

**Department 125 - Attorney General
House Bill No. 1003**

Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	248.00	\$47,260,701	\$39,064,406	\$86,325,107
2019-21 Legislative Appropriations ^{1, 2}	246.00	45,804,596	39,104,240	84,908,836
Increase (Decrease)	2.00	\$1,456,105	(\$39,834)	\$1,416,271

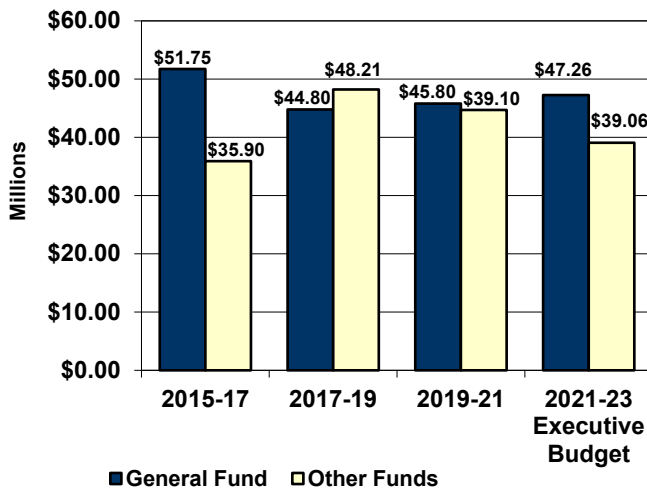
¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$2,082,871 resulting from Emergency Commission action during the 2019-21 biennium.

²Section 3 of Senate Bill No. 2015 (2019) authorized 1 assistant attorney general full-time equivalent (FTE) position to assist in litigation relating to voter identification for the 2019-21 biennium. Salaries and wages costs for the position are to be paid from funds in the Office of Management and Budget's (OMB) litigation funding pool line item. Pursuant to Section 2 of the bill, funding for the litigation funding pool is considered one-time funding and is not part of OMB's base budget for the 2021-23 biennium. Accordingly, the FTE position authorized in Section 3 of the bill is considered a one-time funding item and is not part of the Attorney General's base budget for the 2021-23 biennium.

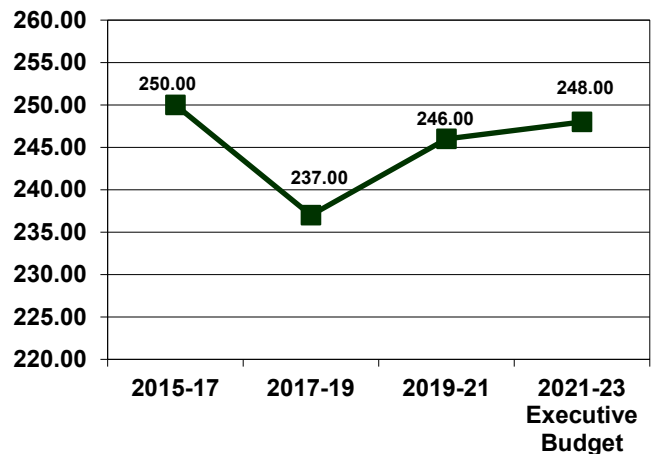
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$44,260,701	\$3,000,000	\$47,260,701
2019-21 Legislative Appropriations	45,604,596	200,000	45,804,596
Increase (Decrease)	(\$1,343,895)	\$2,800,000	\$1,456,105

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$47,260,701	\$39,064,406	\$86,325,107
2021-23 Base Level	45,604,596	35,886,284	81,490,880
Increase (Decrease)	\$1,656,105	\$3,178,122	\$4,834,227

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

**Executive Budget Highlights
(With First House Changes in Bold)**

	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which \$1,292,649 is for salary increases, \$11,368 is for health insurance increases, and \$194,355 is for retirement contribution increases. The House added funding for salary adjustments	\$1,012,593	\$485,779	\$1,498,372

of 1.5 percent per year with a \$100 minimum and \$250 maximum monthly increase and increases in health insurance premiums from \$1,427 to \$1,429 per month. The House did not add funding for retirement contribution increases.

