

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd - REGULAR SESSION**

JOINT SUBCOMMITTEE ON GENERAL GOVERNMENT & TRANSPORTATION

Call to Order: By REPRESENTATIVE MARY LOU PETERSON, CHAIRMAN, on January 6, 1993, at 8:40 AM.

ROLL CALL

Members Present:

Rep. Mary Lou Peterson, Chair (R)
Sen. Harry Fritz, Vice Chair (D)
Rep. Marjorie Fisher (R)
Sen. Gary Forrester (D)
Rep. Joe Quilici (D)
Sen. Larry Tveit (R)

Members Excused: None

Members Absent: None

Staff Present: Jon Moe, Legislative Fiscal Analyst
Terri Perrigo, Legislative Fiscal Analyst
Clayton Schenck, Legislative Fiscal Analyst
Dan Gengler, Office of Budget & Program Planning
John Patrick, Office of Budget & Program Planning
Elaine Benedict, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HIGHWAY TRAFFIC SAFETY; BOARD OF CRIME CONTROL; AND COMMISSIONER OF POLITICAL PRACTICES

Executive Action: NONE

Announcements/Discussion:

Tape No. 1:A:000

Mr. Clayton Schenck, Legislative Fiscal Analyst, presented an introductory overview on how his office develops the budget and defined some of the terminology used in analyzing the budget. EXHIBIT 1 He explained that both the Legislative Fiscal Analyst (LFA) budget and the executive budget use the same budget base, eliminating the confusion of the last legislative session, which occurred over the use of two different bases. He also explained that Modified budget levels reflect work load increases, provision of new services or changes in policies. Mr. Schenck

stated that the executive budget is the budget recommendation for the 1995 biennium and does include program changes. The LFA budget is based on appropriations made by the legislature during the last session and on current law. The LFA budget displays what is required to maintain current services provided by the agencies. Particular items are excluded from the base budget used by the executive budget and LFA budget. **EXHIBIT 1**

HEARING ON HIGHWAY TRAFFIC SAFETY

Tape No. 1:A:380

Informational Testimony:

Mr. Schenck gave an overview of the budget for the Highway Traffic Safety Agency. **EXHIBITS 2 and 3**

Mr. Albert Goke, Administrator of Highway Traffic Safety, made a presentation for the Highway Traffic Agency. He stated that the Federal Government has passed a six-year Federal Highway Construction Act which provides his agency with Federal funding which his administration is able to grant to various entities throughout the state. This act was passed in 1991 so was not reflected in the budget of the last biennium. Therefore, the budget growth was unexpected and could not be dealt with under the previous budget. The current budget reflects a more accurate assessment of the funds. He explained that the last legislative session ear-marked a second \$50 fee accrued by his agency (for driver's license reinstatement) for county government, who would then distribute it to city government, based on population. The uses for this fund were broadly stated. The 1992 Special Session placed this money in the general fund until July 3, 1993, at which time the money would be appropriated according to the statement of the law before the Special Session. Mr. Goke's agency has never had the appropriation to spend the approximately \$300,000 accrued by the second fee. The agency has had the authority to appropriate funds to counties which fund DUI Task Forces. He stated that a 1991 Federal law requires states to find ways to increase the use of safety belts and motorcycle helmets without having to pass a Federal law directly requiring seat belt and helmet use. The Federal Government has provided monetary incentive to pass a law which requires motorcycle users of all ages to wear helmets. This law does not currently exist in Montana. If one is not passed by October 1, 1993, the money will be transferred to Traffic Safety. Mr. Goke requested that, if the Department of Transportation does successfully sponsor a helmet safety law, Highway Traffic Safety be given authority to receive the incentive money and, if the law is not passed, the state be allowed to spend the money. Mr. Goke stated that his agency does have one .5 FTE vacancy. This position works best under large demand for services. The department can function adequately without this position. However, the budget is tight, due to years that the funds were not entirely spent, and these funds were lost. The funding does not accurately reflect an average year.

Questions, Responses and Discussion:

REP. JOE QUILICI asked if Highway and Traffic Safety has received negative feedback from the counties for not appropriating the accrued fees to them. Mr. Goke answered that since the money was never received by the counties, no programs were initiated by them and therefore they did not miss money.

REP. QUILICI agreed that the money goes to good causes, but expressed concern that money is being taken from the fees and going to the general fund. Mr. Goke responded that his agency has likely approached the maximum the system would allow for the second reinstatement fee.

REP. MARJORIE FISHER asked if the first \$50 fee goes back to the county from which it came. Mr. Goke said that they do. REP. FISHER asked if the money goes to the DUI Task Force or if it could be spent in any way the county wished. Mr. Goke answered that each county submits a plan to his office which must then be approved by the Governor.

CHAIRMAN MARY LOU PETERSON asked, in reference to the .5 FTE requested by Mr. Goke, when the heaviest work loads occur. Mr. Goke said it occurs in the summer.

CHAIRMAN PETERSON requested a calendar of the work schedule in order that the committee may accommodate his agency during the periods necessary. Mr. Goke explained that the position had been vacant for one and a half years.

CHAIRMAN PETERSON told him, that due to action taken earlier in the day, he would have to submit justification for filling the position.

Mr. John Patrick, Office of Budget and Program Planning, commented on the policy initiative to reduce general fund money in Family Services and replace the general fund, saying that since the money is used for alcohol and drug dependency treatment and family services it could be considered preventative treatment. This is an ongoing, direct service, as opposed to the current statute. If implemented under this, there would be a dilution of funds due to state-wide distribution through the counties.

SEN. GARY FORRESTER asked Mr. Patrick if he thought that the state would do a better job of distributing funds than the county and if control of distribution should be placed with the state. Mr. Patrick said he did and that giving control to the state would replace the general fund for existing services to specific providers; the money then would be going to direct service.

SEN. FORRESTER asked if a budget sheet would be provided to show expenditures. Mr. Patrick said this was in the executive budget as a modification in the Department of Family Services and that a

statute change would be necessary for more specific allocation.

SEN. HARRY FRITZ asked Mr. Schenck if the vacant FTE referred to by Mr. Goke is reflected in the current budget. **Mr. Schenck.** said that it is. However, the previous action removed it and that it would have to be justified by the agency and voted on by the subcommittee in order to be restored.

HEARING ON BOARD OF CRIME CONTROL

Tape No. 1:A:315

Informational Testimony:

Mr. Schenck presented a budget overview on the Department of Crime Control. **EXHIBITS 4 and 5**

Mr. Ed Hall, Board of Crime Control, explained the five functional areas of his board, those areas being: Grant Administration; Crime Victim Compensation; Peace Officer Standards and Training; Technical Services; and Fiscal Management. Two pamphlets were distributed as examples of services provided. **EXHIBITS 6 and 7.** Mr. Hall submitted his modification request in order to improve Victims Service. This modification would be used for an 800 number telephone system with which victims could call Crime Control directly, receiving necessary assistance more quickly. The money would also fund state travel for the Assistance Coordinator. Mr. Hall then discussed the statutory appropriation. Senate Bill 37 does not give clear approval for spending the administrative portion of the money. However, based upon testimony in committees and intent of the Bill to provide for administration, money was used for this purpose, specifically an FTE. Mr. Hall requested that the language of statutory appropriations be modified to allow for funding of administration or that funding be taken from the general fund. Mr. Hall went on to discuss the issue of dues. The Crime Control has been asked to pay full dues to the National Association of the Youth Justice Council, in order that Montana be able to vote in this association. The dues were paid out of Federal funds and it was requested that the amount (approximately \$2,100) not be reduced in the general fund. It was also requested that a similar concession be made under personal services concerning a Federally funded employee.

Questions, Responses and Discussion:

REP. QUILICI, asked what effect the vacant FTE would have on Mr. Hall's program. **Mr. Hall** answered that the vacancy is Federally funded, and that it is through this position that his board reports to the Federal Government on the board's compliance with moving juveniles to adult facilities.

REP. QUILICI asked why the position has not been filled. **Mr. Hall** answered that the position became vacant in November and that there has not been adequate time to fill it.

