

DATE 1-25-05

SENATE COMMITTEE ON Judiciary (Subcommittee)

BILLS BEING HEARD TODAY: S.B. 146

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Betsy Brandborg	442-7660	State Bar of Montana	146	✓	
Diana Koch	444-9593	Corrections	146	✓	
Shane McHalley	444-3905	Corrections	146	✓	
David L. Nelson	457-8595	City of Helena	146	X	
Jane McCall	670-3084	City of Bp	146	X	
Penny Strong	256-6860	Yellowstone City PDO	146	-	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

STATE OF MONTANA

Fiscal Note Request SB0146, As Introduced

(continued)

Other County Public Defender Costs transferred to State of Montana

15. County funded office costs are estimated to equal \$674,157 in FY 2007.
16. Network connection costs and on-going connection costs are estimated at \$86,468 in FY 2007.
17. Furniture replacements are expected to total \$25,000 in FY 2007
18. Rent in county offices is assumed to be \$206,000 in FY 2007.
19. Justice court costs assumed by the state are estimated to total \$1,040,000 in FY 2007 (MaCO survey)
20. City and municipal court costs transferred to the state are estimated to be \$737,546 in FY 2007.

Department of Administration

21. The Department of Administration will provide human resource services to the office. This fiscal note assumes classification costs to cover new and existing employees to the state system will total \$30,000 in FY 2006. Ongoing payroll processing costs are estimated at \$25,000 each year and require an additional 0.25 FTE per year with offsetting proprietary revenues.

Costs associated with representation for indigent parents in child abuse and neglect cases - new

22. These new costs would be incurred in the newly created Office of the Public Defender.
23. The Judiciary used case filing data for cases filed pursuant to 41-3-422, MCA, from the first 6 months of FY 2004 and doubled the filings to estimate a full fiscal year.
24. Currently the 1st, 2nd, 4th, 13th, 14th, 18th, 21st and 22nd Judicial Districts as well as some counties in the 7th and 12th Judicial Districts appoint counsel immediately. The cost in FY 2004 for public defender representation of the parents in these cases was \$533,213. There were 241 filings in the first 6 months of FY 2004 in these districts. The average cost per case was \$1,106. $\$533,213 / (241 \times 2)$.
25. The cost in FY 2004 for public defender representation of the parents in Judicial Districts, which don't appoint counsel immediately, was \$279,360. There were 221 cases filed in the first 6 months of FY 2004 in the Judicial Districts where counsel was appointed at either the adjudication or dispositional hearing stage of the process. The average cost per case was \$632. $\$279,360 / (221 \times 2)$.
26. The total increased cost is estimated at \$209,508 per year. $(\$1,106 - \$632) \times (221 \times 2)$.
27. Assumptions are base on work done by the Legislative Fiscal Division and the Legislative Services Division for the Law and Justice Interim Committee in preparation for submission of this bill. The Office of the Court Administrator and the Department of Administration compiled additional information.

FISCAL IMPACT:

	<u>FY 2006</u> <u>Difference</u>	<u>FY 2007</u> <u>Difference</u>
Public Defender Office - New		
FTE	5.50	84.25
<u>Expenditures:</u>		
Personal Services	294,140	2,874,486
Operating Expenses – Indigent parent	209,508	209,508
Operating Expenses	<u>412,702</u>	<u>10,652,000</u>
TOTAL	\$916,350	\$13,736,354
<u>Funding of Expenditures:</u>		
General Fund (01)	916,350	10,673,147
State Special Revenue (02)	<u>0</u>	<u>3,063,207</u>
TOTAL	\$916,350	\$13,736,354

Fiscal Note Request SB0146, As Introduced
(continued)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. Beginning in FY 2007, local governments will be relieved from approximately \$2,756,171 in indigent defense services costs due to the proposal. Non-reimbursed district court services incurred by counties are estimated at \$978,625, justice court costs are \$1,040,000, and municipal courts are \$737,546.
2. In FY 2007, local governments will be required to pay for 22.3 percent of the Office's budget (15.6 percent by counties and 6.7 percent by cities). Based on the budget above, these payments would total \$3,063,207 in FY 2007.
3. The possible net impact to all local governments will be increased "expenditures" of \$307,036 in FY 2007 (\$3,063,207-\$2,756,171). There will be winners and losers among local government units based on current expenditure patterns and allocations of city and county shares under the new funding algorithm.
4. The local entities will be required to pay, into a state special revenue account, the accrued sick leave and vacation leave totals for each assumed employee. It is impossible to determine the impact of this but anything paid in will reduce the counties balance sheet liabilities.