

Agency Budget Comparison

The following table compares 2014 actuals expenditures without one-time appropriations plus 2015 estimated appropriations including one-time appropriations, but excluding certain base appropriations to the 2017 biennial total legislative budget. The comparison is listed by year, type of expenditure, and source of funding. The biennial percent change column has been eliminated to allow for the transition to a comparison of biennial appropriations consistent with SB 140 in the future. The biennial appropriation growth/decline is listed in the agency highlight tables and the expenditure section of Volume 1 of this Fiscal Report.

Agency Budget Comparison							
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Legislative Budget 2016	Legislative Budget 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change
FTE	217.50	217.50	235.94	235.94	217.50	235.94	18.44
Personal Services	15,487,059	16,209,123	19,525,077	19,519,464	31,696,182	39,044,541	7,348,359
Operating Expenses	11,217,720	9,561,836	13,373,897	13,341,044	20,779,556	26,714,941	5,935,385
Equipment & Intangible Assets	0	18,554	18,554	18,554	18,554	37,108	18,554
Total Costs	\$26,704,779	\$25,789,513	\$32,917,528	\$32,879,062	\$52,494,292	\$65,796,590	\$13,302,298
General Fund	26,442,989	25,515,587	32,643,602	32,605,136	51,958,576	65,248,738	13,290,162
State/Other Special Rev. Funds	261,790	273,926	273,926	273,926	535,716	547,852	12,136
Total Funds	\$26,704,779	\$25,789,513	\$32,917,528	\$32,879,062	\$52,494,292	\$65,796,590	\$13,302,298

Agency Description

The primary mission of the statewide public defender system is to provide effective assistance of counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense.

The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be indigent per statutory provisions and is accused of an offence that could result in the person's loss of life or liberty if convicted. The statewide public defender system that is supervised by the Public Defender Commission, an eleven member commission appointed by the Governor. The office is administratively attached to the Department of Administration but has authority in law to provide administrative functions as determined by the commission. The Public Defender Commission is responsible for the design, direction, and supervision of the system. The statewide public defender system also includes appellate defender functions.

Agency Highlights

**Office of State Public Defender
Major Budget Highlights**

- In HB 2 total funds, biennial appropriations increased by 20.4%, or \$11.2 million due primarily to approval of funding to:
 - Add 26.40 FTE to address caseloads
 - Provide a market adjustment for support staff
 - Be allocated at the discretion of the Public Defender Commission to address budget pressures during the biennium
 - Increase funds for contract attorneys to address caseloads
 - Add 1.00 FTE to address caseload issues in the Office of Appellate Defender
- The legislature made all funding for the department one-time-only to allow for the 2019 biennium budget to be created from a zero base
- The legislature designated all funding for the office as biennial
- For FY 2015, \$1.7 million in supplemental funding was appropriated to address anticipated budget shortfalls in the 2015 biennium

Summary of Legislative Action

The legislature approved the office's 2017 biennium HB 2 budget with an increase of \$11.2 million, or 20.4%, over the 2015 biennium. The following items were funded and drove the increase:

- Funding to add 26.40 FTE in the Office of Public Defender and 1.00 FTE in the Office of Appellate Defender to address caseload issues
- A market adjustment for support staff across the entire office
- Increased funding for contract attorneys to address caseloads
- A \$250,000 annual contingency fund to be allocated at the discretion of the Public Defender Commission to address budget pressures during the biennium

The legislature also designated all funding for the office, including the base, as one-time-only. As such, the budget for the 2019 biennium would be built from a zero base. The legislature also passed HB 627 to study the operations of the office to develop a long-term organizational plan that will allow the office to provide effective assistance of counsel to those that qualify. Designating the funding for the office as one-time-only and studying the office were intended to go hand-in-hand so the operational plan and the resources needed to provide it could be linked when deliberated by the 2017 Legislature.

Additionally, the legislature provided \$1.7 million general fund for FY 2015 to address projected budget shortfalls in the Office of Public Defender and Conflict Coordinator programs.

