

**Attorney General
Budget No. 125
Senate Bill Nos. 2003 and 2199; House Bill No. 1003**

	FTE Positions	General Fund	Other Funds	Total
2015-17 legislative appropriations	250.00	\$55,376,870	\$35,900,785	\$91,277,655
2015-17 base budget	212.50	37,275,528	35,382,450	72,657,978
Legislative increase (decrease) to base budget	37.50	\$18,101,342	\$518,335	\$18,619,677

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2015-17 legislative appropriations	\$51,701,902	\$3,674,968	\$55,376,870
2013-15 legislative appropriations	37,275,528	1,626,100 ¹	38,901,628 ¹
2015-17 legislative increase (decrease) to 2013-15 appropriations	\$14,426,374	\$2,048,868	\$16,475,242
Percentage increase (decrease) to 2013-15 appropriations	38.7%	126.0%	42.4%

¹The 2013-15 biennium general fund appropriations reflect a deficiency appropriation of \$50,000 made in Senate Bill No. 2023. See the **Deficiency Appropriations** section below for additional information.

SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Attorney General is in accordance with legislative salary and fringe benefits guidelines as contained in Senate Bill No. 2015.

	Changes to Base Budget			Total
	FTE Positions	General Fund	Other Funds	
The legislative action:				
Added funding for base payroll changes for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.		\$251,098	\$17,347	\$268,445
Added funding for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year.		1,360,255	89,515	1,449,770
Added funding for employee health insurance premiums to reflect a premium estimate of \$1,130.22 per month.		809,278	46,312	855,590
Added one-time funding for targeted equity salary increases for criminal investigator positions (\$1,276,301) and gaming audit staff (\$270,000).		1,026,301	520,000	1,546,301

Added funding for 16.50 law enforcement FTE positions as follows:	16.50	3,724,698	162,688	3,887,386
<ul style="list-style-type: none"> Added 8 criminal investigator FTE positions for \$2,357,841. Added 3 intelligence analyst FTE positions for \$443,608. Added 2 assistant Attorney General FTE positions for \$489,893. Added 1 administrative FTE position for \$127,580. Added 1 grants administrator FTE position for \$127,580. Added 1 forensic scientist FTE position for \$177,761. Added .50 attorney FTE position for \$163,123. 				
Added funding for 2 criminal history identification technicians FTE positions.	2.00	310,536		310,536
Added funding for 2 legal staff FTE positions.	2.00		307,379	307,379
Added funding for 1 gaming auditor FTE position.	1.00	82,907	60,923	143,830
Added funding for 2 concealed weapons licensing FTE positions.	2.00		261,766	261,766
Restored funding for 1 programmer analyst FTE position that was identified as one-time funding for the 2013-15 biennium.	1.00	142,278	31,314	173,592
Added funding to transfer the criminal justice information sharing system (CJIS) from the Information Technology Department (ITD) to the Attorney General as follows:	4.00	4,520,219	547,906	5,068,125
<ul style="list-style-type: none"> Transferred 3 FTE positions from ITD, funding for 5 FTE positions, and all other costs associated with the CJIS program \$3,341,701. Removed special funds authority of \$333,576 for payments received from ITD to reimburse the cost of 2 existing CJIS positions in the Attorney General's office. Added 1 business analyst FTE position for \$250,000. Added funding for law enforcement records management system for \$230,000. Added funding for States' Attorney records system for \$330,000. Transferred one-time funding of \$1 million for the CJIS system from ITD. Added one-time funding for contracting expenses \$250,000. 				

Added funding for providing legal services to the North Dakota University System:	9.00	3,079,724	438,061	3,517,785
• Added funding for 1 intellectual property attorney FTE position \$436,994. (House Bill No. 1003)				
• Added funding for 6 attorney FTE positions \$2,334,940.				
• Added funding for 2 administrative assistant FTE positions \$307,790.				
• Added special funds authority for campus assessments \$438,061.				
Added funding from the tobacco settlement fund for tobacco enforcement.			200,000	200,000
Increased funding for the North Dakota Lottery.			1,030,000	1,030,000
Added funding for information technology contractual service and repairs.			800,000	800,000
Added funding for Bureau of Criminal Investigation (BCI) and State Crime Laboratory applications.			1,604,000	1,604,000
Added funding for information technology software and supplies.		262,332		262,332
Increased funding for operating expenses.		1,133,418	108,376	1,241,794
Increased federal funding for highway traffic safety equipment.			300,000	300,000
Adjusted base level funding.		(369)	(6,140,585)	(6,140,954)
Added one-time funding to replace six undercover vehicles.		132,000		132,000
Added one-time funding for two surveillance vehicles.		66,667	133,333	200,000
Added one-time funding to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties. (Senate Bill No. 2199)		500,000		500,000
Added one-time funding to continue contracted higher education legal services. (House Bill No. 1003)		700,000		700,000
Total	<u>37.50</u>	<u>\$18,101,342</u>	<u>\$518,335</u>	<u>\$18,619,677</u>

