

Program Budget Comparison

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

Program Budget Comparison								
Budget Item	Base Fiscal 2012	Approp. Fiscal 2013	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 12-13	Biennium Fiscal 14-15	Biennium Change	Biennium % Change
FTE	199.50	199.50	205.50	205.50	199.50	205.50	6.00	3.01%
Personal Services	12,923,907	11,780,292	14,121,372	14,120,617	24,704,199	28,241,989	3,537,790	14.32%
Operating Expenses	8,594,131	9,039,405	10,925,314	10,983,371	17,633,536	21,908,685	4,275,149	24.24%
Equipment & Intangible Assets	18,554	21,118	18,554	18,554	39,672	37,108	(2,564)	(6.46%)
Total Costs	\$21,536,592	\$20,840,815	\$25,065,240	\$25,122,542	\$42,377,407	\$50,187,782	\$7,810,375	18.43%
General Fund	21,436,634	20,654,671	24,874,489	24,935,600	42,091,305	49,810,089	7,718,784	18.34%
State Special	99,958	186,144	190,751	186,942	286,102	377,693	91,591	32.01%
Total Funds	\$21,536,592	\$20,840,815	\$25,065,240	\$25,122,542	\$42,377,407	\$50,187,782	\$7,810,375	18.43%

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 Program Major Budget Highlights
<ul style="list-style-type: none"> ◆ The budget approved for the 2015 biennium is \$7.8 million or 18.4% higher than the 2013 biennium ◆ Besides statewide present law adjustments that included vacancy savings of 4%, significant funding increases were for: <ul style="list-style-type: none"> ● Contracted services to address caseload impacts with contracted staff ● Funding for an attorney career ladder to address staff attorney turnover ● Funding for 6.00 FTE to address caseload impacts

Funding

The following table shows program funding by source of authority for the 2015 biennium as adopted by the legislature.

Total Office Of The Public Defender Funding by Source of Authority 2015 Biennium Budget - Office Of Public Defender							
Funds	HB 2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	MCA Reference	Statutory Category
General Fund	\$49,810,089	\$0	\$0	\$49,810,089	99.2%		
State Special Total	\$377,693	\$0	\$0	\$377,693	0.8%		
02250 Court Ordered Sentencing Costs	\$377,693	\$0	\$0	\$377,693	0.8%		
Total All Funds	\$50,187,782	\$0	\$0	\$50,187,782	100.0%		
Percent - Total All Sources	100.0%	0.0%	0.0%				

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.

Budget Summary by Category

The following summarizes the total budget by base, present law adjustments, and new proposals.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 14-15	Percent of Budget	Budget Fiscal 2014	Budget Fiscal 2015	Biennium Fiscal 14-15	Percent of Budget
Base Budget	21,436,634	21,436,634	42,873,268	86.07%	21,536,592	21,536,592	43,073,184	85.82%
Statewide PL Adjustments	(416,916)	(469,267)	(886,183)	(1.78%)	(416,916)	(469,267)	(886,183)	(1.77%)
Other PL Adjustments	2,170,275	2,172,557	4,342,832	8.72%	2,261,068	2,259,541	4,520,609	9.01%
New Proposals	1,684,496	1,795,676	3,480,172	6.99%	1,684,496	1,795,676	3,480,172	6.93%
Total Budget	\$24,874,489	\$24,935,600	\$49,810,089		\$25,065,240	\$25,122,542	\$50,187,782	

Present Law Adjustments

The "Present Law Adjustments" table shows the changes to the base budget adopted by the legislature.

