

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

That the House recede from its amendments as printed on pages 1251-1253 of the Senate Journal and pages 1334-1336 of the House Journal and that Engrossed Senate Bill No. 2022 be amended as follows:

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	\$2,525,122	\$14,304,404
Accrued leave payments	0	116,872	116,872
Total all funds	\$11,779,282	\$2,641,994	\$14,421,276
Less special funds	<u>1,970,852</u>	<u>527,014</u>	<u>2,497,866</u>
Total general fund	\$9,808,430	\$2,114,980	\$11,923,410
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's fees."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Comm. on Legal Counsel for Indigents	\$14,547,802	\$14,560,287	(\$255,883)	\$14,304,404	\$14,181,362	\$123,042
Accrued leave payments			116,872	116,872	116,872	
Total all funds	\$14,547,802	\$14,560,287	(\$139,011)	\$14,421,276	\$14,298,234	\$123,042
Less estimated income	2,501,677	2,502,051	(4,185)	2,497,866	2,494,174	3,692
General fund	\$12,046,125	\$12,058,236	(\$134,826)	\$11,923,410	\$11,804,060	\$119,350
FTE	33.00	33.00	0.00	33.00	33.00	0.00

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

	Adjusts State Employee Compensation and Benefits Package ¹	Provides Separate Line Item for Accrued Leave Payments ²	Total Conference Committee Changes
Comm. on Legal Counsel for Indigents	(\$139,011)	(\$116,872)	(\$255,883)
Accrued leave payments		116,872	116,872
Total all funds	(\$139,011)	\$0	(\$139,011)
Less estimated income	(4,185)	0	(4,185)
General fund	(\$134,826)	\$0	(\$134,826)
FTE	0.00	0.00	0.00

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

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

² A 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, the same as the House version.

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, the same as the Senate version.