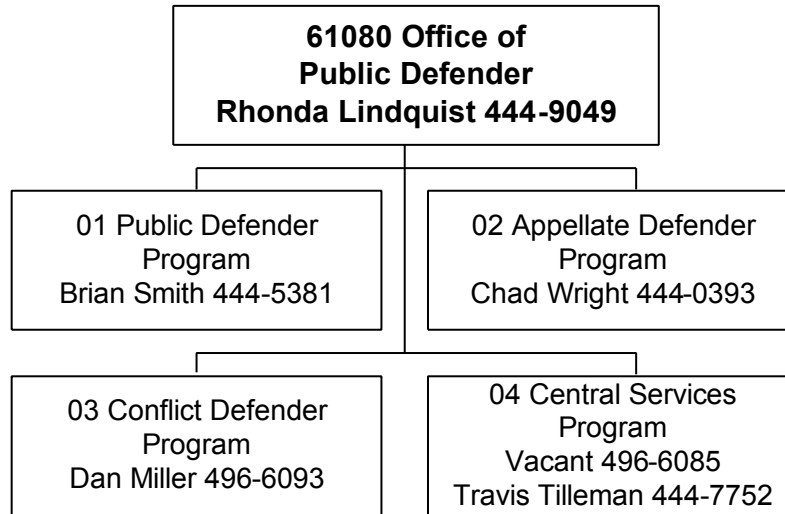


Office of State Public Defender - 61080



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

Statutory Authority - MCA Title 47

Agency Proposed Budget			
Budget Item	Total Exec. Budget Fiscal 2022	Total Exec. Budget Fiscal 2023	Total Exec. Budget 2023 Biennium
FTE	302.44	302.44	
Personal Services	27,209,410	27,932,624	55,142,034
Operating Expenses	11,493,752	11,464,131	22,957,883
Total Costs	\$38,703,162	\$39,396,755	\$78,099,917
General Fund	38,703,162	39,396,755	78,099,917
Total Funds	\$38,703,162	\$39,396,755	\$78,099,917

Agency Appropriated Biennium to Biennium Comparison								
Program	2021 Biennium Appropriated Budget		2023 Biennium Requested Budget		Biennium to Biennium Difference (dollars)		Biennium to Biennium Difference (percent)	
	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds	General Fund	Total Funds
01 - Public Defender Division	47,044,721	47,044,721	47,878,561	47,878,561	833,840	833,840	1.77 %	1.77 %
02 - Appellate Defender Division	4,831,050	4,831,050	4,898,709	4,898,709	67,659	67,659	1.40 %	1.40 %
03 - Conflict Defender Division	17,338,007	17,338,007	18,229,578	18,229,578	891,571	891,571	5.14 %	5.14 %
04 - Central Services Division	6,508,719	6,508,719	7,093,069	7,093,069	584,350	584,350	8.98 %	8.98 %
Agency Total	\$75,722,497	\$75,722,497	\$78,099,917	\$78,099,917	\$2,377,420	\$2,377,420	3.14 %	3.14 %

Office of State Public Defender - 61080

Public Defender Division - 01

**01 Public Defender Program
Brian Smith 444-5381**

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 Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments	Exec. Budget	Adjustments	Exec. Budget	Budget Request
		Fiscal 2022	Fiscal 2022	Fiscal 2023	Fiscal 2023	2023 Biennium
FTE	230.94	0.00	230.94	0.00	230.94	
Personal Services	20,705,222	(137,154)	20,568,068	411,718	21,116,940	41,685,008
Operating Expenses	2,710,235	372,951	3,083,186	400,132	3,110,367	6,193,553
Total Costs	\$23,415,457	\$235,797	\$23,651,254	\$811,850	\$24,227,307	\$47,878,561
General Fund	23,415,457	235,797	23,651,254	811,850	24,227,307	47,878,561
Total Funds	\$23,415,457	\$235,797	\$23,651,254	\$811,850	\$24,227,307	\$47,878,561

