

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 | 67,009,944 | 12,763,436 | 23.53 % |
| 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 | \$96,677,827 | \$17,770,328 | 22.52 % |
| General Fund | 78,907,499 | 96,677,827 | 17,770,328 | 22.52 % |
| Total Funds | \$78,907,499 | \$96,677,827 | \$17,770,328 | 22.52 % |
| Total Ongoing | \$78,907,499 | \$96,327,827 | \$17,420,328 | 22.08 % |
| 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 \$18.7 million or 24.0%, 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 22.5%.

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

Agency Highlights

| Office of State Public Defender Major Budget Highlights |
|---|
| <p>The State Office of the Public Defender's 2025 biennium budget request is \$18.7 million or 24.0% 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 • \$4.3 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 | 33,414,472 | 33,595,472 |
| 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 | \$48,089,969 | \$48,587,858 |
| General Fund | 39,152,315 | 39,455,598 | 39,451,901 | 48,089,969 | 48,587,858 |
| Total Funds | \$39,152,315 | \$39,455,598 | \$39,451,901 | \$48,089,969 | \$48,587,858 |
| Total Ongoing | \$39,152,315 | \$39,455,598 | \$39,451,901 | \$47,914,969 | \$48,412,858 |
| 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 | | | | |
| Division | Legislative Budget | Executive Modification | Base Budget | % Change |
| Public Defender Division | | | | |
| 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% |
| Appellate Defender Division | | | | |
| 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% |
| Central Services Division | | | | |
| 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% |
| Conflict Defender Division | | | | |
| 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 \$96.7 million that is 24.0% 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
- \$4.3 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:
 - 6.00 FTE in the Public Defender Division
 - 2.00 FTE in the Appellate Defender Division
 - 3.00 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 \$12.8 million in the 2025 biennium budget, with personal services statewide present law adjustments accounting for \$6.2 million or 48.9% 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, 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.

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 | 96,327,827 | 350,000 | 0 | 0 | 96,677,827 | 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 | \$96,327,827 | \$350,000 | \$0 | \$0 | \$96,677,827 | |
| 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 | 81.62 % | 39,451,901 | 39,451,901 | 78,903,802 | 81.62 % |
| SWPL Adjustments | 3,707,507 | 3,939,748 | 7,647,255 | 7.91 % | 3,707,507 | 3,939,748 | 7,647,255 | 7.91 % |
| 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 | 3,592,662 | 4,113,692 | 7,706,354 | 7.97 % | 3,592,662 | 4,113,692 | 7,706,354 | 7.97 % |
| Total Budget | \$48,089,969 | \$48,587,858 | \$96,677,827 | | \$48,089,969 | \$48,587,858 | \$96,677,827 | |

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 | 50,042,105 | 8,962,484 | 21.82 % |
| Operating Expenses | 7,259,522 | 10,217,126 | 2,957,604 | 40.74 % |
| Total Expenditures | \$48,339,143 | \$60,259,231 | \$11,920,088 | 24.66 % |
| General Fund | 48,339,143 | 60,259,231 | 11,920,088 | 24.66 % |
| Total Funds | \$48,339,143 | \$60,259,231 | \$11,920,088 | 24.66 % |
| Total Ongoing | \$48,339,143 | \$59,909,231 | \$11,570,088 | 23.94 % |
| 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 \$12.3 million or 25.7%, 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 23.5%.

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

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|---|
| <p>Public Defender Division Major Budget Highlights</p> |
| <p>The Public Defender Division's 2025 biennium budget request is \$12.3 million or 25.7% 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 • \$2.2 million for 11.00 FTE • \$1.5 million to continue backlog reduction • \$519,250 for provider rate increases |
| <p>Legislative Action Items</p> |
| <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 | 24,954,511 | 25,087,594 |
| 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 | \$30,044,568 | \$30,214,663 |
| General Fund | 23,869,628 | 23,937,673 | 24,401,470 | 30,044,568 | 30,214,663 |
| Total Funds | \$23,869,628 | \$23,937,673 | \$24,401,470 | \$30,044,568 | \$30,214,663 |
| Total Ongoing | \$23,869,628 | \$23,937,673 | \$24,401,470 | \$29,869,568 | \$30,039,663 |
| 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 \$60.3 million, which is 25.7% 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
- \$2.2 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 \$50.0 million and is a biennial increase of \$9.4 million or 23.1% when compared to the 2023 biennium. Statewide present law adjustments account for 52.7% 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 | 59,909,231 | 350,000 | 0 | 0 | 60,259,231 | 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 | \$59,909,231 | \$350,000 | \$0 | \$0 | \$60,259,231 | |

