



**Summary of Options Considered by the LJIC Subcommittee**  
Entitlement Share Reductions Related to Statewide Public Defender System  
As Required by SB 146 of the 2007 Legislative Session

Senate Bill 146 from the 2005 legislative session provided for a statewide public defender system, an audit of public defender costs in the six largest counties, and preparation of legislation for consideration in the 2007 legislative session regarding adjustments to the entitlement share reduction contained in SB 146.

On August 7, 2006, a subcommittee of the Law and Justice Interim Committee (LJIC) met to consider information and various options for adjustment of the entitlement share reduction as required by SB 146. The subcommittee considered various materials including historical information, information in the audit report, information provided by the counties impacted by this requirement, and other information related to the topic. This subcommittee discussed several options for determination of the dollar amount reductions in the entitlement share payments for these six counties to fund the statewide public defender system. Among the options discussed were:

- A proposal submitted by the Governor’s Office of Budget and Program Planning (OBPP) to combine the audited information for FY 2001 district court costs and FY 2004 justice court costs as illustrated in the spreadsheet below

Entitlement Share Adjustments - Public Defender Act*					
Summary of August 2006 Amounts Recommended by OBPP*					
County	SB 146 Amount	Paid by County		FY 01 and FY 04 Combined OBPP Recommended	Difference
		FY 2001 District Ct.	FY 2004 Justice Ct.		
Cascade	\$157,151	\$121,812	\$6,175	\$127,987	\$29,164
Flathead	33,655	8,182	31,572	39,754	(6,099)
Gallatin	222,029	46,411	21,711	68,122	153,907
Lewis and Clark	247,886	(13,635)	94,333	80,698	167,188
Missoula	172,600	216,570	147,647	364,217	(191,617)
Yellowstone	266,644	196,094	94,046	290,140	(23,496)
<b>Total</b>	<b>\$1,099,965</b>	<b>\$575,434</b>	<b>\$395,484</b>	<b>\$970,918</b>	<b>\$129,047</b>

\*SB 146 of the 2005 legislative session  
\*Governor's Office of Budget and Program Planning

- Use of FY 2004 audited unreimbursed costs plus an “aspirin” factor (fee to recognize that the state is assuming administration of a program that causes some folks headaches) allocated among the six counties based upon each counties percentage of the total
- Use of a calculation based upon the county population times \$2
- Use of a calculation based upon the sum of each county’s costs for FY 1999 through 2004 allocated based upon the counties percentage of the total times \$1 million
- Use of a calculation based upon the sum of each county’s unreimbursed costs for FY 1999 through 2004 allocated based upon the counties percentage of the total
- Use of an amount submitted by each county as the amount they were comfortable authorizing

- Use of a calculation proposed by Scott Turner of Yellowstone County that combined FY 2004 audit information for unreimbursed costs, a fee of \$2 times the county population, and the county's desired target amount to arrive at an entitlement share reduction of \$990,000 allocated among the counties as follows:
  - \$100,000 – Cascade
  - \$100,000 – Flathead
  - \$160,000 – Gallatin
  - \$160,000 – Lewis and Clark
  - \$200,000 – Missoula
  - \$270,000 – Yellowstone

The subcommittee unanimously adopted the calculation outlined in the last bullet above and requested that a bill reflecting their decision be drafted and forwarded to the full committee.