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Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

January 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2022

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the commission on
2 legal counsel for indigents; and to create and enact a new subsection to section 54-44.3-20 of
3 the North Dakota Century Code, relating to categories of positions in the state service.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
6 as may be necessary, are appropriated out of any moneys in the general fund in the state
7 treasury, not otherwise appropriated, and from other funds derived from special funds and
8 federal funds, to the commission on legal counsel for indigents for the purpose of defraying the
9 expenses of the commission on legal counsel for indigents, for the biennium beginning July 1,
10 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
13 Commission on legal counsel	\$23,022,372	\$0	\$23,022,372
14 —for indigents			
15 Total all funds	\$23,022,372	\$0	\$23,022,372
16 Less other funds	2,023,067	0	2,023,067
17 Total general fund	\$20,999,305	\$0	\$20,999,305
18 Full-time equivalent positions	41.00	0.00	41.00
19 <u>Commission on legal counsel</u>	<u>\$23,022,372</u>	<u>\$2,766,753</u>	<u>\$25,789,125</u>

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1	<u>for indigents</u>			
2	<u>New and vacant FTE pool</u>	0	554,757	554,757
3	<u>Total all funds</u>	\$23,022,372	\$3,321,510	\$26,343,882
4	<u>Less other funds</u>	2,023,067	26,149	2,049,216
5	<u>Total general fund</u>	\$20,999,305	\$3,295,361	\$24,294,666
6	<u>Full-time equivalent positions</u>	41.00	2.00	43.00

7 **SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
8 commission on legal counsel for indigents may not spend funds appropriated in the new and
9 vacant FTE pool line item in section 1 of this Act, but may request the office of management and
10 budget to transfer funds from the new and vacant FTE pool line item to the commission on legal
11 counsel for indigents line item in accordance with the guidelines and reporting provisions
12 included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

13 **SECTION 3.** A new subsection to section 54-44.3-20 of the North Dakota Century Code is
14 created and enacted as follows:

15 Attorneys employed by the commission on legal counsel for indigents.

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Comm. on Legal Counsel for Indigents - Senate Action

	Base Budget	Senate Changes	Senate Version
New and vacant FTE pool Comm. on Legal Counsel for Indigents	\$23,022,372	\$554,757 2,766,753	\$554,757 25,789,125
Total all funds	\$23,022,372	\$3,321,510	\$26,343,882
Less estimated income	2,023,067	26,149	2,049,216
General fund	\$20,999,305	\$3,295,361	\$24,294,666
FTE	41.00	2.00	43.00

Department 188 - Comm. on Legal Counsel for Indigents - Detail of Senate Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Investigator FTE Positions ²	Adds Funding to Replace 2023-25 New and Vacant FTE Pool ³	Transfers Funding for 2025-27 New and Vacant FTE Pool ⁴	Adds Funding to Increase the Contract Attorney Rate ⁵	Adds Funding for IT Rate Increases ⁶
New and vacant FTE pool Comm. on Legal Counsel for Indigents	\$646,315	\$362,120	\$398,509	\$554,757 (689,048)	\$2,000,000	\$48,857
Total all funds	\$646,315	\$362,120	\$398,509			
Less estimated income	16,770	0	7,134	(\$134,291)	\$2,000,000	\$48,857
General fund	\$629,545	\$362,120	\$391,375	(\$131,650)	\$2,000,000	4,886
FTE	0.00	2.00	0.00	0.00	0.00	0.00

	Total Senate Changes
New and vacant FTE pool Comm. on Legal Counsel for Indigents	\$554,757 2,766,753
Total all funds	\$3,321,510
Less estimated income	26,149
General fund	\$3,295,361
FTE	2.00

¹ The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$377,323	\$10,765	\$388,088
Health insurance increase	252,222	6,005	258,227
Total	\$629,545	\$16,770	\$646,315

² Funding of \$362,120 is added from the general fund for 2 new FTE investigator positions.

³ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
Vacant FTE positions	\$253,594	\$7,134	\$260,728
New FTE positions	137,781	0	137,781
Total	\$391,375	\$7,134	\$398,509

⁴ Funding of \$689,048 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$554,757 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$362,120)	\$0	(\$362,120)
Vacant FTE positions	(318,126)	(8,802)	(326,928)
Total	(\$680,246)	(\$8,802)	(\$689,048)
Funding pool line item	548,596	6,161	554,757
Net savings	(\$131,650)	(\$2,641)	(\$134,291)

⁵ Funding of \$2 million from the general fund is added to increase the contract rate paid to attorneys.

⁶ Funding of \$48,857, including \$43,971 from the general fund and \$4,886 from other funds, is added for IT rate increases.

This amendment also:

- Adds a section regarding the use of funding in the new and vacant FTE pool line item.
- Adds a new subsection to Section 54-44.3-20 to exempt attorneys employed by the Commission on Legal Counsel for Indigents from the employee classification system.