0	0	(25,419)
Total	0.00	(\$25,419)	\$0	\$0	(\$25,419)	0.00	(\$25,419)	\$0	\$0	(\$25,419)

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1001 - Central Services Budget Modifications -

The legislature approved a general fund reduction in operating expenses of \$25,419 in FY 2020 and \$25,419 in FY 2021.

Program Budget Comparison

Program Budget Comparison					
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change	
Personal Services	475,345	0	(475,345)	(100.00)%	
Operating Expenses	332,803	0	(332,803)	(100.00)%	
Total Expenditures	\$808,148	\$0	(\$808,148)	(100.00)%	
General Fund	808,148	0	(808,148)	(100.00)%	
Total Funds	\$808,148	\$0	(\$808,148)	(100.00)%	
Total Ongoing	\$808,148	\$0	(\$808,148)	(100.00)%	
Total OTO	\$0	\$0	\$0	0.00%	

Program Description

The Montana Public Safety Officer Standards and Training (POST) Council is a quasi-judicial board authorized by Section 2-15-2029, MCA. POST is responsible for establishing basic and advanced qualification and training standards for employment of Montana's public safety officers, as defined in 44-4-401, MCA. In addition, POST conducts and approves training, provides for the certification and re-certification of public safety officers, and is responsible for the suspension or revocation of certification of public safety officers.

Program Highlights

Public Safety Officer Standards and Training Council Major Budget Highlights
<ul style="list-style-type: none"> Public Safety Officer Standards & Training moved into the Montana Law Enforcement Academy in the Division of Criminal Investigation, switching funding from general fund to state special revenue

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison						
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021	
FTE	0.00	3.00	3.00	0.00	0.00	
Personal Services	251,524	233,191	242,154	0	0	
Operating Expenses	131,334	149,986	182,817	0	0	
Total Expenditures	\$382,858	\$383,177	\$424,971	\$0	\$0	
General Fund	382,858	383,177	424,971	0	0	
Total Funds	\$382,858	\$383,177	\$424,971	\$0	\$0	
Total Ongoing	\$382,858	\$383,177	\$424,971	\$0	\$0	
Total OTO	\$0	\$0	\$0	\$0	\$0	

Funding

The following table shows program funding by source of authority.

Department of Justice, 19-Public Safety Officer Standards and Training Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	0	0	0	0	0.00 %	
02798 61-3-550 MVD MERLIN HB261	0	0	0	0	0.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$0	\$0	\$0	\$0		

Public Safety Officer Standards & Training (POST) has been funded in the Montana Law Enforcement Academy under the Division of Criminal Investigation. No funding is provided in this separate program.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	424,971	424,971	849,942	0.00 %	424,971	424,971	849,942	0.00 %
SWPL Adjustments	18,705	18,048	36,753	0.00 %	18,705	18,048	36,753	0.00 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	(443,676)	(443,019)	(886,695)	0.00 %	(443,676)	(443,019)	(886,695)	0.00 %
Total Budget	\$0	\$0	\$0		\$0	\$0	\$0	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	18,898	0	0	18,898	0.00	18,233	0	0	18,233
DP 2 - Fixed Costs	0.00	(193)	0	0	(193)	0.00	(185)	0	0	(185)
Grand Total All Present Law Adjustments	0.00	\$18,705	\$0	\$0	\$18,705	0.00	\$18,048	\$0	\$0	\$18,048

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of POST.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 305 - POST Transfer	(3.00)	(261,052)	0	0	(261,052)	(3.00)	(260,387)	0	0	(260,387)
DP 306 - POST Operating Transfer	0.00	(182,624)	0	0	(182,624)	0.00	(182,632)	0	0	(182,632)
Total	(3.00)	(\$443,676)	\$0	\$0	(\$443,676)	(3.00)	(\$443,019)	\$0	\$0	(\$443,019)

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 305 - POST Transfer -

The legislature approved the transfer of POST to the Montana Law Enforcement Academy and the associated FTE for reduction of general fund in the amount of \$261,052 in FY 2020 and \$260,387 in FY 2021.

DP 306 - POST Operating Transfer -

The legislature approved the transfer of \$182,624 in FY 2020 and \$182,632 in FY 2021 operating expenses from POST to Montana Law Enforcement Academy.

Agency Budget Comparison

Agency Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	6,489,777	6,926,214	436,437	6.72 %
Operating Expenses	1,157,223	1,698,237	541,014	46.75 %
Debt Service	12,160	12,160	0	0.00 %
Total Expenditures	\$7,659,160	\$8,636,611	\$977,451	12.76 %
State/Other Special Rev. Funds	7,312,620	8,089,939	777,319	10.63 %
Federal Spec. Rev. Funds	346,540	546,672	200,132	57.75 %
Total Funds	\$7,659,160	\$8,636,611	\$977,451	12.76 %
Total Ongoing	\$7,659,160	\$8,436,611	\$777,451	10.15 %
Total OTO	\$0	\$200,000	\$200,000	100.00 %

Agency Description

The Public Service Commission's mission is to fairly balance the long-term interests of Montana utility and transportation companies and the customers they serve.

The Department of Public Service Regulation (PSR) regulates the operations of public utility and transportation industries that operate in the state. Five commissioners, elected from districts throughout Montana, form the Montana Public Service Commission (PSC) that oversees the Public Service Regulation Program (PSR). Each commissioner serves a four-year term.

Agency Highlights

Public Service Commission Major Budget Highlights
<ul style="list-style-type: none"> • The legislature approved the Public Service Commission's 2021 biennium budget at 12.8% or \$1.0 million higher than the 2019 biennium budget. As measured from FY 2019 and adjusted for HB 3, growth was 10.1%. Significant changes for the 2021 biennium include: <ul style="list-style-type: none"> ◦ Approval of \$451,000 over the biennium for an increase in operating expenses for building rent ◦ Approval of \$200,000 over the biennium as restricted and one-time-only for consulting contingency funding to be used only for litigation expenses provided through contract services ◦ Adoption of \$200,000 in federal special revenue funds over the biennium for pipeline safety

Agency Actuals and Budget Comparison

The following table compares the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	35.00	35.00	35.00	35.00
Personal Services	3,114,871	3,193,839	3,295,938	3,462,424	3,463,790
Operating Expenses	842,450	783,807	373,416	860,966	837,271
Debt Service	0	6,080	6,080	6,080	6,080
Total Expenditures	\$3,957,321	\$3,983,726	\$3,675,434	\$4,329,470	\$4,307,141
State/Other Special Rev. Funds	3,784,114	3,810,522	3,502,098	4,056,134	4,033,805
Federal Spec. Rev. Funds	173,207	173,204	173,336	273,336	273,336
Total Funds	\$3,957,321	\$3,983,726	\$3,675,434	\$4,329,470	\$4,307,141
Total Ongoing	\$3,957,321	\$3,983,726	\$3,675,434	\$4,229,470	\$4,207,141
Total OTO	\$0	\$0	\$0	\$100,000	\$100,000

Summary of Legislative Action

The Public Service Commission's budget includes the approval of \$200,000 over the biennium as restricted and one-time-only for consulting contingency funding. Consulting contingency may be used only for litigation expenses provided through contracted services. The legislature approved funding of \$450,840 over the biennium for building rent. The legislature also approved additional federal authority of \$200,000 over the biennium for pipeline safety. The legislature approved decision packages that included funding for present law adjustments for fixed costs, personal services and inflation/deflation.

Funding

The following table shows agency funding by source of authority.

Total Public Service Commission Funding by Source of Authority 2021 Biennium Budget Request - Public Service Commission						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	0	0	0	0	0	0.00 %
State Special Total	7,889,939	200,000	0	0	8,089,939	93.67 %
Federal Special Total	546,672	0	0	0	546,672	6.33 %
Proprietary Total	0	0	0	0	0	0.00 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$8,436,611	\$200,000	\$0	\$0	\$8,636,611	
Percent - Total All Sources	97.68 %	2.32 %	0.00 %	0.00 %		

The Public Service Commission is funded by a combination of state and federal special revenue. State special revenue comprises 93.7% of the PSC funding in the 2021 biennium. The majority of the state special revenue is derived from a fee that is levied on regulated companies. The amount of the fee is based on the level of funding appropriated by the legislature for a specific fiscal year and the percentage of the gross operating revenue from all activities regulated by the PSC for the calendar quarter of operation as outlined in 69-1-402, MCA.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	0	0	0	0.00 %	3,675,434	3,675,434	7,350,868	85.11 %
SWPL Adjustments	0	0	0	0.00 %	226,875	204,546	431,421	5.00 %
PL Adjustments	0	0	0	0.00 %	427,161	427,161	854,322	9.89 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$0	\$0	\$0		\$4,329,470	\$4,307,141	\$8,636,611	

Other Legislation

HB 3 - This bill appropriates \$248,000 in state special revenue in fiscal year 2019.

HB 597- This bill generally revises laws related to utility regulation. It allows for the Montana Consumer Counsel to request, select and retain an independent monitor for competitive solicitations. It allows for a hearings examiner for proceedings under Title 69 and establishes a process for use of a hearings examiner. While there is no appropriation in HB 597, aggregate appropriation authority was provided in HB 715, some of which may be used for this purpose.

HB 715 - This bill appropriates \$290,000 in state special revenue in fiscal year 2020 and \$270,000 in state special revenue in fiscal year 2021 based upon the passage and approval of HB 597.

Executive Budget Comparison

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

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2019	Executive Budget Fiscal 2020	Legislative Budget Fiscal 2020	Leg — Exec. Difference Fiscal 2020	Executive Budget Fiscal 2021	Legislative Budget Fiscal 2021	Leg — Exec. Difference Fiscal 2021	Biennium Difference Fiscal 20-21
FTE	35.00	38.00	35.00	(3.00)	38.00	35.00	(3.00)	(3.00)
Personal Services	3,295,938	3,747,701	3,462,424	(285,277)	3,748,331	3,463,790	(284,541)	(569,818)
Operating Expenses	373,416	1,109,225	860,966	(248,259)	1,085,530	837,271	(248,259)	(496,518)
Transfers	0	0	0	0	0	0	0	0
Debt Service	6,080	6,080	6,080	0	6,080	6,080	0	0
Total Costs	\$3,675,434	\$4,863,006	\$4,329,470	(\$533,536)	\$4,839,941	\$4,307,141	(\$532,800)	(\$1,066,336)
General Fund	0	0	0	0	0	0	0	0
State/other Special Rev. Funds	3,502,098	4,589,670	4,056,134	(533,536)	4,566,605	4,033,805	(532,800)	(1,066,336)
Federal Spec. Rev. Funds	173,336	273,336	273,336	0	273,336	273,336	0	0
Total Funds	\$3,675,434	\$4,863,006	\$4,329,470	(\$533,536)	\$4,839,941	\$4,307,141	(\$532,800)	(\$1,066,336)
Total Ongoing	\$3,675,434	\$4,863,006	\$4,229,470	(\$633,536)	\$4,839,941	\$4,207,141	(\$632,800)	(\$1,266,336)
Total OTO	\$0	\$0	\$100,000	\$100,000	\$0	\$100,000	\$100,000	\$200,000

The major differences in the legislative budget compared to the executive budget are:

- The legislature approved \$200,000 as restricted and one-time-only for consulting contingency to be used for litigation expenses provided through contracted services
- The legislature did not fund \$200,000 of transportation fees the executive proposed over the biennium
- The legislature did not fund the request for 2.00 FTE for utility rate analysts at the amount of \$341,207 over the biennium

Language and Statutory Authority

The following language was adopted by the legislature for HB 2:

"Consulting Contingency may be used only for litigation expenses provided through contracted services."

"If LC 1934 is not passed and approved, Elected Official Salary Adjustment is increased by \$159,802 in state special revenue in FY 2020 and \$159,946 in FY 2021."

"If LC 1934 is not passed and approved, Attorney is void."

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	35.00	35.00	35.00	35.00
Personal Services	3,114,871	3,193,839	3,295,938	3,462,424	3,463,790
Operating Expenses	842,450	783,807	373,416	860,966	837,271
Debt Service	0	6,080	6,080	6,080	6,080
Total Expenditures	\$3,957,321	\$3,983,726	\$3,675,434	\$4,329,470	\$4,307,141
State/Other Special Rev. Funds	3,784,114	3,810,522	3,502,098	4,056,134	4,033,805
Federal Spec. Rev. Funds	173,207	173,204	173,336	273,336	273,336
Total Funds	\$3,957,321	\$3,983,726	\$3,675,434	\$4,329,470	\$4,307,141
Total Ongoing	\$3,957,321	\$3,983,726	\$3,675,434	\$4,229,470	\$4,207,141
Total OTO	\$0	\$0	\$0	\$100,000	\$100,000

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	0	101,486	0	101,486	0.00	0	102,852	0	102,852
DP 2 - Fixed Costs	0.00	0	123,697	0	123,697	0.00	0	99,594	0	99,594
DP 3 - Inflation Deflation	0.00	0	1,692	0	1,692	0.00	0	2,100	0	2,100
DP 6 - Building Rent	0.00	0	225,420	0	225,420	0.00	0	225,420	0	225,420
DP 7 - Pipeline Safety	0.00	0	0	100,000	100,000	0.00	0	0	100,000	100,000
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	1,741	0	1,741	0.00	0	1,741	0	1,741
DP 501 - Consulting Contingency (RST/OTO)	0.00	0	100,000	0	100,000	0.00	0	100,000	0	100,000
Grand Total All Present Law Adjustments	0.00	\$0	\$554,036	\$100,000	\$654,036	0.00	\$0	\$531,707	\$100,000	\$631,707

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Public Service Commission.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required in the proposed budget to pay increases in fixed costs assessed by other agencies within state government for the services they provide. The rates charged for these services are approved in the section of the budget for the programs that provide the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts within operating expenses. Affected accounts include food, postage, gasoline, and others.

DP 6 - Building Rent -

The legislature approved funding for rent to restore the appropriation reduction made when state special revenue was transferred to the general fund in HB 6 of the November 2017 Special Session.

