

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding. Also included in the table is HB 447 pay plan allocation.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	0.00	0.00	5.50	5.50	0.00	90.25	90.25	90.25
Personal Services	0	0	320,687	320,687	0	4,768,097	4,768,097	5,088,784
Operating Expenses	0	0	207,042	207,042	0	9,366,020	9,366,020	9,573,062
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$0	\$0	\$527,729	\$527,729	\$0	\$14,134,117	\$14,134,117	\$14,661,846
General Fund	0	0	527,729	527,729	0	14,134,117	14,134,117	14,661,846
Total Funds	\$0	\$0	\$527,729	\$527,729	\$0	\$14,134,117	\$14,134,117	\$14,661,846

Agency 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.

Agency Highlights

Office of State Public Defender Major Budget Highlights
<ul style="list-style-type: none"> ◆ The Office of State Public Defender is established through passage and approval of SB 146, which establishes a statewide public defender system ◆ Funding and FTE are from the following: <ul style="list-style-type: none"> • 5.50 FTE in FY 2006 and 20.00 FTE in FY 2007 are added to manage and administer the system • 3.00 FTE and \$205,261 general fund from the Appellate Defender agency beginning in FY 2007 • 1.5 FTE and \$8.1 million general fund are transferred from the Judiciary in FY 2007 • 42.00 FTE attorneys and 23.75 FTE support state are transferred from local governments in FY 2007 • \$50,141 general fund is transferred in FY 2007 from the Department of Corrections for mental health evaluations

Summary of Legislative Action

The legislative budget for general fund totals \$14.7 million for the biennium. Because the office did not exist during the 2005 biennium, all but the \$8.4 million funding transferred from the Judiciary, Department of Corrections, and Appellate Defender represents an increase of \$6.3 million over the base, from a statewide perspective (of which almost \$2.6 million is a transfer from local governments). The legislative budget includes funding for both HB 2 and HB 447. HB 447 funds the state employee pay plan for the 2007 biennium and accounts for \$277,000 of the increase for the biennium. The remainder of the increase is due to funding for: 1) operating costs; 2) the addition of new employees to manage and administer the statewide public defender system; and 3) the assumption of 42.00 FTE attorneys and 23.75 FTE support staff currently working as local government employees, as new state employees.

The following figure summarizes the sources of FTE and funding for the 2007 biennium. The figure shows that FTE and funding were transferred from a number of existing state functions, while 65.75 FTE in FY 2007 were transferred from courts under the responsibility of local governments and would become new state employees. Also, 5.50 FTE in FY 2006 and 20.00 FTE in FY 2007 would be new state employees to administer the new office. Local government entitlement payments would be reduced beginning in FY 2007 to offset a portion of the costs for the state assuming functions and FTE that were previously provided by local governments. Because the 2007 biennium is a transitional biennium for the new statewide public defender system, the funding for the 2009 biennium would be roughly two times the FY 2007 amount or \$28.3 million.

Figure 1

Office of State Public Defender
Sources of FTE and Funding
2007 Biennium

	FTE		General Fund	
	FY 2006	FY 2007	FY 2006	FY 2007
Transfer of FTE and funding:				
From Judiciary	0.00	1.50	\$0	\$8,137,160
From Appellate Defender	0.00	3.00	0	205,261
From Department of Corrections	0.00	0.00	0	50,141
From local government	0.00	65.75	0	0
Local government entitlement payments	0.00	0.00	0	2,559,141
New state FTE and funds	<u>5.50</u>	<u>20.00</u>	<u>527,729</u>	<u>3,182,414</u>
Total FTE and funding	<u>5.50</u>	<u>90.25</u>	<u>\$527,729</u>	<u>\$14,134,117</u>
Total funding for 2007 biennium				<u>\$14,661,846</u>

Funding

The general fund supports all functions of the office. For the 2007 biennium, all but \$3.7 million of the funding was a transfer of general fund authority from other state agencies (\$8.4 million) or from reductions of the local government entitlement share payments (\$2.6 million). As a result, \$3.7 million represents a new general fund appropriation.

Other Legislation

Senate Bill 146 - SB 146 establishes a state public defender system. The state public defender system would provide, as a state function, public defender services in criminal and certain civil cases for any individual who is determined to be financially unable to retain private counsel and accused of an offense that could result in the person's loss of life or liberty if convicted. The system would provide public defender services in the Supreme Court or in any district court, justice court, or city or municipal court in the state. HB 2 contains funding to implement SB 146, which has become law.

Executive Budget Comparison

The following table compares the legislative budget for the 2007 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2004	Executive Budget Fiscal 2006	Legislative Budget Fiscal 2006	Leg - Exec. Difference Fiscal 2006	Executive Budget Fiscal 2007	Legislative Budget Fiscal 2007	Leg - Exec. Difference Fiscal 2007	Biennium Difference Fiscal 06-07
FTE	0.00	0.00	5.50	5.50	0.00	90.25	90.25	
Personal Services	0	0	320,687	320,687	0	4,768,097	4,768,097	5,088,784
Operating Expenses	0	0	207,042	207,042	0	9,366,020	9,366,020	9,573,062
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$0	\$0	\$527,729	\$527,729	\$0	\$14,134,117	\$14,134,117	\$14,661,846
General Fund	0	0	527,729	527,729	0	14,134,117	14,134,117	14,661,846
Total Funds	\$0	\$0	\$527,729	\$527,729	\$0	\$14,134,117	\$14,134,117	\$14,661,846

The budget for the office was not included in the executive budget. Therefore, all funding for the office reflects a difference from the executive budget.