Program Proposed Budget Adjustments	Budget Adjustments		Budget Adjustments	
	Fiscal 2022		Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	345,098	345,098	411,718	411,718
<i>Total Statewide Present Law Adjustments</i>	<i>\$345,098</i>	<i>\$345,098</i>	<i>\$411,718</i>	<i>\$411,718</i>
Present Law Adjustments				
PL - 10 - Lease Increases	104,181	104,181	124,010	124,010
PL - 5 - Caseload Growth	268,770	268,770	276,122	276,122
<i>Total Present Law Adjustments</i>	<i>\$372,951</i>	<i>\$372,951</i>	<i>\$400,132</i>	<i>\$400,132</i>
New Proposals				
NP - 5555 - Reduce GF Budget for State Share Holiday OTO	(482,252)	(482,252)	0	0
<i>Total New Proposals</i>	<i>(\$482,252)</i>	<i>(\$482,252)</i>	<i>\$0</i>	<i>\$0</i>
Total Budget Adjustments	\$235,797	\$235,797	\$811,850	\$811,850

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$345,098	\$345,098
FY 2023	\$411,718	\$411,718

SWPL - 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

Office of State Public Defender - 61080

Public Defender Division - 01

-----Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$104,181	\$104,181
FY 2023	\$124,010	\$124,010

PL - 10 - Lease Increases -

The executive requests \$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.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$268,770	\$268,770
FY 2023	\$276,122	\$276,122

PL - 5 - Caseload Growth -

The executive proposes \$268,770 in FY 2022 and \$276,122 in FY 2023 to reflect a 1.0% caseload growth. This request will fund contract attorney services, holistic defense services, mental health evaluations, and chemical dependency evaluations. Governor Gianforte reduced the caseload growth increase from 3% to 1%.

-----New Proposals-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$482,252)	(\$482,252)
FY 2023	\$0	\$0

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

The Governor has proposed legislation to impose a two-month state share holiday for employer contributions into the state health insurance fund. This change package removes the general fund portion of the savings generate by the contribution holiday. Savings from other funding sources will remain in the agency to be able to address ongoing functions of the agency. This change package is contingent on passage and approval of the proposed legislation.

Office of State Public Defender - 61080

Appellate Defender Division - 02

02 Appellate Defender Program Chad Wright 444-0393

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 Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments Fiscal 2022	Exec. Budget Fiscal 2022	Adjustments Fiscal 2023	Exec. Budget Fiscal 2023	Budget Request 2023 Biennium
FTE	17.50	0.00	17.50	0.00	17.50	
Personal Services	1,751,148	(73,087)	1,678,061	(29,739)	1,721,409	3,399,470
Operating Expenses	687,064	61,716	748,780	63,395	750,459	1,499,239
Total Costs	\$2,438,212	(\$11,371)	\$2,426,841	\$33,656	\$2,471,868	\$4,898,709
General Fund	2,438,212	(11,371)	2,426,841	33,656	2,471,868	4,898,709
Total Funds	\$2,438,212	(\$11,371)	\$2,426,841	\$33,656	\$2,471,868	\$4,898,709

Program Proposed Budget Adjustments				
	Budget Adjustments Fiscal 2022		Budget Adjustments Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	(34,000)	(34,000)	(29,739)	(29,739)
<i>Total Statewide Present Law Adjustments</i>	<i>(\$34,000)</i>	<i>(\$34,000)</i>	<i>(\$29,739)</i>	<i>(\$29,739)</i>
Present Law Adjustments				
PL - 10 - Lease Increases	35,116	35,116	35,997	35,997
PL - 5 - Caseload Growth	26,600	26,600	27,398	27,398
<i>Total Present Law Adjustments</i>	<i>\$61,716</i>	<i>\$61,716</i>	<i>\$63,395</i>	<i>\$63,395</i>
New Proposals				
NP - 5555 - Reduce GF Budget for State Share Holiday OTO	(39,087)	(39,087)	0	0
<i>Total New Proposals</i>	<i>(\$39,087)</i>	<i>(\$39,087)</i>	<i>\$0</i>	<i>\$0</i>
Total Budget Adjustments	(\$11,371)	(\$11,371)	\$33,656	\$33,656

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$34,000)	(\$34,000)
FY 2023	(\$29,739)	(\$29,739)

SWPL - 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

Office of State Public Defender - 61080

Appellate Defender Division - 02

-----Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$35,116	\$35,116
FY 2023	\$35,997	\$35,997

PL - 10 - Lease Increases -

The executive requests \$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.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$26,600	\$26,600
FY 2023	\$27,398	\$27,398

PL - 5 - Caseload Growth -

The Appellate Defender Division is requesting \$26,600 in FY 2022 and \$27,398 in FY 2023 to reflect a 1.0% caseload growth. This request will fund transcript services and contract attorney services. Governor Gianforte decreased the caseload increase from 3% to 1%.

