

**Commission on Legal Counsel for Indigents
Budget 188
House Bill Nos. 1021, 1022**

	FTE Positions	General Fund	Other Funds	Total
2015-17 legislative appropriation (original)	40.00	\$18,304,103 ¹	\$2,106,914	\$20,411,017
2013-15 legislative appropriation	<u>33.00</u>	<u>12,823,410²</u>	<u>2,497,866</u>	<u>15,321,276</u>
2015-17 appropriation increase (decrease) to 2013-15 appropriation	7.00	\$5,480,693	(\$390,952)	\$5,089,741
2015-17 general fund budget allotment (4.05 percent)	<u>0.00</u>	<u>(\$741,316)</u>	<u>\$0</u>	<u>(\$741,316)</u>
Adjusted 2015-17 appropriation after budget allotment	40.00	\$17,562,787	\$2,106,914	\$19,669,701

¹The original legislative appropriation amount includes \$122,275 of one-time funding from the general fund. Excluding this amount, the agency's original ongoing general fund appropriation is \$18,181,828.

²The 2013-15 biennium general fund appropriations reflect a deficiency appropriation of \$700,000 made in 2015 Senate Bill No. 2023 for expenses resulting from increased caseloads. The amounts also reflect a \$200,000 transfer from the state contingencies appropriation in the Emergency Commission contingency fund line item in Section 1 of 2013 House Bill No. 1015. See the **Deficiency appropriation** section below for additional information.

Item Description

General fund budget allotment - In February 2016 the Governor ordered a 4.05 percent general fund budget allotment for state agencies.

Desktop support services - Section 7 of 2015 House Bill No. 1021 requires certain agencies, including the Commission on Legal Counsel for Indigents, to obtain desktop support services from the Information Technology Department. Section 8 the bill appropriated \$214,855 from the general fund, of which \$122,275 is considered one-time funding, for desktop support services for the Commission on Legal Counsel for Indigents.

FTE changes - The 2015 Legislative Assembly authorized the Commission on Legal Counsel for Indigents a total of 40.00 FTE positions, an increase of 7.00 FTE positions from the 2013-15 authorized level of 33.00 FTE positions. 1 attorney FTE position and 1 FTE administrative assistant position were authorized to establish a Watford City office. The other 5 FTE positions were authorized to convert 5 temporary employees to FTE positions.

Status/Result

The budget allotment reduced general fund appropriations for the Commission on Legal Counsel for Indigents by \$741,316. The commission is planning to reduce operating expenses, including reducing out-of-state training, reducing travel, and delaying office equipment replacement. In addition, the commission reduced desktop support services by \$4,952.

The commission is including \$4,952 of desktop support services as part of its general fund budget allotment. As of March 2016 the commission has spent \$10,240 on desktop support services from the Information Technology Department. Desktop support services have been implemented in three of the eight commission offices as of March 2016. The commission anticipates spending \$209,903 for the 2015-17 biennium.

Both the attorney FTE position and the administrative assistant FTE position were hired at the new Watford City office and the conversion of 5 temporary employees to FTE positions was effective July 2015.

Deficiency appropriation - In Section 1 of Senate Bill No. 2023, the Legislative Assembly provided a deficiency appropriation of \$700,000 from the general fund to the Commission on Legal Counsel for Indigents to provide for expenses resulting from increased caseloads. In Section 3 of the bill, the Legislative Assembly transferred \$200,000 from the state contingencies appropriation in the Emergency Commission contingency fund line item in Section 1 of Chapter 15 of the 2013 Session Laws to the Commission on Legal Counsel for Indigents.

Increased costs relative to increased case load - In Section 1 of 2015 House Bill No. 1022, the Legislative Assembly provided \$4.2 million from the general fund for increased costs of legal fees, contract fees, case-specific fees, and other costs related to increased caseloads. In Section 2 of the bill, the Legislative Assembly provided that \$200,000 of the agency's special funds appropriation is one-time funding from the strategic investment and improvements fund for contract service fees.

Legislative Assembly report - Section 4 of House Bill No. 1022 requires the Commission on Legal Counsel of Indigents to report to the 65th Legislative Assembly regarding the effectiveness of limits and procedure used to ensure defense services are provided only to indigent clients.

The commission spent approximately \$899,000 of deficiency appropriation funding during the 2013-15 biennium.

Through March 2016 the commission has spent \$3,452,214 for increased costs of legal fees, contract fees, case-specific fees, and other costs related to increased caseloads. The commission anticipates spending \$4.4 million for the 2015-17 biennium.

The commission has established an Indigency Standards Task Force and has held periodic meetings focusing on methods to improve policies and procedures regarding the application for counsel and the appointment of attorneys in indigent cases. The commission is preparing a report that will be presented to the 65th Legislative Assembly.