The quality of life we enjoy in our state is directly connected to the public systems and structures we have created over many decades. Our parks and trails, quality schools, and reliable roads make our communities great places to live and work. The state budget created during the 2015 Legislative Session will, for the most part, maintain the public systems we rely on every day, as well as, invest new dollars into our local economies to help our neighbors and friends. However, the legislature left some holes that will undermine our communities’ well being.

The 2015 Legislative Session was an incredible opportunity for Montana, an opportunity to reinvest in our state following a 2013 Legislature that refused to reach compromise on many of the issues to move Montana and its citizens forward. It was a chance to wisely invest state dollars in ways that help our families and boost our economy. This year, the legislature successfully expanded health care coverage to those most in need, maintained strong support for Montana’s schools, and invested new dollars into Indian Country. However, state policymakers left Helena without addressing some key issues important to our communities, including investments in pre-K and long-term infrastructure projects. Policymakers also failed to take action to ensure large corporations are paying their fair share for the ongoing infrastructure and social services needs in eastern Montana and across the state.

The Big Picture

The budget for the State of Montana is about more than numbers. It represents our shared values and collective goals. With the proper investment, the state budget is a roadmap to prosperity for our state, our communities, and our families. The legislature increased funding for public structures like schools, community health, and safety by $768 million compared to the last budget - an increase of 8.2% over the previous biennium. The bulk of our state dollars goes toward investments in education (Chart 1). Next, we spend about a fourth of our state dollars on supporting the health of our communities. However, federal taxpayer dollars represents nearly half of revenue for the State of Montana. When federal dollars and other state special revenue (i.e., certain taxes or fees used for specific purposes) are added to the overall budget, spending for health and human services comprises the largest category, and investments in transportation become prominent (Chart 2). Because the
The federal government provides limited funding for public education, it becomes a smaller piece of the pie.

The public structures that underpin our communities – such as schools, roads, clinics, and public safety – all depend on a system of budgets and taxes that support them adequately now and into the future. Taxes are an essential part of the equation. How they are raised and the level of resources they provide determine our quality of life and community well being. Chart 3 details how revenue is currently collected to support our public structures. The general fund is comprised of state revenue sources that are used to pay for variety of services, including K-12 and higher education, health services, and transportation. Over half of general fund revenue comes from individual income taxes. While corporation and natural resource taxes constitute only 7% and 5%, respectively.

The legislature must also consider the level of the ending fund balance, or what funds remain in the state’s general fund after the legislature completes its appropriations and adjourns. Montana is one of only four states in the country that does not have a separate “rainy day fund” to protect against recessions or other unforeseen events. Instead, Montana relies on the budget’s ending fund balance to help the state through fiscally tough times or emergencies. Since 2005, Montana has maintained a healthy ending fund balance above $300 million (Chart 4). During the session, Governor Bullock reiterated the need to maintain an ending fund balance at or above $300 million to ensure the state’s fiscal health and to be used as Montana’s rainy day fund. As of this October, Montana’s ending fund balance is projected for FY15 at $455.1 million, approximately $90 million above what the Legislature anticipated at the end of the session.
Montana’s 2017 biennium budget also maintains structural balance, (calculating ongoing expenditures minus ongoing revenue) ensuring the state has revenue coming in that covers the state’s expenditures and provides financial sustainability over the biennium and beyond. Following the governor's final vetoes of some spending bills, Montana will now maintain a structural balance of $20 million.9

The legislature rejected many tax cut bills that would have undermined our quality of life and put Montana’s strong ending fund balance at risk. These proposals included further cuts to business equipment tax, cuts to individual income taxes primarily benefiting the wealthiest, and a property tax cut for centrally assessed telecommunication companies. In all, these proposed bills totaled over $630 million in lost revenue over the next biennium, which likely would have resulted in serious cuts to investments in our communities.10 Two of these tax cut measures (HB 166 and SB 200) passed, but the governor vetoed both, recognizing these measures posed a risk to Montana’s fiscal health.11 Table 1 at the end of this document provides a list of these proposed tax cut measures.

The rest of this report will detail specific changes to our budget and tax structure that occurred during the 2015 Legislative Session that created the budget for the 2017 Biennium (July 2015-June 2017). Table 2 at the end of this document provides more information about agency budgets.