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 | 80.99 % | 24,401,470 | 24,401,470 | 48,802,940 | 80.99 % |
| SWPL Adjustments | 2,444,170 | 2,573,348 | 5,017,518 | 8.33 % | 2,444,170 | 2,573,348 | 5,017,518 | 8.33 % |
| PL Adjustments | 1,164,436 | 1,008,272 | 2,172,708 | 3.61 % | 1,164,436 | 1,008,272 | 2,172,708 | 3.61 % |
| New Proposals | 2,034,492 | 2,231,573 | 4,266,065 | 7.08 % | 2,034,492 | 2,231,573 | 4,266,065 | 7.08 % |
| Total Budget | \$30,044,568 | \$30,214,663 | \$60,259,231 | | \$30,044,568 | \$30,214,663 | \$60,259,231 | |

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.

| | |
|------------------|--|
| LFD ISSUE | <p>Exigent Contingent Funding</p> <p>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.</p> <p>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:</p> |
|------------------|--|

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.

| New Proposals | -----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 | 1,120,265 | 0 | 0 | 1,120,265 | 11.00 | 1,126,550 | 0 | 0 | 1,126,550 |
| DP 10 - Provider Rate Adjustment | 0.00 | 164,227 | 0 | 0 | 164,227 | 0.00 | 355,023 | 0 | 0 | 355,023 |
| Total | 11.00 | \$2,034,492 | \$0 | \$0 | \$2,034,492 | 11.00 | \$2,231,573 | \$0 | \$0 | \$2,231,573 |

*"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.

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 | 3,400,112 | 4,244,034 | 843,922 | 24.82 % |
| Operating Expenses | 1,488,404 | 1,638,887 | 150,483 | 10.11 % |
| Total Expenditures | \$4,888,516 | \$5,882,921 | \$994,405 | 20.34 % |
| General Fund | 4,888,516 | 5,882,921 | 994,405 | 20.34 % |
| Total Funds | \$4,888,516 | \$5,882,921 | \$994,405 | 20.34 % |
| Total Ongoing | \$4,888,516 | \$5,882,921 | \$994,405 | 20.34 % |
| Total OTO | \$0 | \$0 | \$0 | 0.00 % |

Program Biennium Comparison -

The 2025 biennium budget proposal for the Appellate Defender Division is an overall increase of \$1.1 million or 23.3%, which is higher than reflected in the table above due to a technical issue that results in \$117,000 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 22.1%.

Program Description

The Appellate Defender Division provides appellate services to qualifying clients and practices almost exclusively before the Montana Supreme Court and the United States Supreme Court. Most of the workforce is comprised of attorneys providing legal services. Legal assistants comprise the remaining portion of the workforce.

Program Highlights

| Appellate Defender Division Major Budget Highlights |
|---|
| <p>The Appellate Defender Division's 2025 biennium budget request is \$1.1 million or 23.3% higher than the 2023 biennium budget. Significant changes include:</p> <ul style="list-style-type: none"> • \$505,227 of statewide present law adjustments including \$419,938 in personal services adjustments • \$477,572 for the costs of 2.00 FTE |

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 | 16.50 | 16.50 | 18.50 | 18.50 |
| Personal Services | 1,678,607 | 1,726,850 | 1,673,262 | 2,115,682 | 2,128,352 |
| Operating Expenses | 721,920 | 751,644 | 736,760 | 813,667 | 825,220 |
| Total Expenditures | \$2,400,527 | \$2,478,494 | \$2,410,022 | \$2,929,349 | \$2,953,572 |
| General Fund | 2,400,527 | 2,478,494 | 2,410,022 | 2,929,349 | 2,953,572 |
| Total Funds | \$2,400,527 | \$2,478,494 | \$2,410,022 | \$2,929,349 | \$2,953,572 |
| Total Ongoing | \$2,400,527 | \$2,478,494 | \$2,410,022 | \$2,929,349 | \$2,953,572 |
| Total OTO | \$0 | \$0 | \$0 | \$0 | \$0 |

Program Discussion -

FY 2022 Appropriation Compared to FY 2022 Actual Expenditures

The Appellate Defender Division expended 96.9% of its \$2.5 million HB 2 modified budget in FY 2022. Personal services were 97.2% expended and operating expenses were 96.0% expended. The budget in the division was increased by \$117,000 through a fiscal transfer and was allocated 87.2% to personal services and 12.8% to operating expenses.