Funding

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

Total Office of State Public Defender Funding by Source of Authority 2017 Biennium Budget - Office of State Public Defender						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
General Fund	65,248,738	0	0	65,248,738	99.17 %	
State Special Total	547,852	0	0	547,852	0.83 %	
Federal Special Total	0	0	0	0	0.00 %	
Proprietary Total	0	0	0	0	0.00 %	
Other Total	0	0	0	0	0.00 %	
Total All Funds	\$65,796,590	\$0	\$0	\$65,796,590		
Percent - Total All Sources	100.00 %	0.00 %	0.00 %			

The office is funded primarily by the general fund. A small amount of state special revenue from reimbursements for services provided is also available to the office. The legislature designated all funding for the office as one-time-only for the 2017 biennium.

Budget Summary by Category

The following summarizes the total budget utilizing the FY 2015 legislative base, present law adjustments, and new proposals.

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	27,115,587	27,115,587	54,231,174	83.11 %	27,389,513	27,389,513	54,779,026	83.26 %
PL Adjustments	5,278,015	5,239,549	10,517,564	16.12 %	5,278,015	5,239,549	10,517,564	15.98 %
New Proposals	250,000	250,000	500,000	0.77 %	250,000	250,000	500,000	0.76 %
Total Budget	\$32,643,602	\$32,605,136	\$65,248,738		\$32,917,528	\$32,879,062	\$65,796,590	

Other Legislation

HB 143 - HB 143 suspends a defendant's obligation to make payments for costs of assigned counsel during the period when the defendant is incarcerated. The fiscal note for HB 143 assumes a reduction in annual revenue to the state special revenue funds of the office. The fiscal note states that the collection of funds owed by an incarcerated defendant is very labor intensive and yields on average about \$0.16 per month per defendant. The fiscal note stated no expenditure savings, but the efficiencies gained from not having to account for these payments should translate to reduced workload of accounting staff in the office.

HB 627 - HB 627 created an interim task force to study the operations of the Office of State Public Defender to develop a long-term organizational plan that will allow the OPD to provide effective assistance of counsel to those that qualify. The office is tasked in the bill with providing information as requested to support the task force. Although no fiscal impacts were specified in the fiscal note the HB 627, the office will have workload impacts in monitoring and supporting the efforts of the task force.

SB 244 - SB 244 created a study for sentencing practices and policies. A representative from the Office of State Public Defender is listed as a member of the study commission. Other than workload impacts supporting the study, there are no budgetary impacts for the 2017 biennium. However, the policy recommendations and any subsequent law changes that come out of the study commission's recommendations could have budget impacts in future biennia.

Executive Budget Comparison

The following table compares the legislative budget for the 2017 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison	Base Budget	Executive Budget	Legislative Budget	Leg — Exec. Difference	Executive Budget	Legislative Budget	Leg — Exec. Difference	Biennium Difference
Budget Item	Fiscal 2014	Fiscal 2016	Fiscal 2016	Fiscal 2016	Fiscal 2017	Fiscal 2017	Fiscal 2017	Fiscal 16-17
FTE	217.50	256.00	235.94	(20.06)	256.00	235.94	(20.06)	(20.06)
Personal Services	15,487,059	21,001,395	19,525,077	(1,476,318)	21,152,582	19,519,464	(1,633,118)	(3,109,436)
Operating Expenses	11,217,720	13,009,921	13,373,897	363,976	13,096,914	13,341,044	244,130	608,106
Equipment & Intangible Assets	0	10,000	18,554	8,554	0	18,554	18,554	27,108
Total Costs	\$26,704,779	\$34,021,316	\$32,917,528	(\$1,103,788)	\$34,249,496	\$32,879,062	(\$1,370,434)	(\$2,474,222)
General Fund	26,442,989	33,759,526	32,643,602	(1,115,924)	33,987,706	32,605,136	(1,382,570)	(2,498,494)
State/other Special Rev. Funds	261,790	261,790	273,926	12,136	261,790	273,926	12,136	24,272
Total Funds	\$26,704,779	\$34,021,316	\$32,917,528	(\$1,103,788)	\$34,249,496	\$32,879,062	(\$1,370,434)	(\$2,474,222)

In both total funds and general fund the legislative budget is \$2.5 million lower than the executive budget. The main differences are that the legislature did not approve funding to:

