

**Agency Budget Comparison**

The following table compares the 2021 biennium appropriated budget and the 2023 biennium adopted budget by type of expenditure and source of funding.

Agency Budget Comparison				
Budget Item	Appropriated Budget 20-21	Legislative Budget 22-23	Biennium Change	Biennium % Change
Personal Services	52,561,797	55,142,034	2,580,237	4.91 %
Operating Expenses	23,160,700	22,539,443	(621,257)	(2.68)%
<b>Total Expenditures</b>	<b>\$75,722,497</b>	<b>\$77,681,477</b>	<b>\$1,958,980</b>	<b>2.59 %</b>
General Fund	75,722,497	77,681,477	1,958,980	2.59 %
<b>Total Funds</b>	<b>\$75,722,497</b>	<b>\$77,681,477</b>	<b>\$1,958,980</b>	<b>2.59 %</b>
<b>Total Ongoing</b>	<b>\$75,256,949</b>	<b>\$78,313,183</b>	<b>\$3,056,234</b>	<b>4.06 %</b>
<b>Total OTO</b>	<b>\$465,548</b>	<b>(\$631,706)</b>	<b>(\$1,097,254)</b>	<b>(235.69)%</b>

**Agency Description**

The mission of the Office of Public Defender is to provide effective professional legal services with equal access to quality client-centered representation.

**Agency Highlights**

<b>Office of Public Defender Major Budget Highlights</b>
<p>The Office of the Public Defender's 2023 biennium budget is 2.6% or \$2.0 million higher than the 2021 biennium budget. Significant changes include:</p> <ul style="list-style-type: none"> <li>• A one-time-only reduction of approximately \$632,000 due to the elimination of the state share contribution to the state employee group benefit plan for two months</li> <li>• Lease increases of approximately \$613,000 over the biennium</li> <li>• An increase of \$300,000 as restricted for a new case management system in the Central Services Division</li> <li>• Reductions in Service Now of \$100,000 over the biennium</li> <li>• An increase of \$40,000 for equipment replacement in the Central Services Division</li> <li>• An increase of approximately \$400,000 over the biennium for a 0.5% growth in caseload with contingency language associated with this increase in the Public Defender Division, Appellate Defender Division, and Conflict Defender Division</li> </ul>

**Agency Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium adopted budget by year, type of expenditure, and source of funding.

Agency Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Legislative Fiscal 2022	Legislative Fiscal 2023
FTE	0.00	302.44	302.44	302.44	302.44
Personal Services	24,519,642	25,029,308	27,532,489	27,209,410	27,932,624
Operating Expenses	11,806,709	12,346,330	10,814,370	11,287,313	11,252,130
<b>Total Expenditures</b>	<b>\$36,326,351</b>	<b>\$37,375,638</b>	<b>\$38,346,859</b>	<b>\$38,496,723</b>	<b>\$39,184,754</b>
General Fund	36,326,351	37,375,638	38,346,859	38,496,723	39,184,754
<b>Total Funds</b>	<b>\$36,326,351</b>	<b>\$37,375,638</b>	<b>\$38,346,859</b>	<b>\$38,496,723</b>	<b>\$39,184,754</b>
<b>Total Ongoing</b>	<b>\$36,175,126</b>	<b>\$37,141,468</b>	<b>\$38,115,481</b>	<b>\$39,128,429</b>	<b>\$39,184,754</b>
<b>Total OTO</b>	<b>\$151,225</b>	<b>\$234,170</b>	<b>\$231,378</b>	<b>(\$631,706)</b>	<b>\$0</b>

**Summary of Legislative Action**

The legislature approved:

- A reduction of approximately \$632,000 due to the elimination of their state share holiday contribution to the state employee group benefit plan for two months as one-time-only
- Lease increases of approximately \$613,000 over the biennium
- A new case management system in the Central Services Division at an increase of \$300,000 as restricted
- Reductions in ServiceNow of \$100,000 over the biennium
- Equipment replacement in the Central Services Division at an increase of \$40,000 over the biennium
- The Public Defender Division, Appellate Defender Division, and Conflict Defender Division received an increase of approximately \$400,000 over the biennium for a 0.5% growth in caseload with contingency language associated with this increase

**Funding**

The following table shows adopted agency funding by source of authority.

Total Office of State Public Defender Funding by Source of Authority 2023 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	78,313,183	(631,706)	0	0	77,681,477	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 %
<b>Total All Funds</b>	<b>\$78,313,183</b>	<b>(\$631,706)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$77,681,477</b>	
<b>Percent - Total All Sources</b>	<b>100.81 %</b>	<b>(0.81)%</b>	<b>0.00 %</b>	<b>0.00 %</b>		

The Office of Public Defender is funded solely with general fund.