SEN. FRITZ asked if the position, although Federally funded, was eliminated by previous action. **Mr. Schenck** answered that it was, as of 12/29/92, and that Mr. Hall would have to justify filling the vacancy.

REP. QUILICI asked if the 5% personal services reduction gives subcommittees discretion to restore FTEs. **Mr. Schenck** replied that he interpreted that the 5% vacancies cannot be restored and that the vacant positions would be voted on by the subcommittees.

REP. FISHER inquired about Mr. Hall's plan for an 800 number telephone system. **Mr. Hall** explained that his agency desires approximately \$2,000 for this service for each year of the biennia.

REP. FISHER asked if the high request was based on an estimated number of incoming calls, since the cost of an 800 number is based on these calls. **Mr. Hall** answered that there is an installation fee as well as a monthly base rate expense, and that the remaining cost is based on estimated in-coming calls. He explained that a portion of the approximately \$2,000 will also go to travel expenses for the Assistant Coordinator.

REP. QUILICI and **CHAIRMAN PETERSON** expressed approval of the idea for an 800 number, saying that it would be particularly helpful to lower income individuals who lack the ability to obtain other resources and that it will help victims who, immediately after the trauma, would not want to be forced to go through several channels before receiving help.

SEN. LARRY TVEIT said the base budget should be changed to reflect the change in vacancy of the FTE. **Mr. Schenck** agreed and said that his office will update the material as the proceedings continue.

Mr. Patrick said that for positions that become vacant as late as November, interviews generally are not given until after the holidays, therefore, an inaccurate reflection of the vacancy has been given.

CHAIRMAN PETERSON stated that, due to the timing of the vacancy, Mr. Hall must justify filling the vacancy.

Mr. Don Merritt, Chief Financial Officer for the Board of Crime Control, gave a presentation reiterating Mr. Hall's request that the dues of \$2,165 and the funding of the FTE be reduced from Federal funds rather than general funds (as had been done). He agrees that the FTE must be restored at entry level, but requests that the money for the dues and the FTE be restored to general funds and reduced from Federal funds, since this is the actual source of the funding.

Informational Testimony:

Ms. Terri Perrigo, Legislative Fiscal Analyst, presented an overview of the budget for the office of the Commissioner of Political Practice. EXHIBITS 8 and 9

Mr. Ed Argenbright, Commissioner of Political Practices, explained that his office currently employs three people, including himself, and requested a .25 FTE, explaining that he has been urged to get a .5 FTE within the first year. This is because of the cyclical nature of the work load within his office. He also requested funding for an increase in printing costs for publishing the candidate information guide, which had previously been printed by the Secretary of State. Commissioner Argenbright believes, since this publication deals with the Commissioner's office, having it published by that office will eliminate public confusion and create a direct line of communication. As Commissioner, Mr. Argenbright would also like to maintain the current level of service provided by his office. He would like to develop public service announcements and, in the future acquire advanced telecommunications systems in order to aid those served by his office.

Questions, Responses and Discussion:

Mr. Patrick said that the money needed to print the information guide has been taken out of the Secretary of State's budget and transferred to the Commissioner's budget; a condition has been made that the money will not appear in both budgets.

Ms. Perrigo asked Commissioner Argenbright if the .25 FTE is currently vacant and is the same vacancy that was previously stated as the .5 FTE that had been budgeted in the first year of the biennium. Commissioner Argenbright said it is.

REP. QUILICI stated that the vacancy was not indicated on the list of vacancies distributed by **SEN. CHARLES SYSGOOD, DISTRICT 37.** He indicated that Commissioner Argenbright may not need to petition to have this position funded.

SEN. TVEIT asked if the printing of the information guide is the only printing done by the Secretary of State, and if there is more done by them, will this also be transferred to the Commissioner's Office. **Ms. Perrigo** answered that the Commissioner's Office will only take over the printing of this particular booklet. The guidelines in the booklet are enforced by the Commissioner's Office and having it printed by his office will eliminate confusion.

SEN. TVEIT asked if the consulting service was a new addition to the Commissioner's agency and what function it serves. **Commissioner Argenbright** and **Ms. Perrigo** answered that the consulting service is required for editing of the publications. **Ms. Perrigo** stated that the Commissioner's Office did receive a \$500 appropriation for each year of the 1993 biennium in order to

purchase the service. More than that was spent and will be spent, however, and this is not reflected in the current LFA budget.

SEN. TVEIT asked if the \$2,500 will cover all the printing costs of the Commissioner's Office. **Commissioner Argenbright** answered that it would only cover the cost of the informational booklet.

REP. QUILICI asked if Common Cause had spoken to the Commissioner about upgrading his office. **Commissioner Argenbright** answered that they hadn't. He stated a desire to acquire a system providing satellite delivered, interactive communication seminars, but seeing that this is not in the budget, will probably use telephone conferencing or any method that will best inform the people.

Tape 2:A:695

Ms. Amy Kelley, Director of Common Cause, stated that it is her agency's belief that the Commissioner's Office will suffer from a decrease in the budget, but, due to the limits in the Legislature's budget, she will not ask the committee to increase the Commissioner's budget.

CHAIRMAN PETERSON stated that the Joint Committee had made a special request of the subcommittee to examine the issue of fixed cost fees. **EXHIBIT 10.**

Mr. Schenck explained that the issue of services provided by the State Auditor (warrant writing and payroll service fees) has come under question. The subcommittee has been asked to determine if the amount of fees assessed is appropriate and what the current level should be. The Joint Appropriations Committee will then vote on the subcommittee decision. Fees assessed are based on historical levels of services provided to all state government agencies. The question is whether the fees have been overstated. **EXHIBIT 11.**

REP. QUILICI suggested bringing in the Legislative Auditor, due to the fact that an audit of the process could create difficulty.

CHAIRMAN PETERSON suggested that the subcommittee create options for the decision. She stated three possible options:

1. Do nothing.
2. Create language which would rectify the problems in the next budget processing.
3. Correct the problem.

She stated that all the budgets are in a state of flux and, if necessary, adjustments concerning decisions will be made in the future.

ADJOURNMENT

Adjournment: 11:25 AM

Mary Lou Peterson

REP. MARY LOU PETERSON, Chair

Elaine Benedict

ELAINE BENEDICT, Secretary

MLP/EB

HOUSE OF REPRESENTATIVES

Gen. Gov. & Hwys.

SUB-COMMITTEE

ROLL CALL

DATE

1/6/93

NAME	PRESENT	ABSENT	EXCUSED
Rep. Mary Lou Peterson Chair	X		
Sen. Harry Fritz Vice Chair	X		
Rep. Marjorie Fisher	X		
Sen. Gary Forrester	X		
Rep. Joe Quilici	X		
Sen. Larry Tveit	X		

BUDGET BASICS

Budget Terms

Section 17-7-123, MCA, requires that the executive budget include "the current funding level and the modified funding level, if any" for each program in state government. "Current funding level" is defined as "that level of funding required to maintain operations and services at the level authorized by the previous legislature, after adjustment for inflation". "Modified funding level" is defined to reflect "workload increases, the provision of new services, or changes in authorized funding." In the Executive Budget and the LFA analysis for each agency (sections A through E), current level and modified level funding are shown and discussed separately.

Current level budgets

Purpose

The Executive Budget contains a recommended current level budget for each agency for the 1995 biennium. In some cases, this budget is below the amount authorized by the last legislature since it recommends FTE reductions or program changes.

The LFA current level budgets for agencies are not recommendations. They are intended to provide a "benchmark" for the legislature as it considers the Executive Budget and establishes appropriations. The LFA current level funds FTE, operations, and services for each agency at the level authorized by the last legislature, after adjustments for inflation and entitlement programs. In sections A through E of the LFA Budget Analysis, tables show the executive and LFA current levels and discuss any differences between them.

Current level adjustments

Both the executive and LFA used actual fiscal 1992 expenditures as recorded on the Statewide Budgeting and Accounting System (SBAS) as the base for determining a current level budget for the 1995 biennium. Certain items were then excluded from actual expenditures in order to create a current level base that reflects only: 1) the cost of ongoing programs or functions approved by the last legislature; and 2) expenditures appropriated by the legislature. OBPP and

LFA staff reached agreement on virtually all expenditures that would be removed from the base. The LFA analysis provides an explanation in any program in which a base difference remains.