Reorganizations

The office was formed through passage and approval of SB 146 by moving the existing Appellate Defender agency to a separate budgetary program of the office and establishing a new budgetary program for managing and administering the system and providing non-appellate public defender services.

The office moves functions and funding from the Judiciary, Appellate Defender, and Department of Corrections, as well as establishing new, state-provided functions. Functions and funding transferred from the Judiciary include 1.50 FTE and \$8.1 million general fund in FY 2007. The Appellate Defender moves into the office beginning in FY 2007 through the transfer of 3.00 FTE and \$205,000 general fund. The legislature also transferred \$50,141 general fund in FY 2007 from the Department of Corrections for mental health evaluations. Above the amounts transferred from existing funding, the legislature added nearly \$6.0 million general fund to support the office in the 2007 biennium (including \$2.6 million transferred from local governments). The additional funding would add 5.50 FTE in FY 2006 and 20.00 FTE in FY 2007 to administer the new office and assume as state employees 42.00 FTE attorneys and 23.75 FTE support staff that currently exist in local governments. The office would be in transition during the 2007 biennium with FY 2006 being dedicated to establishing the structure for the statewide public defender system and initial staffing of key positions prior to the office being ordered by the courts to assign counsel beginning July 1, 2006.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is HB 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	0.00	0.00	5.50	5.50	0.00	87.25	87.25	87.25
Personal Services	0	0	320,687	320,687	0	4,608,821	4,608,821	4,929,508
Operating Expenses	0	0	207,042	207,042	0	8,663,979	8,663,979	8,871,021
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$0	\$0	\$527,729	\$527,729	\$0	\$13,272,800	\$13,272,800	\$13,800,529
General Fund	0	0	527,729	527,729	0	13,272,800	13,272,800	13,800,529
Total Funds	\$0	\$0	\$527,729	\$527,729	\$0	\$13,272,800	\$13,272,800	\$13,800,529

Program Description

The Office of State Public Defender Program provides all administration and management functions for the office, except for human resources functions that are provided by the Department of Administration for an indirect cost charge. The program also administers all state public defender services to indigent citizens except for appeals for indigent citizens.

Program Highlights

Office of State Public Defender Public Defender Program Major Budget Highlights
<ul style="list-style-type: none"> ◆ 5.50 FTE in FY 2006 and 20.00 FTE in FY 2007 are added to manage and administer the system ◆ 1.5 FTE and \$8.1 million general fund are transferred from the Judiciary in FY 2007 ◆ 42.00 FTE attorneys and 23.75 FTE support staff are transferred from local governments in FY 2007 ◆ \$50,141 general fund is transferred in FY 2007 from the Department of Corrections for mental health evaluations ◆ State employee pay plan adds \$267,000 general fund

Funding

The general fund supports all functions of the program.

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.

New Proposals

New Proposals	-----Fiscal 2006-----					-----Fiscal 2007-----					
	Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Office of State Public Defender - SB 146											
01	5.50	514,552	0	0	514,552	87.25	13,017,335	0	0	13,017,335	
DP 6010 - 2007 Biennium Pay Plan - HB 447											
01	0.00	13,177	0	0	13,177	0.00	255,465	0	0	255,465	
Total	5.50	\$527,729	\$0	\$0	\$527,729	87.25	\$13,272,800	\$0	\$0	\$13,272,800	

DP 1 - Office of State Public Defender - SB 146 - The legislature approved an increase of \$13.5 million general fund over the biennium to establish a program to administer the Office of State Public Defender.

DP 6010 - 2007 Biennium Pay Plan - HB 447 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is HB 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	0.00	0.00	0.00	0.00	0.00	3.00	3.00	3.00
Personal Services	0	0	0	0	0	159,276	159,276	159,276
Operating Expenses	0	0	0	0	0	702,041	702,041	702,041
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$0	\$0	\$0	\$0	\$0	\$861,317	\$861,317	\$861,317
General Fund	0	0	0	0	0	861,317	861,317	861,317
Total Funds	\$0	\$0	\$0	\$0	\$0	\$861,317	\$861,317	\$861,317

Program Description

The Appellate Defender Program provides appeal services for indigent citizens.

Program Highlights

Office of State Public Defender Appellate Defender Program Major Budget Highlights
<ul style="list-style-type: none"> ◆ 3.00 FTE and \$205,261 general fund of the Appellate Defender are moved to the Appellate Defender Program in the office beginning in FY 2007 ◆ State employee pay plan adds \$8,400 general fund

Funding

The general fund supports all functions of the program.

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.

New Proposals

New Proposals										
Program	-----Fiscal 2006-----					-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 2 - Office of Appellate Defender - SB 146										
02	0.00	0	0	0	0	3.00	852,883	0	0	852,883
DP 6010 - 2007 Biennium Pay Plan - HB 447										
02	0.00	0	0	0	0	0.00	8,434	0	0	8,434
Total	0.00	\$0	\$0	\$0	\$0	3.00	\$861,317	\$0	\$0	\$861,317

DP 2 - Office of Appellate Defender - SB 146 - The legislature approved an increase of \$1.1 million general fund over the biennium to establish an Appellate Defender Program in the Office of State Public Defender.

DP 6010 - 2007 Biennium Pay Plan - HB 447 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.