

Agency Biennium Comparison

The following table compares the 2023 biennium appropriated budget to the 2025 biennium budget request by type of expenditure and source of funding.

Agency Biennium Comparison				
Budget Item	Appropriated Budget 22-23	Requested Budget 24-25	Biennium Change	Biennium % Change
Personal Services	54,246,508	67,277,565	13,031,057	24.02 %
Operating Expenses	24,660,991	29,552,883	4,891,892	19.84 %
Equipment & Intangible Assets	0	115,000	115,000	0.00 %
Total Expenditures	\$78,907,499	\$96,945,448	\$18,037,949	22.86 %
General Fund	78,907,499	96,945,448	18,037,949	22.86 %
Total Funds	\$78,907,499	\$96,945,448	\$18,037,949	22.86 %
Total Ongoing	\$78,907,499	\$96,595,448	\$17,687,949	22.42 %
Total OTO	\$0	\$350,000	\$350,000	100.00 %

Agency Biennium Comparison -

The 2025 biennium budget proposal for the Office of the State Public Defender is an overall increase of \$19.0 million or 24.4%, which is slightly higher than reflected in the table above due to a technical issue that results in approximately \$1.0 million of appropriation that is double counted in the 2023 biennium. When compared to the FY 2023 base appropriation, the biennial request is an increase of 22.9%.

Mission Statement

The mission of the Office of the State Public Defender is to provide the most compassionate and expert defense of clients and the Constitution.

Vision

Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.

Please refer to the agency profile at <https://leg.mt.gov/lfd/appropriation-subcommittee-section-d/agency-office-public-defender/> for additional information about the agency’s organization structure, historical expenditures, goals and objectives, and recent studies and audits.

LFD COMMENT	In an agreement between the executive and legislative branches, a fiscal year transfer that occurred in FY 2022 and reduced the FY 2023 appropriation has been added back into the base but is also included in FY 2022. As a result, the biennial comparisons in the Agency and Program Biennium Comparison tables are understated. The correct biennial change and percent change is provided in the text beneath the comparison tables and will be used for comparisons throughout this report.
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Agency Highlights

Office of State Public Defender Major Budget Highlights
<p>The Office of the State Public Defender's 2025 biennium budget request is \$19.0 million or 24.4% higher than the 2023 biennium. Significant biennial requests include:</p> <ul style="list-style-type: none"> • Statewide present law requests are \$7.6 million and are 40.8% of the total biennial change <ul style="list-style-type: none"> ◦ \$6.2 million are in personal services adjustments or 81.6% of the statewide present law adjustments • \$4.6 million to fund the addition of 20.00 FTE • \$1.5 million to continue backlog reduction • \$1.4 million for contracted services increases • \$815,000 for information technology purchases, upgrades, and maintenance • \$455,416 of lease cost increases
Legislative Action Items
<ul style="list-style-type: none"> • Exigent contingent funding

Agency Actuals and Budget Comparison

The following table compares FY 2022 actual expenditures, FY 2022 and FY 2023 appropriations, and the expenditures requested for FY 2024 and FY 2025 by type of expenditure and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2022	Approp. Fiscal 2022	Approp. Fiscal 2023	Request Fiscal 2024	Request Fiscal 2025
FTE	0.00	302.44	302.44	322.44	322.44
Personal Services	25,993,463	26,046,737	28,199,771	33,548,026	33,729,539
Operating Expenses	13,158,852	13,408,861	11,252,130	14,600,497	14,952,386
Equipment & Intangible Assets	0	0	0	75,000	40,000
Total Expenditures	\$39,152,315	\$39,455,598	\$39,451,901	\$48,223,523	\$48,721,925
General Fund	39,152,315	39,455,598	39,451,901	48,223,523	48,721,925
Total Funds	\$39,152,315	\$39,455,598	\$39,451,901	\$48,223,523	\$48,721,925
Total Ongoing	\$39,152,315	\$39,455,598	\$39,451,901	\$48,048,523	\$48,546,925
Total OTO	\$0	\$0	\$0	\$175,000	\$175,000

Agency Discussion

FY 2022 Appropriation Compared to FY 2022 Actual Expenditures

In FY 2022, the Office of Public Defender (OPD) expended \$39.2 million, or 99.2%, of the modified HB 2 budget. The OPD budget was increased in FY 2022 by a transfer of \$958,000 of authority from FY 2023 appropriations. The personal services budget was 99.8% expended and the operating expenses were 98.1% expended. Spending on operating expenses was increased due to the need to access contracted public defender services in the fiscal year. OPD expended \$649,386 from the fiscal transfer, resulting in an unexpended/unobligated balance of \$308,614 in HB 2 authority. Because OPD is budgeted with biennial appropriations, the balance was transferred to the FY 2023 budget.

