



MONTANA LEGISLATIVE BRANCH

Legislative Fiscal Division

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Legislative Fiscal Analyst
CLAYTON SCHENCK

DATE: November 17, 2009

TO: Legislative Finance Committee

FROM: Pat Gervais, Senior Fiscal Analyst

RE: Office of Public Defender

The purpose of this memo is to provide information to the Legislative Finance Committee (LFC) regarding a projected 2011 biennium funding shortfall for the Office of Public Defender (OPD) and alert the LFC to the possibility that a supplemental appropriation may be requested by this agency.

The most recent budget projection prepared by OPD staff estimates that FY 2010 general fund expenditures will exceed appropriation levels by about \$1 million. Expenditures for FY 2010 are estimated to be about \$21 million compared to an appropriation of about \$20 million (general fund). In the event expenditures exceed appropriations by a similar amount in FY 2011, the biennial overage of expenditures compared to appropriations would be about \$2 million general fund. Staff of the agency is taking steps to reduce expenditures and indicated that some assistance might be requested via use of the Governor's personal services contingency fund.

Legislative Fiscal Division (LFD) staff will continue to monitor this situation. Additionally, LFD staff plans to provide the LFC a more detailed report regarding the OPD, its budget status, and other agency issues at the March LFC meeting.