-----New Proposals-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$39,087)	(\$39,087)
FY 2023	\$0	\$0

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

The Governor has proposed legislation to impose a two-month state share holiday for employer contributions into the state health insurance fund. This change package removes the general fund portion of the savings generate by the contribution holiday. Savings from other funding sources will remain in the agency to be able to address ongoing functions of the agency. This change package is contingent on passage and approval of the proposed legislation.

Office of State Public Defender - 61080

Conflict Defender Division - 03

**03 Conflict Defender
Program
Dan Miller 496-6093**

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 Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments Fiscal 2022	Exec. Budget Fiscal 2022	Adjustments Fiscal 2023	Exec. Budget Fiscal 2023	Budget Request 2023 Biennium
FTE	31.00	0.00	31.00	0.00	31.00	
Personal Services	3,174,162	(162,811)	3,011,351	(90,916)	3,083,246	6,094,597
Operating Expenses	5,845,694	217,523	6,063,217	226,070	6,071,764	12,134,981
Total Costs	\$9,019,856	\$54,712	\$9,074,568	\$135,154	\$9,155,010	\$18,229,578
General Fund	9,019,856	54,712	9,074,568	135,154	9,155,010	18,229,578
Total Funds	\$9,019,856	\$54,712	\$9,074,568	\$135,154	\$9,155,010	\$18,229,578

Program Proposed Budget Adjustments	Budget Adjustments Fiscal 2022		Budget Adjustments Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	(102,507)	(102,507)	(90,916)	(90,916)
<i>Total Statewide Present Law Adjustments</i>	(\$102,507)	(\$102,507)	(\$90,916)	(\$90,916)
Present Law Adjustments				
PL - 10 - Lease Increases	118,242	118,242	123,810	123,810
PL - 5 - Caseload Growth	99,281	99,281	102,260	102,260
<i>Total Present Law Adjustments</i>	\$217,523	\$217,523	\$226,070	\$226,070
New Proposals				
NP - 5555 - Reduce GF Budget for State Share Holiday OTO	(60,304)	(60,304)	0	0
<i>Total New Proposals</i>	(\$60,304)	(\$60,304)	\$0	\$0
Total Budget Adjustments	\$54,712	\$54,712	\$135,154	\$135,154

-----**Statewide Present Law Adjustments**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$102,507)	(\$102,507)
FY 2023	(\$90,916)	(\$90,916)

SWPL - 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

Office of State Public Defender - 61080

Conflict Defender Division - 03

-----Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$118,242	\$118,242
FY 2023	\$123,810	\$123,810

PL - 10 - Lease Increases -

The executive requests \$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.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$99,281	\$99,281
FY 2023	\$102,260	\$102,260

PL - 5 - Caseload Growth -

The Conflict Defender Division is requesting \$99,281 in FY 2022 and \$102,260 in FY 2023 to reflect a 1.0% caseload growth. This request will fund contract attorney services, mental health evaluations, and chemical dependency evaluations. Governor Gianforte reduced the caseload increase from 3% to 1%.

-----New Proposals-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$60,304)	(\$60,304)
FY 2023	\$0	\$0

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

The Governor has proposed legislation to impose a two-month state share holiday for employer contributions into the state health insurance fund. This change package removes the general fund portion of the savings generate by the contribution holiday. Savings from other funding sources will remain in the agency to be able to address ongoing functions of the agency. This change package is contingent on passage and approval of the proposed legislation.

