

Public Defender Services Commission

PDS98500

Position Summary

Account	Actual FY 13	Governor Estimated FY 14	Original Appropriation FY 15	Governor Revised FY 15	Legislative FY 15	Difference Leg-Gov FY 15
Permanent Full-Time - GF	445	447	447	447	447	0

Budget Summary

Account	Actual FY 13	Governor Estimated FY 14	Original Appropriation FY 15	Governor Revised FY 15	Legislative FY 15	Difference Leg-Gov FY 15
Personal Services	37,448,455	40,098,345	41,909,712	41,909,712	41,789,717	(119,995)
Other Expenses	1,496,198	1,545,428	1,550,119	1,550,119	1,491,837	(58,282)
Other Current Expenses						
Assigned Counsel - Criminal	10,712,245	9,111,900	9,111,900	17,997,900	17,997,900	0
Expert Witnesses	1,924,998	2,100,000	2,100,000	2,100,000	2,082,252	(17,748)
Training And Education	80,172	130,000	130,000	130,000	130,000	0
Assigned Counsel - Child Protection	7,238,018	11,436,000	7,436,000	0	0	0
Contracted Attorneys Related Expenses	71,182	150,000	150,000	150,000	125,000	(25,000)
Family Contracted Attorneys/AMC	608,149	575,000	575,000	0	0	0
Nonfunctional - Change to Accruals	0	224,916	260,298	0	0	0
Agency Total - General Fund	59,579,417	65,371,589	63,223,029	63,837,731	63,616,706	(221,025)

Account	Governor Revised FY 15		Legislative FY 15		Difference from Governor	
	Pos.	\$	Pos.	\$	Pos.	\$

Current Services

Adjust Funding to Reflect the FY 14 Deficiency

Assigned Counsel - Criminal	0	875,000	0	875,000	0	0
Total - General Fund	0	875,000	0	875,000	0	0

Background

Sections 41-44 of PA 14-47, the FY 15 Revised Budget, provides deficiency funding of \$58 million in FY 14 for various agencies. The increased appropriations are offset by reduced appropriations of a corresponding amount across various agencies. The act includes \$6.7 million for Public Defender Services Commission - \$4.8 million to the Personal Services account due to an early release of a portion of this account's fourth quarter allotment in order to allow a FAC transfer from this account to the Assigned Counsel accounts and \$1.8 million in the Expert Witness account is due to the unexpected payment of an expert witness.

Governor

Provide funding of \$875,000 to reflect the annualization of the agency's ongoing portion of the FY 14 deficiency. The FY 15 original appropriation did not include funding for this deficiency, therefore the increased funding in FY 15 reflects the annualization of this deficiency. Other funds for the FY 14 deficiency are for the one-time habeas costs and therefore are not included in the revised total.

Legislative

Same as Governor

Adjust Funding for Revised Estimated GAAP Requirements

Nonfunctional - Change to Accruals	0	(260,298)	0	(260,298)	0	0
Total - General Fund	0	(260,298)	0	(260,298)	0	0

Background

Each agency's budget includes a line item account called "Nonfunctional - Change to Accruals." This line item represents the estimate of the difference between an agency's cash-basis budget amount and the accrual-basis amounts that will be reflected under Generally Accepted Accounting Principles (GAAP). These funds will not be available for spending; in the aggregate they will prevent the state's GAAP deficit from growing.

Account	Governor Revised FY 15		Legislative FY 15		Difference from Governor	
	Pos.	\$	Pos.	\$	Pos.	\$

Governor

Reduce funding of \$260,298 to reflect updated estimates of accruals to comply with GAAP. Across all appropriated funds, there is a net GAAP reduction of \$33.8 million.

Legislative

Same as Governor

Policy Revisions**Transfer Funding to Streamline Accounts**

Assigned Counsel - Criminal	0	8,011,000	0	8,011,000	0	0
Assigned Counsel - Child Protection	0	(7,436,000)	0	(7,436,000)	0	0
Family Contracted Attorneys/ AMC	0	(575,000)	0	(575,000)	0	0
Total - General Fund	0	0	0	0	0	0

Background

The Assigned Counsel - Criminal account pays for assigned counsel (contracted special public defenders) who represent clients in criminal cases where the field office has determined a conflict of interest with the agency. These assigned counsel sign a contract with the agency, and are assigned cases on a flat-rate payment structure. However, if a case is complicated, the assigned counsel can submit a request for hourly billing.

The Assigned Counsel - Child Protection and the Family Contracted Attorneys accounts handle all child protection related cases. PA 11-51 transferred these accounts and their duties from the Child Protection Commission to the Public Defender Services Commission.

Governor

Transfer funding of \$7,436,000 from the Assigned Counsel - Child Protection account and \$575,000 from the Family Contracted Attorneys account (for a total transfer of \$8,011,000) to Assigned Counsel - Criminal account.

Legislative

Same as Governor

Distribute Lapses

Personal Services	0	0	0	(119,995)	0	(119,995)
Other Expenses	0	0	0	(58,282)	0	(58,282)
Expert Witnesses	0	0	0	(17,748)	0	(17,748)
Contracted Attorneys Related Expenses	0	0	0	(25,000)	0	(25,000)
Total - General Fund	0	0	0	(221,025)	0	(221,025)

Background

The Governor's Revised FY 15 budget included a bottom line General Lapse of \$14,243,700, a General Other Expenses Lapse of \$4,000,000, and a Statewide Hiring Reduction Lapse of \$6,796,754. These lapse amounts would have been determined and distributed to agencies by OPM at the beginning of FY 15.

Legislative

Reduce funding by \$42,748 to reflect distribution of the General Lapse, \$58,282 for the General Other Expense Lapse, and \$119,995 for the Statewide Hiring Reduction Lapse.

Totals

Budget Components	Governor Revised FY 15		Legislative FY 15		Difference from Governor	
	Pos.	\$	Pos.	\$	Pos.	\$
Original Appropriation - GF	447	63,223,029	447	63,223,029	0	0
Current Services	0	614,702	0	614,702	0	0
Policy Revisions	0	0	0	(221,025)	0	(221,025)
Total Recommended - GF	447	63,837,731	447	63,616,706	0	(221,025)

Other Significant Legislation**PA 14-47, An Act Making Adjustments to State Expenditures and Revenues for the Fiscal Year Ending June 30, 2015**

Sections 30 and 31 contain provisions that allow the Secretary of the Office of Policy and Management (OPM) to allocate specific lapses to state agencies in the three branches of government (these are typically called holdbacks). The agency's FY 15 appropriation levels will be reduced by the amounts shown in the table to achieve the lapses included in PA 14-47. This includes a General Lapse of \$29,824 and a Statewide Hiring Reduction Lapse of \$175,442. See the FY 15 Holdbacks schedule in Section VI of this document for a further description of these statewide savings targets.

Account	Appropriation \$	Reduction Amount \$	Net Remaining \$	% Reduction
Personal Services	41,789,717	(175,442)	41,614,275	0.42%
Contracted Attorneys Related Expenses	125,000	(29,824)	95,176	23.86%