DP 7 - Pipeline Safety -

The legislature approved additional federal special revenue spending authority of \$65,000 in additional personal services and \$35,000 in operating expenses in each fiscal year. The pipeline safety federal grant has been increased in recent years based on additional federal criteria being met, as well as an increase in the federal percentage share from 50.0% to 80.0%. The federal grant supports inspection of natural gas pipelines including construction, transmission integrity management, and operator qualification as well as other related activities.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

DP 501 - Consulting Contingency (RST/OTO) -

The legislature approved \$100,000 in FY 2020 and \$100,000 in FY 2021 in consulting contingency as restricted and one-time-only to be used only for litigation expenses provided through contracted services.

Agency Budget Comparison

Agency Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	44,726,512	53,156,746	8,430,234	18.85 %
Operating Expenses	19,344,432	21,318,617	1,974,185	10.21 %
Total Expenditures	\$64,070,944	\$74,475,363	\$10,404,419	16.24 %
General Fund	64,070,944	74,475,363	10,404,419	16.24 %
Total Funds	\$64,070,944	\$74,475,363	\$10,404,419	16.24 %
Total Ongoing	\$63,045,944	\$74,009,815	\$10,963,871	17.39 %
Total OTO	\$1,025,000	\$465,548	(\$559,452)	(54.58)%

Agency Description

The mission of the Office of the State Public Defender (OPD) is to provide effective professional legal services with equal access to quality client-centered representation.

Agency Highlights

Office of the Public Defender Major Budget Highlights
<ul style="list-style-type: none"> • The legislature approved the Office of the Public Defender's 2021 biennium budget at 16.2% or \$10.4 million higher than the 2019 biennium. The biennium comparison for the Office of Public Defender is complicated by a fiscal year transfer and a FY 2019 supplement in HB 3. Significant changes include: <ul style="list-style-type: none"> ◦ Contractor caseload growth of \$1.9 million in operating expenses over the biennium in the Public Defender Division, Appellate Defender Division, and Conflict Coordinator Division to support current workload ◦ Attorney career ladder adjustments for \$1.8 million in general fund ◦ 20.00 FTE in the Public Defender Division and Conflict Coordinator Division for increases in caseload over the 2021 biennium ◦ 10.50 FTE in the Public Defender Division, Appellate Defender Division, and Conflict Coordinator Division in general fund for an estimated 3.0% growth in caseload in the 2021 biennium ◦ Contractor caseload growth of \$600,000 over the biennium due to anticipated caseload growth in the Public Defender Division ◦ \$466,000 over the biennium as one-time-only for death penalty cases

Agency Actuals and Budget Comparison

The following table compares the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	271.94	271.94	302.44	302.44
Personal Services	22,024,019	22,024,010	22,702,502	26,245,554	26,911,192
Operating Expenses	9,941,795	10,009,724	9,334,708	10,705,200	10,613,417
Total Expenditures	\$31,965,814	\$32,033,734	\$32,037,210	\$36,950,754	\$37,524,609
General Fund	31,965,814	32,033,734	32,037,210	36,950,754	37,524,609
Total Funds	\$31,965,814	\$32,033,734	\$32,037,210	\$36,950,754	\$37,524,609
Total Ongoing	\$31,465,814	\$31,508,734	\$31,537,210	\$36,716,584	\$37,293,231
Total OTO	\$500,000	\$525,000	\$500,000	\$234,170	\$231,378

Summary of Legislative Action

The Office of the Public Defender's 2021 biennium budget is 16.2% or \$10.4 million higher than the 2019 biennium. OPD received a supplemental appropriation of \$7.4 million for FY 2019 in HB 3. The legislature approved:

- \$1.8 million in general fund for attorney career ladder adjustments
- 20.00 FTE in the Public Defender Division and Conflict Coordinator Division for increases in caseload over the 2021 biennium
- The Public Defender Division, Appellate Defender Division, and Conflict Coordinator Division received a total of 10.50 FTE to support an estimated 3.0% growth in caseload over the biennium
- \$0.6 million in caseload growth for operating expenses related to contractor caseload growth in the Public Defender Division
- \$1.9 million in operating expenses over the biennium for contractor caseload growth in the Public Defender Division, Appellate Defender Division, and Conflict Coordinator Division.
- The legislature approved \$466,000 over the biennium as one-time-only for death penalty cases

Funding

The following table shows agency funding by source of authority.

Total Office of State Public Defender Funding by Source of Authority 2021 Biennium Budget Request - Office of State Public Defender						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	74,009,815	465,548	0	0	74,475,363	100.00 %
State Special Total	0	0	0	0	0	0.00 %
Federal Special Total	0	0	0	0	0	0.00 %
Proprietary Total	0	0	0	0	0	0.00 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$74,009,815	\$465,548	\$0	\$0	\$74,475,363	
Percent - Total All Sources	99.37 %	0.63 %	0.00 %	0.00 %		

The Office of Public Defender is solely funded with general fund.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	31,537,210	31,537,210	63,074,420	84.69 %	31,537,210	31,537,210	63,074,420	84.69 %
SWPL Adjustments	347,838	276,311	624,149	0.84 %	347,838	276,311	624,149	0.84 %
PL Adjustments	3,976,442	3,932,094	7,908,536	10.62 %	3,976,442	3,932,094	7,908,536	10.62 %
New Proposals	1,089,264	1,778,994	2,868,258	3.85 %	1,089,264	1,778,994	2,868,258	3.85 %
Total Budget	\$36,950,754	\$37,524,609	\$74,475,363		\$36,950,754	\$37,524,609	\$74,475,363	

Other Legislation

HB 3 - This bill appropriates \$2,039,487 to the Public Defender Division and \$5,354,536 in the Conflict Coordinator Division in fiscal year 2019.

HB 73 - This bill revises the laws related to the classification of certain employees of the Office of the State Public Defender by moving them from exempt to classified effective July 1, 2019. Currently, three division administrators are exempt, and one is not. There are 11 exempt regional managers in the Public Defender Division and there are the equivalent of regional managers in the Conflict Defender Division who are non-exempt. Other agencies do not have similar exempt positions.

HB 192 - This bill revises laws related to privacy in communications. The potential fiscal impact includes an increase in misdemeanor cases for privacy in communications violations.

SB 147 - This bill revises laws concerning human trafficking and sex crimes to protect victims. SB 147 will increase the number of cases handled by the Office of the Public Defender and increase case costs related to felony and misdemeanor cases.

Executive Budget Comparison

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

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2019	Executive Budget Fiscal 2020	Legislative Budget Fiscal 2020	Leg — Exec. Difference Fiscal 2020	Executive Budget Fiscal 2021	Legislative Budget Fiscal 2021	Leg — Exec. Difference Fiscal 2021	Biennium Difference Fiscal 20-21
FTE	271.94	302.44	302.44	0.00	302.44	302.44	0.00	0.00
Personal Services	22,702,502	26,245,554	26,245,554	0	26,911,192	26,911,192	0	0
Operating Expenses	9,334,708	11,736,854	10,705,200	(1,031,654)	11,650,655	10,613,417	(1,037,238)	(2,068,892)
Transfers	0	0	0	0	0	0	0	0
Total Costs	\$32,037,210	\$37,982,408	\$36,950,754	(\$1,031,654)	\$38,561,847	\$37,524,609	(\$1,037,238)	(\$2,068,892)
General Fund	32,037,210	37,982,408	36,950,754	(1,031,654)	38,561,847	37,524,609	(1,037,238)	(2,068,892)
State/other Special Rev. Funds	0	0	0	0	0	0	0	0
Federal Spec. Rev. Funds	0	0	0	0	0	0	0	0
Total Funds	\$32,037,210	\$37,982,408	\$36,950,754	(\$1,031,654)	\$38,561,847	\$37,524,609	(\$1,037,238)	(\$2,068,892)
Total Ongoing	\$31,537,210	\$37,482,408	\$36,716,584	(\$765,824)	\$38,061,847	\$37,293,231	(\$768,616)	(\$1,534,440)
Total OTO	\$500,000	\$500,000	\$234,170	(\$265,830)	\$500,000	\$231,378	(\$268,622)	(\$534,452)

The major differences in the legislative budget compared to the executive budget are:

- An increase in general fund by \$300,000 in FY 2020 and \$300,000 in FY 2021 due to anticipated caseload growth in the Public Defender Division rather than \$600,000 in FY 2020 and \$600,000 in FY 2021 as requested by the executive.

- The legislature approved an overall increase in general fund by \$931,660 in FY 2020 and \$937,245 in FY 2021 for contractor caseload growth in operating expenses in the Public Defender Division, Appellate Defender Division, and Conflict Coordinator Division. This was \$465,830 less in FY 2020 and \$468,622 less in FY 2021 than the executive requested
- The legislature approved an increase in general fund by \$234,170 in FY 2020 and \$231,378 in FY 2021 as one-time-only for death penalty cases which was \$265,830 less in FY 2020 and \$268,622 less in FY 2021 than requested by the executive

Language and Statutory Authority

The following language was adopted by the legislature for HB 2:

"All appropriations for the Public Defender Division, Appellate Defender Division, Conflict Coordinator Division, and Central Services Division are biennial."

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	35,136,054	39,856,407	4,720,353	13.43 %
Operating Expenses	5,480,304	5,505,093	24,789	0.45 %
Total Expenditures	\$40,616,358	\$45,361,500	\$4,745,142	11.68 %
General Fund	40,616,358	45,361,500	4,745,142	11.68 %
Total Funds	\$40,616,358	\$45,361,500	\$4,745,142	11.68 %
Total Ongoing	\$39,616,358	\$44,895,952	\$5,279,594	13.33 %
Total OTO	\$1,000,000	\$465,548	(\$534,452)	(53.45)%

Program Description

The Public Defender Division oversees services to qualifying clients by providing assistance of counsel to indigent criminal defendants and other persons in certain civil cases who are entitled by law to assistance of counsel.

Program Highlights

Public Defender Division Major Budget Highlights
<ul style="list-style-type: none"> • The Public Defender Division 2021 biennium budget is \$4.7 million or 11.7% higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ \$2.2 million for personal services and operating expenses for 6.00 FTE to be made permanent to support the current caseload ◦ \$1.0 million for personal services and operating expenses for 5.00 FTE for attorney caseload growth ◦ \$600,000 over the biennium for contractor caseload growth ◦ \$466,000 over the biennium as one-time-only for death penalty cases

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	219.94	219.94	230.94	230.94
Personal Services	17,077,238	17,077,231	18,058,823	19,635,181	20,221,226
Operating Expenses	3,150,144	3,150,130	2,330,174	2,761,793	2,743,300
Total Expenditures	\$20,227,382	\$20,227,361	\$20,388,997	\$22,396,974	\$22,964,526
General Fund	20,227,382	20,227,361	20,388,997	22,396,974	22,964,526
Total Funds	\$20,227,382	\$20,227,361	\$20,388,997	\$22,396,974	\$22,964,526
Total Ongoing	\$19,727,382	\$19,727,361	\$19,888,997	\$22,162,804	\$22,733,148
Total OTO	\$500,000	\$500,000	\$500,000	\$234,170	\$231,378

Funding

The following table shows program funding by source of authority.

Office of State Public Defender, 01-Public Defender Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	45,361,500	0	0	45,361,500	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
03778 OPD Chemical Dependency MOU	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$45,361,500	\$0	\$0	\$45,361,500		

The Public Defender Division is funded solely with general fund.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	19,888,997	19,888,997	39,777,994	87.69 %	19,888,997	19,888,997	39,777,994	87.69 %
SWPL Adjustments	60,400	44,635	105,035	0.23 %	60,400	44,635	105,035	0.23 %
PL Adjustments	1,579,534	1,563,615	3,143,149	6.93 %	1,579,534	1,563,615	3,143,149	6.93 %
New Proposals	868,043	1,467,279	2,335,322	5.15 %	868,043	1,467,279	2,335,322	5.15 %
Total Budget	\$22,396,974	\$22,964,526	\$45,361,500		\$22,396,974	\$22,964,526	\$45,361,500	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	53,324	0	0	53,324	0.00	35,854	0	0	35,854
DP 3 - Inflation Deflation	0.00	7,076	0	0	7,076	0.00	8,781	0	0	8,781
DP 4 - Current Level of Caseload	6.00	1,093,263	0	0	1,093,263	6.00	1,096,517	0	0	1,096,517
DP 7 - Attorney Caseload Growth	5.00	486,271	0	0	486,271	5.00	467,098	0	0	467,098
Grand Total All Present Law Adjustments	11.00	\$1,639,934	\$0	\$0	\$1,639,934	11.00	\$1,608,250	\$0	\$0	\$1,608,250

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Public Defender Division.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditures accounts. Affected accounts include food, postage, gasoline, and others.

DP 4 - Current Level of Caseload -

The legislature approved 6.00 FTE modified positions be made permanent to support the current workload. The positions include 4.00 FTE as attorney positions, two 0.50 FTE as attorney positions, and 1.00 FTE as a criminal investigator position. The positions were established during FY 2018 and FY 2019 to handle caseload increases that did not subside in the current biennium. Also included is \$349,373 for FY 2020 and \$351,467 for FY 2021 in operating expenses to provide an increase in the contract attorney rates.

DP 7 - Attorney Caseload Growth -

The legislature approved 5.00 FTE to address its future caseload growth based on a 5-year average caseload and projected potential workload impacts. The positions include 3.00 FTE as attorneys and 2.00 FTE as legal secretaries.

New Proposals

The "New Proposals" table shows new changes to spending.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Attorney Pay Ladder Adjustments	0.00	450,330	0	0	450,330	0.00	1,053,057	0	0	1,053,057
DP 404 - Current Level of Caseload Adjustment	0.00	(232,915)	0	0	(232,915)	0.00	(234,311)	0	0	(234,311)
DP 405 - Additional Caseload Funding	0.00	116,458	0	0	116,458	0.00	117,155	0	0	117,155
DP 606 - Contractor Caseload Growth	0.00	300,000	0	0	300,000	0.00	300,000	0	0	300,000
DP 808 - Death Penalty Cases (OTO)	0.00	234,170	0	0	234,170	0.00	231,378	0	0	231,378
Total	0.00	\$868,043	\$0	\$0	\$868,043	0.00	\$1,467,279	\$0	\$0	\$1,467,279

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 5 - Attorney Pay Ladder Adjustments -

The legislature approved general fund authority to fund the attorney career ladder based on the 2014 market and the union contract.

