

**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 %
<b>Total Costs</b>	<b>\$21,003,221</b>	<b>\$20,980,554</b>	<b>\$26,404,594</b>	<b>\$26,369,531</b>	<b>\$41,983,775</b>	<b>\$52,774,125</b>	<b>\$10,790,350</b>	<b>25.70 %</b>
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 %
<b>Total Funds</b>	<b>\$21,003,221</b>	<b>\$20,980,554</b>	<b>\$26,404,594</b>	<b>\$26,369,531</b>	<b>\$41,983,775</b>	<b>\$52,774,125</b>	<b>\$10,790,350</b>	<b>25.70 %</b>

**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**

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

**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 %	
<b>State Special Total</b>	<b>\$547,852</b>	<b>\$0</b>	<b>\$0</b>	<b>\$547,852</b>	<b>1.04 %</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>\$52,774,125</b>	<b>\$0</b>	<b>\$0</b>	<b>\$52,774,125</b>		

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 %
<b>Total Budget</b>	<b>\$26,130,668</b>	<b>\$26,095,605</b>	<b>\$52,226,273</b>		<b>\$26,404,594</b>	<b>\$26,369,531</b>	<b>\$52,774,125</b>	

**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
<b>Grand Total All Present Law Adjustments</b>	<b>17.44</b>	<b>\$125,446</b>	<b>\$86,984</b>	<b>\$0</b>	<b>\$212,430</b>	<b>17.44</b>	<b>\$90,383</b>	<b>\$86,984</b>	<b>\$0</b>	<b>\$177,367</b>

\*\*\*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
<b>Total</b>	<b>0.00</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$250,000</b>	<b>0.00</b>	<b>\$250,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$250,000</b>

\*\*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.