

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2002	PL Base Adjustment Fiscal 2004	New Proposals Fiscal 2004	Total Leg. Budget Fiscal 2004	PL Base Adjustment Fiscal 2005	New Proposals Fiscal 2005	Total Leg. Budget Fiscal 2005	Total Leg. Budget Fiscal 04-05
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	133,911	13,653	(1,638)	145,926	13,879	667	148,457	294,383
Operating Expenses	44,999	(6,753)	2,659	40,905	(6,428)	2,662	41,233	82,138
<b>Total Costs</b>	<b>\$178,910</b>	<b>\$6,900</b>	<b>\$1,021</b>	<b>\$186,831</b>	<b>\$7,451</b>	<b>\$3,329</b>	<b>\$189,690</b>	<b>\$376,521</b>
General Fund	0	185,810	1,021	186,831	186,361	3,329	189,690	376,521
State/Other Special	178,910	(178,910)	0	0	(178,910)	0	0	0
<b>Total Funds</b>	<b>\$178,910</b>	<b>\$6,900</b>	<b>\$1,021</b>	<b>\$186,831</b>	<b>\$7,451</b>	<b>\$3,329</b>	<b>\$189,690</b>	<b>\$376,521</b>

**Agency Description**

The Office of the Appellate Defender is an agency administratively attached to the Department of Administration. The appellate defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The appellate defender provides legal counsel for indigent persons who have been convicted and who then appeal district court convictions, or who petition for post-conviction relief from district court proceedings. The appellate defender also aids the commission by compiling and maintaining a current roster of Montana attorneys who are eligible to serve as trial and appellate defense counsel for the indigent, if appointed by an appropriate court.

**Summary of Legislative Action**

<b>Appellate Defender Major Budget Highlights</b>	
○	The 2005 biennium budget is \$971 lower than the level requested in the Executive Budget, as a result of a global general fund reduction for personal services and HB 13

The legislature approved \$18,701 for the biennium in adjustments over the base. With present law adjustments accounting for \$14,351 of these adjustments, the resultant legislative budget reflects a biennium increase of \$4,350 over present law.

Agency Budget Comparison								
Budget Item	Base Budget Fiscal 2002	Executive Budget Fiscal 2004	Legislative Budget Fiscal 2004	Leg – Exec. Difference Fiscal 2004	Executive Budget Fiscal 2005	Legislative Budget Fiscal 2005	Leg – Exec. Difference Fiscal 2005	Biennium Difference Fiscal 04-05
FTE	3.00	3.00	3.00	0.00	3.00	3.00	0.00	
Personal Services	133,911	147,564	145,926	(1,638)	147,790	148,457	667	(971)
Operating Expenses	44,999	40,905	40,905	0	41,233	41,233	0	0
<b>Total Costs</b>	<b>\$178,910</b>	<b>\$188,469</b>	<b>\$186,831</b>	<b>(\$1,638)</b>	<b>\$189,023</b>	<b>\$189,690</b>	<b>\$667</b>	<b>(\$971)</b>
General Fund	0	188,469	186,831	(1,638)	189,023	189,690	667	(971)
State/Other Special	178,910	0	0	0	0	0	0	0
<b>Total Funds</b>	<b>\$178,910</b>	<b>\$188,469</b>	<b>\$186,831</b>	<b>(\$1,638)</b>	<b>\$189,023</b>	<b>\$189,690</b>	<b>\$667</b>	<b>(\$971)</b>

**Executive Budget Comparison**

The legislative budget is \$971 for the biennium below the Executive Budget. The entire difference is due to a global personal services reduction that applied \$4,668 of additional vacancy savings to positions funded with general fund and a

\$3,697 increase to fund the 2005 biennium pay plan.

**Funding**

The following table shows program funding, by source, for the base year and for the 2005 biennium.

Program Funding	Base	% of Base	Budget	% of Budget	Budget	% of Budget
	Fiscal 2002	Fiscal 2002	Fiscal 2004	Fiscal 2004	Fiscal 2005	Fiscal 2005
01100 General Fund	\$ -	-	\$ 186,831	100.0%	\$ 189,690	100.0%
02141 District Court Crim. Reimb.	178,910	100.0%	-	-	-	-
<b>Grand Total</b>	<b>\$ 178,910</b>	<b>100.0%</b>	<b>\$ 186,831</b>	<b>100.0%</b>	<b>\$ 189,690</b>	<b>100.0%</b>

The office is funded entirely from general fund. This funding is a change from the 2003 biennium when the base was funded with state special revenue from district court criminal reimbursement state special revenue account, which was derived from taxes and fees collected on light vehicles. When HB 124 of the 2001 legislature revised law governing local government and state revenue collection and allocation, the state special revenue funding was switched to general fund. General fund began supporting the operations of the office in fiscal 2003.

Present Law Adjustments										
-----Fiscal 2004-----					-----Fiscal 2005-----					
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					10,938					11,164
Inflation/Deflation					(294)					(207)
Fixed Costs					340					251
<b>Total Statewide Present Law Adjustments</b>					<b>\$10,984</b>					<b>\$11,208</b>
DP 1 - Fixed Cost Adjustments & On-going Reductions	0.00	(4,084)	0	0	(4,084)	0.00	(3,757)	0	0	(3,757)
<b>Total Other Present Law Adjustments</b>	<b>0.00</b>	<b>(\$4,084)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$4,084)</b>	<b>0.00</b>	<b>(\$3,757)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$3,757)</b>
<b>Grand Total All Present Law Adjustments</b>					<b>\$6,900</b>					<b>\$7,451</b>

**Present Law Adjustments**

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

DP 1 - Fixed Cost Adjustments & On-going Reductions - The legislature approved a net reduction of \$7,841 general fund for the biennium through offsetting adjustments that: 1) provide reductions totaling \$21,396 to carry forward the Governor's 17-7-140, MCA, unspecified reductions and reductions imposed in the August 2002 Special Session; 2) fund increases of \$12,600 for performance based pay raises in a future movement to the broadband plan of the alternative classification and compensation system; and 3) fund increases totaling \$955 for office space rent and fixed costs.

Program	FTE	-----Fiscal 2004-----				-----Fiscal 2005-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 317 - Indirect Cost Recovery										
01	0.00	2,659	0	0	2,659	0.00	2,662	0	0	2,662
DP 655 - Personal Services Reduction										
01	0.00	(2,334)	0	0	(2,334)	0.00	(2,334)	0	0	(2,334)
DP 6800 - HB 13 - Pay Plan										
01	0.00	696	0	0	696	0.00	3,001	0	0	3,001
<b>Total</b>	<b>0.00</b>	<b>\$1,021</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,021</b>	<b>0.00</b>	<b>\$3,329</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,329</b>

**New Proposals**

DP 317 - Indirect Cost Recovery - The legislature approved an increase of \$5,321 general fund for the biennium to provide indirect cost payments for a new indirect cost pool formed from portions of the director's office and the Management Support Bureau of the Department of Administration that provide centralized service functions for the office.

DP 655 - Personal Services Reduction - The legislature applied a further vacancy savings on general fund positions. The average for this agency is 1.2 percent on general fund and on total funding.

DP 6800 - HB 13 - Pay Plan - The legislature passed a pay plan in HB 13 that provides an additional \$44 per month in insurance contributions in calendar 2004 and an additional \$50 per month in calendar 2005, as well as a \$0.25 per hour salary increase in the final six months of fiscal 2005. These amounts represent this program's allocation of costs to fund this pay plan. An additional \$44 per month in insurance contribution for the first six months of fiscal 2004 was not funded.