Promoting Health and Economic Opportunity for Montanans – Medicaid Expansion

Montana legislators worked together on a bipartisan package to expand health care coverage to thousands of low-income Montanans, injecting billions in new federal taxpayer dollars into our local economies. The Health and Economic Livelihood Partnership (HELP) Act will expand health care coverage to adults making less than 138% of the federal poverty level (for an individual with
an income of $16,000 or about $7.75/hour). The Montana plan will require federal government approval, which is expected to occur in late 2015. The HELP Act will build upon the successes of the Healthy Montana Kids program (which provides affordable health care coverage to over 100,000 children in Montana), by competitively contracting with a private insurer to administer the plan. Some individuals that enroll in the plan will be required to pay modest premiums and copays for services, within the current Medicaid limits. The bill exempts certain populations, including American Indians and those with serious medical conditions, from the premium requirements. The federal government will pay the full costs of the expansion until 2016, and then Montana’s share of the cost will never exceed 10%. Approximately 70,000 Montanans will be eligible to enroll. See MBPC’s report – What Is Next for 70,000 Montanans? Next Steps on Medicaid Expansion.

Creating Economic Opportunity for All - Education

K-12 Education
Investment in K-12 education serves two important purposes. Immediately, funding of K-12 education boosts local economies in every corner of the state by providing jobs for teachers, principals, bus drivers, and many more professionals. In the long run, increased investments in education improve student achievement and thus the quality of Montana’s workforce and our economy.

The 64th Legislature provided an inflationary increase of $92.1 million in K-12 BASE Aid, the state funding mechanism for local K-12 school districts. This funding provided inflationary adjustments for quality educator payments, Indian Education for All, and American Indian Achievement Gap payments. However, the legislature rejected the inflationary adjustment for special education funding.

The State of Montana again signaled its commitment to engaging tribal leaders and American Indian youth in preserving Native languages. The legislature provided $1.5 million in the state budget and passed legislation to continue support for tribal governments or their designees to engage in preservation efforts of tribal languages. This is the second year Montana has invested in native language preservation, though at a lower funding level than the $2 million provided in the previous biennium. Across the nation, the original languages of American Indians are vanishing at an alarming rate, taking with them a vital piece of the culture of our first people. However, the impact of these programs reaches well beyond just the preservation of language, for both our students and our state. Research indicates that when tribal language is included as part of regular curriculum, Native American students experience a better quality of life, including increased academic success and pursuit of higher education, improved self-esteem and self-worth, and a stronger investment in positive social involvement. See MBPC’s report – Continued Preservation of Tribal Languages in Montana.

Higher Education
Higher education can be a vehicle to reduce economic inequality allowing everyone to achieve their greatest potential. However, a college degree remains out of reach for many of our young
adults. The legislature provided an increase of $26.8 million in present law adjustments and pay plan funding to the Montana University System, allowing the system to freeze tuition for 2016 and 2017 for resident students at Montana’s two-year and four-year campuses. The legislature also funded $15 million on one-time-only funds for university-based research focused on building Montana’s economy and creating good-paying jobs.

While Montana colleges and universities have been able to keep tuition levels lower than regional averages, the state continues to fall behind in providing need-based financial aid to ensure lower-income students have access to higher education. Montana students continue to take out high levels of debt, while the average amount of need-based aid provided by other regional states more than doubles the amount provided by the state of Montana.

Tribal colleges across the state play a critical role in providing Montanans, Indian and non-Indian, a pathway to higher education and the ability to prepare for the workforce. Montana provides a partial reimbursement to tribal colleges for non-Indian students enrolled, but funding seriously lags behind that provided to other two-year colleges in the state. This session, legislators passed HB 196, providing a slight increase in the per student distribution. While this increase will not be included until the 2017 biennium budget, HB 196 represents an important step in addressing the disparity in funding levels. See MBPC’s report – Critical Support for Montana Students: Montana’s Disproportionate Funding of Tribal College Students.

Supporting Workers Who Keep Montana Functioning

Public employees live and work in communities all across Montana, providing services that keep Montana functioning like teaching our children, keeping our neighborhoods safe, and ensuring our drinking water is clean. The legislature agreed to the negotiated pay plan, providing $.50 per hour increase effective January 15, 2016, and $.50 per hour increase effective January 15, 2017. The legislature also approved negotiated adjustments in the state’s insurance contribution for public employees for 2016 and 2017.