- Annualize the full amount of executive implementation of the FY 2015 portion of the 2013 Legislative pay plan
- Annualize pay increases provided at the agency's discretion during the 2015 biennium
- Add 6.06 FTE in the Office of Public Defender that were funded by funding allocated to the Governor's Office in SB 410 of 2013 Legislature and were funded as modified positions to address caseload impacts
- Add 10.00 FTE in the Office of Public Defender to address caseload impacts
- Add 4.00 FTE in the Office of Public Defender as eligibility technicians and resource advocates
- Provide a 2% increase in the contract attorney rate in FY 2016 and an additional 2% increase in FY 2017
- Fund an attorney pay ladder

The legislature also designated all funding for the office, including the base, as one-time-only.

Language and Statutory Authority

The legislature included the following language in HB 2:

All appropriations for the Office of State Public Defender are biennial.

Program Budget Comparison

The following table summarizes the total Legislative budget by year, type of expenditure, and source of funding.

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Legislative Budget 2016	Legislative Budget 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	202.50	202.50	219.94	219.94	202.50	219.94	17.44	8.61 %
Personal Services	14,293,630	14,939,083	18,206,016	18,200,673	29,232,713	36,406,689	7,173,976	24.54 %
Operating Expenses	6,709,591	6,022,917	8,180,024	8,150,304	12,732,508	16,330,328	3,597,820	28.26 %
Equipment & Intangible Assets	0	18,554	18,554	18,554	18,554	37,108	18,554	100.00 %
Total Costs	\$21,003,221	\$20,980,554	\$26,404,594	\$26,369,531	\$41,983,775	\$52,774,125	\$10,790,350	25.70 %
General Fund	20,741,431	20,706,628	26,130,668	26,095,605	41,448,059	52,226,273	10,778,214	26.00 %
State/Other Special Rev. Funds	261,790	273,926	273,926	273,926	535,716	547,852	12,136	2.27 %
Total Funds	\$21,003,221	\$20,980,554	\$26,404,594	\$26,369,531	\$41,983,775	\$52,774,125	\$10,790,350	25.70 %

Program Description

The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be financially unable to retain private counsel and who is accused of an offense that could result in the person’s loss of life or liberty if convicted. The office administers the statewide public defender system that is supervised by the Public Defender Commission. The office is administratively attached to the Department of Administration but has authority in law to provide administrative functions as determined by the commission.

The Public Defender Commission is responsible for the design, direction, and supervision of the system. The commission appoints the chief public defender, approves the strategic plan for the delivery of services, and approves statewide standards for qualifications and training of public defenders.

Program Highlights

Office of Public Defender Major Budget Highlights
<ul style="list-style-type: none"> • The budget adjustments approved by the legislature include: <ul style="list-style-type: none"> ◦ Funding to annualize the 2013 legislative pay plan except for the 2% amount of the executive implementation ◦ Funding for a market pay adjustment for support staff ◦ Funding to add 26.40 FTE to address caseload growth ◦ Funding to address caseload growth through contract attorneys ◦ Funding for anticipated longevity pay in the 2017 biennium ◦ Funding to address office rent increases ◦ Funding to be used at the discretion of the Public Defender Commission to address system-wide pressures • All funding for this program was designated as one-time-only so the budget for the 2019 biennium is developed from a zero base • All funding for the program was designated as biennial • For FY 2015, \$100,000 in supplemental funding was appropriated to address anticipated budget shortfalls in the 2015 biennium

Funding

The following table shows program funding by source from all sources of authority.

Office of State Public Defender, 01-Office of Public Defender Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	52,226,273	0	0	52,226,273	98.96 %	
02249 Governor's Office Operations Fund	0	0	0	0	0.00 %	
02250 Court Ordered Sentencing Costs	547,852	0	0	547,852	100.00 %	
State Special Total	\$547,852	\$0	\$0	\$547,852	1.04 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$52,774,125	\$0	\$0	\$52,774,125		

The Office of the Public Defender is funded primarily from the general fund. A small amount of state special revenue from collection of reimbursement for services also supports the program. The legislature designated all funding for the office as one-time-only for the 2017 biennium.

