

Department 188 - Commission on Legal Counsel for Indigents
Senate Bill No. 2022

Dalrymple Executive Budget Comparison to Prior Biennium Appropriations

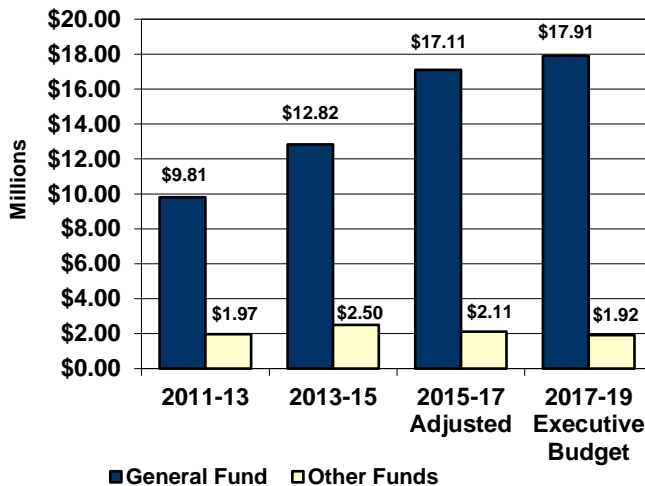
	FTE Positions	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	40.00	\$17,907,588	\$1,920,715	\$19,828,303
2015-17 Adjusted Legislative Appropriations ¹	40.00	17,105,184	2,106,914	19,212,098
Increase (Decrease)	0.00	\$802,404	(\$186,199)	\$616,205

¹The 2015-17 biennium agency appropriation amounts reflect general fund budget reductions made in August 2016.

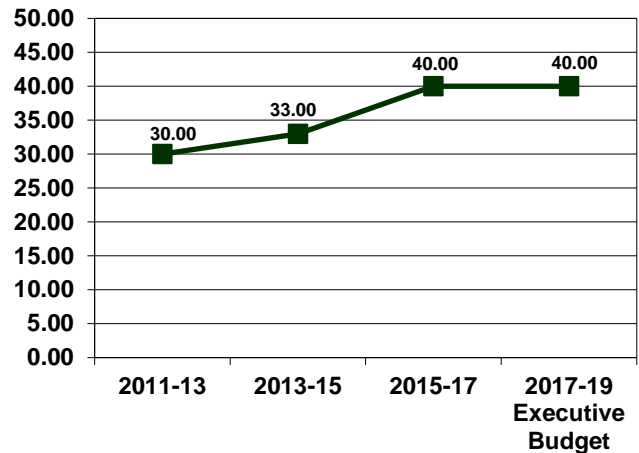
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 Dalrymple Executive Budget	\$17,907,588	\$0	\$17,907,588
2015-17 Adjusted Legislative Appropriations	16,982,909	122,275	17,105,184
Increase (Decrease)	\$924,679	(\$122,275)	\$802,404

Agency Funding



FTE Positions



Dalrymple Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2017-19 Dalrymple Executive Budget	\$17,907,588	\$1,920,715	\$19,828,303
2017-19 Base Level	16,982,909	1,906,914	18,889,823
Increase (Decrease)	\$924,679	\$13,801	\$938,480

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

Dalrymple and Burgum Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$30,989 is for salary increases and \$123,982 is for health insurance increases. (The Burgum budget removed funding for salary increases and provided for employees to pay for a portion of health insurance.) The Senate removed funding for the salary increases.	\$151,219	\$3,752	\$154,971
2. Base payroll changes	\$257,833	\$10,049	\$267,882
3. Increases funding for operating expenses	\$130,919	\$0	\$130,919
4. Increases funding for professional fees due to increased caseloads to provide a total of \$10,112,208. The Senate increased funding for professional fees by an additional \$115,292 to provide a total of \$10,227,500.	\$384,708	\$0	\$384,708

Continuing Appropriations

Indigent defense administration fund - North Dakota Century Code Sections 29-07-01.1 and 29-26-22 - Funding is from a \$35 nonrefundable fee for court-appointed defense services and from a \$100 court administration fee in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and additional amounts are deposited equally into the two funds.

Deficiency Appropriation

House Bill No. 1024 - Includes a deficiency appropriation of \$859,000 of loan proceeds from the Bank of North Dakota for the estimated costs of providing counsel for cases filed against pipeline protesters.

Significant Audit Findings

There are no significant audit findings for this agency.

Major Related Legislation

House Bill No. 1293 - This bill provides for a \$250 fine for trespass violations. In the majority of cases, this fee would replace other fines, including a \$100 court administration fee, which is allocated between the indigent defense administration fund and the court facilities improvement and maintenance fund.

Senate Bill No. 2121 - This bill provides changes to court fees for all criminal cases except infractions when there is a plea or finding of guilt. Of these fee amounts, 20 percent must be deposited in the indigent defense administration fund. This bill would affect the current continuing appropriation for the indigent defense administration fund.

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Base Level Funding Changes

	Burgum Executive Budget Recommendation (Changes to Dalrymple Budget in Bold)				Senate Version			
	FTE Position	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total
2017-19 Biennium Base Level	40.00	\$16,982,909	\$1,906,914	\$18,889,823	40.00	\$16,982,909	\$1,906,914	\$18,889,823
2017-19 Ongoing Funding Changes								
Base payroll changes		\$257,833	\$10,049	\$267,882		\$257,833	\$10,049	\$267,882
Salary increase - Performance				0				0
Health insurance increase		120,980	3,002	123,982		120,980	3,002	123,982
Employee portion of health insurance		(63,376)	(1,573)	(64,949)				0
Increases funding for operating expenses		130,919		130,919		130,919		130,919
Increases funding for professional fees due to increased caseloads		384,708		384,708		500,000		500,000
Total ongoing funding changes	0.00	\$831,064	\$11,478	\$842,542	0.00	\$1,009,732	\$13,051	\$1,022,783
One-time funding items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$831,064	\$11,478	\$842,542	0.00	\$1,009,732	\$13,051	\$1,022,783
2017-19 Total Funding	40.00	\$17,813,973	\$1,918,392	\$19,732,365	40.00	\$17,992,641	\$1,919,965	\$19,912,606

Other Sections in Commission on Legal Counsel for Indigents - Budget No. 188

**Burgum Executive Budget Recommendation
(Changes to Dalrymple Budget in Bold)**

No other sections included in the executive budget recommendation.