FY 2022 Appropriations Compared to FY 2023 Appropriations

FY 2023 base appropriations are \$2.4 million, which is 2.8% less than FY 2022 appropriations. The reduction is mainly due to a reduction related to a transfer that moved personal services from the division to other divisions in the agency. 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 \$117,000.

Executive Request

The executive requests a 2025 biennium budget of \$5.9 million and 23.3% higher than the 2023 biennium budget. Biennial proposals include:

- \$505,227 of statewide present law adjustment including:
 - \$419,938 in personal services adjustments
 - \$85,289 in inflation/deflation adjustments
- \$477,572 for 2.00 FTE to manage current caseloads and increasing case weights and to reduce reliance on contracted public defenders
- \$48,472 for contracted public defender provider rate adjustments
- \$31,606 for lease increases

Program Personal Services

The Appellate Defender Division's personal services 2025 biennium budget totals \$4.2 million and is a biennial increase of \$0.9 million or 28.7% when compared to the 2023 biennium. Statewide present law adjustments account for 44.4% of the increase and include career ladder, market rate changes, and previously negotiated salary scale increases for attorneys. The remainder of the increase is principally explained by the executive request for 2.00 FTE.

Funding

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

| Office of State Public Defender, 02-Appellate 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 | 5,882,921 | 0 | 0 | 0 | 5,882,921 | 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 % |
| Federal Special Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % |
| Proprietary Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % |
| Total All Funds | \$5,882,921 | \$0 | \$0 | \$0 | \$5,882,921 | |

The Appellate 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 | 2,410,022 | 2,410,022 | 4,820,044 | 81.93 % | 2,410,022 | 2,410,022 | 4,820,044 | 81.93 % |
| SWPL Adjustments | 241,146 | 264,081 | 505,227 | 8.59 % | 241,146 | 264,081 | 505,227 | 8.59 % |
| PL Adjustments | 23,450 | 8,156 | 31,606 | 0.54 % | 23,450 | 8,156 | 31,606 | 0.54 % |
| New Proposals | 254,731 | 271,313 | 526,044 | 8.94 % | 254,731 | 271,313 | 526,044 | 8.94 % |
| Total Budget | \$2,929,349 | \$2,953,572 | \$5,882,921 | | \$2,929,349 | \$2,953,572 | \$5,882,921 | |

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 | 203,634 | 0 | 0 | 203,634 | 0.00 | 216,304 | 0 | 0 | 216,304 |
| DP 3 - Inflation Deflation | 0.00 | 37,512 | 0 | 0 | 37,512 | 0.00 | 47,777 | 0 | 0 | 47,777 |
| DP 11 - Leases Increase for PLA | 0.00 | 23,450 | 0 | 0 | 23,450 | 0.00 | 8,156 | 0 | 0 | 8,156 |
| Grand Total All Present Law Adjustments | 0.00 | \$264,596 | \$0 | \$0 | \$264,596 | 0.00 | \$272,237 | \$0 | \$0 | \$272,237 |

***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.

New Proposals

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

| New Proposals | -----Fiscal 2024----- | | | | | -----Fiscal 2025----- | | | | |
|---|-----------------------|------------------|---------------|-----------------|------------------|-----------------------|------------------|---------------|-----------------|------------------|
| | FTE | General Fund | State Special | Federal Special | Total Funds | FTE | General Fund | State Special | Federal Special | Total Funds |
| DP 9 - Funding to Reduce Necessary Atty Gap | 2.00 | 238,786 | 0 | 0 | 238,786 | 2.00 | 238,786 | 0 | 0 | 238,786 |
| DP 10 - Provider Rate Adjustment | 0.00 | 15,945 | 0 | 0 | 15,945 | 0.00 | 32,527 | 0 | 0 | 32,527 |
| Total | 2.00 | \$254,731 | \$0 | \$0 | \$254,731 | 2.00 | \$271,313 | \$0 | \$0 | \$271,313 |

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

DP 9 - Funding to Reduce Necessary Atty Gap -

The executive requests 2.00 FTE. The staffing increase is requested to manage current caseloads and case weights and reduce reliance on contract attorneys. Positions include two attorneys.