**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 Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	38,115,481	38,115,481	76,230,962	98.13 %	38,115,481	38,115,481	76,230,962	98.13 %
SWPL Adjustments	403,262	426,396	829,658	1.07 %	403,262	426,396	829,658	1.07 %
PL Adjustments	609,686	642,877	1,252,563	1.61 %	609,686	642,877	1,252,563	1.61 %
New Proposals	(631,706)	0	(631,706)	(0.81)%	(631,706)	0	(631,706)	(0.81)%
<b>Total Budget</b>	<b>\$38,496,723</b>	<b>\$39,184,754</b>	<b>\$77,681,477</b>		<b>\$38,496,723</b>	<b>\$39,184,754</b>	<b>\$77,681,477</b>	

**Other Legislation**

HB 693 - This bill includes reporting requirements for the Office of Public Defender (OPD) including information on:

- Time entries including time spent on core tasks, specific cases, and tasks other than those required to meet the constitutional requirement to provide counsel for individuals not financially able to afford counsel for crimes if jail or prison time may be the punishment if convicted
- Billing practices related to contractors
- The tasks performed by attorneys and nonattorneys in fiscal year 2022 that were not required by statute or constitutional requirement and the amount of time dedicated to that work
- Funding from Title IV-E of the Social Security Act provided all funding needed to provide legal representation for children and parents in child abuse and neglect proceedings in fiscal year 2022
- Time spent by employees and contractors in cases involving defendants in treatment courts in the preceding fiscal year for each defendant
- Time spent by employees and contractors in cases involving defendants in capital cases in fiscal year 2022 for each defendant

HB 391 - This bill revises and enhances penalties for criminal distribution of dangerous drugs. The potential fiscal impact of this legislation is a result of increases in new cases.

HB 553 - This bill amends 46-18-201, MCA by limiting the length of a suspended sentence imposed by a court. Due to a decrease for petitions to revoke cases, OPD anticipates a reduction in operating expenses due to a reduction in attorney work time.

SB 240 - This bill revises crime reporting and as a result OPD anticipates an increase in felony cases. This bill assumes an increase in the number of cases charged as felony offenses to false reporting increases.

**Executive Budget Comparison**

Executive Budget Comparison								
Budget Item	Approp. Fiscal 2021	Executive Budget Fiscal 2022	Legislative Budget Fiscal 2022	Leg — Exec. Difference Fiscal 2022	Executive Budget Fiscal 2023	Legislative Budget Fiscal 2023	Leg — Exec. Difference Fiscal 2023	Biennium Difference Fiscal 22-23
FTE	302.44	302.44	302.44	0.00	302.44	302.44	0.00	0.00
Personal Services	27,532,489	27,209,410	27,209,410	0	27,932,624	27,932,624	0	0
Operating Expenses	10,814,370	11,493,752	11,287,313	(206,439)	11,464,131	11,252,130	(212,001)	(418,440)
<b>Total Costs</b>	<b>\$38,346,859</b>	<b>\$38,703,162</b>	<b>\$38,496,723</b>	<b>(\$206,439)</b>	<b>\$39,396,755</b>	<b>\$39,184,754</b>	<b>(\$212,001)</b>	<b>(\$418,440)</b>
General Fund	38,346,859	38,703,162	38,496,723	(206,439)	39,396,755	39,184,754	(212,001)	(418,440)
Federal Spec. Rev. Funds	0	0	0	0	0	0	0	0
<b>Total Funds</b>	<b>\$38,346,859</b>	<b>\$38,703,162</b>	<b>\$38,496,723</b>	<b>(\$206,439)</b>	<b>\$39,396,755</b>	<b>\$39,184,754</b>	<b>(\$212,001)</b>	<b>(\$418,440)</b>
<b>Total Ongoing</b>	<b>\$38,115,481</b>	<b>\$39,334,868</b>	<b>\$39,128,429</b>	<b>(\$206,439)</b>	<b>\$39,396,755</b>	<b>\$39,184,754</b>	<b>(\$212,001)</b>	<b>(\$418,440)</b>
<b>Total OTO</b>	<b>\$231,378</b>	<b>(\$631,706)</b>	<b>(\$631,706)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

The legislature adopted ongoing appropriations that are approximately \$418,000 lower than the proposed appropriations

for the 2023 biennium. These differences are in general fund.