2. Removes 1 FTE assistant attorney general position considered a one-time position to assist in litigation related to voter identification during the 2019-21 biennium	\$0	\$0	\$0
3. Reduces funding for temporary salaries	(\$246,009)	\$0	(\$246,009)
4. Adds funding from the Attorney General operating fund for 4 FTE gaming division positions due to electronic pull tab activity, of which \$814,863 is for salaries and wages and \$144,836 is for related operating expenses	\$0	\$959,699	\$959,699
5. Adjusts funding for operating expenses from the general fund and Attorney General operating fund, primarily for information technology contractual services and repairs, information technology software and supplies, travel, operating fees, and rent	(\$1,489,628)	\$185,464	(\$1,304,164)
6. Adds funding for the state agency Capitol grounds rent proposal. The House did not add funding for this purpose.	\$289,501	\$0	\$289,501
7. Removes funding from the lottery fund for the Lottery Narcotics Task Force. North Dakota Century Code Section 53-12.1-09 provides for transfers totaling \$1.6 million each biennium from the lottery fund to the multijurisdictional drug task force grant fund and provides the Attorney General a continuing appropriation for this funding.	\$0	(\$755,000)	(\$755,000)
8. Removes funding for 1 FTE assistant attorney general position for the intellectual property attorney program	(\$447,790)	\$0	(\$447,790)
9. Reduces funding for human trafficking victims grants to provide a total of \$1,002,356 from the general fund. The House reduced funding for human trafficking victims grants by \$300,000. After adjusting for salary and health insurance increases approved by the House, a total of \$1,101,834 from the general fund was approved for the program.	(\$400,000)	\$0	(\$400,000)
10. Reduces funding for forensic nurse examiner grants to provide a total of \$213,365 from the general fund. The House did not reduce funding for forensic nurse examiner grants. After adjusting for salary and health insurance increases approved by the House, a total of \$250,674 from the general fund was approved for the program.	(\$37,500)	\$0	(\$37,500)
11. Adds one-time funding from the Attorney General refund fund for the criminal history improvement project	\$0	\$400,000	\$400,000
12. Adds one-time funding from the Attorney General operating fund for Phases 3 and 4 of the charitable gaming technology system project, which would complete the project	\$0	\$475,000	\$475,000
13. Adds one-time funding from federal funds to upgrade the automated biometric identification system, formerly known as the automated fingerprint identification system	\$0	\$300,000	\$300,000
14. Adds one-time funding from federal funds for State Crime Laboratory equipment, including cameras, a rapid DNA instrument, and an intoxilyzer	\$0	\$1,111,706	\$1,111,706
15. Adds one-time funding for a statewide litigation funding pool. The House changed the funding source for the statewide litigation funding pool to the strategic investment and improvements fund.	\$3,000,000	\$0	\$3,000,000

Other Sections in House Bill No. 1003

Appropriation - Additional federal funds or other funds - Section 3 appropriates \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2021-23 biennium. The Attorney General is required to report to OMB and the Legislative Council on the availability of this funding.

Transfer - Litigation pool to state agencies - Section 4 identifies \$3 million of one-time funding in the statewide litigation funding pool line item in Section 1 is from the strategic investment and improvements fund and requires the Attorney General to transfer funds from this line item to eligible state agencies for litigation expenses during the 2021-23 biennium.

Human trafficking victims grant program - Section 5 identifies \$1,101,834 from the general fund in Section 1 for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the 2021-23 biennium. The Attorney General may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its program. The Attorney General is required to report to the Legislative Management during the 2021-22 interim on the status and results of the grant program.

