

**Department 188 - Commission on Legal Counsel for Indigents
House Bill No. 1022**

Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2023-25 Executive Budget	\$21,230,966	\$2,018,356	\$23,249,322
2023-25 Base Level	19,294,363	1,994,850	21,289,213
Increase (Decrease)	\$1,936,603	\$23,506	\$1,960,109

Selected Budget Changes Recommended in the Executive Budget

	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which \$602,041 is for salary increases and \$171,868 is for health insurance increases	\$752,293	\$21,616	\$773,909
2. Adds 3 FTE investigator positions	\$488,092	\$0	\$488,092
3. Adds funding to increase the legal fee rate from \$75 per hour to \$80 per hour	\$630,453	\$0	\$630,453

A summary of the executive budget changes to the agency's base level appropriations is attached as an appendix.

A copy of the draft appropriations bill containing the executive budget recommendations is attached as an appendix.

Selected Bill Sections Recommended in the Executive Budget

Indigent defense administration fund - Sections 2 and 3 would amend North Dakota Century Code Sections 29-07-01.1 and 54-44.1-11 to provide for the Commission on Legal Counsel for Indigents to transfer its unspent general fund appropriation authority to the indigent defense administration fund each biennium until the balance of the fund reaches \$3 million.

Continuing Appropriations

Indigent defense administration fund - Sections 29-07-01.1 and 29-26-22 - Funding is from a \$35 nonrefundable fee for court-appointed defense services and from a \$100 court administration fee in all criminal cases except infractions. The first \$750,000 collected is used for indigent defense services, the next \$460,000 is used for court facilities, and additional amounts are deposited equally into the two funds.

Deficiency Appropriations

There are no deficiency appropriations for this agency.

Significant Audit Findings

The State Auditor reported no significant audit findings.

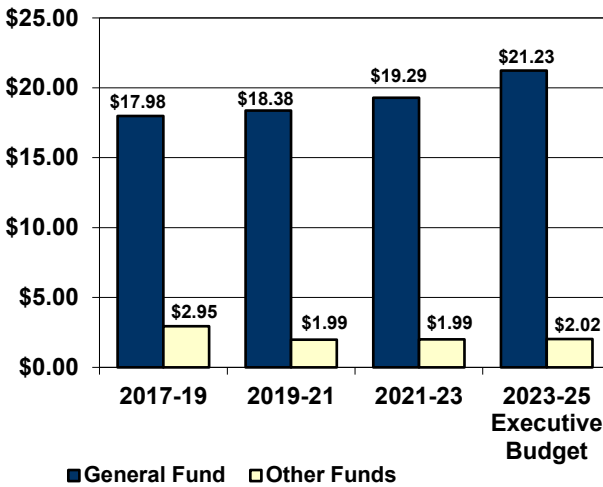
Major Related Legislation

At this time, no major related legislation affecting this agency has been introduced.

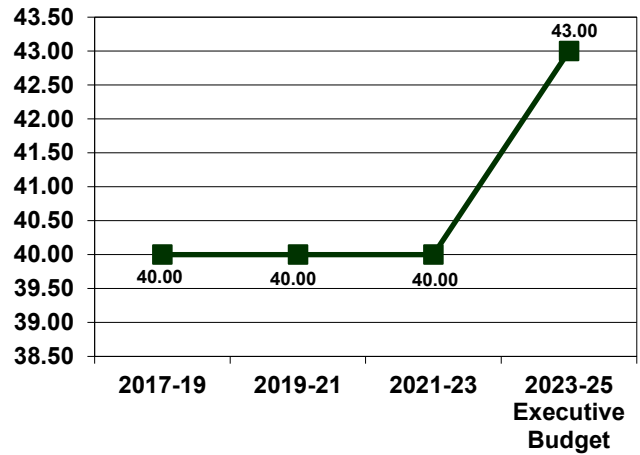
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
Ongoing general fund appropriations	\$16,982,909	\$17,983,876	\$18,384,627	\$19,294,363	\$21,230,966
Increase (decrease) from previous biennium	N/A	\$1,000,967	\$400,751	\$909,736	\$1,936,603
Percentage increase (decrease) from previous biennium	N/A	5.9%	2.2%	4.9%	10.0%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	5.9%	8.3%	13.6%	25.0%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Increased funding for operating expenses \$130,919
2. Increased funding for professional fees due to increased caseloads to provide a total of \$10,227,500 for professional fees \$500,000