The major differences in the legislative budget compared to the executive proposal include:

- An increase of \$300,000 as restricted for a new case management system in the Central Services Division. The case management system funding in FY 2023 is contingent on the Office of the Public Defender implementing a time keeping system in FY 2022 and using the time keeping system to update their caseload hours
- An approximate \$18,000 reduction in fixed costs
- An increase of \$400,000 over the biennium for a 0.5% growth in caseload in the Public Defender Division, the Appellate Defender Division, and the Conflict Defender Division with contingency language associated with this increase. The executive requested a 1.0% caseload growth increase of \$800,000 over the biennium in the Public Defender Division, the Appellate Defender Division, and the Conflict Defender Division

### Language and Statutory Authority

The legislature included the following language in HB 2:

"All appropriations for the Public Defender Division, Appellate Defender Division, Conflict Coordinator Division, and Central Services Division are biennial."

"Case Management System funding in FY 2023 is contingent on the Office of the Public Defender implementing a time keeping system in FY 2022 and using the time keeping system to update their caseload hours."

"It is the intent of the legislature that the Office of the Public Defender report each quarter of FY 2022 and FY 2023 to the Office of Budget and Program Planning on the number of new cases filed and the number of cases worked on by Office of the Public Defender employees. Cases worked on are defined as follows:

A case was opened.

An Office of Public Defender employee charged time directly related to the case.

An Office of Public Defender contractor submitted a valid and approved claim for work related to the case

Two or more of the following events took place during a calendar month:

the case was in an open status.

the case went from inactive status to closed status.

an Office of Public Defender employee generated a document related to the case; and

a non-continued, non-vacated court or client-related event took place."

"Caseload growth contingency may be expended only after the budget director certifies that the number of cases worked on meets or exceeds 0.5% growth as compared to the same quarter in the prior fiscal year. The amount of funding available each quarter is limited to \$49,332 in FY 2022 and \$50,723 in FY 2023."

**Program Budget Comparison**

The following table compares the 2021 biennium appropriated budget and the 2023 biennium adopted budget by type of expenditure and source of funding.

Program Budget Comparison				
Budget Item	Appropriated Budget 20-21	Legislative Budget 22-23	Biennium Change	Biennium % Change
Personal Services	39,157,053	41,685,008	2,527,955	6.46 %
Operating Expenses	7,887,668	5,921,107	(1,966,561)	(24.93)%
<b>Total Expenditures</b>	<b>\$47,044,721</b>	<b>\$47,606,115</b>	<b>\$561,394</b>	<b>1.19 %</b>
General Fund	47,044,721	47,606,115	561,394	1.19 %
<b>Total Funds</b>	<b>\$47,044,721</b>	<b>\$47,606,115</b>	<b>\$561,394</b>	<b>1.19 %</b>
<b>Total Ongoing</b>	<b>\$46,647,961</b>	<b>\$48,088,367</b>	<b>\$1,440,406</b>	<b>3.09 %</b>
<b>Total OTO</b>	<b>\$396,760</b>	<b>(\$482,252)</b>	<b>(\$879,012)</b>	<b>(221.55)%</b>

**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**

<b>Public Defender Division Major Budget Highlights</b>
<p>The Public Defender Division's 2023 biennium budget request is \$561,000 or 1.2% higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> <li>• An increase of approximately \$272,000 over the biennium for caseload growth</li> <li>• An increase of approximately \$228,000 for lease increases</li> <li>• An approximate \$0.5 million reduction for state share holiday as one-time-only</li> </ul>

**Program Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium adopted budget by year, type of expenditure, and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Legislative Fiscal 2022	Legislative Fiscal 2023
FTE	0.00	230.94	230.94	230.94	230.94
Personal Services	18,367,608	18,451,831	20,705,222	20,568,068	21,116,940
Operating Expenses	4,752,928	4,946,055	2,941,613	2,948,801	2,972,306
<b>Total Expenditures</b>	<b>\$23,120,536</b>	<b>\$23,397,886</b>	<b>\$23,646,835</b>	<b>\$23,516,869</b>	<b>\$24,089,246</b>
General Fund	23,120,536	23,397,886	23,646,835	23,516,869	24,089,246
<b>Total Funds</b>	<b>\$23,120,536</b>	<b>\$23,397,886</b>	<b>\$23,646,835</b>	<b>\$23,516,869</b>	<b>\$24,089,246</b>
<b>Total Ongoing</b>	<b>\$23,023,217</b>	<b>\$23,232,504</b>	<b>\$23,415,457</b>	<b>\$23,999,121</b>	<b>\$24,089,246</b>
<b>Total OTO</b>	<b>\$97,319</b>	<b>\$165,382</b>	<b>\$231,378</b>	<b>(\$482,252)</b>	<b>\$0</b>

**Program Narrative**

**Funding**

The following table shows adopted program funding by source of authority.