LFD COMMENT In FY 2022, OPD had provided significant increases in staff pay with the development of a new attorney salary scale that focused on new/entry level public defenders. OPD also increased contracted public defender rates. OPD made use of a couple of available funding sources to manage the costs of the salary increases. First, to specifically address the backlog in the Yellowstone area, OPD received \$1.5 million of federal funding from HB 632, the American Rescue Plan Act (ARPA). OPD also received \$238,361 of contingent general fund authority through SB 191. Finally, the agency transferred \$958,000 from their FY 2023 appropriations into their FY 2022 appropriations. OPD expended \$649,386 of the authority and the balance was continued into FY 2023. While the transfer resolved their need for appropriation in FY 2022, the FY 2023 budget was reduced.

FY 2022 Appropriations Compared to FY 2023 Appropriations

FY 2022 appropriations for OPD are \$39.5 million and the FY 2023 appropriations are \$3,697 lower. An increase in the personal services budget is offset by reductions in the operating expense budget. The FY 2022 fiscal year transfer reduced the FY 2023 budget authority by a net amount of \$649,386. To cover FY 2023 costs, OPD has requested a supplemental appropriation in HB 3. As related to the budget amounts shown in the tables of this report, \$958,000 of authority has been added back into the FY 2023 base.

Comparison of FY 2023 Legislative Budget to FY 2023 Base

The figure below illustrates the beginning FY 2023 budget as adopted by the 2021 Legislature compared to the FY 2023 base budget, which includes modifications as approved by the approving authority (as authorized in statute) during the interim. The FY 2023 base budget was agreed upon by the executive and legislative branches to be the point from which any changes would be recorded for the 2025 biennium budgeting process.

State Office of Public Defender				
Comparison of the FY 2023 Legislative Budget to the FY 2023 Base Budget				
<u>Division</u>	Legislative Budget	Executive Modification	Base Budget	% Change
<u>Public Defender Division</u>				
Personal Services	\$21,320,065	\$109,099	\$21,429,164	0.5%
Operating Expenses	2,972,306		2,972,306	0.0%
Total	\$24,292,371	\$109,099	\$24,401,470	0.4%
<u>Appellate Defender Division</u>				
Personal Services	1,737,153	(63,891)	1,673,262	-3.7%
Operating Expenses	736,760		736,760	0.0%
Total	\$2,473,913	(\$63,891)	\$2,410,022	-2.6%
<u>Central Services Division</u>				
Personal Services	2,032,084	(234,201)	1,797,883	-11.5%
Operating Expenses	1,522,430	2,605	1,525,035	0.2%
Total	\$3,554,514	(\$231,596)	\$3,322,918	-6.5%
<u>Conflict Defender Division</u>				
Personal Services	3,110,469	188,993	3,299,462	6.1%
Operating Expenses	6,020,634	(2,605)	6,018,029	0.0%
Total	\$9,131,103	\$186,388	\$9,317,491	2.0%
Agency Total	\$39,451,901	\$0	\$39,451,901	0.0%

The base budget for OPD is \$39.5 million. From the budget approved by the 2021 Legislature, OPD made several modifications that realigned \$602,108 of personal services among the divisions, increasing the Public and Conflict Defender Divisions and reducing the Appellate Defender and Central Services Divisions. No FTE were moved in the modification. Modifications also included a movement of \$2,605 in operating expenses from the Conflict Defender Division to the Central Services Division.

