

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

Page 1, line 2, after "indigents" insert "; to amend and reenact subsection 1 of section 29-07-01.1 of the North Dakota Century Code, relating to the application fee for indigent defense services; and to provide legislative intent"

Page 1, replace lines 12 through 16 with:

"Commission on legal counsel for indigents	\$11,779,282	\$2,402,080	\$14,181,362
Accrued leave payments	<u>0</u>	<u>116,872</u>	<u>116,872</u>
Total all funds	\$11,779,282	\$2,518,952	\$14,298,234
Less special funds	<u>1,970,852</u>	<u>523,322</u>	<u>2,494,174</u>
Total general fund	\$9,808,430	\$1,995,630	\$11,804,060
Full-time equivalent positions	30.00	3.00	33.00

SECTION 2. AMENDMENT. Subsection 1 of section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Expenses necessary for the adequate defense of an indigent person prosecuted in district court, other than for a violation of a home rule county's ordinance, when approved by the commission, must be paid by the state. Expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county. Expenses necessary for the adequate defense of an indigent person prosecuted in municipal court, when approved by the judge, must be paid by the city in which the alleged offense took place. The city shall also pay the expenses in any matter transferred to district court pursuant to section 40-18-06.2 or 40-18-15.1, in any appeal taken to district court from a judgment of conviction in municipal court pursuant to section 40-18-19, and in an appeal or postconviction matter seeking relief from a conviction resulting from violation of a municipal ordinance. A defendant requesting representation by counsel at public expense, or for whom counsel provided at public expense without a request is considered appropriate by the court, shall submit an application for indigent defense services. For an application for indigent defense services in the district court, a nonrefundable application fee of ~~twenty-five~~thirty-five dollars must be paid at the time the application is submitted. The district court may extend the time for payment of the fee or may waive or reduce the fee if the court determines the defendant is financially unable to pay all or part of the fee. If the application fee is not paid before disposition of the case, the fee amount must be added to the amount to be reimbursed under this section. Application fees collected under this subsection must be forwarded for deposit in the indigent defense administration fund established under subsection 4.

SECTION 3. LEGISLATIVE INTENT - REIMBURSEMENT OF ATTORNEY FEES. It is the intent of the sixty-third legislative assembly that a defendant who has been charged with a felony and for whom counsel is provided by the commission on legal counsel for indigents pays \$575 for reimbursement of attorney fees."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Commission on Legal Counsel for Indigent - House Action

	Executive Budget	Senate Version	House Changes	House Version
Comm. on Legal Counsel for Indigents	\$14,547,802	\$14,560,287	(\$378,925)	\$14,181,362
Accrued leave payments			116,872	116,872
Total all funds	\$14,547,802	\$14,560,287	(\$262,053)	\$14,298,234
Less estimated income	2,501,677	2,502,051	(7,877)	2,494,174
General fund	\$12,046,125	\$12,058,236	(\$254,176)	\$11,804,060
FTE	33.00	33.00	0.00	33.00

Department No. 188 - Commission on Legal Counsel for Indigent - Detail of House Changes

	Adjusts State Employee Compensation and Benefits Package¹	Provides Separate Line Item for Accrued Leave Payments²	Total House Changes
Comm. on Legal Counsel for Indigents	(\$262,053)	(\$116,872)	(\$378,925)
Accrued leave payments		116,872	116,872
Total all funds	(\$262,053)	\$0	(\$262,053)
Less estimated income	(7,877)	0	(7,877)
General fund	(\$254,176)	\$0	(\$254,176)
FTE	0.00	0.00	0.00

¹This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market equity component from 2 to 4 percent per year for employees below the midpoint of their salary range up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

²A portion of salaries and wages funding from the general fund (\$113,366) and from other funds (\$3,506) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

Sections are added to amend subsection 1 of Section 29-07-01.1 to change the indigent defense application fee from \$25 to \$35 and to add legislative intent that reimbursement for indigent defense costs assessed to indigents charged with a felony be increased from \$525 to \$575.