Table 1 shows the categories of expenditures that were excluded from the LFA current level and the amount in each category. As this table shows, over \$1.0 billion in expenditures in fiscal 1992 were not included in the current level base for the reasons discussed below.

<u>Actual Expenditures</u>	
Appropriation Transfers	\$2,614,578,712
Budget Amendments	(1,651,271)
One-Time Appropriations	(14,097,009)
Language Appropriations	(138,485,762)
Non-Budgeted Expenditures	(3,073,323)
Statutory Appropriations	(197,650,405)
Other	(682,895,169)
Current Level	1,549,690,444

Following is an explanation of each type of expenditures excluded from the current level base:

- 1) *appropriation transfers.* Section 17-7-301, MCA, allows the Governor to authorize the transfer of funds appropriated for the second year of the biennium to the first if he finds that "due to an unforeseen or an unanticipated emergency" the amount appropriated for the first year of the biennium "will be insufficient for the operation and maintenance of a department." Since these transfers did not result from legislative action and may be for one-time costs, they are excluded from the current level base. However, if the transfer funds an ongoing cost, OBPP and LFA staff adjusted the current level budgets for the next biennium accordingly.
- 2) *budget amendments.* Budget amendments provide temporary authority for agencies to spend unanticipated non-general fund revenue received after the legislature adjourns to provide additional services. In accordance

BUDGET BASICS

with section 17-7-402, MCA, budget amendment authority terminates at the end of each biennium and can make no "ascertainable present or future significant commitment for increased general fund support." Expenditures financed through budget amendments are excluded from the current level base. If an agency wishes to continue an activity financed with a budget amendment in the next biennium, the request must be presented as a modified level request.

3) *one-time appropriations.* In general, miscellaneous or "cat and dog" appropriations (appropriations made in bills other than the general appropriations act) are considered "one-time" and not continued in the current level base. The legislature may also specify in the general appropriations act that an appropriation is not ongoing and should not be included in the current level base.

4) *language appropriations.* In the general appropriations bill, the legislature may authorize expenditure of funds from a specific source without providing a specific dollar appropriation. Language appropriations are generally used when an agency knows that it will be receiving federal or state special revenue funds but is uncertain as to the amount. Assuming that ongoing expenditures from these sources will again be authorized through language, both OBPP and LFA excluded the expenditures from the current level base.

5) *non-budgeted expenditures.* Generally Accepted Accounting Principles (GAAP) require agencies to make accounting entries for depreciation, amortization, and other financial transactions that show as expenditures but don't actually result in expenditure of funds from the state treasury.

6) *statutory appropriations.* Section 17-7-501, MCA, provides that funds may be appropriated in permanent law, rather than through appropriation bills, which are effective only for one biennium. In order for a statutory appropriation to be valid, the statute creating the appropriation must specifically state that it is a statutory appropriation and the statute must be listed in section 17-7-502, MCA. Currently, there are 80 valid

statutory appropriations listed in that section. Examples of statutory appropriations include: per property reimbursements made to local government and schools and motor fuel tax revenues distributed to counties.

7) *all other appropriations.* This category includes administrative appropriations created by the OBPP, continuing appropriations from previous years, internally offsetting adjustments to appropriations, and miscellaneous appropriations made in Senate bills.

In sections A through E, there is a table in every agency narrative showing the adjustments to actual expenditures made for that agency to arrive at the current level base.

The table and graph on the next page show adjustments made to general fund expenditure to determine the current level base. As the graph illustrates, 26.1 percent of actual fiscal 1992 actual general fund expenditures were for personal services, 10.3 percent of agency operations and equipment, 19.7 percent for transfers, 12.5 percent for benefits claims, 12.5 percent for local assistance, with the remainder spent for grants, capital outlay, and other service.

Entitlement and formula-funded programs

Under current state and federal law, certain programs are "entitlement" and projected growth or decline. These programs are funded as part of the current level budget, rather than through modified level request. For example, the legislature has established statutory levels of state foundation support for each child enrolled in Montana public schools. Similarly, federal and state laws require that persons eligible for Medicaid or Aid to Dependent Children (AFDC) receive specified services or grants. The current level includes the cost of providing these services to the projected caseload. The OBPP and LFA have agreed upon the programs that are treated as entitlement: foundation program, Medicaid, AFDC, general assistance, foster care, and AFDC-related day care.

4108 00 00000									
HIGHWAY TRAFFIC SAFETY									
Agency Summary									
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	Biennial Difference Exec.-LFA	
FTE	8.50	8.50	8.50	8.50	8.50	8.50	8.50		
Personal Services	264,130	264,131	289,679	301,524	301,517	302,460	302,453	(14)	
Operating Expenses	168,830	168,832	191,324	181,831	182,105	182,685	182,941	530	
Equipment	2,955	2,956	3,000	10,166	10,100	7,730	7,600	(196)	
Local Assistance	183,080	183,080	184,080	510,000	210,000	510,000	210,000	(600,000)	
Grants	<u>751,222</u>	<u>520,000</u>	<u>520,000</u>	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>	<u>900,000</u>		
Total Costs	\$1,370,219	\$1,138,999	\$1,188,083	\$1,903,521	\$1,603,722	\$1,902,875	\$1,602,994	(\$599,680)	
Fund Sources									
General Fund	183,080	183,080	183,080	210,000	210,000	210,000	210,000		
State Revenue Fund	72,646	72,646	80,807	385,124	85,000	386,189	86,000	(600,313)	
Federal Revenue Fund	<u>1,114,493</u>	<u>883,273</u>	<u>924,196</u>	<u>1,308,397</u>	<u>1,308,722</u>	<u>1,306,686</u>	<u>1,306,994</u>	633	
Total Funds	\$1,370,219	\$1,138,999	\$1,188,083	\$1,903,521	\$1,603,722	\$1,902,875	\$1,602,994	(\$599,680)	

Agency Description

The Highway Traffic Safety Division was established by Title 61, Chapter 2, MCA, to promote public safety, health, and welfare through efforts directed toward reducing death, injury, and property loss resulting from traffic accidents. Projects are developed and initiated in various levels of government primarily through federal grant funds provided through the division to ensure that a long-term, stable, and statewide program exists. Current program priorities include occupant protection and drinking and driving projects.

Adjustments to Actual Expenditures									
	Actual Fiscal 1992	Approp. Transfer	Budget Amendment	One Time Approp.	Language Approp.	Non-Budget Expenditures	Statutory Approp.	All Other Approp.	Current Lvl Fiscal 1992
FTE	8.50								8.50
Expenditure	1,370,220		231,222						1,138,998
Funding									
	1,370,220	General Fund	State Special Fund	Federal Fund	Cap. Projects Fund	Proprietary Fund	Other Fund	Current Unrestricted	1,138,998

Adjustments to Actual Expenditures

The difference between actual expenditures and the current level base for fiscal 1992 is due to budget amendment expenditures of \$231,222 for additional federal pass-through grant funds. These expenditures were in addition to the \$520,000 appropriated by the 1991 Legislature each year of the 1993 biennium for pass-through to state and local agencies for highway safety projects.

The difference between the current level total shown in this table and in the main table above is due to rounding.

Executive Budget Comparison

The Executive Budget is nearly \$600,000 lower than LFA current level due to the executive's omission of appropriation authority for the transfer of one-half of drivers' license reinstatement fees to counties as required by statute. Under current law, counties use these funds to provide grants to local governments for law enforcement programs. This difference is discussed further below.

Other minor differences between the executive and LFA current level are due primarily to the allocation of fixed costs in operating expenses and inflationary adjustments in equipment.

Distribution of Driver's License Reinstatement Fees

Under current statute (section 61-2-107, MCA), a driver's license reinstatement fee of \$100 is charged to each driver whose license is suspended or revoked. One-half of the fee is allocated to the general fund for distribution by the Highway Traffic Safety Division to counties with approved drinking and driving prevention programs. Both the Executive Budget and LFA current level include \$420,000 general fund for the biennium for this distribution.