Executive Request

The executive requests a 2025 biennium budget of \$96.9 million that is 24.4% higher than the 2023 biennium budget. Biennial requests include:

- \$7.6 million in statewide present law adjustments, with personal services adjustments of \$6.2 million, principally due to the new salary scale
- \$4.6 million to fund the addition of 20.00 FTE to manage current workload, heavier case weights, and to reduce reliance on contract public defenders including:
 - 11.00 FTE in the Public Defender Division
 - 2.00 FTE in the Appellate Defender Division
 - 5.00 FTE in the Conflict Defender Division
 - 2.00 FTE in the Central Services Division
- \$1.5 million to continue backlog funding in the Yellowstone County area, previously funded with federal funding
- \$1.4 million for public defender provider rate adjustments
- \$465,000 to establish an ongoing computer hardware replacement schedule and for improvements to the current case management system
- \$455,416 for lease costs
- \$1.5 million to manage exigent (urgent) circumstances related to higher case weights, and contracted services costs, which is restricted by authorizing measures developed by the executive

5.0% Plan

Statute requires that agencies submit plans to reduce general fund and certain state special revenue funds by 5.0%. A summary of the entire 2025 biennium 5.0% plan, submitted by the agency, is in the budget analysis appendix. OPD is fully funded with general fund, and the 5.0% plan would reduce \$1.8 million by reducing contracted attorney services.

Agency Goals and Objectives

Statute requires that agencies submit a statement of the agency mission and a statement of goals and objectives for each program of the agency. The goals and objectives are required to be concise, specific, quantifiable, and measurable. Goals and objectives, submitted by the agency, are included in the agency profile webpage.

Agency Personal Services

In order to explain the factors influencing personal services changes, the proposed statewide personal services present law adjustment (DP 1) has been broken down into three categories, as follows:

- Legislatively approved changes – This category includes adjustments explicitly approved by the legislature, such as expected changes to annualize personal services costs included in the FY 2023 statewide pay plan adjustments, changes to benefit rates, increases in pay approved by the legislature, longevity adjustments required by statute, and changes in rates for workers' compensation and unemployment insurance
- Management decisions - This category includes agency management decisions that adjust personal services related to changes in pay. This includes changes such as hiring full time equivalent (FTE) at a lower rate to replace senior staff and broadband pay adjustments for recruitment and retention
- Budget modifications – This category includes other modifications to the FY 2023 personal services base budget such as management decisions to transfer personal services funding between programs within an agency or transfers to move personal funding to or from other expenditure category (e.g. moving funding from operating expenses to personal services)

The figure below shows the analysis of the executive budget for personal services for each program.

Statewide Present Law Adjustment for Personal Services FY 2024 Decision Package 1				
Program	Legislative Changes	Management Decisions	Budget Modifications	Decision Package 1
01 Public Defender Division	\$237,095	\$2,167,987		\$2,405,082
02 Appellate Defender Division	21,173	182,461		203,634
03 Conflict Defender Division	179	(126,343)		(126,164)
04 Central Services Division	15,962	540,003		555,965
Grand Total	\$274,409	\$2,764,108		\$3,038,517

Personal services are \$28.2 million or 71.5% of the agency's fiscal year 2023 appropriation. The executive proposes personal services increases of \$13.9 million in the 2025 biennium budget, with personal services statewide present law adjustments accounting for \$6.2 million or 44.9% of the increase. As shown in the figure above, the statewide present law adjustment (DP 1) is a \$3.0 million increase in FY 2024. The increase includes \$274,409 in Legislative Changes, which consists of pay plan adjustments and changes in benefits. The increase also includes Management Decisions of \$2.8 million, which are primarily related to a new salary scale instituted in FY 2022. OPD made no budget modifications that impacted DP 1.

LFD COMMENT	OPD faced significant issues of staff shortages in FY 2021 and FY 2022. In those years, OPD was charged in the Thirteenth Judicial District Court twice for not providing representation in a timely manner. At the high point in FY 2022, OPD had 32 attorney vacancies, a 17.5% vacancy rate. Due to the critical nature of these matters, OPD reached an agreement with the public defenders and adopted a new salary scale. OPD focused the highest increases on new hires to the agency and was able to begin securing adequate staff. In November 2022, OPD had reduced attorney vacancies to 15 positions and reduced the attorney vacancy rate to 8.2%. The agency also has prospects for filling positions in the future. The increases in staff have made progress in reducing the backlog in cases that had accumulated during the staffing shortages. The prospect of increased staffing levels and reductions in case backlogs was a factor in positive resolutions of the cases in the Thirteenth Judicial District. The new salary scale, in large part, explains statewide present law adjustment increases in personal services.
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Funding

The following table shows proposed agency funding for all sources of authority.