Forensic nurse examiners grant program - Section 6 identifies \$250,674 from the general fund in Section 1 for providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs, for the 2021-23 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its programs. The Attorney General is required to report to the Appropriations Committees of the 68th Legislative Assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

Salary equity increases - Section 7 identifies \$1,133,232 in the estimated income line item in Section 1 is from the Attorney General refund fund for providing salary equity increases to Attorney General staff, of which \$1,007,326 is for Bureau of Criminal Investigation and Medicaid Fraud Control Unit positions and \$125,906 is for Fire Marshal office positions, for the 2021-23 biennium.

Salary equity increases - Investment of lawsuit settlement proceeds - Section 8 allows the Attorney General to invest up to \$2,266,464 of funding available in the Attorney General refund fund, of which \$1,160,896 is derived from lawsuit settlement proceeds received by the Attorney General and deposited in the Attorney General refund fund in January 2021 and any investment earnings on the settlement amount, under the supervision of the State Investment Board for the 2021-23 and 2023-25 bienniums. Legislative intent is provided that this funding and any investment earnings on the funding be retained in the Attorney General refund fund for the purpose of providing salary equity increases for the 2021-23 biennium as authorized in Section 7 and for the cost to continue the salary equity increases during the 2023-25 biennium.

Attorney General salary - Section 9 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$163,394 to \$165,845 effective July 1, 2021, and \$168,333 effective July 1, 2022, to reflect the 1.5 percent annual salary increase approved by the House.

Criminal history record checks - Fees - Section 10 requires any person or entity requesting a criminal record check from the Bureau of Criminal Investigation to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the state general fund during the 2021-23 biennium.

Exemption - Attorney General refund fund - Section 11 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.

Exemption - Concealed weapon rewrite project - Section 12 allows the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.

Continuing Appropriations

Assets forfeiture fund - Section 54-12-14 - To pay costs related to law enforcement activities of the Attorney General's office.

Lottery operating fund - Section 53-12.1-09 - To pay costs of operating the lottery.

Refund fund - Section 54-12-18 - To pay costs of the Consumer Protection and Antitrust Division and the Gaming Division.

Special operations team reimbursement fund - Section 54-12-23 - To reimburse city and county governments that provide special operations team services to rural areas.

24/7 sobriety program fund - Section 54-12-29 - To pay costs of administering and operating the 24/7 sobriety program.

Multijurisdictional drug task force fund - Section 54-12-26 - To provide support for the narcotics enforcement efforts of the state.

Deficiency Appropriation

Section 2 of House Bill No. 1025 (2021) requires the Office of Management and Budget to make payments totaling \$181,152 from the litigation funding pool appropriated to the Office of Management and Budget for the 2019-21 biennium on behalf of the Attorney General for court-ordered judgements.

Significant Audit Findings

The operational audit of the Attorney General conducted by the State Auditor's office for the period ending June 30, 2018, did not identify any findings but included two recommendations related to the State Crime Laboratory, including hiring temporary employees or re-evaluating FTE positions to reduce evidence testing turnaround time and to implement a fee schedule to strategically charge for services rendered.

Major Related Legislation

House Bill No. 1212 - This bill creates a charitable gaming operating fund; provides the Attorney General a continuing appropriation from the fund for quarterly allocations to the gambling disorder prevention and treatment fund and the charitable gaming operating fund; requires gaming taxes, monetary fines, and interest and penalties collected to be deposited in the charitable gaming operating fund rather than the general fund; repeals the requirement to deposit 7 percent of gaming taxes in the gaming tax allocation fund; and requires gaming tax to be based on adjusted gross profits instead of gross profits.

House Bill No. 1234 - This bill authorizes sports betting as a game of chance for individuals aged 21 years or older; establishes a Sports Wagering Commission as a division of the Attorney General's office; establishes licenses and fees; creates a sports wagering operating fund; and provides for a Legislative Management study of sports wagering. This bill is contingent on voters approving House Concurrent Resolution No. 3032.