Senate Version

No other sections included in the Senate version.

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Appropriations Comparisons to the Original and Adjusted Base Budgets

General Fund Appropriations Adjustments (As a result of the August 2016 General Fund Budget Reductions)

	Ongoing	One-Time	Total
2015-17 original general fund appropriations	\$18,181,828	\$122,275	\$18,304,103
General fund reductions	(1,198,919)	0	(1,198,919)
Adjusted 2015-17 appropriations	\$16,982,909	\$122,275	\$17,105,184
Dalrymple Executive Budget changes	924,679	(122,275)	802,404
2017-19 Dalrymple Executive Budget	\$17,907,588	\$0	\$17,907,588

Summary of August 2016 General Fund Budget Reductions

	Ongoing	One-Time	Total
Reduced operating expenses	(\$198,919)	\$0	(\$198,919)
Reduced operating expenses for professional fees	(1,000,000)		(1,000,000)
Total reductions	(\$1,198,919)	\$0	(\$1,198,919)
Percentage reduction to ongoing and one-time general fund appropriations	6.59%	0.00%	6.55%

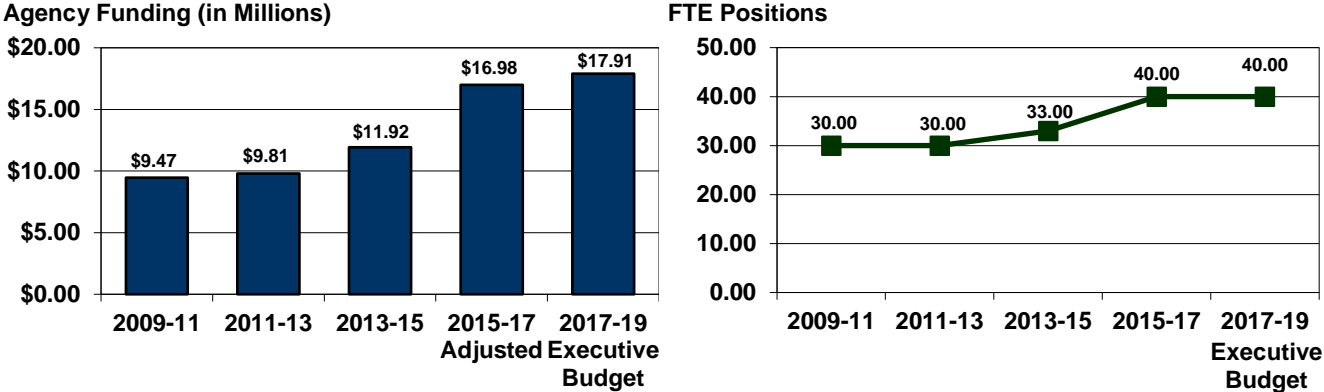
2017-19 Dalrymple Executive Budget Changes to the Original and Adjusted Base Budgets

	Changes to Original Budget	Budget Reduction Adjustments	Changes to Adjusted Budget
Adds funding for recommended salary and benefit increases	\$151,219	\$0	\$151,219
Base payroll changes	257,833	0	257,833
Adjusts funding for operating expenses	(68,000)	198,919	130,919
Adjusts funding for professional fees due to increased caseloads	(615,292)	1,000,000	384,708
Total	(\$274,240)	\$1,198,919	\$924,679

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Historical Appropriations Information

Ongoing General Fund Appropriations Since 2009-11



Ongoing General Fund Appropriations					
	2009-11	2011-13	2013-15	2015-17 Adjusted	2017-19 Dalrymple Executive Budget
Ongoing general fund appropriations	\$9,470,148	\$9,808,430	\$11,923,410	\$16,982,909	\$17,907,588
Increase (decrease) from previous biennium	N/A	338,282	2,114,980	5,059,499	924,679
Percentage increase (decrease) from previous biennium	N/A	3.6%	21.6%	42.4%	5.4%
Cumulative percentage increase (decrease) from 2009-11 biennium	N/A	3.6%	25.9%	79.3%	89.1%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2011-13 Biennium

- 1. No major changes identified

2013-15 Biennium

- 1. Added funding for 1 FTE attorney position \$196,639
- 2. Added funding for 2 FTE legal assistant positions--one in Dickinson and one in Williston \$235,486
- 3. Provided additional funding for contract attorneys \$1,100,000

2015-17 Biennium

- 1. Added funding for 1 FTE attorney position and 1 FTE administrative position and related operating expenses to establish a Watford City office \$539,555
- 2. Added funding to convert 5 temporary employees to FTE positions \$720,794
- 3. Added funding for increased costs of legal fees, contract fees, case-specific fees, and other costs related to increased caseloads \$4,200,000

2017-19 Biennium (Dalrymple and Burgum Executive Budget Recommendations)

- 1. Increases funding for operating expenses \$130,919
- 2. Increases funding for professional fees due to increased caseloads. **The Senate increased funding for professional fees by an additional \$115,292.** \$384,708