

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

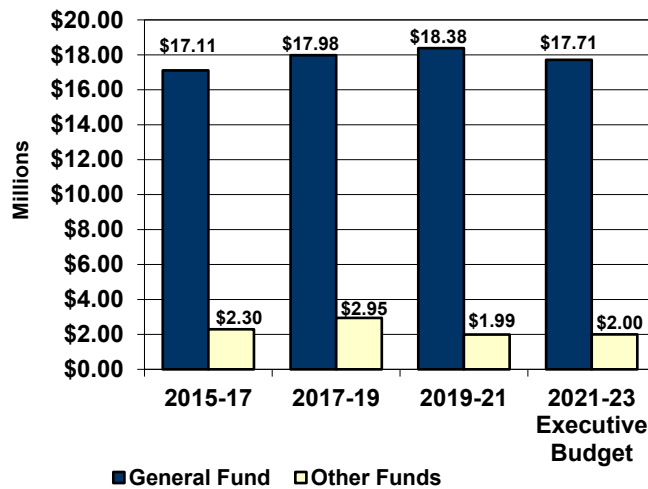
Executive Budget Comparison to Prior Biennium Appropriations

| | FTE Positions | General Fund | Other Funds | Total |
|------------------------------------|---------------|--------------|-------------|--------------|
| 2021-23 Executive Budget | 40.00 | \$17,712,805 | \$1,996,898 | \$19,709,703 |
| 2019-21 Legislative Appropriations | 40.00 | 18,384,627 | 1,990,035 | 20,374,662 |
| Increase (Decrease) | 0.00 | (\$671,822) | \$6,863 | (\$664,959) |

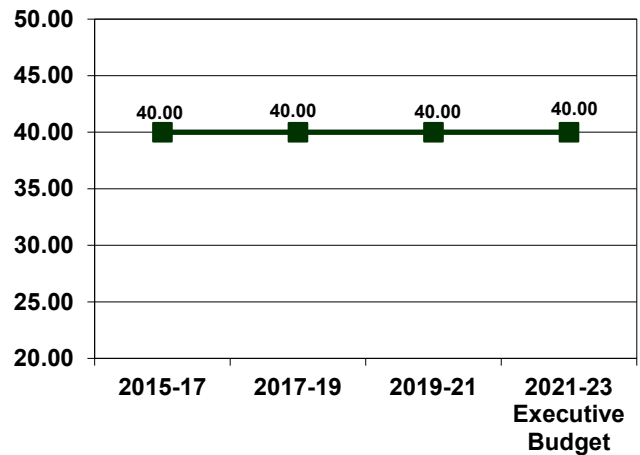
Ongoing and One-Time General Fund Appropriations

| | Ongoing General Fund Appropriation | One-Time General Fund Appropriation | Total General Fund Appropriation |
|------------------------------------|------------------------------------|-------------------------------------|----------------------------------|
| 2021-23 Executive Budget | \$17,712,805 | \$0 | \$17,712,805 |
| 2019-21 Legislative Appropriations | 18,384,627 | 0 | 18,384,627 |
| Increase (Decrease) | (\$671,822) | \$0 | (\$671,822) |

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

| | General Fund | Other Funds | Total |
|--------------------------|--------------|-------------|--------------|
| 2021-23 Executive Budget | \$17,712,805 | \$1,996,898 | \$19,709,703 |
| 2021-23 Base Level | 18,384,627 | 1,990,035 | 20,374,662 |
| Increase (Decrease) | (\$671,822) | \$6,863 | (\$664,959) |

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 \$204,468 is for salary increases, \$1,997 is for health insurance increases, and \$42,090 is for retirement contribution increases. The Senate added funding for salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month. The Senate did not add funding for retirement contribution increases. | \$241,692 | \$6,863 | \$248,555 |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-----|---------------|
| 2. Reduces funding for professional service fees to provide a total of \$9,235,136. The Senate did not reduce funding for professional service fees. | (\$1,310,565) | \$0 | (\$1,310,565) |
| 3. Adds funding for Microsoft Office 365 license expenses | \$5,949 | \$0 | \$5,949 |

Other Sections in Senate Bill No. 2022

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, 2019, identified no significant audit findings.

Major Related Legislation

House Bill No. 1035 - Relating to the Uniform Juvenile Court Act, including requiring the Commission on Legal Counsel for Indigents to pay reasonable compensation for services and related expenses for counsel provided related to the care of a child. The commission is required to pay the witness fees, mileage, and travel expenses of witnesses subpoenaed by counsel employed by or contracted with the commission.

Senate Bill No. 2174 - Requires the Bureau of Criminal Investigation to provide a criminal history record check for volunteers or employees of the Commission on Legal Counsel for Indigents if requested by the commission.

