

**Program Budget Comparison**

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

Program Budget Comparison								
Budget Item	Base Fiscal 2014	Approp. Fiscal 2015	Budget Fiscal 2016	Budget Fiscal 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	1,241,361	1,248,871	2,028,060	2,490,232	462,172	22.79 %
Operating Expenses	361,083	165,537	520,672	521,072	526,620	1,041,744	515,124	97.82 %
<b>Total Costs</b>	<b>\$1,355,129</b>	<b>\$1,199,551</b>	<b>\$1,762,033</b>	<b>\$1,769,943</b>	<b>\$2,554,680</b>	<b>\$3,531,976</b>	<b>\$977,296</b>	<b>38.26 %</b>
General Fund	1,355,129	1,199,551	1,762,033	1,769,943	2,554,680	3,531,976	977,296	38.26 %
State/Other Special Rev. Funds	0	0	0	0	0	0	0	0.00 %
<b>Total Funds</b>	<b>\$1,355,129</b>	<b>\$1,199,551</b>	<b>\$1,762,033</b>	<b>\$1,769,943</b>	<b>\$2,554,680</b>	<b>\$3,531,976</b>	<b>\$977,296</b>	<b>38.26 %</b>

**Program Description**

The Appellate Defender Program provides appeal services for indigent citizens.

**Program Highlights**

<b>Office of Appellate Defender Major Budget Highlights</b>
<ul style="list-style-type: none"> <li>• The budget would increase largely due to:                             <ul style="list-style-type: none"> <li>◦ Funding to add 1.00 FTE to address caseload issues</li> <li>◦ Funding to increase contract attorney payments to address caseload issue</li> <li>◦ Funding for a career ladder for attorneys</li> <li>◦ Funding to provide a 2% annual rate increase for contract attorneys</li> </ul> </li> </ul>
<b>Major LFD Issues</b>
<ul style="list-style-type: none"> <li>• Startup costs for new FTE are one-time-only</li> </ul>

**Program Discussion -**

FY 2016 and FY 2017 contain any reductions in FTE made by the executive to implement the boilerplate language in HB 2. Though intended by the legislature, the FY 2014 and FY 2015 FTE levels do not reflect this language.

This program includes a number of proposed additions to address various challenges of the office. The proposals are discussed in detail in the following narrative, while the Summary section of this agency’s narrative discusses requests that are typical in multiple programs, and the challenges the office faces and the executive’s proposed response in total.

*Personal Services*

In the FY 2015 legislative budget, personal services comprised 70.4% of the program budget. The Governor proposes 70.5% in FY 2016 and 70.6% in FY 2017. The increases in costs are due to:

- A request to add 1.00 FTE to address caseload issues

- A request for funding for a career ladder for attorneys
- Funding to annualize pay increases funded in the legislative pay plan of the 2013 Legislature

**Funding**

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

Office of the 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	3,531,976	0	0	3,531,976	100.00 %	
02250 Court Ordered Sentencing Costs	0	0	0	0	0.00 %	
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Total All Funds</b>	<b>\$3,531,976</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,531,976</b>		

The Office of Appellate Defender is supported entirely by the general fund.

**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	1,360,365	1,360,365	2,720,730	77.03 %	1,447,349	1,447,349	2,894,698	81.96 %
PL Adjustments	397,101	400,444	797,545	22.58 %	310,117	313,460	623,577	17.66 %
New Proposals	4,567	9,134	13,701	0.39 %	4,567	9,134	13,701	0.39 %
<b>Total Budget</b>	<b>\$1,762,033</b>	<b>\$1,769,943</b>	<b>\$3,531,976</b>		<b>\$1,762,033</b>	<b>\$1,769,943</b>	<b>\$3,531,976</b>	

**Present Law Adjustments -**

The "Present Law Adjustments" table shows the changes from FY 2015 legislative appropriation to the budget proposed by the executive. PSPL adjusts all personal services. LGPL provides for adjustments to other expenditures such as operating expenses. Each is discussed in the narrative that follows. Total funds in the Present Law Adjustments table do not include proprietary funds budgeted in House Bill 2.

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 98 - LEG. Personal Services Present Law	0.00	284,879	(62,402)	0	222,477	0.00	293,808	(63,821)	0	229,987
DP 99 - LEG. Present Law	0.00	112,222	(24,582)	0	87,640	0.00	106,636	(23,163)	0	83,473
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$397,101</b>	<b>(\$86,984)</b>	<b>\$0</b>	<b>\$310,117</b>	<b>0.00</b>	<b>\$400,444</b>	<b>(\$86,984)</b>	<b>\$0</b>	<b>\$313,460</b>

DP 98 - LEG. Personal Services Present Law -

The following table outlines various components of the changes included in the PS PL adjustments.