Office of State Public Defender, 01-Public Defender Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	47,606,115	0	0	47,606,115	100.00 %	
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
03664 Title IV-E from DPHHS	0	0	0	0	0.00 %	
03709 OPD Treatment Courts	0	0	0	0	0.00 %	
03291 COVID Relief	0	0	0	0	0.00 %	
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Total All Funds</b>	<b>\$47,606,115</b>	<b>\$0</b>	<b>\$0</b>	<b>\$47,606,115</b>		

The Public Defender Division is funded solely with general fund.

**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 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	23,415,457	23,415,457	46,830,914	98.37 %	23,415,457	23,415,457	46,830,914	98.37 %
SWPL Adjustments	345,098	411,718	756,816	1.59 %	345,098	411,718	756,816	1.59 %
PL Adjustments	238,566	262,071	500,637	1.05 %	238,566	262,071	500,637	1.05 %
New Proposals	(482,252)	0	(482,252)	(1.01)%	(482,252)	0	(482,252)	(1.01)%
<b>Total Budget</b>	<b>\$23,516,869</b>	<b>\$24,089,246</b>	<b>\$47,606,115</b>		<b>\$23,516,869</b>	<b>\$24,089,246</b>	<b>\$47,606,115</b>	

**Present Law Adjustments**

The "Present Law" Adjustments table shows the changes from the base appropriation to the adopted 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 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	345,098	0	0	345,098	0.00	411,718	0	0	411,718
DP 10 - Lease Increases	0.00	104,181	0	0	104,181	0.00	124,010	0	0	124,010
DP 12 - Caseload Growth Contingency	0.00	134,385	0	0	134,385	0.00	138,061	0	0	138,061
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$583,664</b>	<b>\$0</b>	<b>\$0</b>	<b>\$583,664</b>	<b>0.00</b>	<b>\$673,789</b>	<b>\$0</b>	<b>\$0</b>	<b>\$673,789</b>

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

DP 1 - Personal Services -

The legislature made adjustments to the present law personal services budget for expected changes, management decisions, and budget modifications.

DP 10 - Lease Increases -

The legislature approved \$104,181 in FY 2022 and \$124,010 in FY 2023 for office lease increases in the Public Defender Division due to contractual 1.5% inflation factors.

DP 12 - Caseload Growth Contingency -

The legislature approved caseload growth contingency for operating expenses at 0.5% growth in general fund in the Public Defender Division, the Appellate Defender Division, and the Conflict Coordinator Division in the Office of the Public Defender. The legislature approved language on the caseload growth contingency including that the amount available each quarter is limited to \$49,332 in FY 2022 and \$50,723 in FY 2023 in general fund for the Office of the Public Defender.

**New Proposals**

The New Proposals table shows new changes to spending

New Proposals	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5555 - Reduce GF Budget for State Share Holiday OTO	0.00	(482,252)	0	0	(482,252)	0.00	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>(\$482,252)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$482,252)</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

DP 5555 - Reduce GF Budget for State Share Holiday OTO -

The legislature eliminated the state share contribution to the state employee group benefit plan for two months. Reserves are used to pay benefits during the holiday. This change package removes the general fund portion of the savings generated by the suspension of the contributions. Savings from other funding sources, where applicable, remain in agency

personal services budgets.



**Program Budget Comparison**

The following table compares the 2021 biennium appropriated budget and the 2023 biennium adopted budget by type of expenditure and source of funding.

Program Budget Comparison				
Budget Item	Appropriated Budget 20-21	Legislative Budget 22-23	Biennium Change	Biennium % Change
Personal Services	3,370,139	3,399,470	29,331	0.87 %
Operating Expenses	1,460,911	1,472,240	11,329	0.78 %
<b>Total Expenditures</b>	<b>\$4,831,050</b>	<b>\$4,871,710</b>	<b>\$40,660</b>	<b>0.84 %</b>
General Fund	4,831,050	4,871,710	40,660	0.84 %
<b>Total Funds</b>	<b>\$4,831,050</b>	<b>\$4,871,710</b>	<b>\$40,660</b>	<b>0.84 %</b>
<b>Total Ongoing</b>	<b>\$4,831,050</b>	<b>\$4,910,797</b>	<b>\$79,747</b>	<b>1.65 %</b>
<b>Total OTO</b>	<b>\$0</b>	<b>(\$39,087)</b>	<b>(\$39,087)</b>	<b>100.00 %</b>

