

Requested by Legislative Council
02/12/2003

Bill/Resolution No.: HB 1045

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			\$390,300		\$400,000	
Appropriations			\$390,300		\$400,000	

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties (\$390,300)	Cities	School Districts	Counties (\$400,000)	Cities	School Districts

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This is the estimated costs relating to indigent defense costs for mental illness commitment proceedings, civil commitment of sexual predators, and for guardian ad litem services (including custody investigators). These costs are currently paid by the county and HB 1045 proposes moving these costs to the state.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Based on information received from county auditors, the breakdown of estimated costs for the 2003-2005 biennium is as follows:

Sexual Predator Commitment proceedings -	\$14,114
Mental Illness Commitment proceedings -	257,472
Custody Investigations -	4,884
Guardians at Litem -	113,830
Total Estimated Costs	390,300

The \$113,830 estimated cost for Guardians at Litem services is for civil cases and would be paid by the Judiciary. The \$4,884 estimated cost for Custody Investigations is also for juvenile services and would be paid by the judiciary. The costs for sexual predator commitment proceedings and mental illness commitment proceedings would be paid by the Judiciary unless HB 1044 transfers the indigent defense program to the Office of Administrative Hearings. HB 1044

would transfer the indigent defense program to the Office of Administrative Hearings as of January 1, 2004. In this case the judiciary would need to retain one-fourth of the sexual predator and mental health costs to pay from July 1, 2003 through January 1, 2004.

Summary assuming HB 1044 passes:

Office of Administrative Hearings

Sexual Predator Commitment Proceedings (3/4) - \$10,586

Mental Illness Commitment Proceedings (3/4) - \$193,104

Total - \$203,690

Judiciary

Sexual Predator Commitment Proceedings (1/4) - \$3,528

Mental Illness Commitment Proceedings (1/4) - \$64,368

Guardians at Litem - \$113,830

Custody Investigations - \$4,884

Total - \$186,610

Judiciary - \$186,610

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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Agency: Supreme Court

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