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.

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 | 5,759,050 | 7,472,992 | 1,713,942 | 29.76 % |
| Operating Expenses | 12,444,599 | 13,679,312 | 1,234,713 | 9.92 % |
| Total Expenditures | \$18,203,649 | \$21,152,304 | \$2,948,655 | 16.20 % |
| General Fund | 18,203,649 | 21,152,304 | 2,948,655 | 16.20 % |
| Total Funds | \$18,203,649 | \$21,152,304 | \$2,948,655 | 16.20 % |
| Total Ongoing | \$18,203,649 | \$21,152,304 | \$2,948,655 | 16.20 % |
| Total OTO | \$0 | \$0 | \$0 | 0.00 % |

Program Biennium Comparison -

The 2025 biennium budget proposal for the Conflict Defender Division is an overall increase of \$3.0 million or 16.4%, which is higher than reflected in the table above due to a technical issue that results in \$33,000 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 13.5%.

Program Description

The Conflict Defender Division oversees services to qualifying clients by providing effective assistance of counsel to indigent criminal defendants and other persons in certain civil cases. This division represents only those clients in circumstances where, because of a conflict of interest, the Public Defender Division is unable to provide representation.

Program Highlights

| Conflict Defender Division Major Budget Highlights |
|---|
| <p>The Conflict Defender Division's 2025 biennium budget is \$3.0 million or 16.4% higher than the 2023 biennium. Significant biennial proposals include:</p> <ul style="list-style-type: none"> • \$489,339 in statewide present law adjustment that include: <ul style="list-style-type: none"> ◦ \$237,271 in personal services reductions ◦ \$726,610 in inflation adjustments • \$1.1 million for 5.00 FTE • \$864,044 for provider rate increases • \$52,600 of lease cost adjustments |

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 | 29.50 | 29.50 | 34.50 | 34.50 |
| Personal Services | 2,453,745 | 2,459,588 | 3,299,462 | 3,724,627 | 3,748,365 |
| Operating Expenses | 6,371,896 | 6,426,570 | 6,018,029 | 6,653,641 | 7,025,671 |
| Total Expenditures | \$8,825,641 | \$8,886,158 | \$9,317,491 | \$10,378,268 | \$10,774,036 |
| General Fund | 8,825,641 | 8,886,158 | 9,317,491 | 10,378,268 | 10,774,036 |
| Total Funds | \$8,825,641 | \$8,886,158 | \$9,317,491 | \$10,378,268 | \$10,774,036 |
| Total Ongoing | \$8,825,641 | \$8,886,158 | \$9,317,491 | \$10,378,268 | \$10,774,036 |
| Total OTO | \$0 | \$0 | \$0 | \$0 | \$0 |

Program Discussion -

FY 2022 Appropriation Compared to FY 2022 Actual Expenditures

The Conflict Defender Division expended 99.3% of its \$8.9 million HB 2 modified budget in FY 2022. Personal services were 99.8% expended and operating expenses were 99.1% expended. The division’s FY 2022 budget was increased by \$33,000 through a fiscal transfer, which was allocated to operating expenses.

FY 2022 Appropriations Compared to FY 2023 Appropriations

FY 2023 base appropriations are \$9.3 million, which are \$431,333 greater than FY 2022 appropriations, an increase of 4.9%. FY 2023 was reduced by a fiscal transfer from FY 2022 to FY 2023 and personal services is 25.5% higher while operating expenses are 6.8% lower than FY 2022. 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 \$33,000.

Executive Request

The executive requests a 2025 biennium budget of \$21.2 million and is 16.4% higher than the 2023 biennium budget. Biennial proposals include:

- \$489,339 in statewide present law adjustment that include:
 - Personal services reductions of \$237,271
 - Inflation adjustments of \$726,610
- \$1.1 million for 5.00 FTE to manage current caseloads and increasing case weights and to reduce reliance on contracted public defenders
- \$864,044 for contracted public defender rate increases
- \$52,600 for lease cost adjustments

Program Personal Services

The Conflict Defender Division's personal services total \$7.5 million and is a biennial increase of \$1.6 million or 44.1% when compared to the 2023 biennium. Statewide present law adjustments provide a biennial reduction of \$237,271. The reductions are offset by the executive request for 5.00 FTE.