Commission on Legal Counsel for Indigents - Budget No. 188
Senate Bill No. 2022
Base Level Funding Changes

| | <u>Executive Budget Recommendation</u> | | | | <u>Senate Version</u> | | | |
|------------------------------------------------------------|----------------------------------------|---------------------|--------------------|--------------|-----------------------|---------------------|--------------------|--------------|
| | <u>FTE Positions</u> | <u>General Fund</u> | <u>Other Funds</u> | <u>Total</u> | <u>FTE Positions</u> | <u>General Fund</u> | <u>Other Funds</u> | <u>Total</u> |
| 2021-23 Biennium Base Level | 40.00 | \$18,384,627 | \$1,990,035 | \$20,374,662 | 40.00 | \$18,384,627 | \$1,990,035 | \$20,374,662 |
| 2021-23 Ongoing Funding Changes | | | | | | | | |
| Base payroll changes | | \$391,102 | | \$391,102 | | \$391,102 | | \$391,102 |
| Salary increase | | 198,822 | \$5,646 | 204,468 | | 199,401 | \$5,615 | 205,016 |
| Health insurance increase | | 1,942 | 55 | 1,997 | | 1,948 | 49 | 1,997 |
| Retirement contribution increase | | 40,928 | 1,162 | 42,090 | | | | 0 |
| Reduces funding for professional service fees | | (1,310,565) | | (1,310,565) | | | | 0 |
| Adds funding for Microsoft Office 365 license expenses | | 5,949 | | 5,949 | | 5,949 | | 5,949 |
| Total ongoing funding changes | 0.00 | (\$671,822) | \$6,863 | (\$664,959) | 0.00 | \$598,400 | \$5,664 | \$604,064 |
| 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 | (\$671,822) | \$6,863 | (\$664,959) | 0.00 | \$598,400 | \$5,664 | \$604,064 |
| 2021-23 Total Funding | 40.00 | \$17,712,805 | \$1,996,898 | \$19,709,703 | 40.00 | \$18,983,027 | \$1,995,699 | \$20,978,726 |
| <i>Total ongoing changes as a percentage of base level</i> | 0.0% | (3.7%) | 0.3% | (3.3%) | 0.0% | 3.3% | 0.3% | 3.0% |
| <i>Total changes as a percentage of base level</i> | 0.0% | (3.7%) | 0.3% | (3.3%) | 0.0% | 3.3% | 0.3% | 3.0% |

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

Executive Budget Recommendation

There are no other sections for this agency.

Senate Version

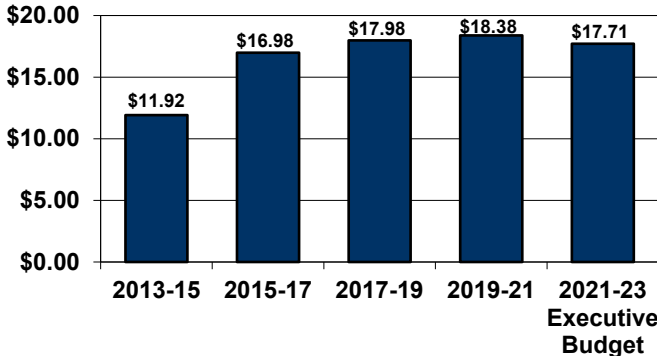
There are no other sections for this agency.

Department 188 - Commission on Legal Counsel for Indigents

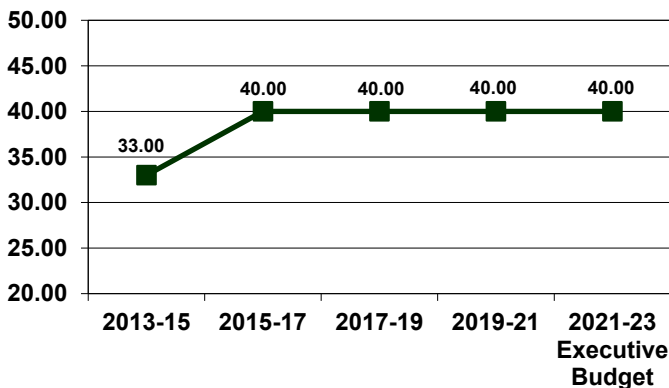
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



| Ongoing General Fund Appropriations | | | | | |
|-----------------------------------------------------------------|--------------|--------------|--------------|--------------|--------------------------|
| | 2013-15 | 2015-17 | 2017-19 | 2019-21 | 2021-23 Executive Budget |
| Ongoing general fund appropriations | \$11,923,410 | \$16,982,909 | \$17,983,876 | \$18,384,627 | \$17,712,805 |
| Increase (decrease) from previous biennium | N/A | \$5,059,499 | \$1,000,967 | \$400,751 | (\$671,822) |
| Percentage increase (decrease) from previous biennium | N/A | 42.4% | 5.9% | 2.2% | (3.7%) |
| Cumulative percentage increase (decrease) from 2013-15 biennium | N/A | 42.4% | 50.8% | 54.2% | 48.6% |

Major Increases (Decreases) in Ongoing General Fund Appropriations

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

- 1. No major changes identified

2021-23 Biennium (Executive Budget Recommendation)

- 1. Reduces funding for professional service fees to provide a total of \$9,235,136. **The Senate did not reduce funding for professional service fees.** (\$1,310,565)

**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, 2021 and ending June 30, 2023, as follows:

| | <u>Base Level</u> | Adjustments or <u>Enhancements</u> | <u>Appropriation</u> |
|--------------------------------|-------------------|---------------------------------------|----------------------|
| Commission on Legal Counsel | \$20,374,662 | (\$664,959) | \$19,709,703 |
| Total All Funds | \$20,374,662 | (\$664,959) | \$19,709,703 |
| Less Estimated Income | <u>1,990,035</u> | <u>6,863</u> | <u>1,996,898</u> |
| Total General Fund | \$18,384,627 | (\$671,822) | \$17,712,805 |
| Full-time Equivalent Positions | 40.00 | 0.00 | 40.00 |