The second half of the reinstatement fee is allocated by statute to the state special revenue fund for distribution by the Highway Traffic Safety Division to counties on a pro-rata basis. The counties are to distribute the funds to cities and towns for programs and facilities for minors, adult chemical dependency treatment programs, law enforcement training programs, and law enforcement equipment. Although the 1991 Legislature authorized the increased fee and the state special revenue fund distribution in House Bill 494, there was no appropriation authority provided to the division in the 1993 biennium to transfer the funds. All funds deposited to the account in the 1993 biennium were transferred to the general fund in the July 1992 special session.

The Executive Budget did not include appropriation authority for the transfer of the state special revenue funds to the counties in the 1995 biennium. Instead, it proposes a policy initiative to use these fees to fund alcohol and drug treatment for youth served by the Department of Family Services. The program is currently funded by general fund. The executive proposal will require an amendment to section 71-2-107(2)(b), MCA, to change the distribution and purposes for use of the funds.

The LFA current level includes \$600,000 for the biennium for the transfer as required by statute.

4108 36 00000 HIGHWAY TRAFFIC SAFETY Program Summary		Highway Traffic Safety Division						
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	LFA Change 92 - 94
FTE	8.50	8.50	8.50	8.50	8.50	8.50	8.50	0.00
Personal Services	264,130	264,131	289,679	301,524	301,517	302,460	302,453	37,393
Operating Expenses	168,830	168,832	191,324	181,831	182,105	182,685	182,941	12,999
Equipment	2,955	2,956	3,000	10,166	10,100	7,730	7,600	7,210
Local Assistance	183,080	183,080	184,080	510,000	210,000	510,000	210,000	326,920
Grants	751,222	520,000	520,000	900,000	900,000	900,000	900,000	380,000
Total Costs	\$1,370,219	\$1,138,999	\$1,188,083	\$1,903,521	\$1,603,722	\$1,902,875	\$1,602,994	\$764,522
Fund Sources								
General Fund	183,080	183,080	183,080	210,000	210,000	210,000	210,000	26,920
State Revenue Fund	72,646	72,646	80,807	385,124	85,000	386,189	86,000	312,478
Federal Revenue Fund	1,114,493	883,273	924,196	1,308,397	1,308,722	1,306,686	1,306,994	425,124
Total Funds	\$1,370,219	\$1,138,999	\$1,188,083	\$1,903,521	\$1,603,722	\$1,902,875	\$1,602,994	\$764,522

Program Description

The Highway Traffic Safety Division was established by Title 61, Chapter 2, MCA, to promote public safety, health, and welfare through efforts directed toward reducing death, injury, and property loss resulting from traffic accidents. Projects are developed and initiated in various levels of government primarily through federal grant funds provided through the division to ensure that a long-term, stable, and statewide program exists. Current program priorities include occupant protection and drinking and driving projects.

LFA Current Level

The division's fiscal 1994 budget increases over \$760,000 as compared to the fiscal 1992 current level base primarily due to an increase in federal pass-through grant funds and in-state special revenue funds from drivers' license reinstatement fees passed through to local governments.

Personal services increase due to the 1993 biennium pay plan and vacancy savings in fiscal 1992. Operating expenses are based on the fiscal 1992 base, with minor adjustments for fixed costs and an increase of nearly \$15,000 in contracted services due to a significant increase in federal funding for safety projects. Equipment includes \$2,500 in fiscal 1994 for engine replacement in the division's 1986 van, \$5,600 each year of the biennium for replacement of computer equipment, and \$2,000 each year (plus inflation) for software upgrades.

Local assistance funds from drivers' license reinstatement fees for distribution to local governments increase \$326,920 each year in the 1995 biennium. Sections 61-2-106 through -108, MCA, establish a \$100 drivers' license reinstatement fee. Statute requires that \$50 of the fee be deposited in the general fund for distribution to counties with established drinking and driving prevention programs. The remaining \$50 must be deposited in a state special revenue fund for distribution to cities and towns for programs and facilities for minors, adult chemical dependency treatment programs, and for law enforcement training programs and equipment. Based on estimated revenue from the reinstatement fee, fiscal 1994 current level includes \$210,000 general fund for pass-through of reinstatement fees to local governments. The fiscal 1992 appropriation of \$200,000 was reduced to \$183,080 in the January 1992 special session. Fiscal 1994 current level includes \$300,000 state special revenue fund for pass-through of reinstatement fees to cities

EXHIBIT 2
DATE 1/16/93
~~HB~~

Highway Traffic Safety

Highway Traffic Safety Division

and towns. Although the 1991 Legislature authorized the increased fee and the state special revenue fund distribution in House Bill 494, there was no appropriation authority provided to the division in the 1993 biennium to transfer the funds. All funds deposited to the account in the 1993 biennium were transferred to the general fund in the July 1992 special session.

Federal pass-through grant funds for highway safety projects are increased from \$520,000 in fiscal 1992 to \$900,000 in fiscal 1993, due to a higher demand for grant funds from local governments.

Funding

As discussed above, general fund collected from the drivers' license reinstatement fees is for distribution to counties with established drinking and driving prevention programs. State special revenue funds include \$300,000 per year for distribution of driver's license reinstatement fees to cities and towns for law enforcement programs and approximately \$85,000 each year of highways special revenue funds. The highways special revenue funds provide a required 50 percent state match on federal funds for administration and planning costs. Federal funds are for \$408,397 operating costs and \$900,000 federal pass-through grant funds in fiscal 1994. The federal fund increase is due to an increase in grant funds.

4108 00 00000								
HB _____ HIGHWAY TRAFFIC SAFETY								
Agency Summary								
Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	8.50	8.50	8.50	8.50	0.00	8.50	8.50	0.00
Personal Services	264,130	289,679	301,517	301,524	(7)	302,453	302,460	(7)
Operating Expenses	168,830	191,324	182,105	181,831	274	182,941	182,685	256
Equipment	2,955	3,000	10,100	10,166	(66)	7,600	7,730	(130)
Local Assistance	183,080	184,080	210,000	510,000	(300,000)	210,000	510,000	(300,000)
Grants	<u>520,000</u>	<u>520,000</u>	<u>900,000</u>	<u>900,000</u>	<u>0</u>	<u>900,000</u>	<u>900,000</u>	<u>0</u>
Total Costs	\$1,138,997	\$1,188,083	\$1,603,722	\$1,903,521	(\$299,799)	\$1,602,994	\$1,902,875	(\$299,881)
Fund Sources								
General Fund	183,080	183,080	210,000	210,000	0	210,000	210,000	0
State Revenue Fund	72,646	80,807	85,000	385,124	(300,124)	86,000	386,189	(300,189)
Federal Revenue Fund	<u>883,270</u>	<u>924,196</u>	<u>1,308,722</u>	<u>1,308,397</u>	<u>325</u>	<u>1,306,994</u>	<u>1,306,686</u>	<u>308</u>
Total Funds	\$1,138,997	\$1,188,083	\$1,603,722	\$1,903,521	(\$299,799)	\$1,602,994	\$1,902,875	(\$299,881)

Page References

LFA Budget Analysis 1995 Biennium Vol. I - Pages A 79-82
 Governor's Executive Budget - Page A41

Current Level Differences

DRIVERS' LICENSE REINSTATEMENT FEES - The Executive Budget is lower than LFA current level due to the omission of state special revenue appropriation authority for the transfer of one-half of drivers' license reinstatement fees to counties as required by statute. Under current law, counties use these funds to provide grants to local governments for law enforcement programs. The executive proposes a policy initiative to use these fees instead to fund alcohol and drug treatment for youth served by the Department of Family Services (currently funded by general fund). The executive proposal will require an amendment to section 71-2-107(2)(b), MCA, to change the distribution and purposes for use of the funds. See discussion on LFA Vol. I, page A-80.

