

**Commission on Legal Counsel for Indigents
Budget No. 188
Senate Bill No. 2023**

	FTE Positions	General Fund	Other Funds	Total
2009-11 executive budget (bills as introduced)	33.00	\$9,475,383	\$2,453,493	\$11,928,876
2009-11 legislative appropriations	30.00	9,470,148	1,950,217	11,420,365
Legislative increase (decrease) to executive budget	(3.00)	(\$5,235)	(\$503,276)	(\$508,511)
Legislative increase (decrease) to 2007-09 appropriations	1.00	(\$47,374)	\$249,512	\$202,138

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2007-09 legislative appropriations	\$9,517,522	\$0	\$9,517,522
2009-11 legislative appropriations	9,470,148	0	9,470,148
2009-11 legislative increase (decrease) to 2007-09 appropriations	(\$47,374)	\$0	(\$47,374)
Percentage increase (decrease) to 2007-09 appropriations	(.5%)	N/A	(.5%)
2009-11 legislative increase (decrease) to executive budget	(\$5,235)	\$0	(\$5,235)
Percentage increase (decrease) to executive budget	(.1%)	N/A	(.1%)

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Commission on Legal Counsel for Indigents is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015.

	Major Items			Total
	FTE Positions	General Fund	Other Funds	
The legislative action:				
Removed funding added in the executive budget for state employee salary equity adjustments		(\$5,235)		(\$5,235)
Removed funding for a public defender office in Devils Lake	(3.00)		(\$503,276)	(503,276)
Total	(3.00)	(\$5,235)	(\$503,276)	(\$508,511)

FTE Changes

The 2009-11 biennium appropriation includes funding for 30 FTE positions, an increase of 1 FTE position from the 2007-09 biennium authorized level of 29 FTE positions. The Legislative Assembly removed 3 FTE positions added in the executive recommendation for a public defender's office in Devils Lake. The Legislative Assembly did not change the executive recommendation to add 1 FTE finance position.

Other Sections in Bill

Contract services - Section 2 creates a new section to North Dakota Century Code Chapter 54-61 which requires the Commission on Legal Counsel for Indigents to contract for public defender services at a minimum level of 50 percent of its biennial caseload.

Related Legislation

Home rule county ordinance violations - House Bill No. 1107 addresses payment of attorney's fees for indigent persons prosecuted for home rule county ordinance violations and changes the method of determining attorney's fees for recoupment.

Indigency of children - House Bill No. 1108 provides for indigent defense for a child who is under the age of 18 and not represented by the child's parent, guardian, or custodian. The bill also provides that indigency for a child under 18 is determined by the parents' ability to pay.

Legislative Council study - Commitment of sexually dangerous individuals - House Bill No. 1497 provides for a Legislative Council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals.

Legislative Council study - Mental health commitment cases - Senate Bill No. 2370 provides for a Legislative Council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of expert examinations and the responsibility for providing legal counsel in mental health commitment cases.