Total Office of State Public Defender Funding by Source of Authority 2025 Biennium Budget Request - Office of State Public Defender						
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
General Fund	96,595,448	350,000	0	0	96,945,448	100.00 %
State Special Total	0	0	0	0	0	0.00 %
Federal Special Total	0	0	0	0	0	0.00 %
Proprietary Total	0	0	0	0	0	0.00 %
Other Total	0	0	0	0	0	0.00 %
Total All Funds	\$96,595,448	\$350,000	\$0	\$0	\$96,945,448	
Percent - Total All Sources	99.64 %	0.36 %	0.00 %	0.00 %		

The OPD budget is funded exclusively with general fund. The agency has no proprietary programs or statutory appropriations.

COVID-19 Authority

In FY 2023, OPD continued \$954,465 of federal authority from HB 632, the Montana American Rescue Plan Act (ARPA) legislation. The ARPA funding was provided specifically to address the COVID caused backlog of cases in Yellowstone County area. The funding is allocated 66.0% to personal services and 34.0% to operating expenses.

Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the glossary.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2024	Budget Fiscal 2025	Biennium Fiscal 24-25	Percent of Budget	Budget Fiscal 2024	Budget Fiscal 2025	Biennium Fiscal 24-25	Percent of Budget
2023 Base Budget	39,451,901	39,451,901	78,903,802	81.39 %	39,451,901	39,451,901	78,903,802	81.39 %
SWPL Adjustments	3,707,507	3,939,748	7,647,255	7.89 %	3,707,507	3,939,748	7,647,255	7.89 %
PL Adjustments	1,337,899	1,082,517	2,420,416	2.50 %	1,337,899	1,082,517	2,420,416	2.50 %
New Proposals	3,726,216	4,247,759	7,973,975	8.23 %	3,726,216	4,247,759	7,973,975	8.23 %
Total Budget	\$48,223,523	\$48,721,925	\$96,945,448		\$48,223,523	\$48,721,925	\$96,945,448	

HB 2 Language -

The executive is not proposing HB 2 language for the Office of State Public Defender.

Program Biennium Comparison

The following table compares the 2023 biennium appropriated budget to the 2025 biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 22-23	Requested Budget 24-25	Biennium Change	Biennium % Change
Personal Services	41,079,621	50,309,725	9,230,104	22.47 %
Operating Expenses	7,259,522	10,217,126	2,957,604	40.74 %
Total Expenditures	\$48,339,143	\$60,526,851	\$12,187,708	25.21 %
General Fund	48,339,143	60,526,851	12,187,708	25.21 %
Total Funds	\$48,339,143	\$60,526,851	\$12,187,708	25.21 %
Total Ongoing	\$48,339,143	\$60,176,851	\$11,837,708	24.49 %
Total OTO	\$0	\$350,000	\$350,000	100.00 %

Program Biennium Comparison -

The 2025 biennium budget proposal for the Public Defender Division is an overall increase of \$12.6 million or 26.3%, which is slightly higher than reflected in the table above due to a technical issue that results in \$414,000 of appropriation that is double counted in the 2023 biennium. When compared to the FY 2023 base appropriation, the biennial request is an increase of 24.0%.

Program Description

The Public Defender Division oversees services to qualifying clients by providing effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases who are entitled by law to assistance of counsel.

Program Highlights

Public Defender Division Major Budget Highlights
<p>The Public Defender Division’s 2025 biennium budget request is \$12.6 million or 26.3% higher than the 2023 biennium. Significant biennial proposals include:</p> <ul style="list-style-type: none"> • \$5.0 million for statewide present law adjustments, including \$4.9 million in personal services adjustments • \$2.5 million for 11.00 FTE • \$1.5 million to continue backlog reduction • \$519,250 for provider rate increases
Legislative Action Items
<ul style="list-style-type: none"> • Exigent contingent funding

