

PUBLIC DEFENDER

Budget Summary							
Fund	2018-19 Base Year Doubled	2019-21 Governor	2019-21 Jt. Finance	2019-21 Legislature	2019-21 Act 9	Act 9 Change Over Base Year Doubled	
						Amount	Percent
GPR	\$174,482,600	\$205,811,200	\$205,737,100	\$205,737,100	\$205,737,100	\$31,254,500	17.9%
PR	<u>2,780,400</u>	<u>2,877,600</u>	<u>2,877,600</u>	<u>2,877,600</u>	<u>2,877,600</u>	<u>97,200</u>	3.5
TOTAL	\$177,263,000	\$208,688,800	\$208,614,700	\$208,614,700	\$208,614,700	\$31,351,700	17.7%

FTE Position Summary						
Fund	2018-19 Base	2020-21 Governor	2020-21 Jt. Finance	2020-21 Legislature	2020-21 Act 9	Act 9 Change
						Over 2018-19 Base
GPR	609.85	609.85	609.85	609.85	609.85	0.00
PR	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>5.00</u>	<u>0.00</u>
TOTAL	614.85	614.85	614.85	614.85	614.85	0.00

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

GPR	\$4,251,700
PR	<u>97,200</u>
Total	\$4,348,900

Governor/Legislature: Provide adjustments to the base totaling \$2,075,600 GPR and \$48,000 PR in 2019-20 and \$2,176,100 GPR and \$49,200 PR in 2020-21. Adjustments are for: (a) full funding of continuing position salaries and fringe benefits (\$272,400 GPR and \$41,700 PR annually); (b) overtime (\$210,900 GPR and \$2,800 PR annually); (c) full funding of lease and directed moves costs (\$331,700 GPR and \$3,500 PR in 2019-20 and \$432,200 GPR and \$4,700 PR in 2020-21), and (d) reclassifications and semiautomatic pay progression associated with 2017-19 (\$1,260,600 GPR annually).

2. PAY PROGRESSION [LFB Paper 270]

	Governor (Chg. to Base)	Jt. Finance/Leg. (Chg. to Gov)	Net Change
GPR	\$1,277,500	- \$74,100	\$1,203,400

Governor: Provide \$320,600 in 2019-20 and \$956,900 in 2020-21 to support pay progression plan for assistant state public defender (ASPD) attorneys. The ASPD pay progression plan is merit-based and consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest annual salary (\$52,291) and the highest annual salary (\$126,339). The value of one hourly salary step equals \$4,356 annually. Notwithstanding the creation of a 17 hourly salary step pay progression plan, the State Public Defender is authorized to: (a) deny annual salary increases to individual ASPDs; and (b) increase the salary of individual ASPDs by up to 10% per year. Funding under the bill is intended to equal a 2% increase for all ASPDs on January 1, 2020 and 2021.

Joint Finance/Legislature: Reduce funding provided to the SPD for pay progression by \$20,300 in 2019-20 and \$53,800 in 2020-21 to reflect a reestimate of the cost of providing a 2% average increase for eligible ASPDs on January 1, 2020, and January 1, 2021.

3. PRIVATE BAR COSTS [LFB Paper 545]

GPR	\$362,600
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Governor/Legislature: Provide \$362,600 in 2019-20 as an estimate of funding to pay private bar attorney costs at \$40 per hour before the proposed rate increase to \$70 on January 1, 2019 (see Item #4 below). The State Public Defender employs trial and appellate attorneys who represent clients who qualify for SPD representation. However, staff attorneys cannot represent all clients who qualify for SPD representation. Overflow cases and cases in which staff attorneys may have a conflict of interest are assigned to private bar attorneys throughout the state, at a rate of \$40 per hour for time spent related to a case, and \$25 per hour for travel. Base funding for private bar and investigator reimbursements is \$25,354,100. Funding provided is intended to reflect the actual costs to provide reimbursement to private bar attorneys at the current reimbursement rate.

4. PRIVATE BAR ATTORNEY COMPENSATION [LFB Paper 545]

GPR	\$25,281,600
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Governor: Provide \$8,668,900 in 2019-20 and \$16,612,700 in 2020-21 and modify current law to increase the rate at which private bar attorneys are compensated from \$40 per hour to \$70 per hour. In addition, grant the SPD authority to modify rules to reflect the changes in the rate. Provide that the private bar rate be adjusted biennially by a percentage equal to the average of the consumer price index over the preceding 12-month period, all items, U.S. city average, as determined by the Bureau of Labor Statistics of the Federal Department of Labor. The increase in hourly compensation would apply to cases assigned on or after January 1, 2020.

Joint Finance/Legislature: Delete statutory language allowing for the private bar hourly rate to be adjusted biennially by a percentage equal to the average CPI over the preceding 12-month period.

[Act 9 Sections: 2244 and 2245]

5. INTERPRETER FUNDING

GPR	\$155,200
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Governor/Legislature: Provide \$77,600 annually to support payments for interpreters. Base funding for interpreters within the larger program operations appropriation is \$9,500. In recent years, base funding has not funded all interpreter costs and, as a result, the SPD has reallocated funding from trial representation and appellate representation to support the costs of interpreters. In 2017-18, the SPD incurred \$87,100 in interpreter costs.