Budget Summary by Category

The following summarizes the total budget utilizing the FY 2015 legislative base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	25,755,222	25,755,222	51,510,444	98.63 %	25,942,164	25,942,164	51,884,328	98.31 %
PL Adjustments	125,446	90,383	215,829	0.41 %	212,430	177,367	389,797	0.74 %
New Proposals	250,000	250,000	500,000	0.96 %	250,000	250,000	500,000	0.95 %
Total Budget	\$26,130,668	\$26,095,605	\$52,226,273		\$26,404,594	\$26,369,531	\$52,774,125	

Present Law Adjustments

The "Present Law Adjustments" table shows the adopted changes from the FY 2015 legislative appropriation. Each is discussed in the narrative that follows.

Present Law Adjustments										
-----Fiscal 2016-----						-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 510 - Legislative Audit - HB 2 2014 Fixed Costs (Restr/Biennial/OTO)	0.00	54,145	0	0	54,145	0.00	0	0	0	0
DP 515 - State Share Health Insurance (Biennial/OTO)	0.00	94,060	0	0	94,060	0.00	94,060	0	0	94,060
DP 520 - Fully Fund 2015 Legislatively Authorized FTE (Biennial/OTO)	0.00	271,550	0	0	271,550	0.00	271,550	0	0	271,550
DP 525 - Fixed Cost Adjustment (Biennial/OTO)	0.00	22,110	0	0	22,110	0.00	32,166	0	0	32,166
DP 526 - 2017 Biennium Legislative Audit (Restricted/Biennial/OTO)	0.00	1,516	0	0	1,516	0.00	0	0	0	0
DP 527 - Inflation/Deflation Adjustment (Biennial/OTO)	0.00	(60,494)	0	0	(60,494)	0.00	(58,100)	0	0	(58,100)
DP 530 - Reorganization (Biennial/OTO)	0.00	(4,274,324)	0	0	(4,274,324)	0.00	(4,274,324)	0	0	(4,274,324)
DP 531 - SITSD Rate Adjustment	0.00	19,037	0	0	19,037	0.00	25,162	0	0	25,162
DP 532 - General Liability Insurance Rate Adjustment	0.00	(4,752)	0	0	(4,752)	0.00	(4,611)	0	0	(4,611)
DP 535 - Program Transfers (Biennial/OTO)	0.00	(102,114)	86,984	0	(15,130)	0.00	(102,114)	86,984	0	(15,130)
DP 550 - Motor Pool Rate Adjustment (Biennial/OTO)	0.00	(71,663)	0	0	(71,663)	0.00	(69,781)	0	0	(69,781)
DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO)	0.00	625,000	0	0	625,000	0.00	625,000	0	0	625,000
DP 601 - Longevity Pay (Biennial/OTO)	0.00	101,375	0	0	101,375	0.00	101,375	0	0	101,375
DP 602 - Rent Increases (Biennial/OTO)	0.00	100,000	0	0	100,000	0.00	100,000	0	0	100,000
DP 650 - Zero Base Office of State Public Defender Budget	0.00	(25,755,222)	(186,942)	0	(25,942,164)	0.00	(25,755,222)	(186,942)	0	(25,942,164)
DP 651 - Zero Base Office State Public Defender (Biennial/OTO)	0.00	25,755,222	186,942	0	25,942,164	0.00	25,755,222	186,942	0	25,942,164
DP 100001 - Support of Workload (Biennial/OTO)	26.40	3,000,000	0	0	3,000,000	26.40	3,000,000	0	0	3,000,000
DP 100002 - Contract Attorney Caseload (Biennial/OTO)	0.00	350,000	0	0	350,000	0.00	350,000	0	0	350,000
DP 100444 - Statewide 4% FTE Reduction	(8.96)	0	0	0	0	(8.96)	0	0	0	0
Grand Total All Present Law Adjustments	17.44	\$125,446	\$86,984	\$0	\$212,430	17.44	\$90,383	\$86,984	\$0	\$177,367

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

DP 510 - Legislative Audit - HB 2 2014 Fixed Costs (Restr/Biennial/OTO) -

The legislature provided a restricted biennial appropriation for the legislative audit costs. The funding is established at the level of the 2015 biennial appropriation contained in HB 2 as enacted by the 2013 Legislature.