DP 404 - Current Level of Caseload Adjustment -

The legislature adopted a reduction of general fund of \$232,915 in FY 2020 and \$234,111 in FY 2021 in operating expenses from the current level of caseload growth in the Public Defender Division.

DP 405 - Additional Caseload Funding -

The legislature approved an increase in general fund of \$116,458 in FY 2020 and \$117,155 in FY 2021 in operating expenses for additional caseload funding in the Public Defender Division.

DP 606 - Contractor Caseload Growth -

The legislature approved \$300,000 in FY 2020 and \$300,000 in FY 2021 in general fund to increase operating expenses related to contractor caseload growth.

DP 808 - Death Penalty Cases (OTO) -

The legislature approved an increase in general fund by \$234,170 in FY 2020 and \$231,378 in FY 2021 for death penalty cases as one-time-only.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	2,800,843	3,406,930	606,087	21.64 %
Operating Expenses	1,064,590	1,379,022	314,432	29.54 %
Total Expenditures	\$3,865,433	\$4,785,952	\$920,519	23.81 %
General Fund	3,865,433	4,785,952	920,519	23.81 %
Total Funds	\$3,865,433	\$4,785,952	\$920,519	23.81 %
Total Ongoing	\$3,865,433	\$4,785,952	\$920,519	23.81 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Appellate Defender Division provides appellate services to qualifying clients and practices almost exclusively before the Montana Supreme Court and the United States Supreme Court. Most of the workforce is comprised of attorneys providing legal services. Legal assistants comprise the remaining portion of the workforce.

Program Highlights

Appellate Defender Division Major Budget Highlights
<ul style="list-style-type: none"> • The Appellate Defender Division's 2021 biennium budget request is 23.8% or \$0.9 million higher than the 2019 biennium budget. Significant changes include: <ul style="list-style-type: none"> ◦ Additional caseload funding of \$467,000 over the biennium ◦ \$271,000 over the biennium and 1.50 FTE for a 0.5 FTE attorney and 1.00 FTE for an administrative assistant to address projected caseload growth of 3.0% ◦ Attorney pay ladder adjustments of \$143,000 over the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	16.00	16.00	17.50	17.50
Personal Services	1,336,954	1,336,953	1,463,890	1,689,894	1,717,036
Operating Expenses	620,548	620,547	444,043	691,958	687,064
Total Expenditures	\$1,957,502	\$1,957,500	\$1,907,933	\$2,381,852	\$2,404,100
General Fund	1,957,502	1,957,500	1,907,933	2,381,852	2,404,100
Total Funds	\$1,957,502	\$1,957,500	\$1,907,933	\$2,381,852	\$2,404,100
Total Ongoing	\$1,957,502	\$1,957,500	\$1,907,933	\$2,381,852	\$2,404,100
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Office of State Public Defender, 02-Appellate Defender Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	4,785,952	0	0	4,785,952	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$4,785,952	\$0	\$0	\$4,785,952		

The Appellate Defender Division is funded solely from general fund.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	1,907,933	1,907,933	3,815,866	79.73 %	1,907,933	1,907,933	3,815,866	79.73 %
SWPL Adjustments	44,997	44,075	89,072	1.86 %	44,997	44,075	89,072	1.86 %
PL Adjustments	138,679	132,472	271,151	5.67 %	138,679	132,472	271,151	5.67 %
New Proposals	290,243	319,620	609,863	12.74 %	290,243	319,620	609,863	12.74 %
Total Budget	\$2,381,852	\$2,404,100	\$4,785,952		\$2,381,852	\$2,404,100	\$4,785,952	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----				-----Fiscal 2021-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	44,997	0	0	44,997	0.00	44,075	0	0	44,075
DP 7 - Attorney Caseload Growth	1.50	138,679	0	0	138,679	1.50	132,472	0	0	132,472
Grand Total All Present Law Adjustments	1.50	\$183,676	\$0	\$0	\$183,676	1.50	\$176,547	\$0	\$0	\$176,547

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Appellate Defender Division.

DP 7 - Attorney Caseload Growth -

The legislature approved 0.50 FTE for an attorney and 1.00 FTE for an administrative assistant to address projected caseload growth of 3.0%.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Attorney Pay Ladder Adjustments	0.00	57,328	0	0	57,328	0.00	85,309	0	0	85,309
DP 405 - Additional Caseload Funding	0.00	232,915	0	0	232,915	0.00	234,311	0	0	234,311
Total	0.00	\$290,243	\$0	\$0	\$290,243	0.00	\$319,620	\$0	\$0	\$319,620

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 5 - Attorney Pay Ladder Adjustments -

The legislature approved general fund authority to fund the attorney career ladder based on the 2014 market and the union contract.

DP 405 - Additional Caseload Funding -

The legislature approved an increase in general fund \$232,915 in FY 2020 and \$234,311 in FY 2021 in operating expenses for additional caseload funding for the Appellate Defender Division.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	3,350,402	6,180,071	2,829,669	84.46 %
Operating Expenses	10,873,010	11,704,337	831,327	7.65 %
Total Expenditures	\$14,223,412	\$17,884,408	\$3,660,996	25.74 %
General Fund	14,223,412	17,884,408	3,660,996	25.74 %
Total Funds	\$14,223,412	\$17,884,408	\$3,660,996	25.74 %
Total Ongoing	\$14,223,412	\$17,884,408	\$3,660,996	25.74 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Conflict Defender Division (CDD) oversees services to qualifying clients by providing effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases. This division represents these clients only when there is a conflict of interest and the Public Defender Division is unable to provide representation.

Program Highlights

Conflict Defender Division Major Budget Highlights
<ul style="list-style-type: none"> • The Conflict Defender Division's 2021 biennium budget request is 25.7% or \$3.7 million higher than the 2019 biennium. Significant changes include: <ul style="list-style-type: none"> ◦ 14.00 FTE to be made permanent and \$2.9 million in general fund personal services ◦ 4.00 FTE and \$0.7 million in general fund for an estimated 3.0% growth in caseload in the 2021 biennium ◦ \$157,000 in general fund for attorney career ladder adjustments

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	13.00	13.00	31.00	31.00
Personal Services	2,013,991	2,013,993	1,336,409	3,065,009	3,115,062
Operating Expenses	5,395,084	5,396,181	5,476,829	5,858,921	5,845,416
Total Expenditures	\$7,409,075	\$7,410,174	\$6,813,238	\$8,923,930	\$8,960,478
General Fund	7,409,075	7,410,174	6,813,238	8,923,930	8,960,478
Total Funds	\$7,409,075	\$7,410,174	\$6,813,238	\$8,923,930	\$8,960,478
Total Ongoing	\$7,409,075	\$7,410,174	\$6,813,238	\$8,923,930	\$8,960,478
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Office of State Public Defender, 03-Conflict Coordinator Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	17,884,408	0	0	17,884,408	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
03778 OPD Chemical Dependency MOU	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$17,884,408	\$0	\$0	\$17,884,408		

The Conflict Coordinator Division is funded solely with general fund.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	6,813,238	6,813,238	13,626,476	76.19 %	6,813,238	6,813,238	13,626,476	76.19 %
SWPL Adjustments	(78,509)	(80,856)	(159,365)	(0.89)%	(78,509)	(80,856)	(159,365)	(0.89)%
PL Adjustments	2,258,223	2,236,001	4,494,224	25.13 %	2,258,223	2,236,001	4,494,224	25.13 %
New Proposals	(69,022)	(7,905)	(76,927)	(0.43)%	(69,022)	(7,905)	(76,927)	(0.43)%
Total Budget	\$8,923,930	\$8,960,478	\$17,884,408		\$8,923,930	\$8,960,478	\$17,884,408	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	(78,509)	0	0	(78,509)	0.00	(80,856)	0	0	(80,856)
DP 4 - Current Level of Caseload	14.00	1,903,697	0	0	1,903,697	14.00	1,896,033	0	0	1,896,033
DP 7 - Attorney Caseload Growth	4.00	354,526	0	0	354,526	4.00	339,968	0	0	339,968
Grand Total All Present Law Adjustments	18.00	\$2,179,714	\$0	\$0	\$2,179,714	18.00	\$2,155,145	\$0	\$0	\$2,155,145

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law adjustment in personal services to maintain operations and services of the Conflict Coordinator Division.

DP 4 - Current Level of Caseload -

The legislature approved 14.00 FTE modified positions be made permanent to support its current workload. The positions include 11.00 FTE for attorney positions and 3.00 FTE for administrative assistants. The positions were established during FY 2018 and FY 2019 to handle caseload increases.

DP 7 - Attorney Caseload Growth -

The legislature approved 4.00 FTE including 2.00 FTE for attorneys and 2.00 FTE for legal secretaries to address projected caseload growth of 3.0%.

New Proposals

The "New Proposals" table shows new changes to spending.

	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Attorney Pay Ladder Adjustments	0.00	47,436	0	0	47,436	0.00	109,250	0	0	109,250
DP 404 - Current Level of Caseload Adjustment	0.00	(232,915)	0	0	(232,915)	0.00	(234,311)	0	0	(234,311)
DP 405 - Additional Caseload Funding	0.00	116,457	0	0	116,457	0.00	117,156	0	0	117,156
Total	0.00	(\$69,022)	\$0	\$0	(\$69,022)	0.00	(\$7,905)	\$0	\$0	(\$7,905)

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 5 - Attorney Pay Ladder Adjustments -

The legislature approved general fund authority to fund the attorney career ladder based on the 2014 market and the union contract.

DP 404 - Current Level of Caseload Adjustment -

The legislature adopted a reduction of general fund by \$232,915 in FY 2020 and \$234,111 in FY 2021 in operating expenses from the current level of caseload growth in the Conflict Coordinator Division.

DP 405 - Additional Caseload Funding -

The legislature approved an increase in general fund by \$116,457 in FY 2020 and \$117,156 in FY 2021 in operating expenses for additional caseload funding for the Conflict Coordinator Division.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	3,439,213	3,713,338	274,125	7.97 %
Operating Expenses	1,926,528	2,730,165	803,637	41.71 %
Total Expenditures	\$5,365,741	\$6,443,503	\$1,077,762	20.09 %
General Fund	5,365,741	6,443,503	1,077,762	20.09 %
Total Funds	\$5,365,741	\$6,443,503	\$1,077,762	20.09 %
Total Ongoing	\$5,340,741	\$6,443,503	\$1,102,762	20.65 %
Total OTO	\$25,000	\$0	(\$25,000)	(100.00)%

Program Description

The Central Services Division (CSD) provides management of non-legal services such as accounting, budgeting, Information Technology, payroll, contracting, quality and performance controls to all programs. The oversight of the eligibility determination process, including verification of all hardship cases, is also a responsibility of CSD.

Program Highlights

Central Services Division Major Budget Highlights
<ul style="list-style-type: none"> The Central Services Division's 2021 biennium budget request is \$1.1 million or 20.1% higher than the 2019 biennium. Significant changes include a request for \$563,000 in fixed costs over the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	23.00	23.00	23.00	23.00
Personal Services	1,595,836	1,595,833	1,843,380	1,855,470	1,857,868
Operating Expenses	776,019	842,866	1,083,662	1,392,528	1,337,637
Total Expenditures	\$2,371,855	\$2,438,699	\$2,927,042	\$3,247,998	\$3,195,505
General Fund	2,371,855	2,438,699	2,927,042	3,247,998	3,195,505
Total Funds	\$2,371,855	\$2,438,699	\$2,927,042	\$3,247,998	\$3,195,505
Total Ongoing	\$2,371,855	\$2,413,699	\$2,927,042	\$3,247,998	\$3,195,505
Total OTO	\$0	\$25,000	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Office of State Public Defender, 04-Central Services Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	6,443,503	0	0	6,443,503	100.00 %	
02250 OPD Collections	0	0	0	0	0.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
03777 OPD DN Training	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$6,443,503	\$0	\$0	\$6,443,503		

The Central Services Division is funded solely from general fund.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	2,927,042	2,927,042	5,854,084	90.85 %	2,927,042	2,927,042	5,854,084	90.85 %
SWPL Adjustments	320,950	268,457	589,407	9.15 %	320,950	268,457	589,407	9.15 %
PL Adjustments	6	6	12	0.00 %	6	6	12	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$3,247,998	\$3,195,505	\$6,443,503		\$3,247,998	\$3,195,505	\$6,443,503	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	12,090	0	0	12,090	0.00	14,488	0	0	14,488
DP 2 - Fixed Costs	0.00	308,860	0	0	308,860	0.00	253,969	0	0	253,969
DP 55 - SWPL Fixed Cost Adjustment	0.00	6	0	0	6	0.00	6	0	0	6
Grand Total All Present Law Adjustments	0.00	\$320,956	\$0	\$0	\$320,956	0.00	\$268,463	\$0	\$0	\$268,463

***Total Funds* amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature adopted a present law increase in personal services to maintain operations and services of the Central Services Division.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding required to pay increases in fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature adopted an increase to the Statewide Cost Allocation Plan (SWCAP).

Agency Budget Comparison

Agency Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	173,999,867	184,403,535	10,403,668	5.98 %
Operating Expenses	239,649,522	239,583,634	(65,888)	(0.03)%
Equipment & Intangible Assets	284,334	331,522	47,188	16.60 %
Capital Outlay	41,546	41,546	0	0.00 %
Grants	18,700,831	19,306,790	605,959	3.24 %
Benefits & Claims	1,081,196	979,146	(102,050)	(9.44)%
Transfers	8,426,455	5,812,568	(2,613,887)	(31.02)%
Debt Service	880,818	922,572	41,754	4.74 %
Total Expenditures	\$443,064,569	\$451,381,313	\$8,316,744	1.88 %
General Fund	405,444,319	414,413,663	8,969,344	2.21 %
State/Other Special Rev. Funds	10,696,063	11,854,022	1,157,959	10.83 %
Federal Spec. Rev. Funds	26,709,729	24,886,822	(1,822,907)	(6.82)%
Proprietary Funds	214,458	226,806	12,348	5.76 %
Total Funds	\$443,064,569	\$451,381,313	\$8,316,744	1.88 %
Total Ongoing	\$441,668,314	\$451,381,313	\$9,712,999	2.20 %
Total OTO	\$1,396,255	\$0	(\$1,396,255)	(100.00)%

Agency Description

The Department of Corrections (DOC), authorized in section 2-15-2301, MCA is directed in section 53-1-201, MCA to "use at maximum efficiency the resources of state government in a coordinated effort to:

(1) develop and maintain comprehensive services and programs in the field of adult and youth corrections; and (2) provide for the custody, assessment, care, supervision, treatment, education, rehabilitation, and work and skill development of youth alleged to be youth in need of intervention or delinquent youth who are referred or committed to the department."