House Bill No. 1389 - This bill authorizes individuals aged 21 years or older to play Internet live poker; establishes an Internet live poker tax; requires the Attorney General to license and regulate the playing of Internet live poker at licensed Internet live poker establishments; and creates an Internet live poker proceeds fund consisting of Internet live poker tax, licensing fees, and other moneys to be allocated annually to the gambling disorder prevention and treatment fund, common schools trust fund, and general fund. This bill is contingent on voters approving House Concurrent Resolution No. 3012.

House Bill No. 1394 - This bill provides a 2019-21 biennium appropriation of \$2,082,871 to the Attorney General from federal funds received as a result of the COVID-19 pandemic for justice assistance grants. Section 2 of the bill provides an exemption for the Attorney General to continue the funding into the 2021-23 biennium.

House Bill No. 1494 - This bill provides for a Legislative Management study of the recruitment, retention, turnover, and training of law enforcement and correctional officers employed by state agencies and political subdivisions.

Senate Bill No. 2259 - This bill relates to tobacco product manufacturer certification, service, and reporting requirements, including requirements of the Attorney General to develop and publish on the Attorney General's website a directory listing all tobacco product manufacturers that have provided current and accurate certifications.

Senate Bill No. 2281 - This bill requires the State Crime Laboratory to develop and implement a statewide sexual assault evidence collection kit tracking system.

House Concurrent Resolution No. 3012 - This resolution would amend the Constitution of North Dakota, if approved by voters, and require the Legislative Assembly to authorize Internet live poker in the state. This resolution relates to House Bill No. 1389.

House Concurrent Resolution No. 3032 - This resolution would amend the Constitution of North Dakota, if approved by voters, and require the Legislative Assembly to authorize sports betting in the state. This resolution relates to House Bill No. 1234.

Attorney General - Budget No. 125
House Bill No. 1003
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	245.00	\$45,604,596	\$35,886,284	\$81,490,880	245.00	\$45,604,596	\$35,886,284	\$81,490,880
2021-23 Ongoing Funding Changes								
Base payroll changes		\$55,536	\$87,874	\$143,410		\$55,536	\$87,874	\$143,410
Salary increase		876,260	416,389	1,292,649		781,879	384,469	1,166,348
Health insurance increase		7,650	3,718	11,368		7,650	3,718	11,368
Retirement contribution increase		128,683	65,672	194,355				0
Adds funding for Bureau of Criminal Investigation salary equity increases				0			1,007,326	1,007,326
Adds funding for Fire Marshal salary equity increases				0			125,906	125,906
Adds funding for FTE gaming division positions due to electronic pull tabs activity	4.00		959,699	959,699	4.00		959,699	959,699
Reduces funding for temporary salaries		(246,009)		(246,009)		(246,009)		(246,009)
Adjusts funding for operating expenses		(1,489,628)	185,464	(1,304,164)		(1,489,628)	185,464	(1,304,164)
Reduces operating expenses				0		(210,000)		(210,000)
Adds funding for technology fees, including Microsoft Office 365 license expenses		70,958		70,958		70,958		70,958
Adds funding for state agency Capitol grounds rent proposal		289,501		289,501				0
Adds funding for Bureau of Criminal Investigation service contracts and monitoring fees		114,342	80,000	194,342		114,342	80,000	194,342
Reduces funding for the Medicaid Fraud Control Unit		(12,866)		(12,866)		(12,866)		(12,866)
Adds funding for State Crime Laboratory bond payments		555		555		555		555
Reduces funding for capital assets			(152,400)	(152,400)			(152,400)	(152,400)
Removes funding for the Lottery Narcotics Task Force			(755,000)	(755,000)			(755,000)	(755,000)
Reduces funding for litigation fees		(22,500)		(22,500)		(22,500)		(22,500)
Removes funding for 1 FTE position for the intellectual property attorney program	(1.00)	(447,790)		(447,790)	(1.00)	(447,790)		(447,790)
Reduces funding for the arrest and return of fugitives		(1,500)		(1,500)		(1,500)		(1,500)
Adds funding for criminal justice information sharing projects		382,662		382,662		382,662		382,662
Reduces funding for criminal justice information sharing IT expenses		(271,889)		(271,889)		(271,889)		(271,889)
Reduces funding for law enforcement operating expenses		(340,360)		(340,360)		(340,360)		(340,360)
Reduces funding for human trafficking victims grants		(400,000)		(400,000)		(300,000)		(300,000)
Reduces funding for forensic nurse examiners grants		(37,500)		(37,500)				0
Total ongoing funding changes	3.00	(\$1,343,895)	\$891,416	(\$452,479)	3.00	(\$1,928,960)	\$1,927,056	(\$1,904)
One-time funding items								
Adds funding for criminal history improvement system upgrades			\$400,000	\$400,000			\$400,000	\$400,000
Adds funding for the charitable gaming technology system			475,000	475,000			475,000	475,000
Adds funding for the automated biometric identification system			300,000	300,000			300,000	300,000
Adds funding for State Crime Laboratory equipment			1,111,706	1,111,706			1,111,706	1,111,706
Adds funding for a statewide litigation funding pool		\$3,000,000	0	3,000,000			3,000,000	3,000,000
Adds funding for additional income from federal or other sources			0	0			250,000	250,000
Total one-time funding changes	0.00	\$3,000,000	\$2,286,706	\$5,286,706	0.00	\$0	\$5,536,706	\$5,536,706
Total Changes to Base Level Funding	3.00	\$1,656,105	\$3,178,122	\$4,834,227	3.00	(\$1,928,960)	\$7,463,762	\$5,534,802
2021-23 Total Funding	248.00	\$47,260,701	\$39,064,406	\$86,325,107	248.00	\$43,675,636	\$43,350,046	\$87,025,682
<i>Total ongoing changes as a percentage of base level</i>	1.2%	(2.9%)	2.5%	(0.6%)	1.2%	(4.2%)	5.4%	(0.0%)
<i>Total changes as a percentage of base level</i>	1.2%	3.6%	8.9%	5.9%	1.2%	(4.2%)	20.8%	6.8%