DP 515 - State Share Health Insurance (Biennial/OTO) -

The legislature provided appropriation authority for the state share of health insurance, as adopted by the 2013 Legislature.

DP 520 - Fully Fund 2015 Legislatively Authorized FTE (Biennial/OTO) -

The legislature provided appropriation authority to restore personal services funding to create a vacancy savings rate of zero.

DP 525 - Fixed Cost Adjustment (Biennial/OTO) -

The legislature adopted proprietary rates for fixed costs charged to state agencies for services such as information technology or rent and grounds maintenance within the capitol complex. Rates for messenger services, legislative audit, grounds maintenance, records management, agency legal costs, and the statewide cost allocation plan were adopted as proposed by the executive. The legislature lowered proprietary rates for warrant writer, payroll services, SABHRS, SITSD fees, and rent. The legislature increased insurance premiums to provide for increased costs of claims and to establish a reserve for the insurance fund.

DP 526 - 2017 Biennium Legislative Audit (Restricted/Biennial/OTO) -

The legislature adjusted legislative audit costs and funding based on the current estimate of the Legislative Auditor.

DP 527 - Inflation/Deflation Adjustment (Biennial/OTO) -

The legislature adopted inflation/deflation factors for budgeted expenditures such as food or electricity. The legislature concurred with the executive on the factors with the exception of gasoline, aviation gasoline, diesel fuel, and jet fuel. For these factors the legislature further deflated costs to align the budget with more current information on declining prices of oil and gas projected to continue into the 2017 biennium.

DP 530 - Reorganization (Biennial/OTO) -

The legislature adopted the reorganization of the Office of State Public Defender that formed the Conflict Coordinator program via movement of funding and staffing from the Office of Public Defender program and the Appellate Defender program. This reorganization included transfers of \$4,274,324 in general fund and 3.00 FTE in both FY 2016 and FY 2017 from this program.

DP 531 - SITSD Rate Adjustment -

The legislature approved an increase for fixed cost rates included in state agency budgets for information technology services provided by the State Information Technology Services Division (SITSD).

DP 532 - General Liability Insurance Rate Adjustment -

The legislature reduced the rate assessed to state agencies for general liability insurance provided by the Risk Management and Tort Defense Division.

DP 535 - Program Transfers (Biennial/OTO) -

The legislature adopted program transfers made by the department in the interim.

DP 550 - Motor Pool Rate Adjustment (Biennial/OTO) -

The legislature adopted a reduction to the motor pool rates.

DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO) -

The legislature increased funding to provide market pay adjustments for support staff.

DP 601 - Longevity Pay (Biennial/OTO) -

The legislature funded longevity pay adjustments.

DP 602 - Rent Increases (Biennial/OTO) -

The legislature approved funding to address office rent increases.

DP 650 - Zero Base Office of State Public Defender Budget -

The legislature designated that all appropriations for the office are one-time-only. This adjustment reduces the ongoing portion of the FY 2015 legislative base and is offset by DP 651 that establishes the base as a one-time-only appropriation.

DP 651 - Zero Base Office State Public Defender (Biennial/OTO) -

The legislature designated that all appropriations for the office are one-time-only. This adjustment establishes the base as a one-time-only appropriation and is offset by DP 650 that removes the ongoing portion of the FY 2015 legislative base.

DP 100001 - Support of Workload (Biennial/OTO) -

The legislature funded the addition of 26.40 FTE to address caseloads. The funding is designated as biennial and one-time-only.

DP 100002 - Contract Attorney Caseload (Biennial/OTO) -

The legislature approved an increase in funding to hire contracted attorneys to address workload issues.

DP 100444 - Statewide 4% FTE Reduction -

The 2015 biennium budget included a 4% vacancy savings reduction. Language included in the boilerplate of HB 2 passed by the 2013 Legislature, indicated legislative intent that the 4% vacancy savings be made permanent as an FTE reduction for the 2017 biennium. This change package includes a reduction of 8.96 FTE per year.

New Proposals

The "New Proposals" table shows the adopted changes from the FY 2015 legislative appropriation. Each is discussed in the narrative that follows.