The department's six programs are:

- Director's Office including the Director's Office and the Administrative Services Division
- Probation and Parole Division including probation and parole, contracted pre-release centers, DUI Unit (Warm Springs Addictions Treatment and Change Program (WATCH)), Elkhorn and Nexus methamphetamine treatment centers, Missoula Assessment and Sanction Center (MASC), and the Sanction, Treatment, Assessment, Revocation, and Transition Center (START)
- Secure Custody Facilities including Montana State Prison (MSP), Montana Women's Prison (MWP), Pine Hills Correctional Facility, contract beds including regional prisons in Great Falls and Glendive, and a privately operated prison (Crossroads Correctional Center) in Shelby
- Montana Correctional Enterprises (MCE) including agriculture, ranching, industries, vocational and general education, food factory, license plate factory, fire crew, and inmate canteen
- Clinical Services including division administration and the medical and mental health services provided at the Montana State Prison (MSP), Montana Women's Prison (MWP), and the Riverside Special Needs Unit either directly by DOC staff or through contracted healthcare providers. The division also has oversight of the health services provided at contracted facilities
- Board of Pardons and Parole previously administratively attached to the Director's Office

Agency Highlights

Department of Corrections Major Budget Highlights
<ul style="list-style-type: none"> • The legislature approved the Department of Corrections 2021 biennium HB 2 budget at just over \$8.3 million or nearly 1.9% higher than the 2019 biennium. When compared to FY 2019 appropriations, the increase is \$8.6 million. Significant changes include: <ul style="list-style-type: none"> ◦ Personal services increase in statewide present law adjustments ◦ Provider rate increases paid to both statewide and contracted regional facilities for the biennium ◦ Inflationary rate increases paid to county jails and the Crossroads Correctional Center ◦ Career ladder pay increase implementation for probation and parole officers ◦ Reductions in operating expenses associated with repurposing the Montana State Correctional Treatment Center ◦ Reduction of 3.00 FTE from the Director's Office ◦ Reduction of 3.00 FTE associated with transferring youth parole responsibilities to the Judicial Branch • The legislature also approved a reorganization redistributing the Youth Services Division to multiple other programs resulting in an overall reduction of 13.00 FTE each fiscal year of the biennium

Agency Actuals and Budget Comparison

The following table compares the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	1,284.52	1,284.52	1,274.17	1,274.17
Personal Services	85,449,874	85,247,359	88,752,508	92,261,018	92,142,517
Operating Expenses	117,662,950	120,869,144	118,780,378	119,298,464	120,285,170
Equipment & Intangible Assets	56,267	118,573	165,761	165,761	165,761
Capital Outlay	0	20,773	20,773	20,773	20,773
Grants	5,850,106	8,847,436	9,853,395	9,653,395	9,653,395
Benefits & Claims	291,074	540,598	540,598	489,573	489,573
Transfers	1,905,298	5,570,171	2,856,284	2,906,284	2,906,284
Debt Service	451,017	440,409	440,409	461,286	461,286
Total Expenditures	\$211,666,586	\$221,654,463	\$221,410,106	\$225,256,554	\$226,124,759
General Fund	199,185,978	201,890,529	203,553,790	206,768,791	207,644,872
State/Other Special Rev. Funds	4,716,029	5,390,387	5,305,676	5,930,949	5,923,073
Federal Spec. Rev. Funds	7,657,349	14,266,318	12,443,411	12,443,411	12,443,411
Proprietary Funds	107,230	107,229	107,229	113,403	113,403
Total Funds	\$211,666,586	\$221,654,463	\$221,410,106	\$225,256,554	\$226,124,759
Total Ongoing	\$211,194,990	\$220,994,463	\$220,673,851	\$225,256,554	\$226,124,759
Total OTO	\$471,596	\$660,000	\$736,255	\$0	\$0

Summary of Legislative Action

The 2021 Legislature approved a HB 2 budget for the Department of Corrections at \$451.4 million which is \$8.3 million or 1.9% higher than the 2019 biennium HB 2 budget. Increases for several programs within the department totalling nearly \$14.6 million were approved by the legislature. Major increases include:

- Personal services increase associated with statewide present law that was passed for all programs
- Provider rate increases paid to statewide treatment facilities, regional prisons, and the Missoula Assessment and Sanction Center within the Probation Parole Division and Secure Custody Facilities
- Inflationary rate increases paid at 0.41% in FY 2020 and 0.92% in FY 2021 to county jails and 0.91% in FY 2020 and 1.83% in FY 2021 to the Crossroads Correctional Center
- State special revenue funding from the probation & parole supervisory fee account to be used to implement a career ladder pay increase system for probation and parole officers
- Increase in funding for 6.00 FTE within the Probation and Parole Division to aid with presentence investigations that were provided as OTO in the 2019 biennium

The legislature made reductions in the amount of \$6.1 million to the department's budget for the 2021 biennium mainly outlined by the following:

- Reduction in operating costs within the Secure Custody Facilities to reflect cost savings associated with utilizing beds that are currently being contracted with state facilities and repurposing the Montana State Correctional Treatment Center to the highest priority of the Montana State Prison warden
- Reduction of 3.00 FTE from the Director's Office which had been vacant for an extended period of time
- Reduction of 3.00 FTE with 2.00 of those FTE and associated operating costs to reflect moving the responsibility of youth parole from the Department of Corrections to the Judicial Branch
- Reduction in operating costs within the Clinical Services Division to reflect lower costs for contracting with out-of-state teleworking psychiatrists per HB 684

The legislature also approved a reorganization to completely disiminate the Youth Services Division and disperse its appropriations and existing responsibilities to three other programs within the department (Probation and Parole Division, Secure Custody Facilities, and the Clinical Services Division). This reorganization led to a decrease of 13.00 FTE and \$1.6 million general fund in the department's budget for the 2021 biennium.

Agency Discussion

The department reorganized its responsibilities in a pretty significant way during the 2019 Legislative Session. The Youth Services Division was completely disseminated across three other programs within the department. With a decline seen in the youth population overseen by the department and with individuals who specialize in the supervision of the youth population residing in the Judicial Branch, it was determined that the efficiency in how the department managed the population it oversees could be improved. The movement of responsibilities resulted in the following increases within other programs and agencies:

- Director's Office: 5.00 FTE to aid in workload studies pertaining to probation and parole officers
- Secure Custody Facilities: 128.00 FTE and responsibilities with overseeing the youth population at the Pine Hills Correctional Facility
- Clinical Services Division: 14.00 FTE to staff the Riverside Correctional Facility which will house male adults from the Lewistown infirmary
- Judicial Branch: 2.00 FTE and responsibilities of youth parole

The reorganization within the Youth Services Division leads to changes in how a few existing facilities operate. The Riverside Youth Correctional Facility had previously housed female youth who are currently under contract for housing with a facility in Idaho. It had then switched over to housing female adults, but funding for the facility remained in the Youth Services Division. As Montana already has two DOC-contracted women's treatment facilities and not a population to support a third program, the female adults that were at the state operated facility were placed in the community for treatment or moved to a contracted treatment program by October 9, 2018. The facility at Riverside has been repurposed to house male adults with serious, long-term medical conditions that are currently being housed in Lewistown in a secure wing that is part of the Montana Mental Health Nursing Center (MMHNCC). The health care for the inmates was previously

contracted under a memorandum of understanding with the Department of Health and Human Services (DPHHS) but will now be staffed with existing FTE reorganized from the Youth Services Division. The Pine Hills facility will continue to be responsible for youth males and adult males (ages 18-24) at the Miles City facility under Secure Custody Facilities.

Through the reorganization of the Youth Services Division, 13.00 FTE and \$1.6 million were reduced from the department's budget for the 2021 biennium.

During the 2019 biennium, the Department of Corrections performed a fiscal supplemental transfer within the Secure Custody Facilities from FY 2019 to FY 2018 in the amount of nearly \$4.9 million. The entire 2019 biennium budget for the Secure Custody Facilities was made biennial by the legislature. During the interim, the Legislative Finance Committee determined that the ongoing base budget would not reflect the supplemental transfer. Thus, the 2021 biennium budget was based on FY 2019 appropriation amounts which included the \$4.9 million transferred during the interim. Both FY 2018 and FY 2019 include this \$4.9 million, which skew the biennium comparison.

Funding

The following table shows agency funding by source of authority.

Total Department of Corrections Funding by Source of Authority 2021 Biennium Budget Request - Department of Corrections						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	414,413,663	0	0	0	414,413,663	85.26 %
State Special Total	11,854,022	0	0	1,295,714	13,149,736	2.71 %
Federal Special Total	24,886,822	0	(5,574)	0	24,881,248	5.12 %
Proprietary Total	226,806	0	33,389,171	0	33,615,977	6.92 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$451,381,313	\$0	\$33,383,597	\$1,295,714	\$486,060,624	
Percent - Total All Sources	92.87 %	0.00 %	6.87 %	0.27 %		

For HB 2, the Department of Corrections is primarily funded with general fund (approximately 92.0%). The remaining amount is comprised mostly of state special and federal special revenues with a small portion coming from budgeted proprietary funds. Some of the largest state special revenue funds making up the majority of state special funding are:

- The canteen revolving fund, which receives revenue from the sale of items to inmates
- Probation and parole supervision fees collected from offenders under the supervision of the department
- Pine Hills donations, interest, and income funds coming mostly from interest and income collected on school trust lands

Additional proprietary funds are non-budgeted and support programs such as license plate manufacturing and operations at the prison ranch, which provide services to other governmental entities or the public.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	202,817,535	202,817,535	405,635,070	97.88 %	220,673,851	220,673,851	441,347,702	97.78 %
SWPL Adjustments	4,572,282	4,527,898	9,100,180	2.20 %	4,602,282	4,557,898	9,160,180	2.03 %
PL Adjustments	0	0	0	0.00 %	356,953	356,953	713,906	0.16 %
New Proposals	(621,026)	299,439	(321,587)	(0.08)%	(376,532)	536,057	159,525	0.04 %
Total Budget	\$206,768,791	\$207,644,872	\$414,413,663		\$225,256,554	\$226,124,759	\$451,381,313	

Other Legislation

HB 111 - This bill transfers the responsibilities of juvenile parole supervision from the Department of Corrections to the Youth Court within the Judicial Branch. The funding for this bill was included in HB 2.

HB 369 - This bill provides for the appointment of members and council duties for the Criminal Justice Oversight Council and requires the Department of Corrections (DOC) to provide clerical and administrative services to the council. Within the bill, there is an appropriation in the amount of \$20,000 each fiscal year for data collection and analysis, necessary day-to-day expenses, and travel reimbursement for the department and council members.

HB 684 - This bill made permanent the policy that requires the department to reimburse healthcare providers for services rendered to individuals under DOC supervision at no more than Medicaid rates and amends the definition of "telework" to allow the department to contract with psychiatrists not living within the state of Montana. The rest of the policy in the bill pertains to other Section D agencies. This bill was coordinated with HB 2, implementing changes to align policy with funding.

HB 763 - This bill creates requirements associated with restrictive housing for inmates. These requirements relate to admission, release, inmate reviews, health and mental health treatment, notification and criteria for an inmate leaving the unit directly to the community, and other conditions of confinement. There is an appropriation of \$150,000 from the general fund to the department to be used to build a fence at the Montana State Prison and a one-time-only appropriation of \$50,000 general fund to be used for data tracking purposes.

