

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

	FTE Positions	General Fund	Other Funds	Total
2015-17 legislative appropriation (original)	250.00	\$55,376,870 ¹	\$35,900,785	\$91,277,655
2013-15 legislative appropriation	<u>213.50</u>	<u>38,901,628²</u>	<u>44,982,450</u>	<u>83,884,078</u>
2015-17 appropriation increase (decrease) to 2013-15 appropriation	36.50	\$16,475,242	(\$9,081,665)	\$7,393,577
2015-17 general fund budget allotment (4.05 percent)	<u>0</u>	<u>(\$2,242,763)</u>	<u>\$0</u>	<u>(\$2,242,763)</u>
Adjusted 2015-17 appropriation after budget allotment	250.00	\$53,134,107	\$35,900,785	\$89,034,892

¹The original legislative appropriation amount includes \$3,674,968 of one-time funding from the general fund. Excluding this amount, the agency's original ongoing general fund appropriation is \$51,701,902.

²The 2013-15 biennium general fund appropriation reflects a deficiency appropriation of \$50,000 made in 2015 Senate Bill No. 2023 for prosecution witness fees.

Item Description

General fund budget allotment - In February 2016 the Governor ordered a 4.05 percent general fund budget allotment for state agencies.

FTE changes - The 2015-17 biennium appropriation includes funding for 250.00 FTE positions, an increase of 36.50 FTE positions from the 2013-15 biennium authorized level of 213.50 FTE positions. The new FTE changes include the following:

Position	FTE
Criminal investigators	8.0
Intelligence analysts	3.0
Assistant Attorneys General	2.0
Administrative assistant	1.0
Grant administrator	1.0
Forensic scientist	1.0
Attorney	0.5
Criminal history identification technicians	2.0

Status/Result

The budget allotment reduced general fund appropriations for the Attorney General by \$2,242,763. The agency reduced its salaries and wages (\$679,077), operating expenses (\$966,815), criminal justice information sharing (\$180,639), and law enforcement (\$416,232) budget line items. The salary expense savings are the result of elimination of an administrative assistant position and staff retirements, the operating expense savings are the result of reduced travel, equipment expenses under \$5,000, and reduction in contractual services.

The Attorney General's office has filled all of the new FTE positions as of May 2016 except one legal staff position. The agency is advertising for the position and anticipates to have it filled by the end of the 2015-17 biennium.

Legal staff	2.0
Gaming auditor	1.0
Concealed weapons licensing positions	2.0
Criminal justice information sharing (CJIS) technology positions transferred from the Information Technology Department	3.0
CJIS business analyst	1.0
Intellectual property attorney transferred from the North Dakota University System	1.0
Attorneys transferred from the University System	6.0
Administrative assistants transferred from the University System	2.0
Total	36.5

One-time funding - In Section 2 of 2015 Senate Bill No. 2003, the Legislative Assembly identified \$2,474,968 of one-time funding from the general fund for Bureau of Criminal Investigation vehicles (\$198,667), CJIS (\$1,250,000), and target equity funding for criminal investigators (\$1,026,301).

The Legislative Assembly identified \$653,333 of one-time funding from other funds for Bureau of Criminal Investigation vehicles (\$133,333) target equity funding for criminal investigators (\$250,000) and target equity funding for gaming audit staff (\$270,000).

Section 3 of Senate Bill No. 2003 required the Attorney General's office to utilize salary savings from vacant FTE positions before utilizing the funding provided from the general fund for target equity.

In Section 6 of 2015 House Bill No. 1003, the Legislative Assembly appropriated \$700,000 of one-time funding from the general fund to continue contracted higher education legal services.

In Section 1 of 2015 Senate Bill No. 2199, the Legislative Assembly appropriated \$500,000 of one-time funding from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties.