Funding

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

| Office of State Public Defender, 03-Conflict 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 | 21,152,304 | 0 | 0 | 0 | 21,152,304 | 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 % |
| Federal Special Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % |
| Proprietary Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % |
| Total All Funds | \$21,152,304 | \$0 | \$0 | \$0 | \$21,152,304 | |

The Conflict 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 | 9,317,491 | 9,317,491 | 18,634,982 | 88.10 % | 9,317,491 | 9,317,491 | 18,634,982 | 88.10 % |
| SWPL Adjustments | 186,196 | 303,143 | 489,339 | 2.31 % | 186,196 | 303,143 | 489,339 | 2.31 % |
| PL Adjustments | 39,027 | 13,573 | 52,600 | 0.25 % | 39,027 | 13,573 | 52,600 | 0.25 % |
| New Proposals | 835,554 | 1,139,829 | 1,975,383 | 9.34 % | 835,554 | 1,139,829 | 1,975,383 | 9.34 % |
| Total Budget | \$10,378,268 | \$10,774,036 | \$21,152,304 | | \$10,378,268 | \$10,774,036 | \$21,152,304 | |

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 | (126,164) | 0 | 0 | (126,164) | 0.00 | (111,107) | 0 | 0 | (111,107) |
| DP 3 - Inflation Deflation | 0.00 | 312,360 | 0 | 0 | 312,360 | 0.00 | 414,250 | 0 | 0 | 414,250 |
| DP 11 - Leases Increase for PLA | 0.00 | 39,027 | 0 | 0 | 39,027 | 0.00 | 13,573 | 0 | 0 | 13,573 |
| Grand Total All Present Law Adjustments | 0.00 | \$225,223 | \$0 | \$0 | \$225,223 | 0.00 | \$316,716 | \$0 | \$0 | \$316,716 |

*"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.

New Proposals

The “New Proposals” table shows new proposals for spending.

| New Proposals | -----Fiscal 2024----- | | | | | -----Fiscal 2025----- | | | | |
|---|-----------------------|------------------|---------------|-----------------|------------------|-----------------------|--------------------|---------------|-----------------|--------------------|
| | FTE | General Fund | State Special | Federal Special | Total Funds | FTE | General Fund | State Special | Federal Special | Total Funds |
| DP 9 - Funding to Reduce Necessary Atty Gap | 5.00 | 551,329 | 0 | 0 | 551,329 | 5.00 | 560,010 | 0 | 0 | 560,010 |
| DP 10 - Provider Rate Adjustment | 0.00 | 284,225 | 0 | 0 | 284,225 | 0.00 | 579,819 | 0 | 0 | 579,819 |
| Total | 5.00 | \$835,554 | \$0 | \$0 | \$835,554 | 5.00 | \$1,139,829 | \$0 | \$0 | \$1,139,829 |

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

DP 9 - Funding to Reduce Necessary Atty Gap -

The executive requests 5.00 FTE. The staffing increase is requested to manage current caseloads and case weights and reduce reliance on contract attorneys. Positions include three attorneys and two criminal defense investigators.

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.

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 | 4,007,725 | 5,250,813 | 1,243,088 | 31.02 % |
| Operating Expenses | 3,468,466 | 4,017,558 | 549,092 | 15.83 % |
| Equipment & Intangible Assets | 0 | 115,000 | 115,000 | 0.00 % |
| Total Expenditures | \$7,476,191 | \$9,383,371 | \$1,907,180 | 25.51 % |
| General Fund | 7,476,191 | 9,383,371 | 1,907,180 | 25.51 % |
| Total Funds | \$7,476,191 | \$9,383,371 | \$1,907,180 | 25.51 % |
| Total Ongoing | \$7,476,191 | \$9,383,371 | \$1,907,180 | 25.51 % |
| Total OTO | \$0 | \$0 | \$0 | 0.00 % |

Program Biennium Comparison -

The 2025 biennium budget proposal for the Central Services Division is an overall increase of \$2.3 million or 32.5%, which is slightly higher than reflected in the table above due to a technical issue that results in \$394,000 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 41.2%.