Executive Budget Comparison

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

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2019	Executive Budget Fiscal 2020	Legislative Budget Fiscal 2020	Leg — Exec. Difference Fiscal 2020	Executive Budget Fiscal 2021	Legislative Budget Fiscal 2021	Leg — Exec. Difference Fiscal 2021	Biennium Difference Fiscal 20-21
FTE	1,284.52	1,289.17	1,274.17	(15.00)	1,289.17	1,274.17	(15.00)	(15.00)
Personal Services	88,752,508	92,785,389	92,261,018	(524,371)	92,744,780	92,142,517	(602,263)	(1,126,634)
Operating Expenses	118,780,378	121,081,541	119,298,464	(1,783,077)	121,925,742	120,285,170	(1,640,572)	(3,423,649)
Equipment & Intangible Assets	165,761	165,761	165,761	0	165,761	165,761	0	0
Capital Outlay	20,773	20,773	20,773	0	20,773	20,773	0	0
Grants	9,853,395	9,653,395	9,653,395	0	9,653,395	9,653,395	0	0
Benefits & Claims	540,598	489,573	489,573	0	489,573	489,573	0	0
Transfers	2,856,284	2,906,284	2,906,284	0	2,906,284	2,906,284	0	0
Debt Service	440,409	461,286	461,286	0	461,286	461,286	0	0
Total Costs	\$221,410,106	\$227,564,002	\$225,256,554	(\$2,307,448)	\$228,367,594	\$226,124,759	(\$2,242,835)	(\$4,550,283)
General Fund	203,553,790	209,350,044	206,768,791	(2,581,253)	209,931,805	207,644,872	(2,286,933)	(4,868,186)
State/other Special Rev. Funds	5,305,676	5,663,318	5,930,949	267,631	5,885,149	5,923,073	37,924	305,555
Federal Spec. Rev. Funds	12,443,411	12,443,411	12,443,411	0	12,443,411	12,443,411	0	0
Other	107,229	107,229	113,403	6,174	107,229	113,403	6,174	12,348
Total Funds	\$221,410,106	\$227,564,002	\$225,256,554	(\$2,307,448)	\$228,367,594	\$226,124,759	(\$2,242,835)	(\$4,550,283)
Total Ongoing	\$220,673,851	\$227,564,002	\$225,256,554	(\$2,307,448)	\$228,367,594	\$226,124,759	(\$2,242,835)	(\$4,550,283)
Total OTO	\$736,255	\$0	\$0	\$0	\$0	\$0	\$0	\$0

The legislative budget is \$4.6 million lower than the executive's requested budget. Of this amount, there is a reduction of nearly \$4.9 million in general fund partially offset by an increase of \$300,000 in state special revenue. The main differences are:

- The legislature reduced operating costs within Secure Custody Facilities to reflect cost savings associated with repurposing the Montana State Correctional Treatment Center resulting in a \$3.0 million reduction for the biennium
- The legislature reduced the amount of FTE associated with the reorganization of the Youth Services Division that would be moved to other programs within the department by 13.00 FTE which resulted in a reduction of nearly \$1.6 million for the 2021 biennium
- The legislature approved the transfer of responsibilities associated with youth parole from the Department of Corrections to Supreme Court Operations within the Judicial Branch which results in a reduction of nearly \$1.0 million for the biennium
- The legislature reduced operating costs in the Clinical Services Division by \$400,000 for the biennium to reflect costs savings for contracting with out-of-state teleworking psychiatrists
- The legislature approved reducing the number of FTE within the Director's Office by 3.00 which reduces the department's budget by \$400,000 for the biennium
- The legislature approved inflationary rates paid to county jails at 50% of the executive's proposal resulting in a \$150,000 reduction

In addition to the above mentioned reductions, the legislature approved new funding in three areas for the department. Those appropriations are as follows:

- The legislature approved \$600,000 in state special revenue for the 2021 biennium to be used to implement a career ladder pay increase system for probation and parole officers
- The legislature approved an increase in provider rates paid to contracted for-profit providers of nearly \$430,000 in general fund for the biennium
- The legislature approved a provider rate increase in per diem rates paid to the Missoula Assessment and Sanction Center (MASC) to be based on actual costs which increases general fund by \$890,000 for the biennium

Language and Statutory Authority

The legislature approved the following language for the department to be included in House Bill 2:

"Housing Funding may be used only to provide housing vouchers for eligible applicants."

"Workload Study and Training funding is contingent on the department: (1) completing a workload study of probation and parole officers that includes an organizational assessment of the supervision structure and allocation of offender caseloads across probation and parole staff that is based on offender risk levels determined through a risk assessment; and (2) developing a plan to implement training on the offender management information system. The department shall report to the legislative finance committee by December 31, 2019, on the results of the workload study and allocation of offender caseloads and the plan to implement training for the offender management information system. Funding may be expended only after the budget director certifies that the department has completed its workload study on probation and parole and allocation of offender caseloads."

"Director's Office Contingency funding may be expended in fiscal year 2021 only after the budget director certifies that county jail holds are maintained at a monthly average of 250 or less for the previous 18 months."

"Offender Management Information System Training Positions must be funded out of the Probation and Parole Division's base budget with 2.00 nonbargaining FTE and must be used to immediately implement training to employees on the offender management information system and other needs as identified in Workload Study and Training."

"All remaining federal pass-through grant appropriations for the bureau of crime control, up to \$11.0 million in federal funds, including revisions, for the 2019 biennium are authorized to continue and are appropriated in fiscal year 2020 and fiscal year 2021."

"Probation and Parole Career Ladder is contingent on the department: (1) reviewing the files of all probationers and parolees under its supervision to determine if they are eligible for conditional discharge from supervision; and (2) notifying all eligible probationers and parolees in writing of their eligibility for conditional discharge from supervision. The department shall report to the legislative finance committee by December 31, 2019, on the number of files reviewed and the number of probationers and parolees eligible for conditional discharge from supervision. Funding may be expended only after the budget director certifies that the department has completed the evaluation of all parole files and has notified all eligible probationers and parolees."

"The indirect cost rate allocation is capped at 3% beginning July 1, 2019, for regional correctional facilities, which are both regional prisons in Dawson and Cascade Counties and the Missoula assessment and sanctions center. Capital costs for these regional correctional facilities are allocated to the per diem based on a use allowance for selected items of costs as follows: (1) the use allowance for buildings and improvements is limited to 2% of acquisition cost for a maximum of 40 years; and (2) the use allowance for equipment with an individual acquisition cost of \$5,000 or more is limited to 6.67% of acquisition cost for 15 years. Effective July 1, 2019, a regional correctional facility shall consult with the department prior to any anticipated personal services increases or nonroutine purchases that exceed \$5,000."

"It is the intent of the legislature that offender placement be based upon a risk/needs score and offender risk to the community."

"Provider Rate Increases - It is the intent of the legislature that rates for the Dawson County correctional facility, the Cascade County regional prison, and the Missoula assessment and sanction center be capped at the amounts of \$86.23 for Dawson County correctional facility, \$79.00 for Cascade County regional prison, and \$91.88 for the Missoula assessment and sanction center in FY 2020 and \$87.96 for Dawson County correctional facility, \$80.58 for Cascade County regional prison, and \$93.72 for the Missoula assessment and sanction center in FY 2021."

"Jail Hold Rates includes funding to house inmates in county jails. It is the intent of the legislature that the department of corrections pay no more than \$69.31 per day in fiscal year 2020 and \$69.63 per day in fiscal year 2021 to house inmates in county jails."

"Provider Rate-For-Profit Providers includes general fund money in fiscal year 2020 and fiscal year 2021 that may be used only for provider rate increases for contracted beds operated by private for-profit providers."

"It is the intent of the legislature that the Montana state correctional treatment center be closed and that the facility be utilized as an operating housing unit of the Montana state prison. The Montana state prison warden may prioritize

placement of offenders in this facility. Furthermore, it is the intent of the legislature that the department of corrections and the board of pardons and parole prioritize and utilize existing capacity."

"All appropriations for the Clinical Services Division are biennial."

Statutory Authority

The Department of Corrections has \$1.3 million in statutory appropriations for the biennium. These appropriations are used in the Secure Custody Facilities to support inmate welfare.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	17,953,417	20,589,949	2,636,532	14.69 %
Operating Expenses	13,735,943	14,927,942	1,191,999	8.68 %
Equipment & Intangible Assets	12,909	25,818	12,909	100.00 %
Grants	18,700,831	19,306,790	605,959	3.24 %
Transfers	8,021,521	5,321,634	(2,699,887)	(33.66)%
Total Expenditures	\$58,424,621	\$60,172,133	\$1,747,512	2.99 %
General Fund	30,249,180	33,890,461	3,641,281	12.04 %
State/Other Special Rev. Funds	1,251,254	1,168,044	(83,210)	(6.65)%
Federal Spec. Rev. Funds	26,709,729	24,886,822	(1,822,907)	(6.82)%
Proprietary Funds	214,458	226,806	12,348	5.76 %
Total Funds	\$58,424,621	\$60,172,133	\$1,747,512	2.99 %
Total Ongoing	\$57,824,621	\$60,172,133	\$2,347,512	4.06 %
Total OTO	\$600,000	\$0	(\$600,000)	(100.00)%

Program Description

The Director’s Office Program includes the Director’s Office and Administrative Services Division. This program provides services to the department, governmental entities, and the public in the areas of: public and victim information, human resource management, staff development and training, American Indian liaison services, policy management, information technology, legal information, technical correctional services, research and statistics, project management, payroll, budgeting and program planning, contract development, federal grants management, victim restitution, supervision fee collection, accounting, and various administrative and management support functions. Additionally, the Crime Control Bureau is allocated within the Director’s Office for administrative purposes.

Program Highlights

Director's Office Major Budget Highlights
<ul style="list-style-type: none"> • When compared to FY 2019 appropriations, the Director’s Office 2021 biennium budget request is nearly \$3.2 million or 5.6% higher. Reasons for this increase include: <ul style="list-style-type: none"> ◦ Nearly \$2.1 million additional personal service funding through statewide present law adjustments ◦ Additional 2.00 non-bargaining FTE received from The Probation and Parole Division for training on the Offender Management Information System ◦ A net of 2.00 additional FTE and \$130,000 general fund for the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	119.81	119.81	123.81	123.81
Personal Services	8,708,815	8,810,229	9,143,188	10,295,336	10,294,613
Operating Expenses	6,436,609	6,902,106	6,833,837	7,470,896	7,457,046
Equipment & Intangible Assets	0	0	12,909	12,909	12,909
Grants	5,850,106	8,847,436	9,853,395	9,653,395	9,653,395
Transfers	1,697,671	5,360,704	2,660,817	2,660,817	2,660,817
Total Expenditures	\$22,693,201	\$29,920,475	\$28,504,146	\$30,093,353	\$30,078,780
General Fund	14,448,986	14,878,917	15,370,263	16,952,517	16,937,944
State/Other Special Rev. Funds	479,636	668,011	583,243	584,022	584,022
Federal Spec. Rev. Funds	7,657,349	14,266,318	12,443,411	12,443,411	12,443,411
Proprietary Funds	107,230	107,229	107,229	113,403	113,403
Total Funds	\$22,693,201	\$29,920,475	\$28,504,146	\$30,093,353	\$30,078,780
Total Ongoing	\$22,581,605	\$29,620,475	\$28,204,146	\$30,093,353	\$30,078,780
Total OTO	\$111,596	\$300,000	\$300,000	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 01-Director's Office Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	33,890,461	0	0	33,890,461	56.32 %	
02355 Miscellaneous Fines and Fees	9,660	0	0	9,660	0.83 %	
02689 Offender Restitution	907,932	0	0	907,932	77.73 %	
02917 MSP Canteen Revolving Acct	6,046	0	0	6,046	0.52 %	
02768 Domestic Violence Intervention	244,406	0	0	244,406	20.92 %	
State Special Total	\$1,168,044	\$0	\$0	\$1,168,044	1.94 %	
03315 Misc Federal Grants	0	0	0	0	0.00 %	
03008 Juvenile Justice Council	862,436	0	0	862,436	3.47 %	
03081 OVW Sexual Assault Services	621,282	0	0	621,282	2.50 %	
03090 P COVERDELL FORENSIC SCIENCE	141,552	0	0	141,552	0.57 %	
03111 Residential Substance Abuse	148,142	0	0	148,142	0.60 %	
03119 ARRA Victims of Crime	0	0	0	0	0.00 %	
03182 Vision 21 - Legal Assistance	0	0	0	0	0.00 %	
03188 Justice Assistance Grants	1,634,658	0	0	1,634,658	6.57 %	
03189 Vision 21 - Technology Grant	0	0	0	0	0.00 %	
03192 Crime Victim Assistance	14,221,712	0	0	14,221,712	57.15 %	
03200 SORNA CFDA 16.751	104,000	0	0	104,000	0.42 %	
03201 Justice System Enhancements	645,278	0	0	645,278	2.59 %	
03248 Prescription Drug Monitoring	458,568	0	0	458,568	1.84 %	
03266 Vision 21 - Systems of Care	0	0	0	0	0.00 %	
03343 Criminal History Record Improv	4,200,000	0	0	4,200,000	16.88 %	
03344 Violence Against Women Act	1,842,688	0	0	1,842,688	7.40 %	
03961 BJA Mental Health Coolaberatio	0	0	0	0	0.00 %	
03962 Enf. Underage Drinking Laws	260	0	0	260	0.00 %	
03963 John R Justice Grant	6,246	0	0	6,246	0.03 %	
03288 Sexual Assault Kit Ini-BJA	0	0	0	0	0.00 %	
03298 Elder Abuse Services-Train OVW	0	0	0	0	0.00 %	
Federal Special Total	\$24,886,822	\$0	\$0	\$24,886,822	41.36 %	
06033 Prison Ranch	56,388	0	0	56,388	24.86 %	
06034 MSP Institutional Industries	56,388	0	0	56,388	24.86 %	
06545 Prison Indust. Training Prog	1,254	0	0	1,254	0.55 %	
06573 MSP - Cook Chill	56,388	0	0	56,388	24.86 %	
06011 MCE License Plate Production	56,388	0	0	56,388	24.86 %	
Proprietary Total	\$226,806	\$0	\$0	\$226,806	0.38 %	
Total All Funds	\$60,172,133	\$0	\$0	\$60,172,133		

The majority of funding for this program comes from general fund and federal special revenues. There is a small amount of funding for this program that comes from state special revenues, primarily from fees charged for collection of restitution from offenders. The remaining portion of funding comes from proprietary funds such as prison ranch, industries program, cook chill operation, and license plate production.

Federal special revenues are primarily associated with the new Crime Control Bureau located within the program. This new bureau was a result of the Department of Corrections becoming responsible for the Montana Board of Crime Control during the 2019 biennium per HB 650 of the 2017 Legislature. These federal funds are primarily administered through federal grants and are used as pass-through funds that go to state and local agencies. There is an increase in federal funding due to anticipation of higher federal grant funding in upcoming fiscal years.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	15,070,263	15,070,263	30,140,526	88.94 %	28,204,146	28,204,146	56,408,292	93.74 %
SWPL Adjustments	1,417,011	1,402,575	2,819,586	8.32 %	1,417,011	1,402,575	2,819,586	4.69 %
PL Adjustments	0	0	0	0.00 %	6,953	6,953	13,906	0.02 %
New Proposals	465,243	465,106	930,349	2.75 %	465,243	465,106	930,349	1.55 %
Total Budget	\$16,952,517	\$16,937,944	\$33,890,461		\$30,093,353	\$30,078,780	\$60,172,133	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	1,032,659	0	0	1,032,659	0.00	1,032,073	0	0	1,032,073
DP 2 - Fixed Costs	0.00	375,654	0	0	375,654	0.00	359,707	0	0	359,707
DP 3 - Inflation Deflation	0.00	8,698	0	0	8,698	0.00	10,795	0	0	10,795
DP 55 - SWPL Fixed Cost Adjustment	0.00	0	779	0	6,953	0.00	0	779	0	6,953
Grand Total All Present Law Adjustments	0.00	\$1,417,011	\$779	\$0	\$1,423,964	0.00	\$1,402,575	\$779	\$0	\$1,409,528

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 2 - Fixed Costs -

The legislature approved adjustments to provide the funding to pay increases in fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, etc. The rates charged for these services are approved in the section of the budget that provides the services.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

DP 55 - SWPL Fixed Cost Adjustment -

The legislature approved an increase to the Statewide Cost Allocation Plan (SWCAP).