Program Actuals and Budget Comparison

The following table compares FY 2022 actual expenditures, FY 2022 and FY 2023 appropriations, and the expenditures requested for FY 2024 and FY 2025 by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2022	Approp. Fiscal 2022	Approp. Fiscal 2023	Request Fiscal 2024	Request Fiscal 2025
FTE	0.00	231.94	231.94	242.94	242.94
Personal Services	19,649,587	19,650,457	21,429,164	25,088,064	25,221,661
Operating Expenses	4,220,041	4,287,216	2,972,306	5,090,057	5,127,069
Total Expenditures	\$23,869,628	\$23,937,673	\$24,401,470	\$30,178,121	\$30,348,730
General Fund	23,869,628	23,937,673	24,401,470	30,178,121	30,348,730
Total Funds	\$23,869,628	\$23,937,673	\$24,401,470	\$30,178,121	\$30,348,730
Total Ongoing	\$23,869,628	\$23,937,673	\$24,401,470	\$30,003,121	\$30,173,730
Total OTO	\$0	\$0	\$0	\$175,000	\$175,000

Program Discussion -*FY 2022 Appropriation Compared to FY 2022 Actual Expenditures*

The Public Defender Division expended 99.7% of its \$23.9 million HB 2 modified budget in FY 2022. Personal services were 100.0% expended and operating expenses were 98.4% expended. The division's FY 2022 budget was increased by \$414,000 through a fiscal transfer, which was allocated to personal services. In addition to the HB 2 budget, the Public Defender Division also received and expended \$238,361 in authority provided through SB 191, which was used on personal services in FY 2022.

FY 2022 Appropriations Compared to FY 2023 Appropriations

FY 2023 base appropriations are \$24.4 million, which is \$463,797 greater than FY 2022 appropriations, an increase of 1.9%. However, the FY 2023 budget was reduced by a fiscal transfer and utilized in FY 2022. As a result, the actual FY 2023 budget is lowered by \$414,000.

Executive Request

The executive requests a 2025 biennium budget of \$60.5 million, which is 26.3% higher than the 2023 biennium budget in the Public Defender Division. Biennial proposals include:

- \$5.0 million in statewide present law adjustment requests that include
 - \$4.9 million of personal services adjustments
 - \$80,556 of inflation adjustments
- \$2.5 million to fund the addition of 11.00 FTE to manage current caseloads and increasing case weights and to reduce reliance on contracted public defenders
- \$1.5 million to continue backlog reduction specifically in the Yellowstone County area, which had previously been partially supported with federal funding
- \$519,250 for contracted public defender pay increases
- \$350,000 of OTO authority for upgrades and maintenance to the case management system
- \$322,708 in lease increases
- \$1.5 million of funding to address exigent (urgent) circumstances related to higher case weights, and contracted services costs, which is restricted by authorizing measures to be developed by the executive

Program Personal Services

Personal services in the Public Defender Division for the 2025 biennium totals \$50.3 million and is a biennial increase of \$9.6 million or 23.7% when compared to the 2023 biennium. Statewide present law adjustments account for 51.2% of the increase and include career ladder, market rate changes, and negotiated salary scale increases for attorneys. The remainder of the increase is principally explained by the executive request for 11.00 FTE.

Funding

The following table shows proposed agency funding for all sources of authority.

Office of State Public Defender, 01-Public Defender Division Funding by Source of Authority							
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	60,176,851	350,000	0	0	60,526,851	100.00 %	
State Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
03664 Title IV-E from DPHHS	0	0	0	0	0	0.00 %	
03709 OPD Treatment Courts	0	0	0	0	0	0.00 %	
03920 ARPA State Recovery Sec 602	0	0	0	0	0	0.00 %	
Federal Special Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Proprietary Total	\$0	\$0	\$0	\$0	\$0	0.00 %	
Total All Funds	\$60,176,851	\$350,000	\$0	\$0	\$60,526,851		

The Public Defender Division is funded exclusively with general fund.

Program Budget Summary by Category

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the glossary.

Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2024	Budget Fiscal 2025	Biennium Fiscal 24-25	Percent of Budget	Budget Fiscal 2024	Budget Fiscal 2025	Biennium Fiscal 24-25	Percent of Budget
2023 Base Budget	24,401,470	24,401,470	48,802,940	80.63 %	24,401,470	24,401,470	48,802,940	80.63 %
SWPL Adjustments	2,444,170	2,573,348	5,017,518	8.29 %	2,444,170	2,573,348	5,017,518	8.29 %
PL Adjustments	1,164,436	1,008,272	2,172,708	3.59 %	1,164,436	1,008,272	2,172,708	3.59 %
New Proposals	2,168,045	2,365,640	4,533,685	7.49 %	2,168,045	2,365,640	4,533,685	7.49 %
Total Budget	\$30,178,121	\$30,348,730	\$60,526,851		\$30,178,121	\$30,348,730	\$60,526,851	