**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**

<b>Appellate Defender Division Major Budget Highlights</b>
<p>The Appellate Defender Division's 2023 biennium budget is 0.8% or \$41,000 higher than the 2021 biennium budget. Significant changes include:</p> <ul style="list-style-type: none"> <li>• An increase of approximately \$27,000 over the biennium for caseload growth contingencies</li> <li>• Lease increases of approximately \$71,000 over the biennium</li> <li>• A reduction of approximately \$39,000 in FY 2022 for state share holiday as one-time-only</li> </ul>

**Program Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium adopted budget by year, type of expenditure, and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Legislative Fiscal 2022	Legislative Fiscal 2023
FTE	0.00	17.50	17.50	17.50	17.50
Personal Services	1,618,992	1,618,991	1,751,148	1,678,061	1,721,409
Operating Expenses	704,358	773,847	687,064	735,480	736,760
<b>Total Expenditures</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,413,541</b>	<b>\$2,458,169</b>
General Fund	2,323,350	2,392,838	2,438,212	2,413,541	2,458,169
<b>Total Funds</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,413,541</b>	<b>\$2,458,169</b>
<b>Total Ongoing</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,452,628</b>	<b>\$2,458,169</b>
<b>Total OTO</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$39,087)</b>	<b>\$0</b>

**Funding**

The following table shows adopted program funding by source of authority.

Office of State Public Defender, 02-Appellate Defender Division Funding by Source of Authority						
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	4,871,710	0	0	4,871,710	100.00 %	
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
03291 COVID Relief	0	0	0	0	0.00 %	
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Total All Funds</b>	<b>\$4,871,710</b>	<b>\$0</b>	<b>\$0</b>	<b>\$4,871,710</b>		

The Appellate Defender Division is funded solely with general fund.

**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 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	2,438,212	2,438,212	4,876,424	100.10 %	2,438,212	2,438,212	4,876,424	100.10 %
SWPL Adjustments	(34,000)	(29,739)	(63,739)	(1.31)%	(34,000)	(29,739)	(63,739)	(1.31)%
PL Adjustments	48,416	49,696	98,112	2.01 %	48,416	49,696	98,112	2.01 %
New Proposals	(39,087)	0	(39,087)	(0.80)%	(39,087)	0	(39,087)	(0.80)%
<b>Total Budget</b>	<b>\$2,413,541</b>	<b>\$2,458,169</b>	<b>\$4,871,710</b>		<b>\$2,413,541</b>	<b>\$2,458,169</b>	<b>\$4,871,710</b>	

**Present Law Adjustments**

The "Present Law" Adjustments table shows the changes from the base appropriation to the adopted 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 2022-----						-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	(34,000)	0	0	(34,000)	0.00	(29,739)	0	0	(29,739)
DP 10 - Lease Increases	0.00	35,116	0	0	35,116	0.00	35,997	0	0	35,997
DP 12 - Caseload Growth Contingency	0.00	13,300	0	0	13,300	0.00	13,699	0	0	13,699
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$14,416</b>	<b>\$0</b>	<b>\$0</b>	<b>\$14,416</b>	<b>0.00</b>	<b>\$19,957</b>	<b>\$0</b>	<b>\$0</b>	<b>\$19,957</b>

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

DP 1 - Personal Services -

The legislature made adjustments to the present law personal services budget for expected changes, management decisions, and budget modifications.

DP 10 - Lease Increases -

The legislature approved \$35,116 in FY 2022 and \$35,997 in FY 2023 for office lease increases in the Appellate Defender Division due to contractual 1.5% inflation factors.

DP 12 - Caseload Growth Contingency -

The legislature approved caseload growth contingency for operating expenses at 0.5% growth in general fund in the Public Defender Division, the Appellate Defender Division, and the Conflict Coordinator Division in the Office of the Public Defender. The legislature approved language on the caseload growth contingency including that the amount available each quarter is limited to \$49,332 in FY 2022 and \$50,723 in FY 2023 in general fund for the Office of the Public Defender.

**New Proposals**

The New Proposals table shows new changes to spending

New Proposals										
-----Fiscal 2022-----						-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5555 - Reduce GF Budget for State Share Holiday OTO	0.00	(39,087)	0	0	(39,087)	0.00	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>(\$39,087)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$39,087)</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

DP 5555 - Reduce GF Budget for State Share Holiday OTO -

The legislature eliminated the state share contribution to the state employee group benefit plan for two months. Reserves are used to pay benefits during the holiday. This change package removes the general fund portion of the savings generated by the suspension of the contributions. Savings from other funding sources, where applicable, remain in agency personal services budgets.

**Program Budget Comparison**

The following table compares the 2021 biennium appropriated budget and the 2023 biennium adopted budget by type of expenditure and source of funding.