INFLATION DIFFERENCES

MINOR DIFFERENCES (NET)

TOTAL CURRENT LEVEL ISSUES

Budget Modifications

None

Language

None

Exec. Over(Under) LFA	
Fiscal 1994	Fiscal 1995
(300,000)	(300,000)
(99)	(181)
<u>300</u>	<u>300</u>
<u>(299,799)</u>	<u>(299,881)</u>

CRIME CONTROL DIVISION								
Agency Summary								
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	Biennial Difference Exec.-LFA
FTE	19.00	18.00	18.00	18.00	18.00	18.00	18.00	
Personal Services	545,042	528,375	554,985	581,040	581,042	582,904	582,908	6
Operating Expenses	229,241	181,937	219,104	178,566	182,867	181,578	185,888	8,611
Equipment	19,572	14,292	6,085	10,523	9,023	9,987	7,066	(4,421)
Grants	3,466,199	3,155,460	3,282,918	3,210,244	3,210,244	3,210,244	3,210,244	
Benefits and Claims	452,954	452,954	451,143	590,000	590,000	590,000	590,000	
Total Costs	\$4,713,009	\$4,333,018	\$4,514,235	\$4,570,373	\$4,573,176	\$4,574,713	\$4,576,106	\$4,196
Fund Sources								
General Fund	455,253	455,254	474,417	472,162	475,970	476,502	478,901	6,207
State Revenue Fund	618,025	543,995	563,498	571,903	571,903	571,903	571,903	
Federal Revenue Fund	3,639,730	3,333,769	3,476,320	3,526,308	3,525,303	3,526,308	3,525,302	(2,011)
Total Funds	\$4,713,009	\$4,333,018	\$4,514,235	\$4,570,373	\$4,573,176	\$4,574,713	\$4,576,106	\$4,196

Agency Description

The mission of the Crime Control Division is to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice system. The division was created by section 2-15-2006, MCA. Under the direction of a supervisory Board of Crime Control appointed by the Governor, the Crime Control Division provides financial support, technical assistance, and supportive services to state and local criminal justice agencies. The board administers and awards several grant programs, including the Juvenile Justice and Delinquency Prevention Act, the Victim/Witness Assistance Act, the State and Local Law Enforcement Assistance Act, the Narcotics Control Assistance Program, and the State Crime Victims' Compensation program.

Adjustments to Actual Expenditures									
	Actual Fiscal 1992	Approp. Transfer	Budget Amendment	One Time Approp.	Language Approp.	Non-Budget Expenditure	Statutory Approp.	All Other Approp.	Current Lvl Fiscal 1992
FTE	19.00						1.00		18.00
Expenditure	4,713,010		141,365				74,031	164,594	4,333,020
		General Fund	State Special Fund	Federal Fund	Cap. Projects Fund	Proprietary Fund	Other Fund	Current Unrestricted	
Funding	4,713,010		74,031	305,959					4,333,020

Adjustments to Actual Expenditures

The difference between actual expenditures and the current level base for fiscal 1992 is due to: 1) budget amendments for federal grant funds of \$97,500 for services to victims of crime on Indian Reservations and \$43,865 to enhance and expand the capability of the division's statistical analysis center; 2) statutory appropriation expenditures of 1.0 FTE and \$74,031 from net lottery proceeds for grants to counties for youth detention services; and 3) \$164,594 for continuing appropriations from prior years of federal pass-through grant funds.

The difference between the current level total shown in this table and in the main table above is due to rounding.

Executive Budget Comparison

The Executive Budget is \$4,196 higher than LFA current level for the biennium. Operating expenses are higher in the Executive Budget for the following reasons: 1) the LFA current level eliminates \$5,000 of one-time expenses from the base that were for the implementation of probation and parole officer standards development (Senate Bill 379); 2) the LFA current level eliminates \$4,400 of fixed costs from the base that are paid by a statutory appropriation; and 3) the executive includes \$789 of other minor offsetting differences below LFA current level. The Executive Budget is \$4,421 lower in equipment than the LFA current level because it does not include the agency's request for office furniture replacement.

4107 00 00000							
Executive Budget Modifications							
Crime Control Division	P	Fiscal 1994			Fiscal 1995		
		G	FTE	General Fund	Total Funds	FTE	General Fund
Budget Modification							
1 Improved Victim Services	01				\$2,020		\$1,960
Totals					\$2,020		\$1,960

Executive Budget Modifications

1) Improved Victim Services - The Executive Budget includes a budget modification for crime victim benefits state special revenue funds to increase administrative support for the crime victim benefits program. Both the Executive Budget and the LFA current level include \$191,806 for administrative costs and \$910,000 for benefits and claims from the state special revenue funds. Administrative funds support 1.0 FTE and operating costs to support the state Crime Victims' Compensation program and partial support for the federal crime victims' program. This modification would provide an additional \$3,980 for the biennium to add a toll-free telephone line and provide additional travel funds for the administrator.

4107 01 00000		CRIME CONTROL DIVISION								Justice System Support Service	
Program Summary											
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	LFA Change 92 -- 94			
FTE	19.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	0.00		
Personal Services	545,042	528,375	554,985	581,040	581,042	582,904	582,908	52,665			
Operating Expenses	229,241	181,937	219,104	178,566	182,867	181,578	185,888	(3,371)			
Equipment	19,572	14,292	6,085	10,523	9,023	9,987	7,066	(3,769)			
Grants	3,466,199	3,155,460	3,282,918	3,210,244	3,210,244	3,210,244	3,210,244	54,784			
Benefits and Claims	<u>452,954</u>	<u>452,954</u>	<u>451,143</u>	<u>590,000</u>	<u>590,000</u>	<u>590,000</u>	<u>590,000</u>	<u>137,046</u>			
Total Costs	\$4,713,009	\$4,333,018	\$4,514,235	\$4,570,373	\$4,573,176	\$4,574,713	\$4,576,106	\$237,355			
Fund Sources											
General Fund	455,253	455,254	474,417	472,162	475,970	476,502	478,901	16,908			
State Revenue Fund	618,025	543,995	563,498	571,903	571,903	571,903	571,903	27,908			
Federal Revenue Fund	<u>3,639,730</u>	<u>3,333,769</u>	<u>3,476,320</u>	<u>3,526,308</u>	<u>3,525,303</u>	<u>3,526,308</u>	<u>3,525,302</u>	<u>192,539</u>			
Total Funds	\$4,713,009	\$4,333,018	\$4,514,235	\$4,570,373	\$4,573,176	\$4,574,713	\$4,576,106	\$237,355			

Program Description

The mission of the Crime Control Division is to promote public safety by strengthening the coordination and performance of the criminal and juvenile justice system. The division was created by section 2-15-2006, MCA. Under the direction of a supervisory Board of Crime Control appointed by the Governor, the Crime Control Division provides financial support, technical assistance, and supportive services to state and local criminal justice agencies. The board administers and awards several grant programs, including the Juvenile Justice and Delinquency Prevention Act, the Victim/Witness Assistance Act, the State and Local Law Enforcement Assistance Act, the Narcotics Control Assistance Program, and the State Crime Victims' Compensation program.

LFA Current Level

The division's fiscal 1994 budget increases over \$237,000 as compared to the fiscal 1992 current level base primarily due to increases in personal services and federal crime victims' benefits funds.

Personal services increase due to annualization of the 1993 biennium pay plan and vacancy savings in fiscal 1992. In addition to the FTE shown in the table, 1.0 FTE and associated personal services were funded through a statutory appropriation of 9.1 percent of net lottery proceeds to the Crime Control Division to provide and administer grants to counties for youth detention services. Unless the statutory appropriation is repealed, this FTE and related personal service costs will continue in the 1995 biennium.

Operating expenses are based on the fiscal 1992 base, with minor adjustments in fixed and indirect costs. One-time operating costs removed from the base include \$2,500 expended to implement Senate Bill 379 (Parole Officer Standards) and \$1,400 in telephone system change costs. Dues were reduced \$2,165 to a three-year average cost.

Equipment includes a facsimile machine, computer replacement equipment, software upgrades, office equipment, and office furniture.

Table 1 shows the pass-through grants and benefits program funding included in current level.

The 1995 biennium grant amounts are a slight increase over fiscal 1992 expenditures, but are a slight decrease from fiscal 1993 appropriated levels. Although in fiscal 1992 the entire grant funds appropriated were not spent, the unspent authority carries over into future years. The 1995 biennium current level amounts are not firm award amounts, but are based on federal estimates (state estimates for D.A.R.E. funds) of the amount of grant funds that will be awarded to Montana.