New Proposals	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 100010 - Public Defender Com. Discretionary Funding (Biennial/OTO)	0.00	250,000	0	0	250,000	0.00	250,000	0	0	250,000
Total	0.00	\$250,000	\$0	\$0	\$250,000	0.00	\$250,000	\$0	\$0	\$250,000

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

DP 100010 - Public Defender Com. Discretionary Funding (Biennial/OTO) -

The legislature approved funding to be used at the discretion of the public defender commission to address criminal caseload growth, dependent and neglect caseload funding pressures, appellate caseload pressure, or any other unforeseen fiscal pressures the agency might experience. This funding would be distributed among the programs by the

commission after needs are identified in a plan to the Office of Budget and Program Planning and approved by the budget director. The legislature designated this funding one-time-only and biennial.

Program Budget Comparison

The following table summarizes the total Legislative budget by year, type of expenditure, and source of funding.

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Legislative Budget 2016	Legislative Budget 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	12.00	12.00	13.00	13.00	12.00	13.00	1.00	8.33 %
Personal Services	994,046	1,034,014	1,067,693	1,067,423	2,028,060	2,135,116	107,056	5.28 %
Operating Expenses	361,083	165,537	547,468	543,294	526,620	1,090,762	564,142	107.13 %
Total Costs	\$1,355,129	\$1,199,551	\$1,615,161	\$1,610,717	\$2,554,680	\$3,225,878	\$671,198	26.27 %
General Fund	1,355,129	1,199,551	1,615,161	1,610,717	2,554,680	3,225,878	671,198	26.27 %
State/Other Special Rev. Funds	0	0	0	0	0	0	0	0.00 %
Total Funds	\$1,355,129	\$1,199,551	\$1,615,161	\$1,610,717	\$2,554,680	\$3,225,878	\$671,198	26.27 %

Program Description

The Appellate Defender Program provides appeal services for indigent citizens.

Program Highlights

Office of Appellate Defender Major Budget Highlights
<ul style="list-style-type: none"> • The budget adjustments approved by the legislature include: <ul style="list-style-type: none"> ◦ Funding to annualize the 2013 legislative pay plan except for the 2% amount of the executive implementation ◦ Funding for a market pay adjustment for support staff ◦ Funding to address caseload growth through contract attorneys ◦ Funding for anticipated longevity pay in the 2017 biennium ◦ Funding to add 1.00 FTE to address caseload issues • All funding for this program was designated as one-time-only so the budget for the 2019 biennium is developed from a zero base • All funding for the program was designated as biennial

Funding

The following table shows program funding by source from all sources of authority.

Office of State Public Defender, 02-Office of Appellate Defender Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	3,225,878	0	0	3,225,878	100.00 %	
02250 Court Ordered Sentencing Costs	0	0	0	0	0.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$3,225,878	\$0	\$0	\$3,225,878		

The Office of Appellate Defender is supported entirely by the general fund. The legislature designated all funding for the office as one-time-only for the 2017 biennium.

Budget Summary by Category

The following summarizes the total budget utilizing the FY 2015 legislative base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	1,360,365	1,360,365	2,720,730	84.34 %	1,447,349	1,447,349	2,894,698	89.73 %
PL Adjustments	254,796	250,352	505,148	15.66 %	167,812	163,368	331,180	10.27 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$1,615,161	\$1,610,717	\$3,225,878		\$1,615,161	\$1,610,717	\$3,225,878	

Present Law Adjustments

The “Present Law Adjustments” table shows the adopted changes from the FY 2015 legislative appropriation. Each is discussed in the narrative that follows.

