

**Department 188 - Commission on Legal Counsel for Indigents
House Bill No. 1022**

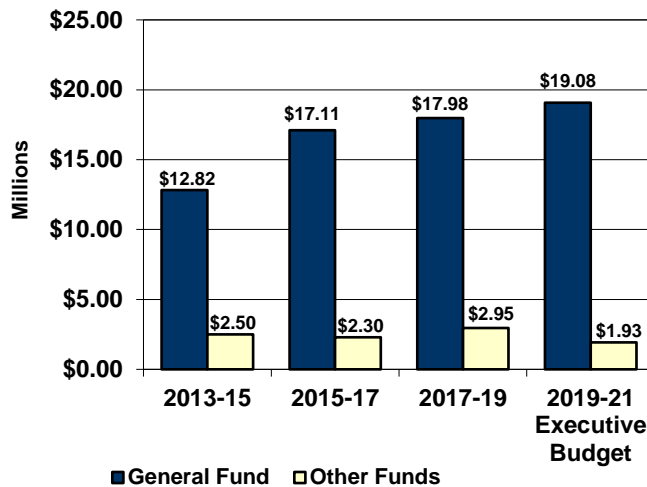
Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2019-21 Executive Budget	40.00	\$19,077,599	\$1,933,660	\$21,011,259
2017-19 Legislative Appropriations	40.00	17,983,876	2,946,747	20,930,623
Increase (Decrease)	0.00	\$1,093,723	(\$1,013,087)	\$80,636

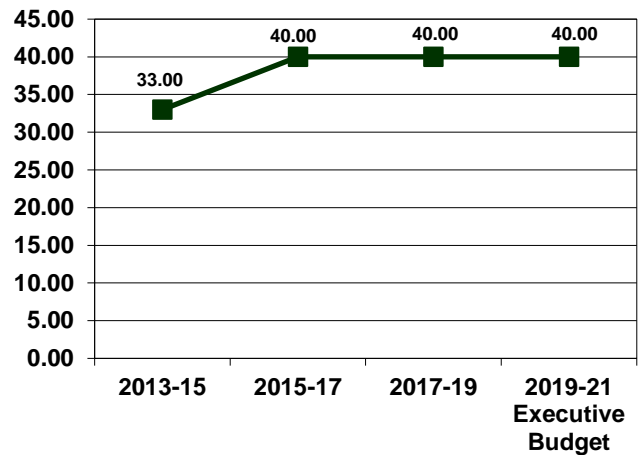
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 Executive Budget	\$19,077,599	\$0	\$19,077,599
2017-19 Legislative Appropriations	17,983,876	0	17,983,876
Increase (Decrease)	\$1,093,723	\$0	\$1,093,723

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2019-21 Executive Budget	\$19,077,599	\$1,933,660	\$21,011,259
2019-21 Base Level	17,983,876	1,919,747	19,903,623
Increase (Decrease)	\$1,093,723	\$13,913	\$1,107,636

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

First House Action

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

**Executive Budget Highlights
(With First House Changes in Bold)**

	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which \$310,914 is for salary increases, \$154,680 is for health insurance increases, and \$40,534 is for retirement contribution increases. The House added funding for salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month. The House did not add funding for retirement contribution increases.	\$492,216	\$13,912	\$506,128
2. Adds funding for professional service fees to increase the hourly rate paid to contracted attorneys from \$75 per hour to \$80 per	\$600,000	\$0	\$600,000

hour, providing a total of \$10,922,178 for professional service fees. **The House did not add funding for professional service fees.**

3. Adds funding for Microsoft Office 365 licensing expenses	\$1,508	\$0	\$1,508
---	---------	-----	---------

Other Sections in House Bill No. 1022

There are no other sections for this agency.

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

There are no deficiency appropriations for this agency.

Significant Audit Findings

The operational audit for the Commission on Legal Counsel for Indigents conducted by the State Auditor's office for the period ending June 30, 2017, identified no significant audit findings.

Major Related Legislation

House Bill No. 1069 - Provides for any file, record, or information regarding representation of a party by the Commission on Legal Counsel for Indigents and considered subject to attorney-client privilege can be disclosed to the party being provided presentation, to the attorney providing representation, and to the newly assigned counsel with consent of the represented party.

House Bill No. 1070 - Requires witness fees, mileage, and other travel expenses incurred by fact witnesses subpoenaed by indigent defense attorneys for juvenile court proceedings be paid by the Commission on Legal Counsel for Indigents rather than the Attorney General.

Senate Bill No. 2074 - Adds the Commission on Legal Counsel for Indigents to the list of state agencies not required to destroy juvenile court records, files, and index references.