The largest increase in the division current level, as shown in the main table, is in benefits and claims, due to the addition of \$135,000 federal Crime Victims' Compensation Benefits. In fiscal 1992, the program was entirely funded by state funds, as shown in Table 1.

Table 1 Pass-Through Grants & Benefits 1995 Biennium			
Pass-Through Grant Funds	Approp. Fiscal 1992	Fiscal 1994	Fiscal 1995
Victims' Assistance	\$333,000	\$363,000	\$363,000
Juvenile Justice	221,500	224,375	224,375
D.A.R.E. Program Grants - SSR	15,200	20,000	20,000
Drug Education/Prevention	542,218	466,588	466,588
Drug Enforcement Block Grant	<u>2,144,000</u>	<u>2,136,281</u>	<u>2,136,281</u>
Total Pass-Through Grants	\$3,255,918	\$3,210,244	\$3,210,244
<u>Crime Victims' Compensation Benefits</u>			
State Special Revenue	\$451,143	\$455,000	\$455,000
Federal	0	<u>135,000</u>	<u>135,000</u>
Total Grants and Benefits Funds	\$3,707,061	\$3,800,244	\$3,800,244

Language was included in House Bill 2 that required the division to charge tuition and fees sufficient to reimburse the general fund for juvenile justice training and technical assistance provided to local law enforcement agencies. Total reimbursement to the general fund in fiscal 1992 was \$1,480.

Funding

In addition to federal funding for the pass-through grant programs and a portion of crime victims' compensation benefits in the 1995 biennium, federal funding is provided for juvenile justice programs and for administration of the Juvenile Justice and Drug Enforcement Block Grant programs.

State special revenue funds Crime Victims' Compensation benefits and administration, and also provides state match funds for administration of the federal Victim Assistance Grant program. An additional \$21,000 state special revenue per year is for grants and administration for the Drug Abuse Resistance Education (D.A.R.E.) program, funded by a voluntary income tax check-off.

Funding for all other Crime Control Division activities is general fund, including operation of the Peace Officer Standards and Certification program, the Montana Uniform Crime Reporting System, general agency administration, technical assistance to local law enforcement, and state match funds for the juvenile justice and drug enforcement federal grant programs.

4107 00 00000 DATE <u>1/6/93</u>		CRIME CONTROL DIVISION							
Agency Summary <u>HB</u>		Current Level	Current Level	Executive	LFA	Difference	Executive	LFA	Difference
Budget Item	Fiscal 1992	Fiscal 1993	Fiscal 1994	Fiscal 1994	Fiscal 1994	Fiscal 1994	Fiscal 1995	Fiscal 1995	Fiscal 1995
FTE	18.00	18.00	18.00	18.00	18.00	0.00	18.00	18.00	0.00
Personal Services	528,376	554,985	581,042	581,040	581,040	2	582,908	582,904	4
Operating Expenses	181,937	219,104	182,867	178,566	178,566	4,301	185,888	181,578	4,310
Equipment	14,292	6,085	9,023	10,523	10,523	(1,500)	7,066	9,987	(2,921)
Grants	3,155,460	3,282,918	3,210,244	3,210,244	3,210,244	0	3,210,244	3,210,244	0
Benefits and Claims	<u>452,954</u>	<u>451,143</u>	<u>590,000</u>	<u>590,000</u>	<u>590,000</u>	<u>0</u>	<u>590,000</u>	<u>590,000</u>	<u>0</u>
Total Costs	\$4,333,020	\$4,514,235	\$4,573,176	\$4,570,373	\$4,570,373	\$2,803	\$4,576,106	\$4,574,713	\$1,393
Fund Sources									
General Fund	455,253	474,417	475,970	472,162	472,162	3,808	478,901	476,502	2,399
State Revenue Fund	543,994	563,498	571,903	571,903	571,903	0	571,903	571,903	0
Federal Revenue Fund	<u>3,333,771</u>	<u>3,476,320</u>	<u>3,525,303</u>	<u>3,526,308</u>	<u>3,526,308</u>	<u>(1,005)</u>	<u>3,525,302</u>	<u>3,526,308</u>	<u>(1,006)</u>
Total Funds	\$4,333,020	\$4,514,235	\$4,573,176	\$4,570,373	\$4,570,373	\$2,803	\$4,576,106	\$4,574,713	\$1,393

Page References

LFA Budget Analysis (Vol. I), A 75-78
 Stephen's Executive Budget, A40

Current Level Differences

ONE-TIME EXPENSE, SB 379 - The LFA current level is lower due to the elimination of one-time expenses from the base that were for the implementation of probation and parole officer standards development as required by Senate Bill 379, 1991 session.

2,500 2,500

FIXED COSTS ALLOCATION - The LFA current level eliminates fixed costs from the fiscal 1992 base that were paid by a statutory appropriation.

2,200 2,200

DUES - The LFA current level is lower due to a reduction of funding for dues to historical average levels. The agency paid additional dues in fiscal 1992 for voting membership in a national juvenile justice advisory group.

2,165 2,165

OFFICE EQUIPMENT - The LFA current level is higher in equipment as it allows funds for the purchase of replacement office furniture requested by the agency but not included in the Executive Budget.

(1,500) (2,921)

INFLATION DIFFERENCES

(160) (269)

MINOR DIFFERENCES (NET)

(2,402) (2,282)

TOTAL CURRENT LEVEL DIFFERENCES

2,803 1,393

Budget Modifications

IMPROVED VICTIM SERVICES - This Executive Budget modification provides crime victim benefits state special revenue funds to increase administrative support for the crime victim benefits program (toll-free line and additional travel). See LFA Vol. 1, page A-76.

2,020 1,960

Language and Other Issues

All pass-through grant funds were individually line-itemed in the 1993 biennium appropriations bill and language was included stating that the line-itemed pass-through grants funds were biennial appropriations, as follows:

"Items xx through xx are biennial appropriations."

The 1993 biennium appropriations bill also included the following language (adjusted for reference to fiscal year):

"All remaining federal pass-through grant appropriation authority for the 1993 biennium is authorized to continue into fiscal 1994 and fiscal 1995."

Exec. Over(Under) LFA
 Fiscal 1994 Fiscal 1995

EXHIBIT 5
DATE 1/6/93
HB _____

"The board of crime control shall charge tuition and fees sufficient to reimburse the general fund for costs associated with the juvenile justice training program and for technical assistance provided to local law enforcement agencies. The tuition and fees collected must be deposited in the general fund."

The agency may request language that will allow additional appropriation authority in the event that additional federal pass-through grant funds become available. A possible option is to provide the agency "legislative contract authority" similar to the method used by the Dept. of Fish, Wildlife and Parks.

ISSUE: STATUTORY APPROPRIATION—Senate Bill 37, passed in the 1991 session, provides a statutory appropriation of 9.1 percent of net lottery proceeds for state grants to counties for youth detention services. In the 1993 biennium, the agency funded 1.0 FTE and related personal services and operating expenses for grant administration through the statutory appropriation. Although the fiscal note accompanying Senate Bill 37 in the 1991 session clearly indicated that funding was required for 1.0 FTE and operating expenses, the language in the final bill limited the statutory appropriation to pass-through grants only. If the agency is to continue charging the FTE and operating costs to the statutory appropriation, section 23-7-402, MCA would have to be amended to authorize the expenditures. Another option is to provide a separate appropriation in House Bill 2 for the costs of administering the grant. It should be noted that the 1989 legislature passed House Bill 583 amending existing statutory appropriations to eliminate statutory appropriations for expenses of administering or operating a program.

¿CUÁLES SON LOS REQUISITOS PARA LA ELEGIBILIDAD?

El crimen ha de ser reportado a las autoridades dentro de 72 horas o uno debe dar buenas razones por que el crimen no fue reportado.