FTE Changes

The 2015-17 biennium appropriation includes funding for 250 FTE positions, an increase of 37.5 FTE positions from the 2013-15 biennium authorized level of 212.5 FTE positions. The Legislative Assembly provided the following positions:

- Restored 1 programmer analyst FTE position;
- Transferred 3 CJIS FTE positions from ITD;
- Added 1 CJIS business analyst FTE position;
- Added 1 intellectual property attorney FTE position to provide legal services to the University System;

- Added 6 attorney FTE positions to provide legal services to the University System;
- Added 2 administrative assistant FTE positions to assist in providing legal services to the University System;
- Added 8 criminal investigator FTE positions;
- Added 3 intelligence analyst FTE positions;
- Added 2 assistant Attorney General FTE positions;
- Added 1 administrative assistant FTE position;
- Added 1 grants administrator FTE position;
- Added 1 forensic scientist FTE position;
- Added .5 attorney FTE position;
- Added 2 criminal history identification technician FTE positions;
- Added 2 legal staff FTE positions;
- Added 1 gaming auditor FTE position; and
- Added 2 concealed weapons licensing FTE positions.

One-Time Funding

In Senate Bill Nos. 2003 and 2199 and House Bill No. 1003, the Legislative Assembly identified the following as one-time funding items:

	General Fund	Other Funds	Total
BCI vehicles (Senate Bill No. 2003)	\$132,000		\$132,000
BCI surveillance vehicles (Senate Bill No. 2003)	66,667	\$133,333	200,000
Criminal justice information sharing (Senate Bill No. 2003)	1,250,000		1,250,000
Target equity for criminal investigators (Senate Bill No. 2003)	1,026,301	250,000	1,276,301
Target equity for gaming audit staff (Senate Bill No. 2003)		270,000	270,000
Human trafficking victims grants (Senate Bill No. 2199)	500,000		500,000
Continuation of contracted higher education legal services (House Bill No. 1003)	700,000		700,000
Total	\$3,674,968	\$653,333	\$4,328,301

Deficiency Appropriations

In Section 1 of Senate Bill No. 2023, the Legislative Assembly provided a deficiency appropriation of \$50,000 from the general fund to the Attorney General for prosecution witness fees.

24/7 Sobriety Program

The 2007 Legislative Assembly authorized the Attorney General to establish a sobriety program pilot project during the 2007-09 biennium. The pilot program began on January 1, 2008. The Attorney General established a 24/7 sobriety pilot program in 12 counties in the South Central Judicial District. The 2009 Legislative Assembly, in House Bill No. 1306, authorized the Attorney General to establish a statewide 24/7 sobriety program, established guidelines and program fees, and created and provided a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment. From January 1, 2008, through May 19, 2015, the program included 11,300 participants, of which 6,919 graduated from the program, 1,874 failed the program, 630 reoffended, and 1,877 were still active in the program.

Criminal Justice Information Sharing System

The 2015 Legislative Assembly authorized the transfer of CJIS from ITD to the Attorney General's office. The transfer includes 3 FTE positions from ITD, 2 FTE positions currently in the Attorney General's office, and the existing funding for 5 FTE positions and operating expenses. An additional 1 business analyst FTE position was added for a total of 6 FTE positions for CJIS.

Legal Services for North Dakota University System

The 2015 Legislative Assembly removed the State Board of Higher Education's statutory authorization to employ attorneys to represent the board in legal manners. In Senate Bill No. 2003, the Legislative Assembly added 6 attorney FTE positions, 2 administrative assistant FTE positions, and provided funding of \$3,080,791 for the Attorney General to provide legal services for the University System. The Legislative Assembly also authorized the Attorney General in House Bill No. 1003, 1 intellectual property attorney FTE position and funding of \$436,994 for salaries and operating expenses, to provide legal services for the University System.

Human Trafficking

The following legislation and appropriations were provided by the 2015 Legislative Assembly regarding human trafficking:

- Senate Bill No. 2107 - Created Chapter 12.1-41 relating to the Uniform Act on Prevention of and Remedies for Human Trafficking, which provides a penalty for human trafficking, and authorizes the Attorney General to grant or contract with service providers to develop or expand service programs for victims of human trafficking.
- Senate Bill No. 2199 - Designated \$750,000 of \$10 million provided by the Legislative Assembly in House Bill No. 1176 for grants to law enforcement agencies impacted by oil and gas development, to be designated for grants to organizations that provide prevention and treatment services related to human trafficking victims in hub cities and provided \$500,000 to the Attorney General from the general fund to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties during the 2015-17 biennium.
- Senate Bill No. 2219 - Authorized the Attorney General to establish the Human Trafficking Commission to develop and coordinate a plan to provide human trafficking victims support services, collect and evaluate data on human trafficking, promote public awareness about human trafficking, and coordinate training on human trafficking prevention and victim services.

