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Prepared by the Legislative Council
staff for Representative Kempenich
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Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED 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; and to~~
4 amend and reenact section 54-61-03 of the North Dakota Century Code, relating to the creation
5 of the public defenders office within the commission on legal counsel for indigents.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from other funds derived from special funds and
10 federal funds, to the commission on legal counsel for indigents for the purpose of defraying the
11 expenses of the commission on legal counsel for indigents, for the biennium beginning July 1,
12 2025, and ending June 30, 2027, as follows:

| | | Adjustments or | |
|--------------------------------|-------------------|---------------------|----------------------|
| | <u>Base Level</u> | <u>Enhancements</u> | <u>Appropriation</u> |
| 15 Commission on legal counsel | \$23,022,372 | \$2,766,753 | \$25,789,125 |
| 16 for indigents | | | |
| 17 New and vacant FTE pool | <u>0</u> | <u>554,757</u> | <u>554,757</u> |
| 18 Total all funds | \$23,022,372 | \$3,321,510 | \$26,343,882 |
| 19 Less other funds | <u>2,023,067</u> | <u>26,149</u> | <u>2,049,216</u> |

| | | | | |
|---|--------------------------------|--------------|-------------|--------------|
| 1 | Total general fund | \$20,999,305 | \$3,295,361 | \$24,294,666 |
| 2 | Full-time equivalent positions | 41.00 | 2.00 | 43.00 |

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

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

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

12 **SECTION 4. AMENDMENT.** Section 54-61-03 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-61-03. ~~Commission director~~Public defenders office - Director - Responsibilities.**

- 15 1. The public defenders office is created under the commission on legal counsel for
16 indigents. The commission shall appoint a director who must be chosen on the basis
17 of training, experience, and other qualifications considered appropriate. The director
18 must be an attorney licensed and eligible to practice law in this state at the time of
19 appointment and at all times during service as director. The director may be removed
20 for cause by a majority vote of commission members.
- 21 2. The director shall:
- 22 a. Assist the commission in developing standards for the delivery of adequate
 - 23 indigent defense services;
 - 24 b. Administer and coordinate delivery of indigent defense services and supervise
 - 25 compliance with commission standards;
 - 26 c. Recommend the establishment of public defender offices when considered
 - 27 necessary and appropriate to the delivery of adequate indigent defense services;
 - 28 d. Conduct regular training programs for contract counsel and public defenders;
 - 29 e. Subject to policies and procedures established by the commission, hire the
 - 30 professional, technical, and support personnel, including attorneys to serve as

- 1 public defenders, considered reasonably necessary for the efficient delivery of
- 2 indigent defense services;
- 3 f. Prepare and submit to the commission a proposed biennial budget for the
- 4 provision of indigent defense services; an annual report containing pertinent data
- 5 on the operation, needs, and costs of the indigent defense contract system and
- 6 any established public defender offices; and any other information as the
- 7 commission may require;
- 8 g. Submit the annual report required under subdivision f to the legislative council;
- 9 and
- 10 h. Perform other duties as the commission may assign.