

Senate Subcommittee Report

Agency: Board of Indigents' Defense Services

Bill No. 514

Bill Sec. 30

Analyst: de Boer

Budget Analysis Vol. --

GBR Vol. 2, Pg. 66

Expenditure Summary	Agency Request FY 2025	Governor Recommendation FY 2025	Senate Subcommittee Adjustments
Operating Expenditures:			
State General Fund	\$ 70,905,122	\$ 60,030,353	\$ 0
Federal Funds	0	0	0
Other Funds	806,000	806,000	0
<i>Subtotal</i>	<u>\$ 71,711,122</u>	<u>\$ 60,836,353</u>	<u>\$ 0</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Federal Funds	0	0	0
Other Funds	0	0	0
<i>Subtotal</i>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u>\$ 71,711,122</u>	<u>\$ 60,836,353</u>	<u>\$ 0</u>
FTE positions	314.2	289.2	0.0

Agency Request

The **agency** requests \$71.7 million, including \$70.9 million SGF, in expenditures and 314.2 FTE positions for FY 2025. This is an all funds increase of \$10.9 million, or 17.9 percent, including an SGF increase of \$10.9 million, or 18.2 percent, and an FTE increase of 25.0 positions above the FY 2024 revised estimate.

The request includes **\$6.7 million SGF in enhancement funding for recruitment and retention** for FY 2025. The adjustment would create pay parity with prosecutor offices as it includes a 28.0 percent adjustment for attorneys and a 10.0 percent average adjustment for non-attorney staff.

The request includes **\$1.2 million SGF in enhancement funding for the agency's next step compensation adjustments** for FY 2025. This includes a salary and wages adjustment of approximately 5.0 percent per employee and allows for 2.0 percent merit-based increases. The adjustments will be administered on an employee-by-employee basis.

The request includes **\$2.7 million SGF in enhancement funding and 25.0 FTE positions for the ethical caseloads staffing and support plan** for FY 2025. This includes 6.0 FTE positions for the capital offices (\$630,225), 10.0 FTE positions for the non-capital public defender offices (\$1,100,625), and 9.0 FTE positions for administrative operations (\$1,016,604). The additional staffing is to address immediate caseload needs and to build the agency's capacity to effectively recruit, hire, and support future necessary staffing.

The request includes **\$475,862 SGF in enhancement funding for basic infrastructure** expenditures for FY 2025. This amount includes two parts:

- a. The request includes **\$352,500 SGF for new and additional lease space** to accommodate the agency's current staff, including some vacant positions the agency cannot fill due to insufficient office space. In total, the funding would support 47.0 FTE positions across seven separate offices. The agency estimates it will need 300 square feet per employee, with an anticipated cost of \$25 per square foot per year.
- b. The request includes an ongoing expenditure of **\$123,362 SGF for the Training Division** for attorney and non-attorney staff trainings, leadership training, continuing legal education, and an agency-wide conference, which includes assigned counsel from across the state.

The request includes **\$3.8 million SGF in enhancement funding to increase the assigned counsel hourly rate to \$140 per hour** for FY 2025. This is an increase of \$20 per hour above the current proviso of \$120 per hour added by the 2023 Legislature, and an increase of \$60 per hour above the statutory cap, which is set at \$80 per hour.

The request includes **\$112,790 SGF in enhancement funding for a salary adjustment in the Legal Services for Prisoners program** for FY 2025. According to the agency, the current 4.0 FTE positions earn approximately \$15,000 below new public defenders with no experience. Each attorney for LSP has more than 30 years of experience. This is an ongoing expenditure.

Governor's Recommendation

The **Governor** recommends expenditures of \$60.8 million, including \$60.0 million SGF, and 289.2 FTE positions for FY 2025. This is a decrease of \$10.9 million SGF, or 15.3 percent, and 25.0 FTE positions below the agency's FY 2025 request.

The recommendation includes **\$112,790 SGF in enhancement funding for a salary adjustment in the Legal Services for Prisoners program** and **\$4.0 million SGF for assigned counsel expenditures** in accordance with the fall 2023 consensus caseload estimates.

The Governor does not recommend adoption of the agency's enhancement requests for recruitment and retention (\$6.7 million), next step compensation for selective salary increases and bonuses (\$1.2 million), ethical caseload and staffing (\$2.7 million), basic infrastructure (\$475,862), or assigned counsel hourly rate increase (\$3.8 million).

Senate Subcommittee Recommendation

The **Subcommittee** concurs with the Governor's recommendation for FY 2025.

Senate Committee Recommendation

The **Committee** concurs with the Subcommittee's recommendation for FY 2025.