Program Budget Comparison				
Budget Item	Appropriated Budget 20-21	Legislative Budget 22-23	Biennium Change	Biennium % Change
Personal Services	6,117,558	6,094,597	(22,961)	(0.38)%
Operating Expenses	11,220,449	12,034,211	813,762	7.25 %
<b>Total Expenditures</b>	<b>\$17,338,007</b>	<b>\$18,128,808</b>	<b>\$790,801</b>	<b>4.56 %</b>
General Fund	17,338,007	18,128,808	790,801	4.56 %
<b>Total Funds</b>	<b>\$17,338,007</b>	<b>\$18,128,808</b>	<b>\$790,801</b>	<b>4.56 %</b>
<b>Total Ongoing</b>	<b>\$17,270,991</b>	<b>\$18,189,112</b>	<b>\$918,121</b>	<b>5.32 %</b>
<b>Total OTO</b>	<b>\$67,016</b>	<b>(\$60,304)</b>	<b>(\$127,320)</b>	<b>(189.98)%</b>

**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**

<b>Conflict Defender Division Major Budget Highlights</b>
<p>The Conflict Defender Division's 2023 biennium budget is 4.6% or \$791,000 higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> <li>• Caseload growth contingency of approximately \$101,000 over the biennium</li> <li>• Office lease increase of approximately \$242,000</li> <li>• A reduction of approximately \$60,000 in FY 2022 for state share holiday as one-time-only</li> </ul>

**Program Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium adopted budget by year, type of expenditure, and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Legislative Fiscal 2022	Legislative Fiscal 2023
FTE	0.00	31.00	31.00	31.00	31.00
Personal Services	2,526,984	2,943,396	3,174,162	3,011,351	3,083,246
Operating Expenses	5,356,944	5,374,755	5,845,694	6,013,577	6,020,634
<b>Total Expenditures</b>	<b>\$7,883,928</b>	<b>\$8,318,151</b>	<b>\$9,019,856</b>	<b>\$9,024,928</b>	<b>\$9,103,880</b>
General Fund	7,883,928	8,318,151	9,019,856	9,024,928	9,103,880
<b>Total Funds</b>	<b>\$7,883,928</b>	<b>\$8,318,151</b>	<b>\$9,019,856</b>	<b>\$9,024,928</b>	<b>\$9,103,880</b>
<b>Total Ongoing</b>	<b>\$7,831,794</b>	<b>\$8,251,135</b>	<b>\$9,019,856</b>	<b>\$9,085,232</b>	<b>\$9,103,880</b>
<b>Total OTO</b>	<b>\$52,134</b>	<b>\$67,016</b>	<b>\$0</b>	<b>(\$60,304)</b>	<b>\$0</b>

**Funding**

The following table shows adopted program funding by source of authority.

Office of State Public Defender, 03-Conflict Defender Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	18,128,808	0	0	18,128,808	100.00 %
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
03664 Title IV-E from DPHHS	0	0	0	0	0.00 %
03291 COVID Relief	0	0	0	0	0.00 %
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
<b>Total All Funds</b>	<b>\$18,128,808</b>	<b>\$0</b>	<b>\$0</b>	<b>\$18,128,808</b>	

The Conflict Defender Division is funded solely with general fund.

**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 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	9,019,856	9,019,856	18,039,712	99.51 %	9,019,856	9,019,856	18,039,712	99.51 %
SWPL Adjustments	(102,507)	(90,916)	(193,423)	(1.07)%	(102,507)	(90,916)	(193,423)	(1.07)%
PL Adjustments	167,883	174,940	342,823	1.89 %	167,883	174,940	342,823	1.89 %
New Proposals	(60,304)	0	(60,304)	(0.33)%	(60,304)	0	(60,304)	(0.33)%
<b>Total Budget</b>	<b>\$9,024,928</b>	<b>\$9,103,880</b>	<b>\$18,128,808</b>		<b>\$9,024,928</b>	<b>\$9,103,880</b>	<b>\$18,128,808</b>	

**Present Law Adjustments**

The "Present Law" Adjustments table shows the changes from the base appropriation to the adopted 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 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Present Law Adjustments										
DP 1 - Personal Services	0.00	(102,507)	0	0	(102,507)	0.00	(90,916)	0	0	(90,916)
DP 10 - Lease Increases	0.00	118,242	0	0	118,242	0.00	123,810	0	0	123,810
DP 12 - Caseload Growth Contingency	0.00	49,641	0	0	49,641	0.00	51,130	0	0	51,130
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$65,376</b>	<b>\$0</b>	<b>\$0</b>	<b>\$65,376</b>	<b>0.00</b>	<b>\$84,024</b>	<b>\$0</b>	<b>\$0</b>	<b>\$84,024</b>

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

DP 1 - Personal Services -

The legislature made adjustments to the present law personal services budget for expected changes, management decisions, and budget modifications.