Other Sections in Attorney General - Budget No. 125

	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Appropriation - Additional federal funds or other federal funds	Section 6 would appropriate \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2021-23 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.	Section 3 appropriates \$250,000 from federal or other funds to the Attorney General for the purpose of defraying the expenses of the Attorney General for the 2021-23 biennium. The Attorney General is required to report to the Office of Management and Budget and the Legislative Council on the availability of this funding.
Strategic investment and improvements fund - Transfer - Litigation pool to state agencies One-time funding	Section 5 would require the Attorney General to transfer funds from the \$3 million of one-time funding in Section 1 for a statewide litigation pool to eligible state agencies for litigation expenses during the 2021-23 biennium.	Section 4 identifies \$3 million of one-time funding in the statewide litigation funding pool line item in Section 1 is from the strategic investment and improvements fund and requires the Attorney General to transfer funds from this line item to eligible state agencies for litigation expenses during the 2021-23 biennium.
Human trafficking victims grant program	Section 8 would identify \$1 million from the general fund in Section 1 for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2021-23 biennium. The Attorney General would be allowed to provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section would be required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its program.	Section 5 identifies \$1,101,834 from the general fund in Section 1 for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the 2021-23 biennium. The Attorney General is allowed to provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its program. The Attorney General is required to report to the Legislative Management during the 2021-22 interim on the status and results of the grant program.
Forensic nurse examiners grant program	Section 9 would identify \$212,499 from the general fund in Section 1 for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2021-23 biennium. Any organization that receives a grant under this section would be required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its programs.	Section 6 identifies \$250,674 from the general fund in Section 1 for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs for the 2021-23 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its programs. The Attorney General is required to report to Appropriations Committees of the 68th Legislative Assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.
Estimated income - Salary equity increases - Attorney General refund fund		Section 7 identifies \$1,133,232 in the estimated income line item in Section 1 is from the Attorney General refund fund for providing salary equity increases to Attorney General staff, of which \$1,007,326 is for Bureau of Criminal Investigation and Medicaid Fraud Control Unit positions and \$125,906 is for Fire Marshal office positions, for the 2021-23 biennium.