	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 515 - State Share Health Insurance (Biennial/OTO)	0.00	5,832	0	0	5,832	0.00	5,832	0	0	5,832
DP 530 - Reorganization (Biennial/OTO)	0.00	(72,928)	0	0	(72,928)	0.00	(72,928)	0	0	(72,928)
DP 535 - Program Transfers (Biennial/OTO)	0.00	102,114	(86,984)	0	15,130	0.00	102,114	(86,984)	0	15,130
DP 550 - Motor Pool Rate Adjustment (Biennial/OTO)	0.00	(52)	0	0	(52)	0.00	(52)	0	0	(52)
DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO)	0.00	5,500	0	0	5,500	0.00	5,500	0	0	5,500
DP 601 - Longevity Pay (Biennial/OTO)	0.00	7,919	0	0	7,919	0.00	7,919	0	0	7,919
DP 650 - Zero Base Office of State Public Defender Budget	0.00	(1,360,365)	(86,984)	0	(1,447,349)	0.00	(1,360,365)	(86,984)	0	(1,447,349)
DP 651 - Zero Base Office State Public Defender (Biennial/OTO)	0.00	1,360,365	86,984	0	1,447,349	0.00	1,360,365	86,984	0	1,447,349
DP 200002 - Support Workload (Biennial/OTO)	1.00	106,411	0	0	106,411	1.00	101,967	0	0	101,967
DP 200003 - Contract Attorney Caseload (Biennial/OTO)	0.00	100,000	0	0	100,000	0.00	100,000	0	0	100,000
Grand Total All Present Law Adjustments	1.00	\$254,796	(\$86,984)	\$0	\$167,812	1.00	\$250,352	(\$86,984)	\$0	\$163,368

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

DP 515 - State Share Health Insurance (Biennial/OTO) -

The legislature provided appropriation authority for the state share of health insurance, as adopted by the 2013 Legislature.

DP 530 - Reorganization (Biennial/OTO) -

The legislature adopted the reorganization of the Office of State Public Defender that formed the Conflict Coordinator program via movement of funding and staffing from the Office of Public Defender program and the Appellate Defender program. This reorganization included transfers of \$72,928 in general fund in both FY 2016 and FY 2017 from this program.

DP 535 - Program Transfers (Biennial/OTO) -

The legislature adopted program transfers made by the department in the interim.

DP 550 - Motor Pool Rate Adjustment (Biennial/OTO) -

The legislature adopted a reduction to the motor pool rates.

DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO) -

The legislature increased funding to provide market pay adjustments for support staff.

DP 601 - Longevity Pay (Biennial/OTO) -

The legislature funded longevity pay adjustments.

DP 650 - Zero Base Office of State Public Defender Budget -

The legislature designated that all appropriations for the office are one-time-only. This adjustment reduces the ongoing portion of the FY 2015 legislative base and is offset by DP 651 that establishes the base as a one-time-only appropriation.

DP 651 - Zero Base Office State Public Defender (Biennial/OTO) -

The legislature designated that all appropriations for the office are one-time-only. This adjustment establishes the base as a one-time-only appropriation and is offset by DP 650 that removes the ongoing portion of the FY 2015 legislative base.

DP 200002 - Support Workload (Biennial/OTO) -

The legislature increased funding to add 1.00 FTE attorney to address workload issues.

DP 200003 - Contract Attorney Caseload (Biennial/OTO) -

The legislature approved funding to cover an increase in contractor costs. The funding was designated as biennial and one-time-only.

Program Budget Comparison

The following table summarizes the total Legislative budget by year, type of expenditure, and source of funding.

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Legislative Budget 2016	Legislative Budget 2017	Biennium Fiscal 14-15	Biennium Fiscal 16-17	Biennium Change	Biennium % Change
FTE	3.00	3.00	3.00	3.00	3.00	3.00	0.00	0.00 %
Personal Services	199,383	236,026	251,368	251,368	435,409	502,736	67,327	15.46 %
Operating Expenses	4,147,046	3,373,382	4,646,405	4,647,446	7,520,428	9,293,851	1,773,423	23.58 %
Total Costs	\$4,346,429	\$3,609,408	\$4,897,773	\$4,898,814	\$7,955,837	\$9,796,587	\$1,840,750	23.14 %
General Fund	4,346,429	3,609,408	4,897,773	4,898,814	7,955,837	9,796,587	1,840,750	23.14 %
Total Funds	\$4,346,429	\$3,609,408	\$4,897,773	\$4,898,814	\$7,955,837	\$9,796,587	\$1,840,750	23.14 %

Program Description

The Conflict Coordinator program administrates cases involving a conflict of interest and receives cases from both the Office of Public Defender and Office of Appellate Defender programs.