Office of State Public Defender - 61080

Central Services Division - 04

**04 Central Services
Program
Vacant 496-6085
Travis Tilleman 444-7752**

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 Proposed Budget	Starting Point	Budget	Total	Budget	Total	Executive
Budget Item	Fiscal 2021	Adjustments Fiscal 2022	Exec. Budget Fiscal 2022	Adjustments Fiscal 2023	Exec. Budget Fiscal 2023	Budget Request 2023 Biennium
FTE	23.00	0.00	23.00	0.00	23.00	
Personal Services	1,901,957	49,973	1,951,930	109,072	2,011,029	3,962,959
Operating Expenses	1,339,999	258,570	1,598,569	191,542	1,531,541	3,130,110
Total Costs	\$3,241,956	\$308,543	\$3,550,499	\$300,614	\$3,542,570	\$7,093,069
General Fund	3,241,956	308,543	3,550,499	300,614	3,542,570	7,093,069
Total Funds	\$3,241,956	\$308,543	\$3,550,499	\$300,614	\$3,542,570	\$7,093,069

Program Proposed Budget Adjustments	Budget Adjustments Fiscal 2022		Budget Adjustments Fiscal 2023	
	General Fund	Total Funds	General Fund	Total Funds
Statewide Present Law Adjustments				
SWPL - 1 - Personal Services	100,036	100,036	109,072	109,072
SWPL - 2 - Fixed Costs	103,749	103,749	35,372	35,372
<i>Total Statewide Present Law Adjustments</i>	<i>\$203,785</i>	<i>\$203,785</i>	<i>\$144,444</i>	<i>\$144,444</i>
Present Law Adjustments				
PL - 10 - Lease Increases	35,067	35,067	36,416	36,416
PL - 30 - Case Management System	150,000	150,000	150,000	150,000
PL - 6 - Equipment Replacement	20,000	20,000	20,000	20,000
PL - 7 - Service Now Reduction	(50,246)	(50,246)	(50,246)	(50,246)
<i>Total Present Law Adjustments</i>	<i>\$154,821</i>	<i>\$154,821</i>	<i>\$156,170</i>	<i>\$156,170</i>
New Proposals				
NP - 5555 - Reduce GF Budget for State Share Holiday OTO	(50,063)	(50,063)	0	0
<i>Total New Proposals</i>	<i>(\$50,063)</i>	<i>(\$50,063)</i>	<i>\$0</i>	<i>\$0</i>
Total Budget Adjustments	\$308,543	\$308,543	\$300,614	\$300,614

Office of State Public Defender - 61080

Central Services Division - 04

-----Statewide Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$100,036	\$100,036
FY 2023	\$109,072	\$109,072

SWPL - 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$103,749	\$103,749
FY 2023	\$35,372	\$35,372

SWPL - 2 - Fixed Costs -

The executive requests adjustments to provide the funding required in the proposed budget 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.

-----Present Law Adjustments-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$35,067	\$35,067
FY 2023	\$36,416	\$36,416

PL - 10 - Lease Increases -

The executive requests \$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.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$150,000	\$150,000
FY 2023	\$150,000	\$150,000

PL - 30 - Case Management System -

The agency's current case management system is terminating support, requiring the agency to undertake a request for proposal process. The executive is requesting \$150,000 for FY 2022 and \$150,000 for FY 2023 for the anticipated increase in the annual licensing and maintenance cost for a new case management system.

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	\$20,000	\$20,000
FY 2023	\$20,000	\$20,000

PL - 6 - Equipment Replacement -

The executive is requesting \$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 request represents the difference between laptop and desktop computer replacement funding already in the base.

Office of State Public Defender - 61080

Central Services Division - 04

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$50,246)	(\$50,246)
FY 2023	(\$50,246)	(\$50,246)

PL - 7 - Service Now Reduction -

The executive requests a decrease in funding because of the purchase of ServiceNow licenses and programs for the 2023 biennium. The executive is anticipating operating efficiencies and other savings by using ServiceNow. This request reflects a reduction in the operating budget of \$50,246 in each fiscal year due to projected operating efficiencies by implementing ServiceNow.

-----**New Proposals**-----

	<u>General Fund Total</u>	<u>Total Funds</u>
FY 2022	(\$50,063)	(\$50,063)
FY 2023	\$0	\$0

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

The Governor has proposed legislation to impose a two-month state share holiday for employer contributions into the state health insurance fund. This change package removes the general fund portion of the savings generate by the contribution holiday. Savings from other funding sources will remain in the agency to be able to address ongoing functions of the agency. This change package is contingent on passage and approval of the proposed legislation.