

## **SUBCOMMITTEE RECOMMENDATION**

### **Item 6: Public Defense Services Commission HB 5030 (2021) - Reorganization/Financial Update**

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To: Emergency Board Full Committee  
From: General Government Subcommittee  
Carrier: Senator Wagner

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The General Government Subcommittee recommends that the Emergency Board acknowledge receipt of the report on the reorganization of the Public Defense Services Commission, as directed by the Legislature in 2021, with the instruction that the Public Defense Services Commission submit a comprehensive plan to address the issues facing by the agency to the Emergency Board in December of 2022, as well as comply with the direction of budget note to the agency under HB 5030 (2021).

PDSC's report included an updated financial forecast and contract summary, but did not include many of the reporting elements directed by the budget note. In addition, a comprehensive plan to address the issues facing by the agency requested by the General Government Subcommittee in June of 2022 was not provided. PDSC has been consumed with the unrepresented defendant crisis and completing the Fiscal Year 2023 provider contract cycle. These immediate challenges, as well as turnover in the agency's Executive Director, have contributed to delays in PDSC's restructuring and modernization efforts.

PDSC reports General savings of \$15.5 million, of which \$4 million is from the \$12.8 million the Legislature appropriated in the 2022 session for the unrepresented defendant crisis. The Commission has pre-authorized the expenditure of over \$9.5 million in forecasted General Fund savings for three alternative initiatives to address the unrepresented defendant crisis, which the Commission has stated can be absorbed without the need for supplemental funding and is developing another plan to spend the \$4 million in savings from the original unrepresented defendant plan. PDSC currently is reporting two Other Funds revenue shortfalls as well as deficit spending in two appropriations. PDSC's report was not accompanied with a rebalance plan, which would be necessary to accommodate the Commission's spending plan.

The Subcommittee recommends approval.