Personal Services Present Law Adjustments					
FY 2016					
CP 98 PSPL Item	FTE	General Fund	State Special	Federal Special	Total Funds
State Share Health Insurance	12.00	\$5,832	\$0	\$0	\$5,832
Executive Implementation of 2015 Pay Increase		19,744	-	-	19,744
Fully Fund 2015 Legislatively Authorized FTE		-	-	-	-
Other					
Additional Staff to Support Caseloads	1.00	101,411	-	-	101,411
Attorney Pay Ladder	0.00	25,000	-	-	25,000
Remainder of Other	0.00	132,892	(62,402)	-	70,490
Total Other	1.00	259,303	(62,402)	-	196,901
Personal Services Present Law Adjustments	13.00	\$284,879	(\$62,402)	\$0	\$222,477
FY 2017					
CP 98 PSPL Item	FTE	General Fund	State Special	Federal Special	Total Funds
State Share Health Insurance	12.00	\$5,832	\$0	\$0	\$5,832
Executive Implementation of 2015 Pay Increase		19,744	-	-	19,744
Fully Fund 2015 Legislatively Authorized FTE		-	-	-	-
Other					
Additional Staff to Support Caseloads	1.00	101,142	-	-	101,142
Attorney Pay Ladder	0.00	30,000	-	-	30,000
Remainder of Other	0.00	137,090	(63,821)	-	73,269
Total Other	1.00	268,232	(63,821)	-	204,411
Personal Services Present Law Adjustments	13.00	\$293,808	(\$63,821)	\$0	\$229,987

The executive has proposed to increase funding for personal services by 21.8% in FY 2016 and by 22.6% in FY 2017 compared to the FY 2015 legislative budget.

*Additional Staff to Support Caseloads* - The executive requests funding to add 1.00 FTE attorney to address workload issues.

<b>LFD COMMENT</b>	<p><u>Caseload Growth</u></p> <p>The program experienced a 17% increase in direct appeals for FY 2012, a 15% increase during FY 2013, and another 5% increase during FY 2014. During the 2015 biennium, the executive used modified FTE to address the workload impacts of this caseload growth. Refer to Agency Summary section for a discussion of caseload growth and how this would address workloads as compared to the Public Defender Commission standards for managing staff caseloads.</p>
--------------------	---

*Attorney Pay Ladder* - The executive requests funding for the attorney career ladder for appellate attorneys. The career ladder provides incremental competency pay adjustments under a pay schedule for employees as they achieve certain educational and experiential milestones.

Remainder of Other - Changes that make up the remainder of the other adjustments include the following:

- The effects of various operating plan changes and program transfers

The executive moved funding for personal services from the Office of State Public Defender program to fund shortfalls in the attorney career ladder of the Appellate Defender. Additionally, funding was moved from operating expenses to personal services to fund the attorney career ladder in FY 2015. State special revenue authority was moved from the Appellate Defender program to the Office of State Public Defender program and a like amount of general fund was transferred back to offset this funding change.

DP 99 - LEG. Present Law -

The following table outlines various components of the changes included in the LGPL adjustments.

Legislative Present Law Adjustments				
	FY 2016			
CP 99 Item	General Fund	State Special	Federal Special	Total Funds
Contract Attorney Caseload	\$215,843	\$0	\$0	\$215,843
Additional Staff to Support Caseloads	5,000	-	-	5,000
Other	(108,621)	(24,582)	-	(133,203)
<b>Legislative Present Law Adjustments</b>	<b>\$112,222</b>	<b>(\$24,582)</b>	<b>\$0</b>	<b>\$87,640</b>
	FY 2017			
CP 99 Item	General Fund	State Special	Federal Special	Total Funds
Contracted Attorney Funding for Caseloads	\$215,843	\$0	\$0	\$215,843
Outfitting Costs for Additional Staff	825	-	-	825
Other	(110,032)	(23,163)	-	(133,195)
<b>Legislative Present Law Adjustments</b>	<b>\$106,636</b>	<b>(\$23,163)</b>	<b>\$0</b>	<b>\$83,473</b>

The executive has proposed to increase funding for all other expenditure categories excluding personal services by 20.5% in FY 2016 and by 19.5% in FY 2017 compared to the FY 2015 legislative budget. Changes that make up the other category include the following, while individually listed adjustments are described separately:

- The effects of various operating plan changes and program transfers

The executive moved funding from operating expenses to personal services to fund the attorney career ladder in FY 2015. State special revenue authority was moved from the Appellate Defender program to the Office of State Public Defender program and a like amount of general fund was transferred back to offset this funding change.

*Outfitting Costs for Additional Staff* - Along with personal services funding for requests to add staff, the executive requests funding for operating costs to outfit offices and support the operations of the staff.

<b>LFD ISSUE</b>	<u>Staff Outfitting Costs are One Time</u>
------------------	--

FY 2016 funding includes \$4,175 in outfitting costs that are not ongoing to purchase computer equipment and software licenses, desks, and other office items for the new positions. The legislature may wish to designate this amount of this request as one-time-only.

*Contracted Attorney Funding for Caseloads* - The executive requests funding for contract attorney costs to supplement agency staff to address workload issues.

**New Proposals -**

Total funds in the New Proposals table do not include proprietary funds budgeted in House Bill 2.

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 200004 - Contract Attorney Rate Adjustment - PG 2	0.00	4,567	0	0	4,567	0.00	9,134	0	0	9,134
<b>Total</b>	<b>0.00</b>	<b>\$4,567</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,567</b>	<b>0.00</b>	<b>\$9,134</b>	<b>\$0</b>	<b>\$0</b>	<b>\$9,134</b>

DP 200004 - Contract Attorney Rate Adjustment - PG 2 -

The executive requests funding to increase the rate paid to contract attorneys by 2% in FY 2016 and by an additional 2% (4% total) in FY 2017.