

Fifty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2214

Introduced by

Senators Watne, Traynor, W. Stenehjem

Representatives R. Kelsch, Kretschmar, Oban

1 A BILL for an Act to amend and reenact section 54-06-20 of the North Dakota Century Code,
2 relating to the composition of the indigent civil legal services fund advisory committee and to
3 the permissible uses and limitations on funds distributed by the committee; and to provide an
4 appropriation to the indigent civil legal services fund.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 54-06-20 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-06-20. Indigent civil legal services fund - Distribution - Continuing**
9 **appropriation - Records.**

10 1. An advisory committee consisting of the lieutenant governor, the ~~attorney general~~
11 director of the office of management and budget or the ~~attorney general's~~
12 director's designee, and the state court administrator shall distribute moneys
13 deposited in the indigent civil legal services fund. Qualified legal service programs
14 may apply for moneys in the fund. The moneys in the fund must be distributed to
15 legal service programs operating in the state which provide, with funds
16 appropriated by the federal legal services corporation, legal services to persons
17 unable to afford private counsel. Allocation of funds among the programs must be
18 based on the population served by each program, the range of legal services
19 offered, alternative sources of funding, and other factors deemed relevant by the
20 advisory committee. The moneys deposited in the indigent civil legal services fund
21 in the state treasury are hereby appropriated to the advisory committee on a
22 continuing basis for the purpose of implementing and administering a program to
23 provide civil legal assistance to indigent individuals.

- 1 2. Recipients of funds distributed by the advisory committee shall comply with the
2 federal Legal Services Corporation Act [42 U.S.C. 2996 et seq.].
- 3 3. Subject to the limitations in this section, funds distributed under subsection 1 may
4 be used to provide legal services to persons unable to afford private counsel in the
5 following types of cases:
- 6 a. Public benefits, including temporary assistance to needy families,
7 unemployment compensation, general assistance, food stamps, supplemental
8 security income, or social security disability income;
- 9 b. Medical assistance;
- 10 c. Family law matters;
- 11 d. Housing;
- 12 e. Consumer issues; and
- 13 f. Elder law.
- 14 4. The advisory committee and each recipient of funds from the indigent civil legal
15 services fund shall maintain records in accord with the generally accepted
16 accounting principles. The records must account for the receipt and expenditure of
17 all funds distributed and received and must be maintained for a period of five years
18 from the close of the fiscal year in which the funds are distributed or received or
19 until audited, whichever is sooner.

20 **SECTION 2. APPROPRIATION.** There is hereby appropriated out of any moneys in
21 the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so
22 much of the sum as may be necessary, to the indigent civil legal services fund for the purposes
23 provided in section 54-06-20, for the biennium beginning July 1, 1997, and ending June 30,
24 1999. The director of the office of management and budget shall transfer the funds
25 appropriated by this Act to the indigent civil legal services fund as requested by the indigent
26 civil legal services fund advisory committee.