Program Description

Central Services Division provides management of non-legal services, i.e., accounting, budgeting, IT, payroll, contracting, quality, and performance controls to all programs. The oversight of the eligibility determination process, including verification of all hardship cases, is also a responsibility of this division.

Program Highlights

| Central Services Division Major Budget Highlights |
|--|
| <p>The Central Services Division's 2025 biennium budget request is \$2.3 million or 32.5% higher than the 2023 biennium. Significant biennial proposals include:</p> <ul style="list-style-type: none"> • Statewide present law adjustments of \$1.6 million <ul style="list-style-type: none"> ◦ \$1.1 million in personal services adjustments ◦ \$210,392 in fixed costs ◦ \$302,267 in inflation adjustments • \$532,535 for 2.00 FTE • \$400,000 to fund a training program that will provide various training opportunities including continuing legal education trainings • \$115,000 to establish an ongoing computer replacement schedule |

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 | 24.50 | 24.50 | 26.50 | 26.50 |
| Personal Services | 2,211,524 | 2,209,842 | 1,797,883 | 2,619,652 | 2,631,161 |
| Operating Expenses | 1,844,995 | 1,943,431 | 1,525,035 | 2,043,132 | 1,974,426 |
| Equipment & Intangible Assets | 0 | 0 | 0 | 75,000 | 40,000 |
| Total Expenditures | \$4,056,519 | \$4,153,273 | \$3,322,918 | \$4,737,784 | \$4,645,587 |
| General Fund | 4,056,519 | 4,153,273 | 3,322,918 | 4,737,784 | 4,645,587 |
| Total Funds | \$4,056,519 | \$4,153,273 | \$3,322,918 | \$4,737,784 | \$4,645,587 |
| Total Ongoing | \$4,056,519 | \$4,153,273 | \$3,322,918 | \$4,737,784 | \$4,645,587 |
| Total OTO | \$0 | \$0 | \$0 | \$0 | \$0 |

Program Discussion -

FY 2022 Appropriation Compared to FY 2022 Actual Expenditures

The Central Services Division expended 97.7% of its \$4.2 million HB 2 modified budget in FY 2022. Personal services were 100.1% expended and operating expenses were 94.9% expended. The division’s FY 2022 budget was increased by \$394,000 through a fiscal transfer, of which 92.3% was allocated to personal services and 7.7% was allocated to operating expenses.

FY 2022 Appropriations Compared to FY 2023 Appropriations

FY 2023 base appropriations are \$3.3 million and are \$830,355 less than FY 2022 appropriations, a reduction of 20.0%. FY 2023 was reduced by a fiscal transfer from FY 2022 to FY 2023 and personal services is 22.9% higher while operating expenses are 6.8% lower than FY 2022. 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 \$394,000.

Executive Request

The executive requests a 2025 biennium budget of is \$9.4 million and is 32.5% higher than the 2023 biennium budget in the Central Services Division. Biennial proposals include:

- \$1.6 million in statewide present law adjustments, and include:
 - Personal services increases of \$1.1 million
 - Fixed cost increases of \$210,392
 - Inflation increases of \$302,267
- \$532,535 for 2.00 FTE positions to manage current caseloads and increasing case weights and to reduce reliance on contracted public defenders
- \$400,000 to fund a training program that will provide various training opportunities along with continuing legal education trainings
- \$115,000 to establish an ongoing computer replacement schedule
- \$48,502 for lease cost increases
- \$6,327 in contracted public defender provider rate adjustments

Program Personal Services

Personal services in the Central Services Division totals \$5.3 million and is a biennial increase of \$1.6 million or 44.1% when compared to the 2023 biennium. Statewide present law adjustments account for 69.9% 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 2.00 FTE.