Commission on Legal Counsel for Indigents - Budget No. 188
House Bill No. 1022
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Position	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total
2019-21 Biennium Base Level	40.00	\$17,983,876	\$1,919,747	\$19,903,623	40.00	\$17,983,876	\$1,919,747	\$19,903,623
2019-21 Ongoing Funding Changes								
Base payroll changes		(\$1)	\$1	\$0		(\$1)	\$1	\$0
Salary increase		302,368	8,546	310,914		180,931	5,371	186,302
Health insurance increase		150,428	4,252	154,680		178,181	4,462	182,643
Retirement contribution increase		39,420	1,114	40,534				0
Adds funding for professional service fees for contracted attorneys		600,000		600,000				0
Adds funding for Microsoft Office 365 licensing expenses		1,508		1,508		1,508		1,508
Total ongoing funding changes	0.00	\$1,093,723	\$13,913	\$1,107,636	0.00	\$360,619	\$9,834	\$370,453
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	\$1,093,723	\$13,913	\$1,107,636	0.00	\$360,619	\$9,834	\$370,453
2019-21 Total Funding	40.00	\$19,077,599	\$1,933,660	\$21,011,259	40.00	\$18,344,495	\$1,929,581	\$20,274,076

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

	Executive Budget Recommendation				House Version			
--	---------------------------------	--	--	--	---------------	--	--	--

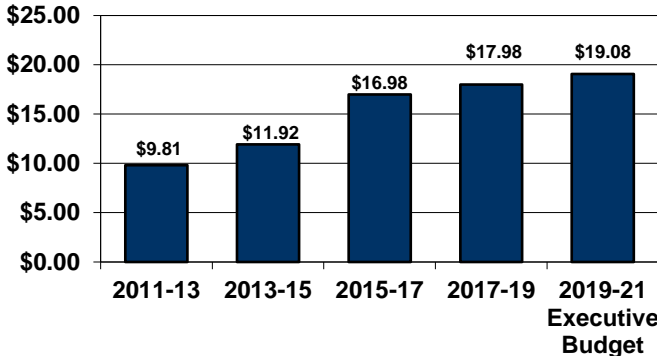
There are no other sections for this agency.

Department 188 - Commission on Legal Counsel for Indigents

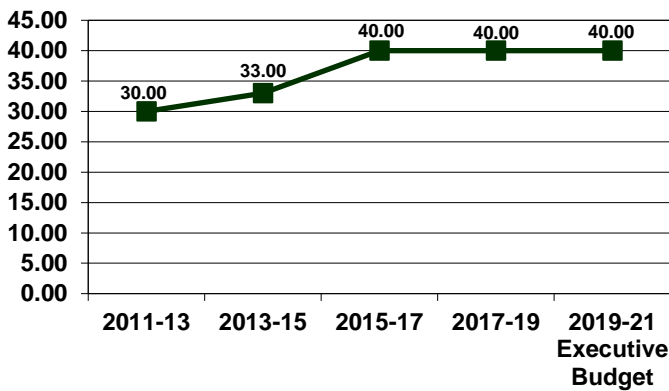
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2011-13

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2011-13	2013-15	2015-17	2017-19	2019-21 Executive Budget
Ongoing general fund appropriations	\$9,808,430	\$11,923,410	\$16,982,909	\$17,983,876	\$19,077,599
Increase (decrease) from previous biennium	N/A	\$2,114,980	\$5,059,499	\$1,000,967	\$1,093,723
Percentage increase (decrease) from previous biennium	N/A	21.6%	42.4%	5.9%	6.1%
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	21.6%	73.1%	83.4%	94.5%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2013-15 Biennium

- 1. Added funding for 1 FTE attorney position \$196,639
- 2. Added funding for 2 FTE legal assistant positions--1 in Dickinson and 1 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

- 1. Increased funding for operating expenses \$130,919
- 2. Increased funding for professional fees due to increased caseloads to provide a total of \$10,227,500 for professional fees \$500,000

2019-21 Biennium (Executive Budget Recommendation)

- 1. Adds funding for professional service fees to increase the hourly rate paid to contracted attorneys from \$75 per hour to \$80 per hour, providing a total of \$10,922,178 for professional service fees. \$600,000
The House did not add funding for professional service fees.

**GOVERNOR'S RECOMMENDATION FOR THE
COMMISSION ON LEGAL COUNSEL FOR INDIGENTS
AS SUBMITTED BY THE
OFFICE OF MANAGEMENT AND BUDGET**

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the commission on legal counsel for indigents for the purpose of defraying the expenses of the commission on legal counsel for indigents, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
Commission on legal counsel	\$19,903,623	\$1,107,636	\$21,011,259
Total all funds	\$19,903,623	\$1,107,636	\$21,011,259
Less estimated income	1,919,747	13,913	1,933,660
Total general fund	\$17,983,876	\$1,093,723	\$19,077,599
Full-time equivalent positions	40.00	0.00	40.00