2019-21 Biennium

None \$0

2021-23 Biennium

1. Added funding to provide legal counsel to juveniles \$325,000

2023-25 Biennium (Executive Budget Recommendation)

1. Adds 3 FTE investigator positions \$488,092
2. Adds funding to increase the legal fee rate from \$75 per hour to \$80 per hour \$630,453

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25 Executive Budget
One-time general fund appropriations	\$122,275	\$0	\$0	\$0	\$0

Major One-Time General Fund Appropriations

2017-19 Biennium	
None	\$0
2019-21 Biennium	
None	\$0
2021-23 Biennium	
None	\$0
2023-25 Biennium (Executive Budget Recommendation)	
None	\$0

Commission on Legal Counsel for Indigents - Budget No. 188
House Bill No. 1022
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2023-25 Biennium Base Level	40.00	\$19,294,363	\$1,994,850	\$21,289,213
2023-25 Ongoing Funding Changes				
Base payroll changes		\$52,209	\$1,890	\$54,099
Salary increase		585,569	16,472	602,041
Health insurance increase		166,724	5,144	171,868
Adds 3 FTE investigator positions	3.00	488,092		488,092
Adds funding to increase the legal fee rate from \$75 per hour to \$80 per hour		630,453		630,453
Adds funding for the ITD rate increase		13,556		13,556
Consolidates line items				0
Total ongoing funding changes	3.00	\$1,936,603	\$23,506	\$1,960,109
One-time funding items				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	3.00	\$1,936,603	\$23,506	\$1,960,109
2023-25 Total Funding	43.00	\$21,230,966	\$2,018,356	\$23,249,322
<i>Federal funds included in other funds</i>			\$0	
<i>Total ongoing changes as a percentage of base level</i>	7.5%	10.0%	1.2%	9.2%
<i>Total changes as a percentage of base level</i>	7.5%	10.0%	1.2%	9.2%

Other Sections in Commission on Legal Counsel for Indigents - Budget No. 188

	Executive Budget Recommendation
Indigent defense administration fund	Sections 2 and 3 would amend Sections 29-07-01.1 and 54-44.1-11 to provide for the Commission on Legal Counsel for Indigents to transfer its unspent general fund appropriation authority to the indigent defense administration fund each biennium until the balance of the fund reaches \$3 million.

**HOUSE BILL NO. 1022
(Governor's Recommendation)**

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents and to amend and reenact sections 29-07-01.1 and 54-44.1-11 of North Dakota Century Code.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the commission on legal counsel for indigents for the purpose of defraying the expenses of the commission on legal counsel for indigents, for the biennium beginning July 1, 2023 and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Commission on Legal Counsel	<u>\$21,289,213</u>	<u>\$1,960,109</u>	<u>\$23,249,322</u>
Total All Funds	\$21,289,213	\$1,960,109	\$23,249,322
Less Estimated Income	<u>1,994,850</u>	<u>23,506</u>	<u>2,018,356</u>
Total General Fund	\$19,294,363	\$1,936,603	\$21,230,966
Full-time Equivalent Positions	40.00	3.00	43.00

SECTION 2. AMENDMENT. Subsection 4 of section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The indigent defense administration fund is a special fund in the state treasury. The state treasurer shall deposit in the fund all application fees collected under subsection 1 and any unspent general fund appropriation pursuant to section 54-44.1-11. All money in the indigent defense administration fund are appropriated on a continuing basis to the commission on legal counsel for indigents to be used in the administration of the indigent defense system. If the balance of the fund on July 31 of any odd numbered year is over \$3,000,000, the excess amount is to be transferred to the general fund.

SECTION 3. AMENDMENT. Section 54-44.1-11 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-11. Office of management and budget to cancel unexpended appropriations - When they may continue. (Effective through July 31, 2023-2025)

Except as otherwise provided by law, the office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society and legal counsel for indigent defense are not subject to this section and the state historical society and the legal counsel for indigent defense shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. Unexpended appropriations for the North Dakota university system are not subject to this section and the North Dakota university system shall report on the amounts and uses of funds carried over from one biennium to the next to subsequent appropriations committees of the legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget

may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.
5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.

Office of management and budget to cancel unexpended appropriations - When they may continue. (Effective after July 31, 2023-2025) The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society and legal counsel for indigent defense are not subject to this section and the state historical society and the legal counsel for indigent defense shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.
5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.