

**Department 188 - Commission on Legal Counsel for Indigents  
Senate Bill Nos. 2022 and 2082**

**Executive Budget Comparison to Prior Biennium Appropriations**

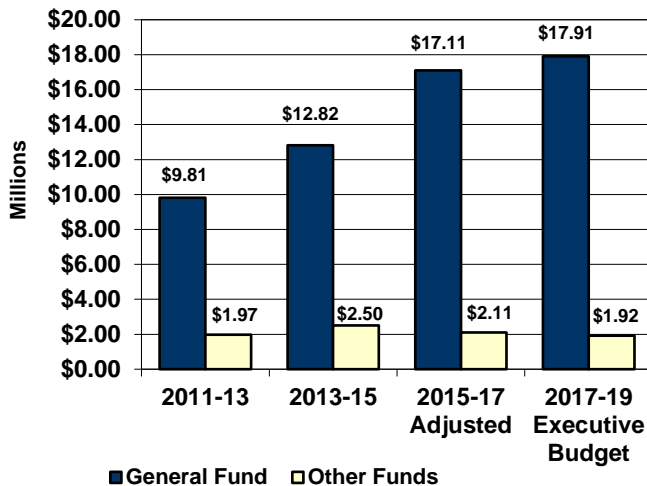
	FTE Positions	General Fund	Other Funds	Total
2017-19 Executive Budget	40.00	\$17,907,588	\$1,920,715	\$19,828,303
2015-17 Adjusted Legislative Appropriations <sup>1</sup>	40.00	17,105,184	2,106,914	19,212,098
Increase (Decrease)	0.00	\$802,404	(\$186,199)	\$616,205

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

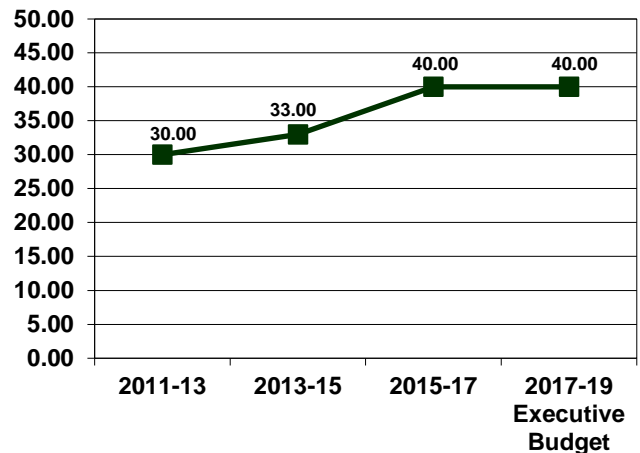
**Ongoing and One-Time General Fund Appropriations**

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 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**



**Executive Budget Comparison to Base Level**

	General Fund	Other Funds	Total
2017-19 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

**Executive Budget Highlights**

	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	\$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	\$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 \$937,000 from the strategic investment and improvements fund for the estimated costs of providing counsel for cases filed against pipeline protesters (\$670,000) and estimated costs for the fiscal impact of the passage of Marsy's Law (\$267,000).

### **Significant Audit Findings**

There are no significant audit findings for this agency.

### **Major Related Legislation**

**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.

**Commission on Legal Counsel for Indigents - Budget No. 188**  
**Senate Bill Nos. 2022 and 2082**  
**Base Level Funding Changes**

	<u>Executive Budget Recommendation</u>			
	<u>FTE Position</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
<b>2017-19 Biennium Base Level</b>	40.00	\$16,982,909	\$1,906,914	\$18,889,823
<b>2017-19 Ongoing Funding Changes</b>				
Base payroll changes		\$257,833	\$10,049	\$267,882
Salary increase		30,239	750	30,989
Health insurance increase		120,980	3,002	123,982
Increases funding for operating expenses		130,919		130,919
Increases funding for professional fees due to increased caseloads		384,708		384,708
Total ongoing funding changes	0.00	\$924,679	\$13,801	\$938,480
<b>One-time funding items</b>				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
<b>Total Changes to Base Level Funding</b>	0.00	\$924,679	\$13,801	\$938,480
<b>2017-19 Total Funding</b>	40.00	\$17,907,588	\$1,920,715	\$19,828,303

## Department 188 - Commission on Legal Counsel for Indigents

## 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
Executive Budget changes	924,679	(122,275)	802,404
2017-19 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%

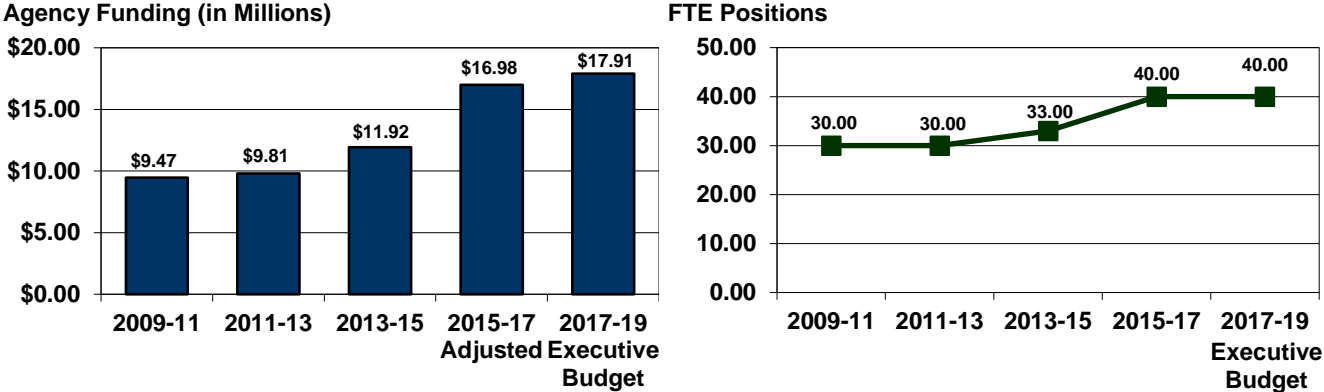
### 2017-19 Executive Budget Changes to the Original and Adjusted Base Budgets

	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

Department 188 - Commission on Legal Counsel for Indigents

# 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 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 attorney FTE position \$196,639
- 2. Added funding for 2 legal assistant FTE 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 attorney FTE position and 1 administrative FTE 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 (Executive Budget Recommendation)**

- 1. Increases funding for operating expenses \$130,919
- 2. Increases funding for professional fees due to increased caseloads \$384,708