

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

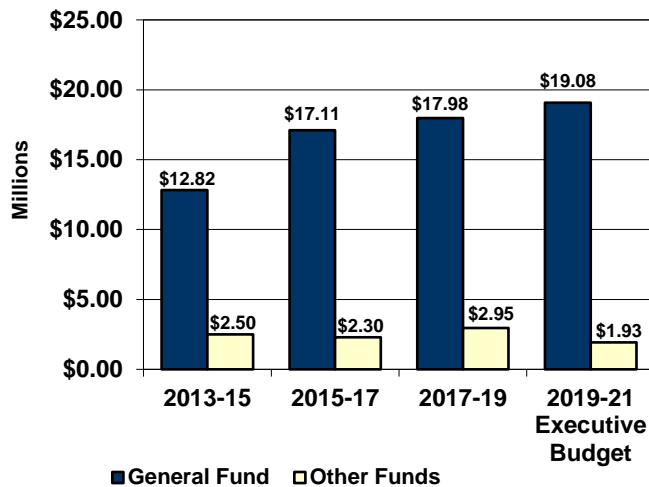
**Executive Budget Comparison to Prior Biennium Appropriations**

	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

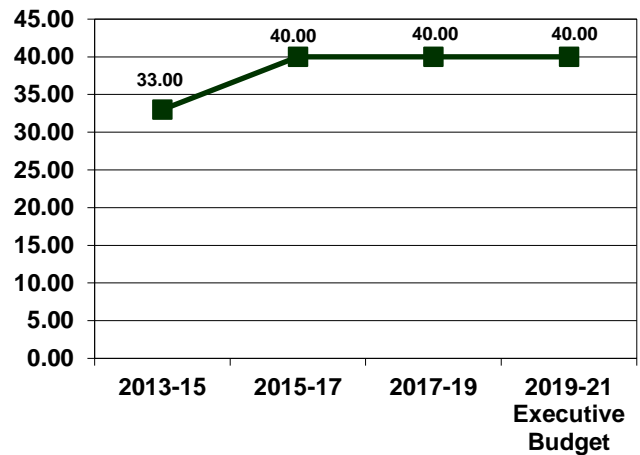
**Ongoing and One-Time General Fund Appropriations**

	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.

**Executive Budget Highlights**

	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	\$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 hour, providing a total of \$10,922,178 for professional service fees	\$600,000	\$0	\$600,000
3. Adds funding for Microsoft Office 365 licensing expenses	\$1,508	\$0	\$1,508

**Other Sections Recommended to be Added in the Executive Budget  
(As Detailed in the Attached Appendix)**

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 and to the attorney providing representation.

**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**

	<b>Executive Budget Recommendation</b>			
	<b>FTE Position</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
<b>2019-21 Biennium Base Level</b>	40.00	\$17,983,876	\$1,919,747	\$19,903,623
<b>2019-21 Ongoing Funding Changes</b>				
Base payroll changes		(\$1)	\$1	\$0
Salary increase		302,368	8,546	310,914
Health insurance increase		150,428	4,252	154,680
Retirement contribution increase		39,420	1,114	40,534
Adds funding for professional service fees for contracted attorneys		600,000		600,000
Adds funding for Microsoft Office 365 licensing expenses		1,508		1,508
<b>Total ongoing funding changes</b>	<b>0.00</b>	<b>\$1,093,723</b>	<b>\$13,913</b>	<b>\$1,107,636</b>
<b>One-time funding items</b>				
No one-time funding items				\$0
<b>Total one-time funding changes</b>	<b>0.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Total Changes to Base Level Funding</b>	<b>0.00</b>	<b>\$1,093,723</b>	<b>\$13,913</b>	<b>\$1,107,636</b>
<b>2019-21 Total Funding</b>	<b>40.00</b>	<b>\$19,077,599</b>	<b>\$1,933,660</b>	<b>\$21,011,259</b>

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

**Executive Budget Recommendation**

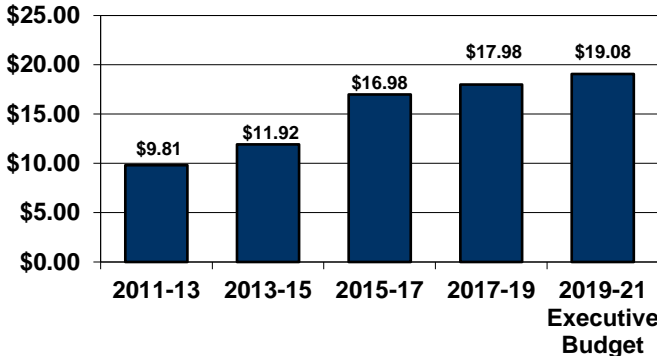
There are no other sections for this agency.

Department 188 - Commission on Legal Counsel for Indigents

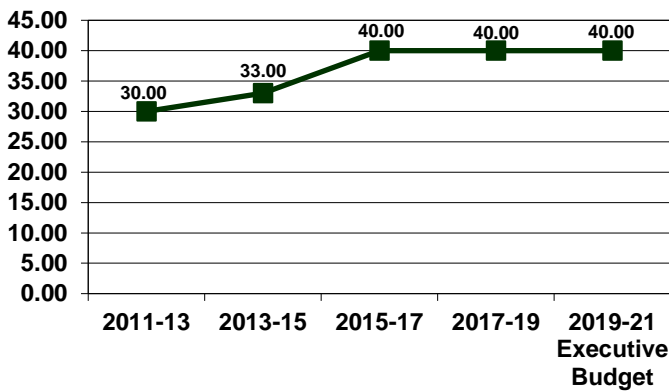
# Historical Appropriations Information

## 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

**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