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 101 - Housing Funding (Restricted)	0.00	200,000	0	0	200,000	0.00	200,000	0	0	200,000
DP 102 - Workload Study and Training (Restricted)	5.00	256,509	0	0	256,509	5.00	256,509	0	0	256,509
DP 104 - OMIS Training Positions (Restricted)	2.00	202,726	0	0	202,726	2.00	202,124	0	0	202,124
DP 110 - Director's Office FTE Adjustment	(3.00)	(193,992)	0	0	(193,992)	(3.00)	(193,527)	0	0	(193,527)
Total	4.00	\$465,243	\$0	\$0	\$465,243	4.00	\$465,106	\$0	\$0	\$465,106

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 101 - Housing Funding (Restricted) -

The legislature approved restricted funding to help with housing costs for inmates, which was appropriated as one-time-only to the Board of Crime Control in the 2017 session. This action continues the funding at \$200,000 for each fiscal year as defined by the Sentencing Commission and SB 65 passed by the 2017 Legislature.

DP 102 - Workload Study and Training (Restricted) -

The legislature approved restricted funding for 5.00 FTE and associated operating costs to be used to conduct a caseload/workload study of probation and parole officers and include an organizational assessment of the supervision structure and allocation of offender caseloads across probation and parole staff based on offender risk levels determined through the Montana Incentives and Interventions Grid.

DP 104 - OMIS Training Positions (Restricted) -

The legislature approved restricted funding for 2.00 non-bargaining FTE for fiscal years 2020 and 2021 received from the Probation and Parole Division to be used to implement training employees related to the offender management and information system.

DP 110 - Director's Office FTE Adjustment -

The legislature approved a reduction of 3.00 FTE within the Director's Office.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	33,375,618	35,882,731	2,507,113	7.51 %
Operating Expenses	118,101,674	122,152,292	4,050,618	3.43 %
Transfers	12,500	12,500	0	0.00 %
Debt Service	118,515	96,470	(22,045)	(18.60)%
Total Expenditures	\$151,608,307	\$158,143,993	\$6,535,686	4.31 %
General Fund	149,979,973	155,915,659	5,935,686	3.96 %
State/Other Special Rev. Funds	1,628,334	2,228,334	600,000	36.85 %
Total Funds	\$151,608,307	\$158,143,993	\$6,535,686	4.31 %
Total Ongoing	\$150,888,307	\$158,143,993	\$7,255,686	4.81 %
Total OTO	\$720,000	\$0	(\$720,000)	(100.00)%

Program Description

The Probation and Parole Division (PPD) includes probation and parole, intensive and enhanced supervision programs, male and female community corrections programs that include: chemical dependency treatment programs, DUI treatment facilities, methamphetamine treatment facilities, assessment, sanction and revocation centers, and various other prison diversion programs. The department contracts with nonprofit corporations in Great Falls, Missoula, Billings, Bozeman, Butte, and Helena for pre-release services.

Program Highlights

Probation and Parole Division Major Budget Highlights
<ul style="list-style-type: none"> • The Probation and Parole Division’s 2021 biennium budget is \$6.5 million higher than the 2019 biennium or nearly \$4.2 million higher than FY 2019 appropriations primarily driven by: <ul style="list-style-type: none"> ◦ Provider rate increases for contracted statewide treatment facilities in the amount of \$2.3 million for the biennium ◦ Increase in personal services of \$1.8 million for the biennium associated with statewide present law adjustments ◦ Additional state special revenue in the amount of \$600,000 to be used to implement career ladder pay increases for probation and parole officers • Increases are partially offset by 2.00 non-bargaining FTE transferred to the Director’s Office for training on the Offender Management Information System

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	247.50	247.50	251.50	251.50
Personal Services	17,131,449	16,450,164	16,925,454	17,943,928	17,938,803
Operating Expenses	55,194,825	58,123,250	59,978,424	60,809,316	61,342,976
Transfers	0	6,250	6,250	6,250	6,250
Debt Service	70,280	70,280	48,235	48,235	48,235
Total Expenditures	\$72,396,554	\$74,649,944	\$76,958,363	\$78,807,729	\$79,336,264
General Fund	71,582,890	73,835,777	76,144,196	77,693,562	78,222,097
State/Other Special Rev. Funds	813,664	814,167	814,167	1,114,167	1,114,167
Total Funds	\$72,396,554	\$74,649,944	\$76,958,363	\$78,807,729	\$79,336,264
Total Ongoing	\$72,036,554	\$74,289,944	\$76,598,363	\$78,807,729	\$79,336,264
Total OTO	\$360,000	\$360,000	\$360,000	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 02-Probation and Parole Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	155,915,659	0	0	155,915,659	98.59 %	
02261 P & P Supervisory Fee	2,228,334	0	0	2,228,334	100.00 %	
02970 Juvenile Plcmnt Cost of Care	0	0	0	0	0.00 %	
State Special Total	\$2,228,334	\$0	\$0	\$2,228,334	1.41 %	
03315 Misc Federal Grants	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$158,143,993	\$0	\$0	\$158,143,993		

Nearly 99.0% of the program’s funding comes from the general fund. The remaining funding comes from state special revenues. These state special funds are collected from offenders who are required to pay supervision fees related to probation and parole.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	75,784,196	75,784,196	151,568,392	97.21 %	76,598,363	76,598,363	153,196,726	96.87 %
SWPL Adjustments	945,454	948,018	1,893,472	1.21 %	945,454	948,018	1,893,472	1.20 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	963,912	1,489,883	2,453,795	1.57 %	1,263,912	1,789,883	3,053,795	1.93 %
Total Budget	\$77,693,562	\$78,222,097	\$155,915,659		\$78,807,729	\$79,336,264	\$158,143,993	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	914,680	0	0	914,680	0.00	909,827	0	0	909,827
DP 3 - Inflation Deflation	0.00	30,774	0	0	30,774	0.00	38,191	0	0	38,191
Grand Total All Present Law Adjustments	0.00	\$945,454	\$0	\$0	\$945,454	0.00	\$948,018	\$0	\$0	\$948,018

*“Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 104 - OMIS Training Positions (Restricted)	(2.00)	(202,726)	0	0	(202,726)	(2.00)	(202,124)	0	0	(202,124)
DP 201 - Provider Rate Increases for Statewide Facilities	0.00	464,791	0	0	464,791	0.00	934,689	0	0	934,689
DP 202 - Presentence Investigation	6.00	386,397	0	0	386,397	6.00	385,523	0	0	385,523
DP 204 - Probation and Parole Career Ladder (Restricted)	0.00	0	300,000	0	300,000	0.00	0	300,000	0	300,000
DP 205 - Probation and Parole Budget Adjustment	0.00	(100,000)	0	0	(100,000)	0.00	(100,000)	0	0	(100,000)
DP 301 - Provider Rate Increases for Regional Facilities and MASC	0.00	415,450	0	0	415,450	0.00	471,795	0	0	471,795
Total	4.00	\$963,912	\$300,000	\$0	\$1,263,912	4.00	\$1,489,883	\$300,000	\$0	\$1,789,883

*“Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 104 - OMIS Training Positions (Restricted) -

The legislature approved restricted funding for 2.00 non-bargaining FTE for fiscal years 2020 and 2021 to be moved from the division to the Director’s Office to implement training to employees related to the offender management and information system.

DP 201 - Provider Rate Increases for Statewide Facilities -

The legislature approved increases in provider rates of 0.91% for FY 2020 and 1.83% for FY 2021.

DP 202 - Presentence Investigation -

The legislature approved funding for 6.00 FTE for probation officers to exclusively conduct pre-sentencing investigations. These 6.00 FTE were provided as OTO for the 2019 biennium and have been continued.

DP 204 - Probation and Parole Career Ladder (Restricted) -

The legislature approved restricted funding to be used to implement a career ladder system for probation and parole officers contingent on a review and report as specified by HB 2.

DP 205 - Probation and Parole Budget Adjustment -

The legislature approved a reduction in funding associated with saving costs by completing chemical dependency tests for offenders in house and placing offenders based on a risk/needs assessment and offender risk to the community.

DP 301 - Provider Rate Increases for Regional Facilities and MASC -

The legislature approved an increase in funding to pay per diem rates to the Missoula Assessment and Sanction Center based on actual costs.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	79,697,177	100,524,143	20,826,966	26.13 %
Operating Expenses	71,997,278	68,323,107	(3,674,171)	(5.10)%
Equipment & Intangible Assets	211,680	305,704	94,024	44.42 %
Capital Outlay	41,546	41,546	0	0.00 %
Benefits & Claims	0	979,146	979,146	0.00 %
Transfers	22,200	8,200	(14,000)	(63.06)%
Debt Service	635,383	784,348	148,965	23.44 %
Total Expenditures	\$152,605,264	\$170,966,194	\$18,360,930	12.03 %
General Fund	152,396,340	169,678,034	17,281,694	11.34 %
State/Other Special Rev. Funds	208,924	1,288,160	1,079,236	516.57 %
Total Funds	\$152,605,264	\$170,966,194	\$18,360,930	12.03 %
Total Ongoing	\$152,605,264	\$170,966,194	\$18,360,930	12.03 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Secure Facilities Program includes the Montana State Prison, Montana Women’s Prison, Pine Hills Correctional Center, and contract bed facilities that include: Dawson County Correctional Facility, Cascade County Regional Prison, and Crossroads Correctional Center in Shelby. Males, male youth, and females are all currently incarcerated in these facilities.

Program Highlights

Secure Custody Facilities Major Budget Highlights
<ul style="list-style-type: none"> • Secure Custody Facilities 2021 biennium budget is \$18.4 million higher than the 2019 biennium. This amount includes the \$4.9 million supplemental transfer from FY 2019 to FY 2018 in both years of the biennium. After this is accounted for, the biennial increase is \$23.3 million. Significant changes include: <ul style="list-style-type: none"> ◦ Additional 128.00 FTE and \$21.9 million in associated operating costs for the 2021 biennium from the reorganizing the Youth Services Division ◦ Increase of \$2.5 million general fund paid in provider rate increases to contracted regional facilities ◦ Increases in personal services of \$1.6 million for the biennium associated with the statewide present law adjustment ◦ Decrease of \$3.0 million in operating costs associated with repurposing the MSCTC to be used as additional capacity (new E unit) at the Montana State Prison ◦ Decrease of 3.00 FTE and \$1.0 million in both general fund and state special revenue associated with moving the responsibilities of youth parole to the Judicial Branch

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	620.36	620.36	748.36	748.36
Personal Services	39,318,543	39,058,908	40,638,269	50,313,820	50,210,323
Operating Expenses	38,513,156	38,726,838	33,270,440	33,928,105	34,395,002
Equipment & Intangible Assets	43,535	105,840	105,840	152,852	152,852
Capital Outlay	0	20,773	20,773	20,773	20,773
Benefits & Claims	0	0	0	489,573	489,573
Transfers	32,000	18,100	4,100	4,100	4,100
Debt Service	317,977	306,669	328,714	392,174	392,174
Total Expenditures	\$78,225,211	\$78,237,128	\$74,368,136	\$85,301,397	\$85,664,797
General Fund	78,121,996	78,132,666	74,263,674	84,653,379	85,024,655
State/Other Special Rev. Funds	103,215	104,462	104,462	648,018	640,142
Total Funds	\$78,225,211	\$78,237,128	\$74,368,136	\$85,301,397	\$85,664,797
Total Ongoing	\$78,225,211	\$78,237,128	\$74,368,136	\$85,301,397	\$85,664,797
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 03-Secure Custody Facilities Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	169,678,034	0	0	169,678,034	98.50 %	
02033 Pine Hills Vocational Program	7,876	0	0	7,876	0.30 %	
02034 Earmarked Alcohol Funds	51,046	0	0	51,046	1.98 %	
02339 Inmate Welfare/Inmate Pay	200,000	0	0	200,000	7.74 %	
02345 Inmate Welfare Fund	0	0	1,295,714	1,295,714	50.15 %	
02355 Miscellaneous Fines and Fees	8,924	0	0	8,924	0.35 %	
02916 PHS-Canteen	7,046	0	0	7,046	0.27 %	
02927 PHS Donations/I & I	754,660	0	0	754,660	29.21 %	
02970 Juvenile Plcmnt Cost of Care	258,608	0	0	258,608	10.01 %	
State Special Total	\$1,288,160	\$0	\$1,295,714	\$2,583,874	1.50 %	
03099 PHS-ESEA Title I	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$170,966,194	\$0	\$1,295,714	\$172,261,908		

General fund makes up nearly all (98.5%) of the division's funding. The remaining funding is made up of state special revenues. The inmate welfare state special revenue fund is used to fund welfare activities for inmates and is comprised of the sales of contraband and confiscated items, as well as proceeds from inmate canteen purchases from the state prison.

