

**Commission on Legal Counsel for Indigents
Budget 188
House Bill Nos. 1023, 1014**

	FTE Positions	General Fund	Other Funds	Total
2007-09 legislative appropriation	29.00	\$9,517,522	\$1,700,705	\$11,218,227
2005-07 legislative appropriation	<u>6.00</u>	<u>8,560,569¹</u>	<u>1,220,000¹</u>	<u>9,780,569¹</u>
2007-09 appropriation increase (decrease) to 2005-07 appropriation	23.00	\$956,953	\$480,705	\$1,437,658

¹The 2005-07 appropriation amounts include \$9,530,493, of which \$8,310,493 is from the general fund and \$1,220,000 is indigent defense administration funds transferred from the judicial branch and \$250,076 of general fund carryover authority.

NOTE: The 2007-09 legislative appropriation amounts include \$7,531 from the general fund for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

Item Description

FTE changes - The Legislative Assembly did not change the executive recommendation which included funding for 29 FTE positions. Senate Bill No. 2027 (2005) provided for the establishment of a Commission on Legal Counsel for Indigents for the purpose of providing indigent defense services and provided for the transition of indigent defense services from the judicial branch to the commission by December 31, 2005. A total of 6 FTE positions was identified for the establishment of the commission. During the 2005-07 biennium, an additional 13 FTE positions were added to staff new public defender offices in Minot, Williston, Dickinson, and Grand Forks for a total of 19 FTE positions. North Dakota Century Code Section 54-61-02 allows the commission to establish public defender offices in regions of the state as the commission considers necessary and appropriate. The 2007 Legislative Assembly added funding and 10 additional FTE positions for a phased-in addition of public defender offices in Bismarck and Fargo.

Bismarck and Fargo public defender offices - The 2007 Legislative Assembly appropriated \$1 million from the general fund for a phased-in addition of public defender offices in Bismarck and Fargo.

Revenue - The 2007 Legislative Assembly appropriated \$1,700,705 of special funds revenue for the 2007-09 biennium.

Status/Result

The Commission on Legal Counsel for Indigents has been administering the indigent defense services since January 2006. The agency is currently hiring staff for the defender office in Bismarck and will be hiring staff for the defender office in Fargo during the summer of 2008. The commission anticipates hiring 5 FTE positions for each office.

The Commission on Legal Counsel for Indigents anticipates the Bismarck and Fargo offices will be operational by January 1, 2009.

In addition to the general fund appropriation, the Commission on Legal Counsel for Indigents defense receives revenue from court administration fees for all criminal cases and application fees for indigent services. For the 2007-09 biennium, the commission anticipates receiving revenues totaling \$1,850,227 from court administration fees (\$1,666,338) and application fees (\$183,889).