Missed Opportunities

While the legislature made key investments in communities across Montana, it failed to address the ongoing infrastructure needs of the state, including ensuring the oil and gas industry is contributing to the growing needs in Eastern Montana. Furthermore, the state legislature failed to invest in Montana’s youngest learners as well as ensure sustainable support for economic development funding for Indian Country.

Investing in Infrastructure for Now and the Future

During the final days of the session, the legislature failed to pass the bipartisan infrastructure bill, to invest $150 million for critical projects, such as school construction and sewer and water projects across the state. The bipartisan compromise, which failed in the House by just one vote, struck a balance between bonding (taking advantage of low interest rates) and direct appropriations to invest in long-term capital projects and create good-paying jobs across the state.
At a time when the appropriation committee was hearing from Eastern Montana about crumbling roads, failing sewer systems, and increased social service needs, the oil and gas industry pushed back hard against proposals to pay for these needs with fair oil and gas production taxes. Under current state law, oil and gas companies receive a tax holiday where they do not pay taxes for a substantial portion of the extraction process. This tax holiday has cost the state and communities over $256 million in lost revenue over the past seven years. While communities are suffering from the pains from production, the legislature again refuse[d] to ask oil and gas companies to contribute to the impacts they create in communities. See MBPC’s report - Montana Communities Cannot Afford the Oil and Gas Tax Holiday and video explaining the tax “holiday.”

Investing the Early Edge – Providing Adequate Opportunity for Montana’s Children
The state legislature failed to invest in Montana’s youngest learners. Quality, public pre-K helps parents work, reduces long-term education costs, increases future earnings of participants, and reduces the state’s spending on corrections. Unfortunately, the legislature failed to fund the governor’s Early Edge proposal, and Montana remains one of only a handful of states in the nation that does not invest in early childhood education programs. See MBPC’s report – Investing in Pre-K: Frequently Asked Questions.

Sustainable Funding for Economic Development in Indian Country
Investments in the development of small businesses and entrepreneurship have multiplying effects that drive economic growth, especially in Indian Country. Since 2005, the Indian Country Economic Development (ICED) program has empowered Montana’s tribes to take a hands-on approach to strengthening reservation economies. The 64th Legislature continued ICED funding at $800,000 per year, but it failed to put the program in the base budget and instead, for the sixth session in a row, funded it with one-time-only money. Growth and economic development do not happen in the short term; instead they require long term planning and a long term commitment to growth. See MBPC’s report - Montana’s Commitment to Economic Development in Indian Country.

Putting Montana on the Path to a Brighter Future
Montana’s path to economic recovery and future prosperity is dependent upon the state budget. Our state budget is an essential tool for investing in smart choices that will uphold our values and put us on the right path. We know how to do this—we’ve done it before. Our state is a great place to live because people before us made deliberate and thoughtful decisions to invest in the future by building roads, school, and parks, making college affordable, and creating safe strong communities. Returning to these investments will speed our economic recovery and help Montana remain a place where families, communities, and businesses can thrive.

Table 1: Proposed Tax Cuts in 64th Legislative Session

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
<th>Fiscal Impact (biennium)</th>
<th>Disposition</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB 166</td>
<td>Lower state individual income tax rates</td>
<td>-$78.9 million</td>
<td>Vetoed by Governor; veto override</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>failed</td>
</tr>
<tr>
<td>HB 169</td>
<td>Lower individual income tax rates and provide tax credit to higher income property owners</td>
<td>-$77.5 million</td>
<td>Tabled in Senate Taxation Committee</td>
</tr>
<tr>
<td>Bill</td>
<td>Description</td>
<td>Budget Impact</td>
<td>Committee</td>
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<td>-------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>HB 213</td>
<td>Cut business equipment tax</td>
<td>-$17 million</td>
<td>Tabled in House Appropriations Committee</td>
</tr>
<tr>
<td>HB 266</td>
<td>Legislative referendum to cut income tax rates</td>
<td>-$253 million*</td>
<td>Tabled in House Taxation Committee</td>
</tr>
<tr>
<td>HB 361</td>
<td>Income tax credit for residential property taxes paid</td>
<td>-$83 million*</td>
<td>Tabled in House Taxation Committee</td>
</tr>
<tr>
<td>SB 200</td>
<td>Lower individual income tax rates</td>
<td>-$113 million*</td>
<td>Vetoed by Governor</td>
</tr>
<tr>
<td>SB 394</td>
<td>Revise intangible personal property exemption, cutting property taxes for centrally-assessed telecom companies</td>
<td>-$20 million*</td>
<td>($44 million tax shift to other property taxpayers in TY2017)</td>
</tr>
</tbody>
</table>