House Budget Committee Report

Agency: Board of Indigents' Defense Services **Bill No.** 2802 **Bill Sec.** 30

Analyst: de Boer **Budget Analysis Vol.** -- **GBR Vol.** 2, Pg. 66

Expenditure Summary	Agency Request FY 2025	Governor Recommendation FY 2025	House Budget Committee Adjustments
Operating Expenditures:			
State General Fund	\$ 70,905,122	\$ 60,030,353	\$ 3,334,486
Federal Funds	0	0	0
Other Funds	806,000	806,000	0
<i>Subtotal</i>	<u>\$ 71,711,122</u>	<u>\$ 60,836,353</u>	<u>\$ 3,334,486</u>
Capital Improvements:			
State General Fund	\$ 0	\$ 0	\$ 0
Federal Funds	0	0	0
Other Funds	0	0	0
<i>Subtotal</i>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>
TOTAL	<u>\$ 71,711,122</u>	<u>\$ 60,836,353</u>	<u>\$ 3,334,486</u>
FTE positions	314.2	289.2	0.0

Agency Request

The **agency** requests \$71.7 million, including \$70.9 million SGF, in expenditures and 314.2 FTE positions for FY 2025. This is an all funds increase of \$10.9 million, or 17.9 percent, including an SGF increase of \$10.9 million, or 18.2 percent, and an FTE increase of 25.0 positions above the FY 2024 revised estimate.

The request includes **\$6.7 million SGF in enhancement funding for recruitment and retention** for FY 2025. The adjustment would create pay parity with prosecutor offices as it includes a 28.0 percent adjustment for attorneys and a 10.0 percent average adjustment for non-attorney staff.

The request includes **\$1.2 million SGF in enhancement funding for the agency's next step compensation adjustments** for FY 2025. This includes a salary and wages adjustment of approximately 5.0 percent per employee and allows for 2.0 percent merit-based increases. The adjustments will be administered on an employee-by-employee basis.

The request includes **\$2.7 million SGF in enhancement funding and 25.0 FTE positions for the ethical caseloads staffing and support plan** for FY 2025. This includes 6.0 FTE positions for the capital offices (\$630,225), 10.0 FTE positions for the non-capital public defender offices (\$1,100,625), and 9.0 FTE positions for administrative operations (\$1,016,604).

The additional staffing is to address immediate caseload needs and to build the agency's capacity to effectively recruit, hire, and support future necessary staffing.

The request includes **\$475,862 SGF in enhancement funding for basic infrastructure** expenditures for FY 2025. This amount includes two parts:

- c. The request includes **\$352,500 SGF for new and additional lease space** to accommodate the agency's current staff, including some vacant positions the agency cannot fill due to insufficient office space. In total, the funding would support 47.0 FTE positions across seven separate offices. The agency estimates it will need 300 square feet per employee, with an anticipated cost of \$25 per square foot per year.
- d. The request includes an ongoing expenditure of **\$123,362 SGF for the Training Division** for attorney and non-attorney staff trainings, leadership training, continuing legal education, and an agency-wide conference, which includes assigned counsel from across the state.

The request includes **\$3.8 million SGF in enhancement funding to increase the assigned counsel hourly rate to \$140 per hour** for FY 2025. This is an increase of \$20 per hour above the current proviso of \$120 per hour added by the 2023 Legislature, and an increase of \$60 per hour above the statutory cap, which is set at \$80 per hour.

The request includes **\$112,790 SGF in enhancement funding for a salary adjustment in the Legal Services for Prisoners program** for FY 2025. According to the agency, the current 4.0 FTE positions earn approximately \$15,000 below new public defenders with no experience. Each attorney for LSP has more than 30 years of experience. This is an ongoing expenditure.

Governor's Recommendation

The **Governor** recommends expenditures of \$60.8 million, including \$60.0 million SGF, and 289.2 FTE positions for FY 2025. This is a decrease of \$10.9 million SGF, or 15.3 percent, and 25.0 FTE positions below the agency's FY 2025 request.

The recommendation includes **\$112,790 SGF in enhancement funding for a salary adjustment in the Legal Services for Prisoners program** and **\$4.0 million SGF for assigned counsel expenditures** in accordance with the fall 2023 consensus caseload estimates.

The Governor does not recommend adoption of the agency's enhancement requests for recruitment and retention (\$6.7 million), next step compensation for selective salary increases and bonuses (\$1.2 million), ethical caseload and staffing (\$2.7 million), basic infrastructure (\$475,862), or assigned counsel hourly rate increase (\$3.8 million).

House Budget Committee Recommendation

The **Budget Committee** concurs with the Governor's recommendation for FY 2025, with the following adjustment:

1. Add \$3.3 million SGF to create pay parity with prosecutor offices for FY 2025. This amount is half of the agency's recruitment and retention request for \$6.7 million SGF.

House Committee Recommendation

The **Committee** concurs with the Budget Committee's recommendation for FY 2025, with the following adjustment:

2. Delete \$3.3 million SGF to not partially fund the agency's enhancement request for recruitment and retention for FY 2025 and review at omnibus.