Criminal justice data information sharing systems - In Section 9 of Senate Bill No. 2003, the Legislative Assembly transferred CJIS from the Information Technology Department to the Attorney General. The transfer included ongoing funding of \$3,818,125 (\$3,270,219 from the general fund and \$547,906 from other funds), one-time funding of \$1,250,000 from the general fund, and 3 FTE positions. The Legislative Assembly authorized 1 new business analyst FTE position for CJIS.

The Attorney General's office anticipates spending \$332,000 for vehicles based on the normal replacement schedule during the 2015-17 biennium. The agency has expended \$85,320 of the \$1.25 million for CJIS and \$553,836 of the target equity funding and anticipates spending the remainder of the funds by the end of the 2015-17 biennium.

The Attorney General's office reported general fund savings of \$340,585 as of September 30, 2015.

As of March 31, 2016, the Attorney General's office has not expended any of the \$700,000 appropriated. The agency anticipates expending all the funding by the end of the 2015-17 biennium.

As of March 31, 2016, the \$500,000 appropriated has been awarded, but no expenditures have occurred. The agency anticipates expending the all funding by the end of the 2015-17 biennium.

The new business analyst FTE position was filled in July 2015. There has been no change in the services of CJIS due to the transfer of the system to the Attorney General's office from the Information Technology Department.

Higher education attorney transfer - In Section 1 of Senate Bill No. 2003, the Legislative Assembly appropriated \$3,080,791 (\$2,642,730 from the general fund and \$438,061 from other funds) to the Attorney General and authorized 6 attorney FTE positions and 2 administrative assistant FTE positions for the Attorney General's office to provide legal services to the University System. In Section 10 of the bill, the Legislative Assembly removed the State Board of Higher Education's authority to hire attorneys. House Bill No. 1003 (2015) appropriated \$436,994 from the general fund to the Attorney General and authorized 1 intellectual property attorney FTE position for the purpose of providing legal services to the University System.

Tobacco settlement trust fund - In Section 12 of Senate Bill No. 2003, the Legislative Assembly amended North Dakota Century Code Section 54-27-25 regarding the tobacco settlement trust fund and the use of principal and interest of the fund investments. The section was amended to allow the Attorney General to receive an appropriation from the fund for the purpose of enforcing the Master Settlement Agreement and any disputes with the agreement. Section 1 of the bill appropriated \$200,000 from the tobacco settlement trust fund to the Attorney General for the purpose as set in Section 12.

Campus assessments - In Section 13 of Senate Bill No. 2003, the Legislative Assembly requires the Attorney General's office to report to the Budget Section by September 30, 2016, regarding any fees charged to a campus in excess of the campus assessments identified in this section.

Legislative Management study of a Medicaid fraud unit - In Section 14 of Senate Bill No. 2003, the Legislative Assembly recommended that the Legislative Management consider studying the feasibility and desirability of establishing a Medicaid fraud unit in the state.

Emergency Commission requests

The Attorney General's office has filled all but 1 of the FTE positions related to providing legal services for the University System as of May 2016. The Attorney General's office anticipates filling the remaining legal staff position by the end of the 2015-17 biennium. Four of the positions related to providing legal services to the University System were filled by individuals who had previously filled them with the University System. The intellectual property attorney transferred directly from the University System to the Attorney General's office and was not required to apply for the position.

As of March 31, 2016, the Office of Management and Budget has transferred \$200,000 from the tobacco settlement trust fund to the Attorney General and the Attorney General's office has expended \$12,694 of the \$200,000 appropriated and anticipates expending the remainder by the end of the 2015-17 biennium.

As of March 31, 2016, the Attorney General's office has not assessed any fees to campuses.

Legislative Management did not select this study to be conducted during the 2015-16 interim.

The Budget Section approved an Emergency Commission request from the Attorney General to transfer \$75,000 from the abortion litigation fees line item to the litigation fees line item related to fees and costs for other pending litigation on September 23, 2015. As a result, the abortion litigation fees line item changed from \$400,000 to \$325,000 and the litigation fees line item changed from \$50,000 to \$125,000.