Other Sections in Attorney General - Budget No. 125

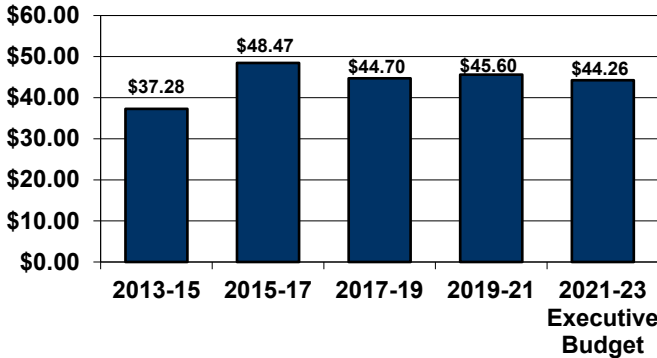
	<u>Executive Budget Recommendation</u>	<u>House Version</u>
Legislative intent - Attorney General - Salary equity increases - Investment of lawsuit settlement proceeds - State Investment Board		Section 8 allows the Attorney General to invest up to \$2,266,464 of funding available in the Attorney General refund fund, of which \$1,160,896 is derived from lawsuit settlement proceeds received by the Attorney General and deposited in the Attorney General refund fund in January 2021 and any investment earnings on the settlement amount, under the supervision of the State Investment Board for the 2021-23 and 2023-25 bienniums. Legislative intent is provided that this funding and any investment earnings on the funding be retained in the Attorney General refund fund for the purpose of providing salary equity increases for the 2021-23 biennium as authorized in Section 7 and for the cost to continue the salary equity increases during the 2023-25 biennium.
Attorney General salary	Section 3 would amend Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$163,394 to \$166,662 effective July 1, 2021, and \$169,995 effective July 1, 2022, to reflect the 2 percent annual recommended salary increase.	Section 9 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$163,394 to \$165,845 effective July 1, 2021, and \$168,333 effective July 1, 2022, to reflect the 1.5 percent annual salary increase approved by the House.
Criminal history record checks - Fees	Section 7 would require any person or entity requesting a criminal record check from the Bureau of Criminal Investigation to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the state general fund during the 2021-23 biennium.	Section 10 requires any person or entity requesting a criminal record check from the Bureau of Criminal Investigation to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the state general fund during the 2021-23 biennium.
Exemption - Attorney General refund fund	Section 4 would allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.	Section 11 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.
Exemption - Concealed weapon rewrite project	Section 10 would allow the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.	Section 12 allows the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.
Exemption - Coronavirus emergency supplemental funding	Section 11 would allow the Attorney General to continue any federal funding received during the 2019-21 biennium in response to the COVID-19 pandemic into the 2021-23 biennium.	

Department 125 - Attorney General

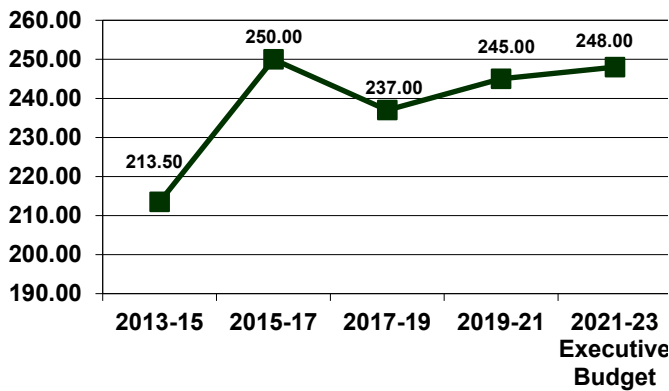
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$37,275,528	\$48,466,861	\$44,695,840	\$45,604,596	\$44,260,701
Increase (decrease) from previous biennium	N/A	\$11,191,333	(\$3,771,021)	\$908,756	(\$1,343,895)
Percentage increase (decrease) from previous biennium	N/A	30.0%	(7.8%)	2.0%	(2.9%)
Cumulative percentage increase (decrease) from 2013-15 biennium	N/A	30.0%	19.9%	22.3%	18.7%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