DP 10 - Lease Increases -

The legislature approved \$118,242 in FY 2022 and \$123,810 in FY 2023 for office lease increases in the Conflict Defender Division due to contractual 1.5% inflationary adjustments.

DP 12 - Caseload Growth Contingency -

The legislature approved caseload growth contingency for operating expenses at 0.5% growth in general fund in the Public Defender Division, the Appellate Defender Division, and the Conflict Coordinator Division in the Office of the Public Defender. The legislature approved language on the caseload growth contingency including that the amount available each quarter is limited to \$49,332 in FY 2022 and \$50,723 in FY 2023 in general fund for the Office of the Public Defender.

**New Proposals**

The New Proposals table shows new changes to spending

	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
New Proposals										
DP 5555 - Reduce GF Budget for State Share Holiday OTO	0.00	(60,304)	0	0	(60,304)	0.00	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>(\$60,304)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$60,304)</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

DP 5555 - Reduce GF Budget for State Share Holiday OTO -

The legislature eliminated the state share contribution to the state employee group benefit plan for two months. Reserves are used to pay benefits during the holiday. This change package removes the general fund portion of the savings generated by the suspension of the contributions. Savings from other funding sources, where applicable, remain in agency personal services budgets.

**Program Budget Comparison**

The following table compares the 2021 biennium appropriated budget and the 2023 biennium adopted budget by type of expenditure and source of funding.

Program Budget Comparison				
Budget Item	Appropriated Budget 20-21	Legislative Budget 22-23	Biennium Change	Biennium % Change
Personal Services	3,917,047	3,962,959	45,912	1.17 %
Operating Expenses	2,591,672	3,111,885	520,213	20.07 %
<b>Total Expenditures</b>	<b>\$6,508,719</b>	<b>\$7,074,844</b>	<b>\$566,125</b>	<b>8.70 %</b>
General Fund	6,508,719	7,074,844	566,125	8.70 %
<b>Total Funds</b>	<b>\$6,508,719</b>	<b>\$7,074,844</b>	<b>\$566,125</b>	<b>8.70 %</b>
<b>Total Ongoing</b>	<b>\$6,506,947</b>	<b>\$7,124,907</b>	<b>\$617,960</b>	<b>9.50 %</b>
<b>Total OTO</b>	<b>\$1,772</b>	<b>(\$50,063)</b>	<b>(\$51,835)</b>	<b>(2,925.23)%</b>

**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**

<b>Central Services Division Major Budget Highlights</b>
<p>The Central Services Division 2023 biennium budget is approximately \$566,000 or 8.7% higher than the 2021 biennium. Significant changes include:</p> <ul style="list-style-type: none"> <li>• A new case management system with an annual licensing and maintenance cost of \$300,000</li> <li>• ServiceNow reductions of approximately \$100,000</li> <li>• Lease increases of approximately \$71,000</li> <li>• Equipment replacement for \$40,000</li> <li>• An approximalte \$50,000 reduction in the state share holiday as one-time-only</li> </ul>

**Program Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium adopted budget by year, type of expenditure, and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Legislative Fiscal 2022	Legislative Fiscal 2023
FTE	0.00	23.00	23.00	23.00	23.00
Personal Services	2,006,058	2,015,090	1,901,957	1,951,930	2,011,029
Operating Expenses	992,479	1,251,673	1,339,999	1,589,455	1,522,430
<b>Total Expenditures</b>	<b>\$2,998,537</b>	<b>\$3,266,763</b>	<b>\$3,241,956</b>	<b>\$3,541,385</b>	<b>\$3,533,459</b>
General Fund	2,998,537	3,266,763	3,241,956	3,541,385	3,533,459
<b>Total Funds</b>	<b>\$2,998,537</b>	<b>\$3,266,763</b>	<b>\$3,241,956</b>	<b>\$3,541,385</b>	<b>\$3,533,459</b>
<b>Total Ongoing</b>	<b>\$2,996,765</b>	<b>\$3,264,991</b>	<b>\$3,241,956</b>	<b>\$3,591,448</b>	<b>\$3,533,459</b>
<b>Total OTO</b>	<b>\$1,772</b>	<b>\$1,772</b>	<b>\$0</b>	<b>(\$50,063)</b>	<b>\$0</b>

**Funding**

The following table shows adopted program funding by source of authority.