- * La víctima debe cooperar completamente con las autoridades y con el fiscal. Los beneficios pueden darse aunque el ofensor no esté capturado o procesado.
- * La víctima ha de declarar el crimen a la Unidad de Víctimas de Crimen dentro un año de ocurrir el crimen o dar buenas razones al contrario. Los beneficios no serán considerados si la víctima no hace una demanda.
- * Los beneficios pueden darse a residentes de Montana y a transeúntes heridos en un estado que no tiene un Programa Compensacional para Víctimas de Crimen que cubra residentes de Montana.
- * Los beneficios serán reducidos o negados al punto que la víctima contribuyera a sus propios daños o a su propia muerte.
- * No se permiten beneficios para:
 - ✓ El ofensor o el cómplice
 - ✓ Accidentes de tráfico que no relatan del alcohol
 - ✓ Pérdida de propiedad, dolor o sufrimiento, o incidentes que ocurrieran antes del primero de Enero de 1978

¿QUIÉNES PUEDEN HACER RECLAMA?

Una reclama puede solicitarse por:

- * La víctima inocente
- * Los dependientes de la víctima fallecida, o
- * Una persona autorizada a representar la víctima

¿CUÁLES SON LOS BENEFICIOS?

BENEFICIOS MÉDICOS - Pagos son recompensados para servicios razonables de médico y de hospital, medicamentos, ambulancia, aconsejamiento, y otros tratamientos aprobados.

PÉRDIDA DE SUELDO - Se recompensa pérdida de sueldo si la víctima tenía empleo en el momento en que ocurrió el crimen y pierde una semana de empleo o más. El tipo de compensación es a 66-2/3% del promedio del sueldo semanal. La máxima compensación de sueldo es a 1/2 del promedio estatal del sueldo semanal para crímenes que ocurrieran en o después el primero de Julio de 1987. Los beneficios continúan hasta que la víctima regrese al trabajo o esté despedida por un médico. Recompensa por pérdida de sueldo se paga cada dos semanas y no puede ser pagada en suma total por pérdidas en el futuro.

BENEFICIOS DE MUERTE - El/la cónyuge sobreviviente o los dependientes pueden reclamar los beneficios con respecto a la pérdida de sueldo y los costos médicos de la víctima fallecida. Los beneficios son disponibles hasta que el/la cónyuge se case de nuevo o los otros dependientes pierdan su estado de dependiente. La persona que paga los gastos fúnebres puede pedir reembolso hasta \$2,000.

¿CUÁLES SON LOS LÍMITES DE LOS BENEFICIOS?

Los pagos completos por todos los beneficios pueden exceder la suma de \$25,000. La máxima suma de algunas demandas puede ser \$20,000 si el crimen ocurrió antes del primero de Julio de 1987.

VÍCTIMAS SECUNDARIAS

Los beneficios para ciertos familiares por aconsejamiento psicológico pueden ser disponibles por crímenes que ocurrieran en o después del primero de Octubre de 1987. Los pagos pueden ser realizados para los padres, el/la cónyuge, los hijos o los hermanos de una víctima que muera con resultado directo de un crimen. El aconsejamiento debe ser requerido por causa del crimen. Los pagos pueden ser realizados para los padres, los hermanos de una víctima menor de edad que es víctima de un crimen sexual por el cual una persona ha sido acusada y que no tiene derecho a recibir servicios bajo Capítulo 3 del Título 41. El aconsejamiento debe ser requerido por causa del crimen. El aconsejamiento para familiares se limita a \$500 por persona o a \$1,500 por familia.

¿CÓMO HACE UNA VÍCTIMA LA SOLICITUD?

Formularios de reclama pueden ser obtenidos deben ser entregados a:

Unidad De Víctimas De Crimen
303 North Roberts, 4Rto Piso
Helena, MT 59620-1408
(406) 444-3653

Además, se puede obtener los formularios de reclama de las autoridades policíacas, fiscales condados, o los hospitales.

CRIME VICTIMS' HANDBOOK



On the path to recovery



MONTANA BOARD OF CRIME CONTROL
303 NORTH ROBERTS
HELENA, MT 59620

Exhibit #7 is a booklet containing 80 pages of information for victims of crime (victim's rights, victim's assistance services, victim's assistance programs, crime victim compensation). The originals are stored at the Historical Society at 225 North Roberts, MT, 59620-1201. The phone number is 444-2694.

COMMISSIONER OF POLITICAL PRACTICES								
Agency Summary								
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	Biennial Difference Exec.-LFA
FTE	3.25	3.25	3.25	3.25	3.25	3.25	3.25	
Personal Services	94,008	92,859	93,761	97,576	97,697	97,901	98,021	241
Operating Expenses	38,172	38,175	26,212	27,859	31,315	24,774	29,135	7,817
Equipment	531	532	2,108	1,535	1,525	1,300	1,564	254
Debt Service	<u>1,176</u>	<u>1,176</u>		<u>232</u>	<u>232</u>			
Total Costs	\$133,888	\$132,742	\$122,081	\$127,202	\$130,769	\$123,975	\$128,720	\$8,312
Fund Sources								
General Fund	<u>133,888</u>	<u>132,742</u>	<u>122,081</u>	<u>127,202</u>	<u>130,769</u>	<u>123,975</u>	<u>128,720</u>	<u>8,312</u>
Total Funds	\$133,888	\$132,742	\$122,081	\$127,202	\$130,769	\$123,975	\$128,720	\$8,312

Agency Description

The Office of the Commissioner of Political Practices was created in 1975 to monitor disclosures of financial contributions to and expenditures made by Montana political committees and candidates and to oversee and enforce the campaign practices law in Title 13, Chapters 35 through 37, MCA. The responsibilities of the office were expanded in 1980 by Initiative 85 to include the registration of lobbyists, the filing of their principals' financial reports, and the disclosure of elected officials' business and ownership interests.

Adjustments to Actual Expenditures

	Actual Fiscal 1992	Approp. Transfer	Budget Amendment	One Time Approp.	Language Approp.	Non-Budget Expenditures	Statutory Approp.	All Other Approp.	Current Lvl Fiscal 1992
FTE	3.25								3.25
Expenditure	133,889			1,150					132,739
Funding									
	133,889	1,150							132,739

Adjustments to Actual Expenditures

The Office of the Commissioner of Political Practices spent \$5,325 on staff termination pay in fiscal 1992. Funds for these costs came from: 1) a budget modification for staff termination pay approved by the 1991 legislature which added \$1,150 in fiscal 1992 and \$500 in fiscal 1993; and 2) vacancy savings. The one time appropriation expenditure shown on the table above represents funds authorized in the budget modification.

The difference in the current level total shown in this table and the table above is due to rounding.

EXHIBIT 8

DATE 1/6/93

~~HB~~

Executive Budget Comparison

The Executive Budget is \$8,312 higher than the LFA current level in the 1995 biennium. The difference is primarily in contracted services, where the executive has included: 1) \$5,000 more than the LFA for printing forms, an accounting manual, and the campaign finance book; and 2) \$2,700 more than the LFA for legal fees and outside review of the accounting manual and campaign finance book.

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COMMISSIONER OF POLITICAL PRACTICES Administration								
Program Summary								
Budget Item	Actual Expenditures Fiscal 1992	Current Level Fiscal 1992	Current Level Fiscal 1993	LFA Fiscal 1994	Executive Fiscal 1994	LFA Fiscal 1995	Executive Fiscal 1995	LFA Change 92 -- 94
FTE	3.25	3.25	3.25	3.25	3.25	3.25	3.25	0.00
Personal Services	94,008	92,859	93,761	97,576	97,697	97,901	98,021	4,717
Operating Expenses	38,172	38,175	26,212	27,859	31,315	24,774	29,135	(10,316)
Equipment	531	532	2,108	1,535	1,525	1,300	1,564	1,003
Debt Service	1,176	1,176	0	232	232	0	0	(944)
Total Costs	\$133,888	\$132,742	\$122,081	\$127,202	\$130,769	\$123,975	\$128,720	(\$5,540)
Fund Sources								
General Fund	133,888	132,742	122,081	127,202	130,769	123,975	128,720	(5,540)
Total Funds	\$133,888	\$132,742	\$122,081	\$127,202	\$130,769	\$123,975	\$128,720	(\$5,540)

Program Description

The Office of the Commissioner of Political Practices was created in 1975 to monitor disclosures of financial contributions to and expenditures made by Montana political committees and candidates and to oversee and enforce the campaign practices law in Title 13, Chapters 35 through 37, MCA. The responsibilities of the office were expanded in 1980 by Initiative 85 to include the registration of lobbyists, the filing of their principals' financial reports, and the disclosure of elected officials' business and ownership interests.

