

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

**First Chamber Comparison to Base Level**

	General Fund	Other Funds	Total
2023-25 First Chamber Version	\$20,877,080	\$2,014,337	\$22,891,417
2023-25 Base Level	19,294,363	1,994,850	21,289,213
Increase (Decrease)	\$1,582,717	\$19,487	\$1,602,204

**First Chamber Changes**

A summary of the first chamber's changes to the agency's base level appropriations and the executive budget is attached as an appendix.

**Selected Bill Sections Included in the First Chamber Version**

There are no additional sections in House Bill No. 1022.

**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 Appropriations**

There are no deficiency appropriations for this agency.

**Significant Audit Findings**

The State Auditor reported no significant audit findings.

**Major Related Legislation**

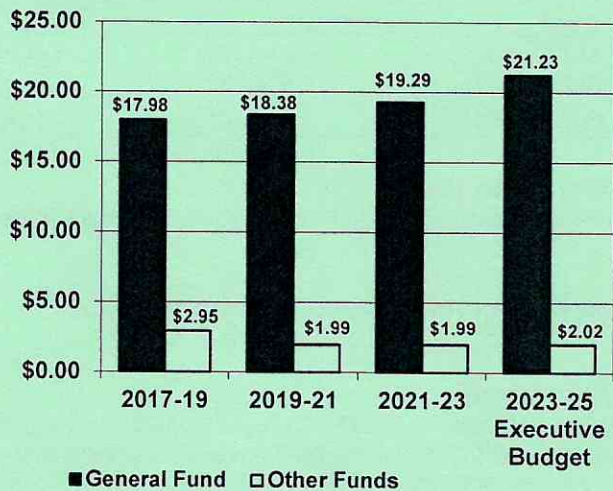
**House Bill No. 1289** - Provides for the court to waive unpaid fines and fees upon completion of a drug court program, including the court administration fee, a portion of which is deposited in the indigent defense administration fund.



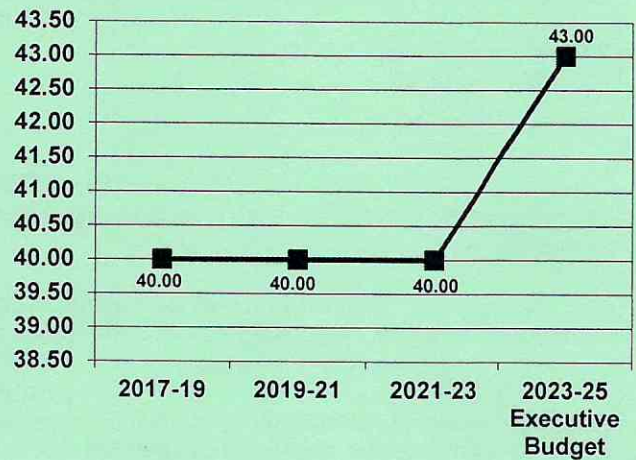
# Historical Appropriations Information

## Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



### Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$16,982,909	\$17,983,876	\$18,384,627	\$19,294,363	\$21,230,966
Increase (decrease) from previous biennium	N/A	\$1,000,967	\$400,751	\$909,736	\$1,936,603
Percentage increase (decrease) from previous biennium	N/A	5.9%	2.2%	4.9%	10.0%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	5.9%	8.3%	13.6%	25.0%

### Major Increases (Decreases) in Ongoing General Fund Appropriations

#### 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

None \$0

#### 2021-23 Biennium

Added funding to provide legal counsel to juveniles \$325,000

#### 2023-25 Biennium (Executive Budget Recommendation)

1. Adds 3 FTE investigator positions \$488,092
2. Adds funding to increase the legal fee rate from \$75 per hour to \$80 per hour \$630,453

### One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$122,275	\$0	\$0	\$0	\$0

## Major One-Time General Fund Appropriations

2017-19 Biennium

None

\$0

2019-21 Biennium

None

\$0

2021-23 Biennium

None

\$0

2023-25 Biennium (Executive Budget Recommendation)

None

\$0



**Commission on Legal Counsel for Indigents - Budget No. 188**  
**House Bill No. 1022**  
**Base Level Funding Changes**

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	40.00	\$19,294,363	\$1,994,850	\$21,289,213	40.00	\$19,294,363	\$1,994,850	\$21,289,213
<b>2023-25 Ongoing Funding Changes</b>								
Base payroll changes		\$2,209	\$1,890	\$54,099		\$52,209	\$1,890	\$54,099
Salary increase		585,569	16,472	602,041		438,445	12,335	450,780
Health insurance increase		166,724	5,144	171,868		160,273	5,262	165,535
Adds investigator positions	3.00	488,092		488,092	1.00	137,781		137,781
Adds funding to reduce employee turnover				0		150,000		150,000
Adds funding to increase the legal fee rate from \$75 per hour to \$80 per hour		630,453		630,453		630,453		630,453
Adds funding for the Information Technology Department rate increase		13,556		13,556		13,556		13,556
Consolidates line items				0				0
Total ongoing funding changes	3.00	\$1,936,603	\$23,506	\$1,960,109	1.00	\$1,582,717	\$19,487	\$1,602,204
<b>One-Time Funding Items</b>								
No one-time funding items	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total one-time funding changes	3.00	\$1,936,603	\$23,506	\$1,960,109	1.00	\$1,582,717	\$19,487	\$1,602,204
<b>Total Changes to Base Level Funding</b>								
	43.00	\$21,230,966	\$2,018,356	\$23,249,322	41.00	\$20,877,080	\$2,014,337	\$22,891,417
<b>2023-25 Total Funding</b>								
Federal funds included in other funds			\$0	\$0			\$0	\$0
Total ongoing changes as a percentage of base level	7.5%	10.0%	1.2%	9.2%	2.5%	8.2%	1.0%	7.5%
Total changes as a percentage of base level	7.5%	10.0%	1.2%	9.2%	2.5%	8.2%	1.0%	7.5%

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

	Executive Budget Recommendation				House Version			
Indigent defense administration fund								

The House version includes no additional sections.

Sections 2 and 3 would amend Sections 29-07-01.1 and 54-44.1-11 to provide for the Commission on Legal Counsel for Indigents to transfer its unspent general fund appropriation authority to the indigent defense administration fund each biennium until the balance of the fund reaches \$3 million.