Other Sections in Senate Bill No. 2003

Targeted market equity funding - Section 3 provides that \$270,000 of targeted market equity funding provided for gaming staff is one-time funding from the Attorney General refund fund. The section also provides that \$1,276,301 of targeted market equity funding provided for criminal investigators, which includes \$250,000 from carryover funding provided by the exemption in Section 5 of the bill and up to \$1,026,301 is from the general fund, is one-time funding. In addition, the Attorney General may spend the general fund amount only to the extent that salary savings resulting from vacant positions and employee turnover are not sufficient to provide the \$1,026,301. The Attorney General must report to the Office of Management and Budget, which must report to Budget Section in September 2015 and September 2016 regarding the amount of salary savings used for targeted equity.

Refund fund - Section 4 allows the Attorney General to retain the June 30, 2015, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Grants to law enforcement agencies exemption - Section 5 provides that the amount appropriated to the Attorney General from the strategic investment and improvements fund for grants to law enforcement agencies, for crime-related needs of the Attorney General's office, and for development of a uniform law enforcement and custody manual, as contained in Section 11 of Chapter 471 of the 2013 Session Laws, is not subject to the provisions of Section 54-44.1-11 and may be carried over into the 2015-17 biennium.

State Crime Laboratory expert witness travel costs - Section 6 creates a new section to Chapter 27-05, providing that State Crime Laboratory expert witness travel costs are the responsibility of district courts with the exception of any case involving an offense of a Class AA felony or the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service. **This section was vetoed by the Governor.**

Amendment - Lottery operating fund - Section 7 amends Section 53-12.1-09 increasing the amount of lottery revenues transferred to the compulsive gambling prevention and treatment fund from \$50,000 to \$80,000 each quarter. This change results in a \$240,000 reduction to 2015-17 biennium general fund revenues.

Attorney General opinions - Section 8 creates a new section to Chapter 54-12 requiring the Attorney General to notify a requestor within 30 days of receipt of a request for a written opinion under Section 54-12-01 or 44-04-21.1 that the request has been received. The section also provides that the Attorney General must deliver a written opinion or notification that a written opinion will not be provided within 180 days of the receipt of the request. **This section was vetoed by the Governor.**

Criminal justice data information sharing system - Section 9 creates a new section to Chapter 54-12 transferring CJIS from ITD to the Attorney General. Section 15 repeals Section 54-59-21 relating to CJIS in ITD.

Assistant and special assistant Attorneys General - Section 10 amends Section 54-12-08 to remove the authorization of the State Board of Higher Education to employ attorneys to represent the board in legal matters and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the board.

Attorney General's salary - Section 11 provides statutory changes to Section 54-12-11 relating to the salary of the Attorney General. The Legislative Assembly authorized 2015-17 biennium annual salary increases of 3 percent. The Attorney General's salary is to be increased from the current level of \$147,996 to \$152,436 effective July 1, 2015, and to \$157,009 effective July 1, 2016.

Tobacco settlement trust fund - Section 12 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow money in the fund to be appropriated to the Attorney General for the purpose of enforcing the Master Settlement Agreement and any disputes with the agreement.

Campus assessments - Reports to Budget Section - Section 13 details the estimated amount of the University System campus assessments for legal fees that will be charged by the Attorney General during the 2015-17 biennium and requires the Attorney General to report to the Budget Section by September 30, 2016, regarding any fees charged to a campus in excess of the estimated campus assessments.

Legislative Management Study - Medicaid fraud unit - Section 14 provides for a Legislative Management study of the feasibility and desirability of establishing a Medicaid fraud unit in the state.

Emergency - Section 16 declares Section 4 and subsection 4 of Section 10 of Senate Bill No. 2003 to be an emergency measure.

Related Legislation

Senate Bill No. 2107 - Creates Chapter 12.1-41 relating to the Uniform Act on Prevention of and Remedies for Human Trafficking, provides a penalty, and authorizes the Attorney General to grant or contract with service providers to develop or expand service programs for victims of human trafficking.

Senate Bill No. 2199 - Provides an appropriation of \$500,000 to the Attorney General from the general fund to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties during the 2015-17 biennium.

Senate Bill No. 2219 - Authorizes the Attorney General to establish the Human Trafficking Commission to develop and coordinate a plan to provide human trafficking victims support services, to collect and evaluate data on human trafficking, to promote public awareness about human trafficking, and to coordinate training on human trafficking prevention and victim services.

House Bill No. 1003 - Provides an appropriation of \$1,136,994 to the Attorney General from the general fund to provide legal services for the State Board of Higher Education and institutions and entities under the control of the board. The Attorney General is authorized 1 intellectual property attorney FTE position (\$436,994) and funding to continue contracted higher education legal services (\$700,000).