Program Highlights

Conflict Coordinator Major Budget Highlights
<ul style="list-style-type: none"> • The budget adjustments approved by the legislature include: <ul style="list-style-type: none"> ◦ Funding to annualize the 2013 legislative pay plan except for the 2% amount of the executive implementation ◦ Funding for a market pay adjustment for support staff ◦ Funding to address caseload growth through contract attorneys ◦ Funding for anticipated longevity pay in the 2017 biennium • All funding for this program was designated as one-time-only so the budget for the 2019 biennium is developed from a zero base • All funding for the program was designated as biennial • For FY 2015, \$1.6 million in supplemental funding was appropriated to address anticipated budget shortfalls in the 2015 biennium

Funding

The following table shows program funding by source from all sources of authority.

Office of State Public Defender, 03-Conflict Coordinator Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	9,796,587	0	0	9,796,587	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$9,796,587	\$0	\$0	\$9,796,587		

The Conflict Coordinator program is supported entirely by the general fund. The legislature designated all funding for the office as one-time-only for the 2017 biennium.

Budget Summary by Category

The following summarizes the total budget utilizing the FY 2015 legislative base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget	Leg. Budget Fiscal 2016	Leg. Budget Fiscal 2017	Leg. Biennium Fiscal 16-17	Percent of Budget
2015 Budget	0	0	0	0.00 %	0	0	0	0.00 %
PL Adjustments	4,897,773	4,898,814	9,796,587	100.00 %	4,897,773	4,898,814	9,796,587	100.00 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
Total Budget	\$4,897,773	\$4,898,814	\$9,796,587		\$4,897,773	\$4,898,814	\$9,796,587	

Present Law Adjustments

The "Present Law Adjustments" table shows the adopted changes from the FY 2015 legislative appropriation. Each is discussed in the narrative that follows.

Present Law Adjustments	-----Fiscal 2016-----					-----Fiscal 2017-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 515 - State Share Health Insurance (Biennial/OTO)	0.00	5,832	0	0	5,832	0.00	5,832	0	0	5,832
DP 516 - Correct State Share Health Insurance (Biennial/OTO)	0.00	(3,888)	0	0	(3,888)	0.00	(3,888)	0	0	(3,888)
DP 530 - Reorganization (Biennial/OTO)	0.00	4,347,252	0	0	4,347,252	0.00	4,347,252	0	0	4,347,252
DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO)	0.00	7,500	0	0	7,500	0.00	7,500	0	0	7,500
DP 601 - Longevity Pay (Biennial/OTO)	0.00	5,898	0	0	5,898	0.00	5,898	0	0	5,898
DP 603 - Funding Not Captured in Reorganization (Biennial/OTO)	0.00	35,179	0	0	35,179	0.00	36,220	0	0	36,220
DP 300001 - Contract Attorney Caseload (Biennial/OTO)	0.00	500,000	0	0	500,000	0.00	500,000	0	0	500,000
Grand Total All Present Law Adjustments	0.00	\$4,897,773	\$0	\$0	\$4,897,773	0.00	\$4,898,814	\$0	\$0	\$4,898,814

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

DP 515 - State Share Health Insurance (Biennial/OTO) -

The legislature provided appropriation authority for the state share of health insurance, as adopted by the 2013 Legislature.

DP 516 - Correct State Share Health Insurance (Biennial/OTO) -

The legislature reduced funding to correct an error in state share for health insurance calculation for present law adjustment PL 515.

DP 530 - Reorganization (Biennial/OTO) -

The legislature adopted the reorganization of the Office of State Public Defender that formed the Conflict Coordinator via movement of funding and staffing from the Office of Public Defender program and the Appellate Defender program. This reorganization included transfers of \$4,347,252 in general fund and 3.00 FTE in both FY 2016 and FY 2017 to this program.

DP 600 - Support Staff Market Pay Adjustment (Biennial/OTO) -

The legislature increased funding to provide market pay adjustments for support staff.

DP 601 - Longevity Pay (Biennial/OTO) -

The legislature funded longevity pay adjustments.

DP 603 - Funding Not Captured in Reorganization (Biennial/OTO) -

The legislature approved an increase in funding that was not captured in the FY 2015 base associated with the reorganization of the office that created this program.

DP 300001 - Contract Attorney Caseload (Biennial/OTO) -

The legislature approved an increase in funding to hire contracted attorneys to address workload issues.