Office of State Public Defender, 04-Central Services Division Funding by Source of Authority					
Funds	HB2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds
01100 General Fund	7,074,844	0	0	7,074,844	100.00 %
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
03664 Title IV-E from DPHHS	0	0	0	0	0.00 %
03291 COVID Relief	0	0	0	0	0.00 %
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>
<b>Total All Funds</b>	<b>\$7,074,844</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,074,844</b>	

The Central Services Division is funded solely with general fund.

**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 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	3,241,956	3,241,956	6,483,912	91.65 %	3,241,956	3,241,956	6,483,912	91.65 %
SWPL Adjustments	194,671	135,333	330,004	4.66 %	194,671	135,333	330,004	4.66 %
PL Adjustments	154,821	156,170	310,991	4.40 %	154,821	156,170	310,991	4.40 %
New Proposals	(50,063)	0	(50,063)	(0.71)%	(50,063)	0	(50,063)	(0.71)%
<b>Total Budget</b>	<b>\$3,541,385</b>	<b>\$3,533,459</b>	<b>\$7,074,844</b>		<b>\$3,541,385</b>	<b>\$3,533,459</b>	<b>\$7,074,844</b>	

**Present Law Adjustments**

The "Present Law" Adjustments table shows the changes from the base appropriation to the adopted 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 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	100,036	0	0	100,036	0.00	109,072	0	0	109,072
DP 2 - Fixed Costs	0.00	103,749	0	0	103,749	0.00	35,372	0	0	35,372
DP 6 - Equipment Replacement	0.00	20,000	0	0	20,000	0.00	20,000	0	0	20,000
DP 7 - Service Now Reduction	0.00	(50,246)	0	0	(50,246)	0.00	(50,246)	0	0	(50,246)
DP 10 - Lease Increases	0.00	35,067	0	0	35,067	0.00	36,416	0	0	36,416
DP 30 - Case Management System (RST)	0.00	150,000	0	0	150,000	0.00	150,000	0	0	150,000
DP 50 - SWPL Fixed Cost Reductions	0.00	(9,114)	0	0	(9,114)	0.00	(9,111)	0	0	(9,111)
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$349,492</b>	<b>\$0</b>	<b>\$0</b>	<b>\$349,492</b>	<b>0.00</b>	<b>\$291,503</b>	<b>\$0</b>	<b>\$0</b>	<b>\$291,503</b>

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

DP 1 - Personal Services -

The legislature made adjustments to the present law personal services budget for expected changes, management decisions, and budget modifications.

DP 2 - Fixed Costs -

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

DP 6 - Equipment Replacement -

The legislature approved \$20,000 in FY 2022 and \$20,000 in FY 2023 to replace the agency's computers nearing the end of their life cycle with laptops to enable a more mobile workforce in response to the pandemic or other potential crisis situations. This approval represents the difference between laptop and desktop computer replacement funding already in the base.

DP 7 - Service Now Reduction -

The legislature approved a decrease in funding because of the purchase of ServiceNow licenses and programs for the 2023 biennium. This reflects a reduction in the operating budget of \$50,246 in each fiscal year due to projected operating efficiencies by implementing ServiceNow.

DP 10 - Lease Increases -

The legislature approved \$35,067 in FY 2022 and \$36,416 in FY 2023 for office lease increases in the Central Services Division due to contractual 1.5% escalators and anticipated increases in leases due to renewal during the next biennium.

DP 30 - Case Management System (RST) -

The agency's current case management system is terminating support, requiring the agency to undertake a request for proposal process. The legislature approved \$150,000 for FY 2022 with language associated with the appropriation that a time keeping system be implemented in FY 2022. The legislature approved \$150,000 in restricted funding for FY 2023, with a removal of the restriction in FY 2023 based on the implementation of a time keeping system in FY 2022. The appropriations are for the anticipated increase in the annual licensing and maintenance cost for a new case management system.

DP 50 - SWPL Fixed Cost Reductions -

The legislature reduced fixed costs for warehouses, storage rooms and information technology.

**New Proposals**

The New Proposals table shows new changes to spending

New Proposals	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5555 - Reduce GF Budget for State Share Holiday OTO	0.00	(50,063)	0	0	(50,063)	0.00	0	0	0	0
<b>Total</b>	<b>0.00</b>	<b>(\$50,063)</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$50,063)</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

DP 5555 - Reduce GF Budget for State Share Holiday OTO -

The legislature eliminated the state share contribution to the state employee group benefit plan for two months. Reserves are used to pay benefits during the holiday. This change package removes the general fund portion of the savings generated by the suspension of the contributions. Savings from other funding sources, where applicable, remain in agency personal services budgets.