Present Law Adjustments

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments	-----Fiscal 2024-----					-----Fiscal 2025-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	2,405,082	0	0	2,405,082	0.00	2,531,880	0	0	2,531,880
DP 3 - Inflation Deflation	0.00	39,088	0	0	39,088	0.00	41,468	0	0	41,468
DP 11 - Leases Increase for PLA	0.00	239,436	0	0	239,436	0.00	83,272	0	0	83,272
DP 12 - OPD Rapid Response Contingent Funding	0.00	750,000	0	0	750,000	0.00	750,000	0	0	750,000
DP 13 - Extend and Enhance OPD Case Mgmt System - Bien/OTO	0.00	175,000	0	0	175,000	0.00	175,000	0	0	175,000
Grand Total All Present Law Adjustments	0.00	\$3,608,606	\$0	\$0	\$3,608,606	0.00	\$3,581,620	\$0	\$0	\$3,581,620

**"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Legislatively approved changes
- Management decisions
- Budget modifications made to the personal services budget in the 2023 biennium

DP 3 - Inflation Deflation -

The executive requests adjustments to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include: other services, supplies and materials, communications, in-state motor pool and motor pool leased vehicles, and repair and maintenance.

DP 11 - Leases Increase for PLA -

The executive requests adjustments for the costs of office leases.

DP 12 - OPD Rapid Response Contingent Funding -

The executive requests an adjustment to manage exigent (urgent) circumstances related to higher case weights and contracted services costs, which is restricted by authorizing measures to be developed by the executive.

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Exigent Contingent Funding

The executive request for OPD rapid response contingent funding is intended to add flexibility to the agency by providing funds to quickly respond to changes in legal markets and increases in serious crimes in some parts of the state. Proposed uses of the funding include the ability to increase contracted public defender rates, adding modified FTE, and making use of other potential solutions, as circumstances warrant. The proposal would be contingent on approval of the Office of Budget and Program Planning, based on case weights, prevailing market comps, and other similar criteria.

While this proposal would provide flexibility to the agency, the legislature would have no explicit knowledge of how the funds are being expended. Additionally, the proposal could lead to unanticipated consequences if, for example, when contracted public defender compensations differ across regions of the state. The Section D Subcommittee may want to consider the following options as related to the proposal:

1. Create reporting requirements,
2. Create criteria for the release of the authority,
3. Make the authority OTO until proven effective, or
4. Approve the funding as requested.

DP 13 - Extend and Enhance OPD Case Mgmt System - Bien/OTO -

The executive requests one-time-only funding to enhance and extend the life of the current case management system. This request will provide the needed resources to accomplish the agency goals during the build and implementation of the upgrades.

New Proposals

The "New Proposals" table shows new proposals for spending.

	-----Fiscal 2024-----					-----Fiscal 2025-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 7 - Yellowstone County - Continue Funding	0.00	750,000	0	0	750,000	0.00	750,000	0	0	750,000
DP 9 - Funding to Reduce Necessary Atty Gap	11.00	1,253,818	0	0	1,253,818	11.00	1,260,617	0	0	1,260,617
DP 10 - Provider Rate Adjustment	0.00	164,227	0	0	164,227	0.00	355,023	0	0	355,023
Total	11.00	\$2,168,045	\$0	\$0	\$2,168,045	11.00	\$2,365,640	\$0	\$0	\$2,365,640

*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 7 - Yellowstone County - Continue Funding -

The executive requests funding to continue legal coverage in Billings and Yellowstone County to address the backlog in cases. This request will backfill funding from the 2022-2023 ARPA dollars targeted for the same purpose.

DP 9 - Funding to Reduce Necessary Atty Gap -

The executive requests 11.00 FTE. The staffing increase is requested to manage current caseloads and case weights and reduce reliance on contract attorneys. Positions include six attorneys, four criminal defense investigators, and one administrative assistant.

DP 10 - Provider Rate Adjustment -

The executive requests a 4.0% rate adjustment in FY 2024 and an additional 4.0% adjustment in FY 2025 for contracted public defenders.