*These measures would not have gone into effect until TY2016, so this chart shows lost revenue in the second biennium (FY18-FY19) for those bills.

Table 2: Budgetary Changes by Agency

Section A - General Government

Secretary of State
Authorized $210,000 in federal Help America Vote funding, representing an 18% cut from the previous biennium. Remaining SOS budget is proprietary funds derived from fees for services, outside of HB 2.

Department of Revenue
Increased funding by 2.3% over last biennium, primarily inflationary cost increases, but overall reduction in FTE of 21.73.

Department of Commerce
Overall funding increased slightly, with one-time-only funding for some key programs. DOC is funded primarily outside of HB 2, through proprietary and statutory funding.

Department of Labor and Industry
Indian Country Economic Development received the same amount of funding as in the last biennium ($1.6 million), but it is again one-time only.

Native language preservation funded at $1.5 million, compared to $2 million in the previous biennium.

The legislature provided one-time-only funding of $500,000 for gap financing program to help small businesses operating on reservations.

Section B - Public Health and Human Services

DPHHS is funded primarily through federal funds, with about one-fourth of the total budget coming from state general funds. Overall HB 2 appropriation provides 8% increase in funding, primarily a result of increased Medicaid enrollment ($318 million) and limited provider rate increases ($52.2 million). However this amount is lower than the executive budget request.

A net increase of 18.41 FTE over the last biennium, due primarily to increased staffing for mental health facilities (and reduction in staffing in other areas from the required vacancy savings from the 2013 session).

The legislature reduced the HB 2 appropriation for Medicaid by $10.8 million in anticipation of the higher federal match and state savings related to Medicaid expansion (HELP Act). HB 2 includes trigger language for increased state and federal funding in the event Medicaid enrollment exceeds certain projections.

Implementation of the enhanced federal CHIP match, which will provide additional $47.5 million in federal funds for Healthy Montana Kids.
Provided half of the executive budget request for increased support to direct care workers ($6.7 million).

Anticipated caseload reductions in TANF, SNAP and LIEAP reduced federal funding in these areas by approximately $17 million. Slight increase to benefit levels for TANF participants (total $5.4 million)

OTO funding of $2.4 million for Child Care STARS to Quality program.

Federal Funds for Title X family planning were moved out of HB 2 and into a statutory appropriation, providing greater certainty for this funding.

Section C – Natural Resources and Transportation

Fish, Wildlife, & Parks

FWP is funded primarily through state special revenue derived from hunting, fishing and access fees. Slight increase to appropriations over FY15 by 7.5%, or approximately $11.3 million, over the biennium, primarily for staffing and operating adjustments. Continued OTO funding for aquatic invasive species program. Increased fees on hunting and fishing.

Environmental Quality

Biennial budget increase of 11.2%, or $13.1 million over 2015 budget. Increased funding for new proposals, such as expanding Orphan Share (for payment of defunct party’s remediation costs) and abandoned mine remediation. Vacancy savings reduction of 17.93 FTEs.

Natural Resources and Conservation

Increase in budget of 9.9%, or approximately $24 million, compared to 2015 biennium. Includes $10 million in general fund and $1.1 million in state special revenue for sage grouse conservation.

Transportation

Reduction in funding of 1.1%, or approximately $15.2 million, over 2015. Total net reduction of 73.94 FTE. This reduction was due to anticipated lower levels of federal support for highway construction. Federal revenue represents over 60% of total DOT budget. State special revenue is derived from vehicle fees and gas excise tax. New spending proposal to provide $500/month housing allowance to improve construction worker retention for workers in the Bakken region.

Section D – Judicial Branch, Law Enforcement, and Justice

Judicial Branch

Transfer juvenile delinquency intervention and prevention from Department of Corrections to Judicial Branch. $300,000 in funding for court appointed special advocates program.