- 1. Added law enforcement-related funding for 8 FTE criminal investigator positions, 3 FTE intelligence analyst positions, 2 FTE assistant attorney general positions, 1 FTE administrative position, 1 FTE grants administrator position, 1 FTE forensic scientist position, and 0.5 FTE attorney position \$3,724,698
- 2. Added 2 FTE criminal history identification technician positions \$310,536
- 3. Added 1 FTE gaming auditor position \$82,907
- 4. Added funding for transfer of the criminal justice information sharing system, including 3 FTE positions transferred and 1 FTE new business analyst position and related operating expenses \$3,270,219
- 5. Restored 1 FTE programmer analyst position identified as one-time funding for the 2013-15 biennium \$142,278
- 6. Added funding and 9 FTE positions for providing legal services to the North Dakota University System \$3,079,724

2017-19 Biennium

- 1. Removed 13 FTE undesignated positions (\$130,782)
- 2. Reduced salaries and wages in anticipation of savings from vacant positions and employee turnover (\$929,297)
- 3. Changed funding source for 8 FTE positions from the general fund to federal and other funds (\$1,120,322)
- 4. Reduced funding for criminal justice information sharing to provide total funding of \$3,391,562 (\$188,741)
- 5. Reduced funding for law enforcement programs (\$219,348)
- 6. Added funding to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims \$125,000

2019-21 Biennium

- 1. Removed 4 FTE positions, including 1 paralegal position, 1 criminal records specialist II position, 1 assistant attorney general position, and 1 administrative assistant II position (\$641,089)
- 2. Added 1 FTE forensic scientist position \$224,500

3. Transferred 2 FTE criminal justice information sharing positions, including \$372,555 of salaries and wages and \$9,388 of operating expenses from the Adjutant General - Department of Emergency Services to the Bureau of Criminal Investigation. The total amount transferred was \$381,943, including \$111,766 from other funds.	\$270,177
4. Added funding for the human trafficking victims grants program to provide total funding of \$1.4 million from the general fund	\$1,275,000
5. Added funding for a forensic nurse examiners grant program	\$250,000
2021-23 Biennium (Executive Budget Recommendation)	
1. Reduces funding for temporary salaries	(\$246,009)
2. Adjusts funding for operating expenses, primarily for information technology contractual services and repairs, information technology software and supplies, travel, operating fees, and rent	(\$1,489,628)
3. Adds funding for the state agency Capitol grounds rent proposal. The House did not add funding for this purpose.	\$289,501
4. Removes funding for 1 FTE assistant attorney general position for the intellectual property attorney program	(\$447,790)
5. Reduces funding for human trafficking victims grants to provide a total of \$1,002,356 from the general fund. The House reduced funding for human trafficking victims grants by \$300,000. After adjusting for salary and health insurance increases approved by the House, a total of \$1,101,834 from the general fund was approved for the program.	(\$400,000)
6. Reduces funding for forensic nurse examiner grants to provide a total of \$213,365 from the general fund. The House did not reduce funding for forensic nurse examiner grants. After adjusting for salary and health insurance increases approved by the House, a total of \$250,674 from the general fund was approved for the program.	(\$37,500)

