



Steve Bullock
Governor

OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

MEMORANDUM

TO: Montana Public Defender Commission
Office of the State Public Defender (OPD) Employees
Interested Parties

FROM: Harry Freebourn

DATE: May 29, 2015

RE: 2015 Legislative Results

The 64th Legislative Session ended on April 28, 2015. Since then, Chairman Gillespie and agency management have been working with the Governor's Budget Office to finalize OPD's funding for the next two years.

The agency will receive funds from two sources for FY 2016 and FY 2017. First, the 2015 Legislature provided \$32.9 million and 235 FTE. This is \$1.1 million and 20 FTE less than requested in the Governor's budget submission to the Legislature. The difference would have been greater, but the Legislature approved \$140,000 more than requested for a non-attorney market pay adjustment. Second, the Governor's contingency fund, provided by the Legislature to the Governor to address various issues, has distributed \$2 million and 4 permanent FTE to OPD. These funds are restricted to positions and payroll not financed by the Legislature. The total from both sources is \$34.9 million.

Here are some major highlights of OPD's funding:

- The Commission received a \$250,000 appropriation to address agency issues.
- The Public Defender Program received \$26.2 million from the Legislature (\$800,000 less than requested in the Governor's budget) and 17 new FTE (20 less than requested). All 17 positions were already on board as temporary positions. As of July 1, 2015 they will become permanent positions. As noted above, the Governor's Office is providing an additional \$2 million and four new permanent FTE positions to cover the shortfall.
- The Appellate Defender Program received \$1.6 million from the Legislature (\$150,000 less than requested in the Governor's budget) and one new FTE, as requested.
- The Conflict Coordinator Program received \$4.9 million from the Legislature (\$100,000 less than requested).
- The Legislature also provided funds for:
 - the state's share of an increase in the cost of insurance;
 - longevity for employees with five or more years of service;
 - a market adjustment for the non-attorney workforce (approximately \$640,000);
 - a 50 cents per hour increase for all employees effective January 1, 2016 and another 50 cents per hour on January 1, 2017; and
 - additional contractor dollars to cover caseload increases. (They did not approve a rate increase for contract attorneys.)

During the next several months, OPD management will prepare detailed operating budgets, including pay plans, for each program for the next two fiscal years. Pay plans for members of AFSCME will go through the collective bargaining process.

Please call or email Harry Freebourn at 406-496-6084 or hfreebourn@mt.gov with questions.