Legislature did not provide funding for executive budget proposal to continue support through general fund for treatment courts in instances where federal funding would be expiring.

Department of Justice

Increase of Justice Department budget of 10%, or approximately $17.8 million, compared to 2015 biennium, due to increased costs of driver’s license and vehicle license services. Did not fund executive budget request for increase overtime to Highway Patrol officers, criminal investigators, and IT staff.

Funding for sexual assault and tribal relations training was funded at $5,000, compared to the executive budget request of $80,000.

Establishment of an eastern Montana crime lab with an OTO general fund appropriation of $1.5 million (HB 512).

Office of Public Defender

Moved all funding for Public Defender to OTO. While funding is 20% higher than 2015 biennium, it is $25 million below the executive budget and did not include the additional 20 FTE requested to address higher caseload.

Corrections

Slight increase to budget for inflationary increases associated with contracted facilities, 2% provider rate increase, and increase pay for correctional officers. Legislature did not provide the level of increase for probation and parole officers as requested in the executive budget.

Section E – Education

K-12 Education

K-12 general fund appropriation increased by 8.3%, or $121 million, primarily for inflationary adjustments, including BASE aid and at-risk
student payments. Legislature did not provide the inflationary adjustment for special education.

<table>
<thead>
<tr>
<th>$45,000 in OTO for Native American language preservation programs in eligible public schools. Did not fund the executive proposal for $37 million investment in early childhood education (Early Edge) or $1 million for raising the legal drop out age.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Higer Education Montana University System (MUS) received a 10.8% increase to its budget from the 2015 Biennium.</td>
</tr>
<tr>
<td>$1.7 million in OTO funding for the Montana Digital Academy.</td>
</tr>
<tr>
<td>$36 million will be used to freeze tuition at 2-year and 4-year colleges and universities within the Montana University System for the next biennium.</td>
</tr>
<tr>
<td>$15 million in OTO funding for research projects.</td>
</tr>
<tr>
<td>$161,000 OTO increase in reimbursement payments to Tribal Colleges for nonbeneficiary students to maintain the current per-student funding level, for a total of $2 million.</td>
</tr>
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</table>

**Section F – Long-Range Planning**

**Long-Range Building** Total long-range building projects funded $100 million below the executive budget, as a result of failing to pass the bonding measures in HB 5 or SB 416, including elimination of 4 university building renovations, the Montana Heritage Center, and some FWP park improvements. Direct appropriations were provided for $135 million in capital projects, including maintenance and repair of state and university buildings.

**Treasure State Endowment Program (TSEP)** While the legislature provided approximately $18.9 million in funding for TSEP infrastructure projects (HB 11), the legislature failed to include the executive budget proposal for an additional $10 million in funding through bond proceeds to extend funding to all grant applicants. This action reduced funding for 18 grant projects.

**Quality School Facility Grant Program** The legislature did not include any funding for school facility programs in the 2015 session. The executive budget included a proposal, which the legislature did not act on, for total funding of $31 million for 53 projects, through a combination of state special revenue and bond proceeds.

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9 This is based on a conservative estimate factoring in potential ongoing expenditures within the Department of Livestock and the Office of the Public Defender, which were passed as one-time-only funds but anticipated to be ongoing expenditures. Legislative Fiscal Division, “Fiscal Report for the 2017 Biennium,” June 2015, Volume 1, p. 4, http://leg.mt.gov/fbp-2017.asp.
10 This estimate combines fiscal note projections for HB 166, HB 169, HB 213, HB 266, HB 361, SB 200, and SB 394.
23 This wage adjustment was initially proposed in HB 13, which was tabled in House Appropriation Committee. The Legislature amended HB 2 in Conference Committee to include the negotiated pay plan adjustment, but delayed its enactment for three months. General Appropriations Act, HB 2, Montana Legislature, 64th Session, 2015, http://leg.mt.gov/bills/2015/sesslaws/ch0400.pdf. See also "An Act Authorizing Transfers to Implement Provisions of HB 2," SB 416, Montana Legislature, 64th Session, 2015, http://leg.mt.gov/bills/2015/sesslaws/ch0438.pdf.
26 Two bills were proposed to lower or eliminate the oil and gas tax holiday, SB295 and SB399.