Most of the state special revenue for the inmate welfare fund comes from statutory appropriations. Parental contributions toward the costs of care along with interest and income related to Pine Hills school lands primarily make up additional state special revenue and are used for additional support related to direct and non-direct care costs in the Pine Hills Correctional Facility.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	74,263,674	74,263,674	148,527,348	87.53 %	74,368,136	74,368,136	148,736,272	87.00 %
SWPL Adjustments	820,481	800,232	1,620,713	0.96 %	820,481	800,232	1,620,713	0.95 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	9,569,224	9,960,749	19,529,973	11.51 %	10,112,780	10,496,429	20,609,209	12.05 %
Total Budget	\$84,653,379	\$85,024,655	\$169,678,034		\$85,301,397	\$85,664,797	\$170,966,194	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	819,409	0	0	819,409	0.00	798,902	0	0	798,902
DP 3 - Inflation Deflation	0.00	1,072	0	0	1,072	0.00	1,330	0	0	1,330
Grand Total All Present Law Adjustments	0.00	\$820,481	\$0	\$0	\$820,481	0.00	\$800,232	\$0	\$0	\$800,232

**“Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The “New Proposals” table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 211 - Youth Parole	0.00	(468,350)	(21,224)	0	(489,574)	0.00	(468,350)	(21,224)	0	(489,574)
DP 301 - Provider Rate Increases for Regional Facilities and MASC	0.00	906,341	0	0	906,341	0.00	1,168,350	0	0	1,168,350
DP 303 - Jail hold rates	0.00	94,080	0	0	94,080	0.00	211,023	0	0	211,023
DP 304 - Jail Hold Rate Adjustment	0.00	(47,040)	0	0	(47,040)	0.00	(105,511)	0	0	(105,511)
DP 305 - Provider Rate - For Profit Providers (Restricted)	0.00	143,058	0	0	143,058	0.00	287,689	0	0	287,689
DP 307 - MSCTC Obligations	0.00	(1,500,000)	0	0	(1,500,000)	0.00	(1,500,000)	0	0	(1,500,000)
DP 310 - Pine Hills Fund Switch	0.00	0	0	0	0	0.00	229,707	(229,707)	0	0
DP 501 - Youth Services Division Reorganization	128.00	10,441,135	564,780	0	11,005,915	128.00	10,137,841	786,611	0	10,924,452
Total	128.00	\$9,569,224	\$543,556	\$0	\$10,112,780	128.00	\$9,960,749	\$535,680	\$0	\$10,496,429

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 211 - Youth Parole -

The legislature approved the movement of operations associated with youth parole from the Department of Corrections to Supreme Court Operations within the Judicial Branch as per HB 111.

DP 301 - Provider Rate Increases for Regional Facilities and MASC -

The legislature approved an increase in funding to pay per diem rates to contracted regional prison facilities based on actual costs.

DP 303 - Jail hold rates -

The legislature approved increasing provider rates by 0.91% for FY 2020 and 1.83% for FY 2021.

DP 304 - Jail Hold Rate Adjustment -

The legislature approved decreasing the inflations associated with provider rates to 0.455% for FY 2020 and 0.915% for FY 2021.

DP 305 - Provider Rate - For Profit Providers (Restricted) -

The legislature approved increasing provider rates to for-profit providers by 0.91% in FY 2020 and 1.83% in FY 2021.

DP 307 - MSCTC Obligations -

The legislature approved a reduction in operating expenses associated with the Montana State Correctional Treatment Center being repurposed as additional beds at the Montana State Prison.

DP 310 - Pine Hills Fund Switch -

The executive approved a fund switch within Pine Hills operations that will reduce state special revenue and increase general fund for the biennium.

DP 501 - Youth Services Division Reorganization -

The legislature approved the Department of Corrections reorganization eliminating the Youth Services Division as a stand-alone division. The FTE and the budget have been moved to other divisions within the department where the services are now being provided. As a part of the reorganization 128.00 FTE and associated budget have been moved to the Secure Custody Facilities Division.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	2,494,252	3,595,024	1,100,772	44.13 %
Operating Expenses	5,905,040	6,562,756	657,716	11.14 %
Equipment & Intangible Assets	9,291	0	(9,291)	(100.00)%
Transfers	370,234	470,234	100,000	27.01 %
Total Expenditures	\$8,778,817	\$10,628,014	\$1,849,197	21.06 %
General Fund	2,787,190	3,876,330	1,089,140	39.08 %
State/Other Special Rev. Funds	5,991,627	6,751,684	760,057	12.69 %
Total Funds	\$8,778,817	\$10,628,014	\$1,849,197	21.06 %
Total Ongoing	\$8,778,817	\$10,628,014	\$1,849,197	21.06 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Montana Correctional Enterprises (MCE) Industry Program includes furniture, upholstery, print, sign, sewing, garment graphics, and laundry operations at the Montana State Prison and Montana Women's Prison facilities. At the current time there are no programs operating at the regional and private facilities.

The MCE Ranch and Dairy operation includes range cattle, crops, feedlot, land management, a dairy milking parlor, dairy processing, heifer reproduction, and lumber processing, which are all located at the Montana State Prison facility.

The MCE Vocational Training Program operates a motor vehicle maintenance shop and metal fabrication at the Montana State Prison facility.

The MCE Food Factory Program prepares bulk and trayed meals, including baked goods, at the Montana State Prison facility for eight institutions in Montana.

The MCE License Plate Program manufactures vehicle license plates at the Montana State Prison facility. Currently there are over 200 different types of plates manufactured.

The MCE Inmate Canteen provides offender commissary goods for all Montana correctional facilities. The commissary is located at the Montana State Prison facility.

The MCE Education Program provides vocational training, library services, and general education at the Montana State Prison facility.

Program Highlights

Montana Correctional Enterprises Major Budget Highlights
<ul style="list-style-type: none"> • Montana Correctional Enterprises 2021 biennium budget is \$1.8 million higher than the 2019 biennium. Significant changes are: <ul style="list-style-type: none"> ◦ Increase within the statewide present law adjustment for \$430,000 in personal services for the biennium ◦ Additional state special revenue for the purchase of merchandise for the prison canteen • A significant portion of the program's funding is non-budgeted proprietary funds which do not require the legislature to appropriate funds, or for most programs, approve rates

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	25.50	25.50	25.50	25.50
Personal Services	900,482	912,749	1,581,503	1,797,707	1,797,317
Operating Expenses	2,762,778	2,923,662	2,981,378	3,281,378	3,281,378
Equipment & Intangible Assets	9,290	9,291	0	0	0
Transfers	175,627	185,117	185,117	235,117	235,117
Total Expenditures	\$3,848,177	\$4,030,819	\$4,747,998	\$5,314,202	\$5,313,812
General Fund	1,034,917	1,035,034	1,752,156	1,938,360	1,937,970
State/Other Special Rev. Funds	2,813,260	2,995,785	2,995,842	3,375,842	3,375,842
Total Funds	\$3,848,177	\$4,030,819	\$4,747,998	\$5,314,202	\$5,313,812
Total Ongoing	\$3,848,177	\$4,030,819	\$4,747,998	\$5,314,202	\$5,313,812
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 04-Montana Correctional Enterprises Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	3,876,330	0	0	3,876,330	8.81 %
02917 MSP Canteen Revolving Acct	6,751,684	0	0	6,751,684	100.00 %
State Special Total	\$6,751,684	\$0	\$0	\$6,751,684	15.34 %
03099 PHS-ESEA Title I	0	(5,574)	0	(5,574)	100.00 %
Federal Special Total	\$0	(\$5,574)	\$0	(\$5,574)	(0.01)%
06033 Prison Ranch	0	9,566,718	0	9,566,718	28.65 %
06034 MSP Institutional Industries	0	7,393,458	0	7,393,458	22.14 %
06545 Prison Indust. Training Prog	0	1,477,807	0	1,477,807	4.43 %
06572 MCE License Plate Production	0	5,574	0	5,574	0.02 %
06573 MSP - Cook Chill	0	10,214,857	0	10,214,857	30.59 %
06011 MCE License Plate Production	0	4,730,757	0	4,730,757	14.17 %
Proprietary Total	\$0	\$33,389,171	\$0	\$33,389,171	75.86 %
Total All Funds	\$10,628,014	\$33,383,597	\$0	\$44,011,611	

General fund and state special revenue make up the division's HB 2 funding while non-budgeted proprietary funds make up the remaining funding. The primary use of general fund is for personal services related to the inmate canteen and inmate vocational education functions. Remaining program funding is received through the inmate canteen state special revenue fund where revenues are derived from the sale of products to inmates and is paid by inmates through inmate wages and money received by family members.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	1,752,156	1,752,156	3,504,312	90.40 %	4,747,998	4,747,998	9,495,996	89.35 %
SWPL Adjustments	186,204	185,814	372,018	9.60 %	216,204	215,814	432,018	4.06 %
PL Adjustments	0	0	0	0.00 %	350,000	350,000	700,000	6.59 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$1,938,360	\$1,937,970	\$3,876,330		\$5,314,202	\$5,313,812	\$10,628,014	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	186,204	30,000	0	216,204	0.00	185,814	30,000	0	215,814
DP 401 - Canteen Authority	0.00	0	350,000	0	350,000	0.00	0	350,000	0	350,000
Grand Total All Present Law Adjustments	0.00	\$186,204	\$380,000	\$0	\$566,204	0.00	\$185,814	\$380,000	\$0	\$565,814

**Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 401 - Canteen Authority -

The legislature approved an increase in state special revenue to purchase additional merchandise for the prison canteens due to the addition of new customers and the introduction of new products and allow for transfers of some proceeds to the inmate welfare fund.

Other Issues

The Montana Correctional Enterprises provides the following functions funded with proprietary funds. These programs are described separately along with a discussion of the program expenses, revenues, and rates being requested to finance the program:

- License plate factory
- Agricultural program
- MSP Institutional industries
- MCE food factory
- Vocational education industries training

License Plate Factory – 06011*Proprietary Program Description*

The License Plate Program trains inmates in specific work skills and life skills in license plate production, graphics design, inventory control and shipping, while providing all license plates to county treasurers throughout Montana.

Proprietary Rates

The license plate factory fund had previously been implemented as an internal service fund with rates approved by the legislature. This is now an enterprise fund and will require no action from the 2019 Legislature to set rates.

Prison Ranch – Fund 06033*Proprietary Program Description*

The Agriculture Program trains inmates in specific work skills and life skills in operations that include range and dairy cattle, dairy milking parlor and processing plant, crops, land management, lumber processing, wildland firefighting and various community work programs.

Proprietary Rates

The prison ranch fund is an enterprise fund and will require no action from the 2019 Legislature to set rates.

MSP Institutional Industries – Fund 06034*Program Description*

The Industries Program trains inmates in specific work skills and life skills in operations which include manufacturing of furniture, upholstery, print work and signs, sewing and embroidery, institutional laundry, screen printing, inventory management, shipping, AutoCAD design, Web design, marketing, and hygiene kit assembly and public-private partnerships. In addition, industries includes a dog training program located at the Montana Women's Prison.

One industry is currently certified by the U.S. Justice Department's Prison Industry Enhancement Certification Program. Inmates in this program are paid prevailing wage for their work, and 80 percent of their gross wage is deducted for state and federal income tax, crime victim compensation, family support, and room and board. In addition, each inmate working in a certified program has 20 percent of his or her net wages deposited into a mandatory savings account available upon release.

Proprietary Rates

With the exception of laundry services, all revenues for the Industry Program are based on market values and will tend to fluctuate. Despite the Industry Program being an enterprise fund, however, the legislature approved rates for the laundry program since they directly affect the general fund budgets of customers purchasing laundry services. The laundry is not an internal service fund as it is a small operation in the overall industries program.

Approved Rates for Internal Service or Enterprise Funds				
Fee/Rate Information				
Industries				
	Estimated	Estimated	Proposed	Proposed
	FY 2018	FY 2019	FY 2020	FY 2021
Fee Description:				
Cost Per Pound Laundry Services	\$ 0.60	\$ 0.60	\$ 0.60	\$ 0.60
Delivery Charge per Pound	-	-	-	-
Montana Development Center	\$ 0.05	\$ 0.05	-	-
Riverside Youth Correctional Facility	\$ 0.05	\$ 0.05	\$ 0.05	\$ 0.05
Montana Law Enforcement Academy	\$ 0.15	\$ 0.15	\$ 0.15	\$ 0.15
Montana Chemical Dependency Corp	\$ 0.04	\$ 0.04	\$ 0.04	\$ 0.04
START Program	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01
Montana State Hospital	-	-	-	-
University of Montana	\$ 0.20	\$ 0.20	\$ 67.50	\$ 67.50
Calculated at 67.50 per shared round trip				
The laundry is a small part of the industries enterprise fund operation. It is not an actual internal service fund. MCE requests rate approval for this operation to allow the general fund customers to request the required appropriation to cover any additional rate increase.				

MCE Food Factory – Fund 06573

Proprietary Program Description

The Food Factory Program trains inmates in specific work skills and life skills in meal preparation, bakery and cook chill operations while providing meals to numerous state and county facilities in western Montana.

Proprietary Rates

Rates are based on the cost of raw materials, supplies, and other operating expenses. The legislature approved the rates shown in the figure below for the Food Service Program.

Approved Rates for Internal Service or Enterprise Funds Fee/Rate Information				
	Estimated FY 2018	Estimated FY 1209	Proposed FY 2020	Proposed FY 2021
Tray Meal Prices to all customers				
Base Tray-hot/cold	\$ 2.35	\$ 2.35	\$ 2.35	\$ 2.35
Base Tray-hot	\$ 1.22	\$ 1.22	\$ 1.22	\$ 1.22
Detention Center Trays	\$ 2.95	\$ 2.95	\$ 2.95	\$ 2.95
Accessory Package	\$ 0.16	\$ 0.16	\$ 0.16	\$ 0.16
Delivery Charge Per Trayed Meal				
Delivery charge per mile	\$ 0.50	\$ 0.50	\$ 0.50	\$ 0.50
Delivery charge per hour	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
Spoilage percentage to all bulk customers	5%	5%	5%	5%
Overhead Charges				
Montana State Prison	76%	76%	90%	90%
Montana State Hospital	11%	11%	10%	10%
Treasure State Correctional Training	13%	13%	0%	0%

Note: Bulk food is sold at cost, with a spoilage percentage added on and an overhead charge to cover operating expenses. Overhead charge is based on historical costs and volume of sales to the customer, as a percentage of overall food costs. Delivery is based on actual delivery costs.

The rates approved by the legislature are the maximum the program may charge during the biennium. They are not the rates the program must charge

Vocational Education (Industries Training) – Fund 06545

Proprietary Program Description

The Vocational Education Program trains inmates in specific work skills and life skills in operations which include motor vehicle maintenance, vehicle restoration welding, and machining and metals programs in conjunction with the general funded vocational education program.

Proprietary Rates

Motor vehicle maintenance rates are based on the costs of parts and a supply charge to cover consumable supplies for auto repairs and labor to perform tasks. The labor charge is based on the cost of civilian and inmate labor and program overhead. The legislature approved the rates shown in the figure below for the Vocational Education Program.