LFA Current Level

The agency's fiscal 1994 budget decreases from adjusted fiscal 1992 expenditures primarily because of the elimination of one-time expenditures.

Personal services increase due to the annualization of the fiscal 1993 pay plan increase and vacancy savings experienced in fiscal 1992.

Operating expenses decrease due to the net of: 1) elimination of \$15,525 of legal fee and court cost expenditures associated with three campaign practice investigations, two of which have been resolved; 2) the addition of \$3,500 to review, edit, and print the accounting manual and related forms for candidates and political committees; and 3) an additional \$1,743 for ongoing legal costs.

In fiscal 1995, the agency will publish the campaign finance report and related forms at a cost of approximately \$4,000. The agency is required by law to charge a fee for the campaign finance report commensurate with the cost of publishing it, with funds received from such sales deposited in the general fund. The agency estimates revenue from sales will amount to \$5,625 during the 1995 biennium.

Equipment includes replacement of a laser printer and an "A" drive, and upgrades for a recently purchased used computer.

Debt service represents the final payment on a photocopier.

Funding

Funding for the agency is from the general fund.

3202 00 00000

COMMISSIONER OF POLITICAL PRAC

Agency Summary

Budget Item	Current Level Fiscal 1992	Current Level Fiscal 1993	Executive Fiscal 1994	LFA Fiscal 1994	Difference Fiscal 1994	Executive Fiscal 1995	LFA Fiscal 1995	Difference Fiscal 1995
FTE	3.25	3.25	3.25	3.25	0.00	3.25	3.25	0.00
Personal Services	92,858	93,761	97,697	97,576	121	98,021	97,901	120
Operating Expenses	38,172	26,212	31,315	27,859	3,456	29,135	24,774	4,361
Equipment	531	2,108	1,525	1,535	(10)	1,564	1,300	264
Debt Service	<u>1,176</u>	<u>0</u>	<u>232</u>	<u>232</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Costs	\$132,738	\$122,081	\$130,769	\$127,202	\$3,567	\$128,720	\$123,975	\$4,745
Fund Sources								
General Fund	<u>132,738</u>	<u>122,081</u>	<u>130,769</u>	<u>127,202</u>	<u>3,567</u>	<u>128,720</u>	<u>123,975</u>	<u>4,745</u>
Total Funds	\$132,738	\$122,081	\$130,769	\$127,202	\$3,567	\$128,720	\$123,975	\$4,745

Page References

Stephen's Executive Budget - A33
LFA Budget Analysis (Vol. I) - A 59-61

Current Level Differences

PRINTING - The Executive Budget is \$5,016 higher than LFA current level due to inclusion of: 1) \$2,500 in fiscal 1994 to print campaign finance and practice laws which is currently a function of the Secretary of State; and 2) \$2,516 more than LFA in fiscal 1995 to print the campaign finance book and forms.

CONSULTANT SERVICES - The Executive Budget includes \$2,000 for review and editing services, while LFA current level does not include funds for this purpose.

INFLATION - The Executive Budget contains \$576 more than the LFA current level due to inflationary adjustments.

MINOR DIFFERENCES - The Executive Budget contains a net \$476 more than the LFA for minor differences: 1) \$642 additional legal costs; 2) \$480 less office equipment rent; 3) \$254 additional equipment; 4) \$119 more travel and education; and 5) \$59 less communications, books, and longevity.

PERSONAL SERVICES - The Executive Budget contains \$244 more salary for the Commissioner than the LFA current level, which budgets the Commissioner's salary at the level set in statute (\$31,551 per year in fiscal 1993 and all subsequent years).

TOTAL CURRENT LEVEL DIFFERENCES

Budget Modifications

None

Language

None

Exec. Over(Under) Fiscal 1994	LFA Fiscal 1995
2,500	2,516
1,000	1,000
292	284
(347)	823
122	122
<u>3,567</u>	<u>4,745</u>

3401 00 00000							
Elected Officials Budget Modifications							
State Auditor Budget Modification	P G	Fiscal 1994			Fiscal 1995		
		FTE	General Fund	Total Funds	FTE	General Fund	Total Funds
1 Restore 5% Reductions	03	1.00	\$35,934	\$35,934	1.00	\$35,977	\$35,977
2 Restore 5% Reductions	04	1.00	33,056	33,056	1.00	33,106	33,106
3 Restore 5% Reductions	10	0.33	6,520	6,520	0.33	6,520	6,520
Totals		2.33	\$75,510	\$75,510	2.33	\$75,603	\$75,603

would require reassignment of a criminal investigator to these duties, with a 50 percent reduction in criminal investigations.

3) Restore 5% Reduction - This budget modification would restore a 0.33 FTE administrative clerk removed from the Fiscal Control and Management program in accordance with section 13 of House Bill 2. The position processes lost, destroyed, forged, returned, canceled, and stale-dated warrants.

Funding for all of these positions is included in LFA current level.

Issue

Fixed Cost Fee Allocations

The State Auditor's Office provides two services to state agencies that are funded by fees charged to customer agencies -- the state payroll and the state warrant writing systems. Fees are allocated to agencies based upon an estimated program cost base, and the allocation is included in the user agency budget requests. The executive develops the cost allocation plan and approves the fee allocation to be charged to agencies. To allow easier comparison between the executive and LFA current level budgets in the agencies, the LFA current level uses the same estimated costs for the 1995 biennium for both the payroll and warrant writing services. However, the LFA did not review the reasonableness of the plans prior to inclusion in agency budgets.

Table A compares the cost allocation base used for the agency request and LFA current level for each system. As shown, the cost allocation base used to determine agency fees was higher than either of the proposed current level bases. This results in an over-assessment of fees to non-general fund customers when compared to the percent of services provided.

Table A shows the total fees that are included in agency budgets ("Executive Allocation Plan") for the 1995 biennium. If all of the state special revenues generated are appropriated in the 1995 biennium, non-general fund sources will pay a higher percentage of the cost of the services for both systems than they receive.

Table A
 Fixed Cost Fee Allocations
 1995 Biennium

Description	-- Payroll System --		Warrant Writing System	
	Fiscal 1994	Fiscal 1995	Fiscal 1994	Fiscal 1995
<u>System Cost Base:</u>				
Agency Budget Request (Current & Modified Level)	\$531,416	\$532,990	\$690,308	\$680,088
LFA Current Level	593,458	533,830	698,581	675,732
Executive Allocation Plan (Assessment to Agencies)	643,448	645,955	761,623	781,199
<u>Non-General Fund Support:</u>				
Percent of Services Provided to Non-Gen. Fund Pgms	55.50%	55.50%	71.35%	71.56%
Fees Generated by Executive Allocation Plan	\$357,087	\$358,812	\$543,390	\$559,035
LFA Current Level (SSR Funds)	<u>329,369</u>	<u>296,276</u>	<u>499,485</u>	<u>483,148</u>
Excess Fee Collections	\$27,718	\$62,536	\$43,905	\$75,887

LFA current level prorates the funding for both systems at the level of services received as determined in the cost allocation plan. Therefore, state special revenue funds 55.5 percent of the state payroll system and 71.35 percent of the warrant writing system. Utilizing this method of funding results in an accumulation of over \$90,000 in excess state payroll service fees and nearly \$120,000 of excess warrant writing fees during the 1995 biennium. These excess fee collections would remain in the agency's state special revenue account if the legislative appropriation approximates LFA current level.

Reduction of the agency fees allocation for these systems to match the appropriation for the 1995 biennium would result in a \$210,000 reduction in agency budgets from all fund sources.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

GEN. GOV. & HWYS. SUBCOMMITTEE DATE 1/6/93

DEPARTMENT(S) HWY. TRAFF. SAFE., COMM. OF DIVISION
POLIT. PRACT., CRIME CONTROL

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NAME	REPRESENTING	
Sandra Bogg		
Ed Argenti	Commissioner of Pol. Practice	
J. West Lake	Hwy Traffic Safety	
Amy Kelley	COMMON CAUSE	

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