**GOVERNOR'S RECOMMENDATION FOR THE
ATTORNEY GENERAL AS SUBMITTED
BY THE OFFICE OF MANAGEMENT AND BUDGET**

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2021 and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$45,954,981	\$1,978,929	\$47,933,910
Operating Expenses	15,588,646	586,627	16,175,273
Capital Assets	804,380	934,841	1,739,221
Grants	4,418,440	(755,000)	3,663,440
Human Trafficking Victims Grants	1,400,000	(397,644)	1,002,356
Forensic Nurse Examiner Grants	250,000	(36,635)	213,365
Litigation Fees	150,000	(22,500)	127,500
Intellectual Property Attorney	442,085	(442,085)	0
Statewide Litigation Pool	0	3,000,000	3,000,000
Medical Examinations	660,000	0	660,000
North Dakota Lottery	5,191,454	76,036	5,267,490
Arrest and Return of Fugitives	10,000	(1,500)	8,500
Gaming Commission	7,489	0	7,489
Criminal Justice Info Sharing	3,631,121	179,381	3,810,502
Law Enforcement	<u>2,982,284</u>	<u>(266,223)</u>	<u>2,716,061</u>
Total All Funds	\$81,490,880	\$4,834,227	\$86,325,107
Less Estimated Income	<u>35,886,284</u>	<u>3,178,122</u>	<u>39,064,406</u>
Total General Fund	\$45,604,596	\$1,656,105	\$47,260,701
Full-time Equivalent Positions	245.00	3.00	248.00

SECTION 2. ONE-TIME FUNDING – EFFECT ON BASE BUDGET – REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty- sixth legislative assembly for the 2019-21 biennium and the 2021-23 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
Capital Assets	\$1,851,956	\$ 0
Undercover Vehicle Replacement	200,000	0
Criminal History Improvement Project	400,000	0
AFIS Replacement	316,000	0
Charitable Gaming Technology	400,000	0
Crime Lab Equipment	0	1,111,706
CJIS Broker Implementation	0	1,175,000
Statewide Litigation Pool	<u>0</u>	<u>3,000,000</u>
Total All Funds	\$3,167,956	\$5,286,706
Total Special Funds	<u>2,967,956</u>	<u>2,286,706</u>
Total General Fund	\$ 200,000	\$3,000,000

The 2021-23 one-time funding amounts are not a part of the entity's base budget for the 2023-25 biennium. The attorney general shall report to the appropriations committees of the sixty-eighth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2021 and ending June 30, 2023.

SECTION 3. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~one hundred fifty-nine thousand four hundred nine dollars through June 30, 2020~~ one hundred sixty-six thousand six hundred sixty-two dollars through June 30, 2022, and ~~one hundred sixty-three thousand three hundred ninety-four dollars~~ one hundred sixty-nine thousand nine hundred ninety-five dollars thereafter.

SECTION 4. ATTORNEY GENERAL REFUND TRANSFER TO THE GENERAL FUND - EXEMPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2021.

SECTION 5. TRANSFER – LITIGATION POOL TO STATE AGENCIES. The attorney general shall transfer funds from the statewide litigation pool line item appropriated in section 1 of this Act to eligible state agencies for litigation expenses during the biennium beginning July 1, 2021 and ending June 30, 2023. The attorney general may not use funding from the litigation pool to pay judgments under section 32-12-04.

SECTION 6. ADDITIONAL INCOME - APPROPRIATION - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2021 and ending June 30, 2023. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 7. CRIMINAL HISTORY RECORD CHECKS - FEES. Any person or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the state's general fund for the biennium beginning July 1, 2021 and ending June 30, 2023.

SECTION 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$1,000,000 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the biennium beginning July 1, 2021 and ending June 30, 2023. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-seventh legislative assembly on the use of the funds received and the outcomes of its program.

SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$212,499 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the biennium beginning July 1, 2021 and ending June 30, 2023. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-seventh legislative assembly on the use of the funds received and the outcomes of its programs.

SECTION 10. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT. The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19 and 2019-21 bienniums, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the concealed weapon rewrite project, during the biennium beginning July 1, 2021 and ending June 30, 2023.

SECTION 11. EXEMPTION - CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING. The amount appropriated to the attorney general from federal funds for coronavirus emergency supplemental funding, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general during the biennium beginning July 1, 2021 and ending June 30, 2023.