Funding

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

| Office of State Public Defender, 04-Central Services 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 | 9,383,371 | 0 | 0 | 0 | 9,383,371 | 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 % | |
| 03291 COVID Relief | 0 | 0 | 0 | 0 | 0 | 0.00 % | |
| Federal Special Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % | |
| 06004 Electronic Government Services | 0 | 0 | 0 | 0 | 0 | 0.00 % | |
| Proprietary Total | \$0 | \$0 | \$0 | \$0 | \$0 | 0.00 % | |
| Total All Funds | \$9,383,371 | \$0 | \$0 | \$0 | \$9,383,371 | | |

The Central Services 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 | 3,322,918 | 3,322,918 | 6,645,836 | 70.83 % | 3,322,918 | 3,322,918 | 6,645,836 | 70.83 % |
| SWPL Adjustments | 835,995 | 799,176 | 1,635,171 | 17.43 % | 835,995 | 799,176 | 1,635,171 | 17.43 % |
| PL Adjustments | 110,986 | 52,516 | 163,502 | 1.74 % | 110,986 | 52,516 | 163,502 | 1.74 % |
| New Proposals | 467,885 | 470,977 | 938,862 | 10.01 % | 467,885 | 470,977 | 938,862 | 10.01 % |
| Total Budget | \$4,737,784 | \$4,645,587 | \$9,383,371 | | \$4,737,784 | \$4,645,587 | \$9,383,371 | |

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.

| | -----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 | 555,965 | 0 | 0 | 555,965 | 0.00 | 566,547 | 0 | 0 | 566,547 |
| DP 2 - Fixed Costs | 0.00 | 143,110 | 0 | 0 | 143,110 | 0.00 | 67,282 | 0 | 0 | 67,282 |
| DP 3 - Inflation Deflation | 0.00 | 136,920 | 0 | 0 | 136,920 | 0.00 | 165,347 | 0 | 0 | 165,347 |
| DP 6 - Consistent Computer Hardware Replacement Funding | 0.00 | 75,000 | 0 | 0 | 75,000 | 0.00 | 40,000 | 0 | 0 | 40,000 |
| DP 11 - Leases Increase for PLA | 0.00 | 35,986 | 0 | 0 | 35,986 | 0.00 | 12,516 | 0 | 0 | 12,516 |
| Grand Total All Present Law Adjustments | 0.00 | \$946,981 | \$0 | \$0 | \$946,981 | 0.00 | \$851,692 | \$0 | \$0 | \$851,692 |

*"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 2 - Fixed Costs -

The executive requests adjustments to provide the funding required in the proposed budget for fixed costs assessed by other agencies within state government for the services they provide. Examples include: warrant writer, motor pool, information technology services, etc. The rates charged for these services are approved in the section of the budget that provides the services.

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 6 - Consistent Computer Hardware Replacement Funding -

The executive requests adjustments to establish a computer replacement cycle at OPD.

DP 11 - Leases Increase for PLA -

The executive requests adjustments for the costs of office leases.

New Proposals

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

| New Proposals | -----Fiscal 2024----- | | | | | -----Fiscal 2025----- | | | | |
|---|-----------------------|------------------|---------------|-----------------|------------------|-----------------------|------------------|---------------|-----------------|------------------|
| | FTE | General Fund | State Special | Federal Special | Total Funds | FTE | General Fund | State Special | Federal Special | Total Funds |
| DP 5 - Establish Training Dept Base Funding | 0.00 | 200,000 | 0 | 0 | 200,000 | 0.00 | 200,000 | 0 | 0 | 200,000 |
| DP 9 - Funding to Reduce Necessary Atty Gap | 2.00 | 265,804 | 0 | 0 | 265,804 | 2.00 | 266,731 | 0 | 0 | 266,731 |
| DP 99 - New Fixed Costs | 0.00 | 0 | 0 | 0 | 0 | 0.00 | 0 | 0 | 0 | 0 |
| Total | 2.00 | \$465,804 | \$0 | \$0 | \$465,804 | 2.00 | \$466,731 | \$0 | \$0 | \$466,731 |

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

DP 5 - Establish Training Dept Base Funding -

The executive requests training funding to deliver targeted, relevant, and required agency training to all staffing groups. This request includes trainings, as recommended in audit findings and continuing legal education (CLE) trainings.

DP 9 - Funding to Reduce Necessary Atty Gap -

The executive requests 2.00 FTE. The staffing increase is requested to manage current caseloads and case weights and reduce reliance on contract attorneys. Positions include a project manager and an administrative assistant.

DP 99 - New Fixed Costs -

The executive requests \$10,270 for the agency to provide funding for a new fixed cost for the State Management Training Center. This appropriation is offset by a reduction to the existing training budget in the agency. The rates charged for this service are approved in the section of the budget that provides the services.