Approved Rates for Internal Service or Enterprise Funds Fee/Rate Information Vocational Education Proprietary				
	Estimated FY 2018	Estimated FY 2019	Proposed FY 2020	Proposed FY 2021
Fee Description:				
Labor Charge/hour	28.45	28.45	28.45	28.45
Supply fee as percentage of actual cost of parts	8%	8%	8%	8%
Parts are sold at cost				

The rates approved by the legislature are the maximum the program may charge during the biennium. They are not the rates the program must charge.

Program Budget Comparison

Program Budget Comparison					
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change	
Personal Services	21,502,616	0	(21,502,616)	(100.00)%	
Operating Expenses	4,076,654	0	(4,076,654)	(100.00)%	
Equipment & Intangible Assets	50,454	0	(50,454)	(100.00)%	
Benefits & Claims	1,081,196	0	(1,081,196)	(100.00)%	
Debt Service	126,920	0	(126,920)	(100.00)%	
Total Expenditures	\$26,837,840	\$0	(\$26,837,840)	(100.00)%	
General Fund	25,639,716	0	(25,639,716)	(100.00)%	
State/Other Special Rev. Funds	1,198,124	0	(1,198,124)	(100.00)%	
Total Funds	\$26,837,840	\$0	(\$26,837,840)	(100.00)%	
Total Ongoing	\$26,837,840	\$0	(\$26,837,840)	(100.00)%	
Total OTO	\$0	\$0	\$0	0.00%	

Program Description

The Youth Services Program was primarily responsible for all state operated youth programs including Pine Hills Correctional Facility for males located in Miles City, Youth Community Corrections including Juvenile Parole, interstate compact services for probation and parole, reentry services, transition centers, detention licensing, and transportation. Responsibilities have since been moved throughout other programs within the department.

Program Highlights

Youth Services Division Major Budget Highlights
<ul style="list-style-type: none"> The legislature approved eliminating all of the Youth Services Division effectively disseminating the division's budget for the 2021 biennium throughout three other programs within the department

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison						
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021	
FTE	0.00	160.35	160.35	0.00	0.00	0.00
Personal Services	10,409,975	10,734,109	10,768,507	0	0	0
Operating Expenses	2,791,055	2,311,663	1,764,991	0	0	0
Equipment & Intangible Assets	3,442	3,442	47,012	0	0	0
Benefits & Claims	291,074	540,598	540,598	0	0	0
Debt Service	62,760	63,460	63,460	0	0	0
Total Expenditures	\$13,558,306	\$13,653,272	\$13,184,568	\$0	\$0	\$0
General Fund	13,052,052	13,054,210	12,585,506	0	0	0
State/Other Special Rev. Funds	506,254	599,062	599,062	0	0	0
Total Funds	\$13,558,306	\$13,653,272	\$13,184,568	\$0	\$0	\$0
Total Ongoing	\$13,558,306	\$13,653,272	\$13,184,568	\$0	\$0	\$0
Total OTO	\$0	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 05-Youth Services Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	0	0	0	0	0.00 %	
02033 Pine Hills Vocational Program	0	0	0	0	0.00 %	
02034 Earmarked Alcohol Funds	0	0	0	0	0.00 %	
02355 Miscellaneous Fines and Fees	0	0	0	0	0.00 %	
02916 PHS-Canteen	0	0	0	0	0.00 %	
02927 PHS Donations/I & I	0	0	0	0	0.00 %	
02970 Juvenile Plcmnt Cost of Care	0	0	0	0	0.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
03089 PHS-School Foods	0	0	0	0	0.00 %	
03099 PHS-ESEA Title I	0	0	0	0	0.00 %	
03315 Misc Federal Grants	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$0	\$0	\$0	\$0		

The legislature adopted a reorganization in which all aspects of this division were transferred to other divisions within the department and the Judicial Branch.

Budget Summary by Category

The following table 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 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	12,585,506	12,585,506	25,171,012	0.00 %	13,184,568	13,184,568	26,369,136	0.00 %
SWPL Adjustments	184,357	181,683	366,040	0.00 %	184,357	181,683	366,040	0.00 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	(12,769,863)	(12,767,189)	(25,537,052)	0.00 %	(13,368,925)	(13,366,251)	(26,735,176)	0.00 %
Total Budget	\$0	\$0	\$0		\$0	\$0	\$0	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	171,815	0	0	171,815	0.00	166,118	0	0	166,118
DP 3 - Inflation Deflation	0.00	12,542	0	0	12,542	0.00	15,565	0	0	15,565
Grand Total All Present Law Adjustments	0.00	\$184,357	\$0	\$0	\$184,357	0.00	\$181,683	\$0	\$0	\$181,683

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals										
	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 501 - Youth Services Division Reorganization	(160.35)	(12,769,863)	(599,062)	0	(13,368,925)	(160.35)	(12,767,189)	(599,062)	0	(13,366,251)
Total	(160.35)	(\$12,769,863)	(\$599,062)	\$0	(\$13,368,925)	(160.35)	(\$12,767,189)	(\$599,062)	\$0	(\$13,366,251)

**Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 501 - Youth Services Division Reorganization -

The legislature approved the Department of Corrections reorganization eliminating the Youth Services Division as a stand-alone division. The FTE and the budget have been moved to other divisions within the department where the services are now being provided.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	17,472,506	22,037,076	4,564,570	26.12 %
Operating Expenses	25,454,737	27,249,445	1,794,708	7.05 %
Debt Service	0	41,754	41,754	0.00 %
Total Expenditures	\$42,927,243	\$49,328,275	\$6,401,032	14.91 %
General Fund	42,509,443	48,910,475	6,401,032	15.06 %
State/Other Special Rev. Funds	417,800	417,800	0	0.00 %
Total Funds	\$42,927,243	\$49,328,275	\$6,401,032	14.91 %
Total Ongoing	\$42,927,243	\$49,328,275	\$6,401,032	14.91 %
Total OTO	\$0	\$0	\$0	0.00 %

Program Description

The Clinical Services Division (CSD) provides medical, dental, and mental health staff at the Montana State Prison (MSP), Montana Women's Prison (MWP), Riverside Special Needs Unit, and Pine Hills Correctional Facility. In addition, CSD oversees medical, dental, and mental health services at contracted facilities as specified in the facilities' contracts with DOC. CSD also works with a third-party administrator to oversee all claims submitted by outside medical providers. CSD oversees the health services pre-authorization process and provides education to contracted facilities with regard to medical issues. CSD tracks and ensures Medicaid reimbursement for DOC's Medicaid-eligible inmates.

Program Highlights

Clinical Services Division Major Budget Highlights
<ul style="list-style-type: none"> • The Clinical Services Division's 2021 biennium budget is \$6.4 million higher than the 2019 biennium. When compared to FY 2019 appropriations, the biennial increase is just over \$4.0 million. Significant changes include: <ul style="list-style-type: none"> ◦ Increase within the statewide present law adjustment request for nearly \$1.7 million in personal services for the biennium ◦ An additional 14.00 FTE and over \$2.7 million in associated operating costs received through the Youth Services Division reorganization ◦ Reduction of \$400,000 in operating expenses to reflect cost savings when contracting with out-of-state teleworking psychiatrists

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	102.00	102.00	116.00	116.00
Personal Services	8,285,539	8,584,432	8,888,074	11,022,148	11,014,928
Operating Expenses	11,787,724	11,703,975	13,750,762	13,624,723	13,624,722
Debt Service	0	0	0	20,877	20,877
Total Expenditures	\$20,073,263	\$20,288,407	\$22,638,836	\$24,667,748	\$24,660,527
General Fund	20,073,263	20,079,507	22,429,936	24,458,848	24,451,627
State/Other Special Rev. Funds	0	208,900	208,900	208,900	208,900
Total Funds	\$20,073,263	\$20,288,407	\$22,638,836	\$24,667,748	\$24,660,527
Total Ongoing	\$20,073,263	\$20,288,407	\$22,638,836	\$24,667,748	\$24,660,527
Total OTO	\$0	\$0	\$0	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 06-Clinical Services Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	48,910,475	0	0	48,910,475	99.15 %
02355 Miscellaneous Fines and Fees	417,800	0	0	417,800	100.00 %
State Special Total	\$417,800	\$0	\$0	\$417,800	0.85 %
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %
Total All Funds	\$49,328,275	\$0	\$0	\$49,328,275	

General fund provides over 99.0% of the division's funding. Approximately \$12.3 million or 53.0% of the general fund is appropriated to the Clinical Service Division for operation while the remainder funds outside medical costs. The remaining portion of the division's total funding comes from state special revenue collected from inmates to fund a medical co-payment program.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	22,429,936	22,429,936	44,859,872	91.72 %	22,638,836	22,638,836	45,277,672	91.79 %
SWPL Adjustments	878,454	870,801	1,749,255	3.58 %	878,454	870,801	1,749,255	3.55 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	1,150,458	1,150,890	2,301,348	4.71 %	1,150,458	1,150,890	2,301,348	4.67 %
Total Budget	\$24,458,848	\$24,451,627	\$48,910,475		\$24,667,748	\$24,660,527	\$49,328,275	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	878,454	0	0	878,454	0.00	870,801	0	0	870,801
DP 3 - Inflation Deflation	0.00	0	0	0	0	0.00	0	0	0	0
Grand Total All Present Law Adjustments	0.00	\$878,454	\$0	\$0	\$878,454	0.00	\$870,801	\$0	\$0	\$870,801

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.

DP 3 - Inflation Deflation -

The legislature approved adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, gasoline, and others.

New Proposals

The "New Proposals" table shows new changes to spending.

New Proposals	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 501 - Youth Services Division Reorganization	14.00	1,350,458	0	0	1,350,458	14.00	1,350,890	0	0	1,350,890
DP 601 - Teleworking Adjustment	0.00	(200,000)	0	0	(200,000)	0.00	(200,000)	0	0	(200,000)
Total	14.00	\$1,150,458	\$0	\$0	\$1,150,458	14.00	\$1,150,890	\$0	\$0	\$1,150,890

***Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 501 - Youth Services Division Reorganization -

The legislature approved the Department of Corrections reorganization, eliminating the Youth Services Division as a stand-alone division. The FTE and the budget have been moved to other divisions within the department where the services are now being provided. As a part of the reorganization 14.00 FTE and associated budget have been moved to the Clinical Services Division.

DP 601 - Teleworking Adjustment -

The legislature approved reducing contracted operating expenses related to paying teleworking psychiatrists out-of-state at lower costs.

Program Budget Comparison

Program Budget Comparison				
Budget Item	Appropriated Budget 18-19	Legislative Budget 20-21	Biennium Change	Biennium % Change
Personal Services	1,504,281	1,774,612	270,331	17.97 %
Operating Expenses	378,196	368,092	(10,104)	(2.67)%
Total Expenditures	\$1,882,477	\$2,142,704	\$260,227	13.82 %
General Fund	1,882,477	2,142,704	260,227	13.82 %
Total Funds	\$1,882,477	\$2,142,704	\$260,227	13.82 %
Total Ongoing	\$1,806,222	\$2,142,704	\$336,482	18.63 %
Total OTO	\$76,255	\$0	(\$76,255)	(100.00)%

Program Description

The Board of Pardons and Parole, as an essential part of the criminal justice process, serves all Montana citizens by administering a parole system that is balanced with public safety, offender accountability and rehabilitation, as well as protecting the interests of victims and communities, with the goal of successfully reintegrating merited offenders back into society through a reentry process.

Program Highlights

Board of Pardons and Parole Major Budget Highlights
<ul style="list-style-type: none"> The only major budget changes for the program are for changes associated with the statewide present law adjustment totaling nearly \$280,000 for the biennium

Program Actuals and Budget Comparison

The following table compares FY 2018 actual expenditures to the 2019 biennium appropriated budget and the 2021 biennium budget by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2018	Approp. Fiscal 2018	Approp. Fiscal 2019	Legislative Fiscal 2020	Legislative Fiscal 2021
FTE	0.00	9.00	9.00	9.00	9.00
Personal Services	695,071	696,768	807,513	888,079	886,533
Operating Expenses	176,803	177,650	200,546	184,046	184,046
Total Expenditures	\$871,874	\$874,418	\$1,008,059	\$1,072,125	\$1,070,579
General Fund	871,874	874,418	1,008,059	1,072,125	1,070,579
Total Funds	\$871,874	\$874,418	\$1,008,059	\$1,072,125	\$1,070,579
Total Ongoing	\$871,874	\$874,418	\$931,804	\$1,072,125	\$1,070,579
Total OTO	\$0	\$0	\$76,255	\$0	\$0

Funding

The following table shows program funding by source of authority.

Department of Corrections, 07-Board of Pardons and Parole Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	2,142,704	0	0	2,142,704	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$2,142,704	\$0	\$0	\$2,142,704		

General fund provides all of the division’s funding.

Budget Summary by Category

The following table 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 Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget	Budget Fiscal 2020	Budget Fiscal 2021	Biennium Fiscal 20-21	Percent of Budget
2019 Base Budget	931,804	931,804	1,863,608	86.97 %	931,804	931,804	1,863,608	86.97 %
SWPL Adjustments	140,321	138,775	279,096	13.03 %	140,321	138,775	279,096	13.03 %
PL Adjustments	0	0	0	0.00 %	0	0	0	0.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$1,072,125	\$1,070,579	\$2,142,704		\$1,072,125	\$1,070,579	\$2,142,704	

Present Law Adjustments

The “Present Law Adjustments” table shows the changes from the FY 2019 base appropriation to the 2021 biennium budget. “Statewide Present Law” adjustments are standard categories of adjustments made to all agencies. Decisions on these items were based on the discussion and action of each subcommittee.

Present Law Adjustments	-----Fiscal 2020-----					-----Fiscal 2021-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	140,321	0	0	140,321	0.00	138,775	0	0	138,775
Grand Total All Present Law Adjustments	0.00	\$140,321	\$0	\$0	\$140,321	0.00	\$138,775	\$0	\$0	\$138,775

*“Total Funds” amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The legislature approved adjustments to the present law personal services budget.