

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members  
FROM Christina Beisel, JBC Staff  
DATE February 12, 2019  
SUBJECT Discussion of legal services for appropriation clauses in bills during the Appropriations process

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**RECOMMENDATION:** Staff recommends the Committee adopt a policy stating that a bill only requires an appropriation for legal services if the change in workload is expected to exceed 100 hours. Based on the FY 2018-19 blended legal rate of \$103.63, this policy would eliminate appropriations under \$10,363.

**BACKGROUND:**

When appropriate, fiscal notes identify legal services costs related to proposed legislation. Under current policy, JBC staff prepare amendments for the Appropriation Committees that include appropriations to the affected state agency to purchase additional legal services, along with a corresponding appropriation to the Department of Law to receive and spend the additional funds.

Prior to FY 2017-18, the Department of Law billed client agencies each month for the hours of legal services actually provided to the client during the previous month. For FY 2017-18, the General Assembly approved a departmental request to change the appropriation and billing system. Similar to other common policies, the Department of Law now bills each client agency based on an average number of hours the agency used in the previous three fiscal years, and Long Bill appropriations are based on that average.

Because the new methodology is based on prior year use, impacts from legislation will be built into billing in future years, and additional funding for legal services should only be necessary if there is a significant workload impact on the Department of Law.

While these bills will not require appropriations in the next fiscal year, the Committee should note that increased legal services hours required by legislation will impact legal billing in future years.