

**Commission on Legal Counsel for Indigents
Budget 188
Senate Bill No. 2022**

	FTE Positions	General Fund	Other Funds	Total
2013-15 legislative appropriation	33.00	\$11,923,410	\$2,497,866	\$14,421,276
2011-13 legislative appropriation	<u>30.00</u>	<u>9,808,430</u>	<u>1,970,852</u>	<u>11,779,282</u>
2013-15 appropriation increase (decrease) to 2011-13 appropriation	3.00	\$2,114,980	\$527,014	\$2,641,994

Item Description

FTE changes - The Legislative Assembly did not change the executive recommendation which included funding for 33 FTE positions, an increase of 3 FTE positions from the 2011-13 biennium level of 30 FTE positions. The new FTE positions include one attorney and two administrative assistants.

Accrued leave payments - In Section 1 of Senate Bill No. 2022, the Legislative Assembly identified \$116,872 for accrued leave payments from the general fund (\$113,366) and from other funds (\$3,506).

Reimbursement of attorney's fees - Section 3 of Senate Bill No. 2022 provides legislative intent 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.

Status/Result

The 3 FTE positions for one attorney and two administrative assistants have been filled. In addition, the Commission on Legal Counsel for Indigents has had to increase the number of private attorneys contracted with due to the increase in caseload. Private attorney's fees have increased from \$2,812,135 in fiscal year 2012 to \$3,360,620 in fiscal year 2013. The agency estimates the current caseload of services provided is a ratio of 46 percent state employee FTE positions and 54 percent contracted private attorneys. The agency anticipates requesting an additional 9 FTE positions for the 2015-17 biennium.

The caseload increase in the western part of the state has provided a need for an office in the Watford City area. As part of the 9 FTE positions that will be requested, 1 FTE attorney will be for a new Watford City office and 2 FTE support staff to assist both the Dickinson office and the new Watford City office. In addition, the agency anticipates requesting 1 FTE attorney for the Williston office, 1 FTE attorney for the Dickinson office, 1 FTE attorney for the Minot office, 2 FTE attorney for the Bismarck office, and 1 FTE administration staff position in the Valley City office.

The Commission on Legal Counsel for Indigents has spent \$16,227 from the accrued leave payments line item related to employee turnover through January 2014. The agency has not determined if transferring funds from the accrued leave payments line item to the salaries and wages line item will be necessary.

The reimbursement fee for a defendant in a felony case is currently \$525. The Commission on Legal Counsel for Indigents anticipates increasing the fee to \$575 in May or June 2014.