Present Law Adjustments	-----Fiscal 2014-----					-----Fiscal 2015-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					(50,950)					(53,969)
Vacancy Savings					(514,908)					(514,789)
Inflation/Deflation					31,011					35,833
Fixed Costs					117,931					63,658
Total Statewide Present Law Adjustments		(\$416,916)	\$0	\$0	(\$416,916)		(\$469,267)	\$0	\$0	(\$469,267)
DP 1 - Support Workload - FTE	1.00	0	90,793	0	90,793	1.00	0	86,984	0	86,984
DP 9 - Capital Case Defense - OTO/RST/BIEN	0.00	250,000	0	0	250,000	0.00	250,000	0	0	250,000
DP 13 - Fund Career Ladder	0.00	1,209,927	0	0	1,209,927	0.00	1,209,848	0	0	1,209,848
DP 15 - Support Workload - Modified FTE	5.00	439,641	0	0	439,641	5.00	438,972	0	0	438,972
DP 16 - HB 107 Transfer	0.00	(40,000)	0	0	(40,000)	0.00	(40,000)	0	0	(40,000)
DP 50 - Initial Motion to FY 2012 Base	0.00	416,916	0	0	416,916	0.00	469,267	0	0	469,267
DP 51 - Adjustment for Statewide Personal Services	0.00	(257,454)	0	0	(257,454)	0.00	(257,394)	0	0	(257,394)
DP 52 - Adjustment for Statewide Operations	0.00	151,245	0	0	151,245	0.00	101,864	0	0	101,864
Total Other Present Law Adjustments	6.00	\$2,170,275	\$90,793	\$0	\$2,261,068	6.00	\$2,172,557	\$86,984	\$0	\$2,259,541
Grand Total All Present Law Adjustments	6.00	\$1,753,359	\$90,793	\$0	\$1,844,152	6.00	\$1,703,290	\$86,984	\$0	\$1,790,274

DP 1 - Support Workload - FTE - The legislature approved general fund for personal services and operating costs for the addition of 1.00 FTE attorney.

DP 9 - Capital Case Defense - OTO/RST/BIEN - The legislature approved general fund for costs associated with death penalty cases and designated funding as one-time-only, restricted to fund defense costs on death penalty cases or cases that are likely to be a death penalty case, and biennial.

DP 13 - Fund Career Ladder - The legislature approved general fund for adjustments to the career ladder for unionized attorneys. The career ladder provides incremental competency pay adjustments under a negotiated pay schedule for employees as they achieve certain educational and experiential milestones.

DP 15 - Support Workload - Modified FTE - The legislature approved general fund for operating costs and personal services for the addition of 5.00 FTE attorneys to address caseload growth.

DP 16 - HB 107 Transfer - The legislature passed HB 107 that transfers the expense for counsel assignments from the Office of State Public Defender to the courts for certain cases in abuse and neglect proceedings. This adjustment decreases funding to implement the transfer of funding to the Judiciary per the coordinating language of HB 107. An offsetting adjustment is made in the District Court Operations Program of the Judicial Branch.

DP 50 - Initial Motion to FY 2012 Base - The legislature adopted a motion to establish the starting point for budget deliberations as the FY 2012 base. This adjustment removes statewide present law adjustments for personal services, vacancy savings, fixed costs, and inflation/deflation.

DP 51 - Adjustment for Statewide Personal Services - This adjustment funds statewide personal services and vacancy savings at 2%.

DP 52 - Adjustment for Statewide Operations - This adjustment establishes the fixed cost and inflation/deflation rates as approved by the General Government subcommittee.

New Proposals

Program	FTE	-----Fiscal 2014-----				-----Fiscal 2015-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 12 - Increase Contract Attorney Rates										
01	0.00	111,113	0	0	111,113	0.00	222,226	0	0	222,226
DP 19 - Contract Costs for Caseload Growth										
01	0.00	1,845,000	0	0	1,845,000	0.00	1,845,000	0	0	1,845,000
DP 54 - Additional Vacancy Savings										
01	0.00	(271,617)	0	0	(271,617)	0.00	(271,550)	0	0	(271,550)
Total	0.00	\$1,684,496	\$0	\$0	\$1,684,496	0.00	\$1,795,676	\$0	\$0	\$1,795,676

DP 12 - Increase Contract Attorney Rates - - The legislature approved funding for an increase in the hourly rate paid to contracted attorneys by 2% in FY 2014 and an additional 2% in FY 2015.

DP 19 - Contract Costs for Caseload Growth - The legislature approved funding for contracted services to address caseload impacts of the office.

DP 54 - Additional Vacancy Savings - The legislature applied an additional 2% vacancy savings to all positions except those exempt in statute or that must be filled 24/7. Language was included in HB 2 that allows the agency to allocate the reduction among programs.

Language and Statutory Authority

The legislature included the following language in HB 2:

"Office of State Public Defender includes a reduction in general fund of \$271,617 in fiscal year 2014 and \$271,550 in fiscal year 2015. The reduction is the equivalent of an additional 2% vacancy savings. The agency may allocate this reduction in funding among programs when developing 2015 biennium operating plans."