

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/26/2009

Bill/Resolution No.: SB 2370

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.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>			\$1,843,224		\$2,027,546	
<b>Appropriations</b>			\$1,843,224		\$2,027,546	

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

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$595,908			(\$667,326)			(\$734,059)		

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Shifts responsibility of indigent defense in civil mental health commitments to commission on legal counsel for indigents instead of the county, where responsibility now lies.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill, in toto, has fiscal impact on the commission on legal counsel for indigents. All attorney fees, case costs, independent evaluations would be responsibility of the commission, as well as associated costs of commission on legal counsel for indigents assuming the duties now performed by 53 clerks and court administrators in finding attorneys, contracting with them, making assignments, and paying all bills associated with the cases. There are approximately 1300 civil commitment case filings per year. Defense providers are usually paid \$75.00 an hour by the counties.

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.*

According to stats provided by the Supreme Court, counties spent \$333,663.00 in indigent defense costs in 2008. (some counties did not report, although their numbers may be inconsequential). We prognosticate spending \$667,326 in 2009-2011, and have added in a 15% increase for extraordinary expenses, for a total of \$767,424. Further, we anticipate expenses of \$295,800 for staffing needs and costs to our agency associated with this responsibility. We are asking for an equity increase for our criminal/juvenile defenders who are currently paid \$65.00 an hour, said increase in the amount of \$780,000 a biennium. Total biennial expenditure is \$1,843,224.00.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

*continuing appropriation.*

Our agency budget (SB 2023) does not include funding for these expenditures would therefore need an appropriation. Because we have general fund money, and special fund dollars emanating from criminal cases which are used for criminal indigent defense in our current budget, we would need a separate appropriation and budget for civil matters. We would need a deputy director to oversee all the attorneys in these civil matters and one administrative support person.

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