

**Attorney General
Budget No. 125
Senate Bill Nos. 2003 and 2202; House Bill Nos. 1307 and 1415**

	FTE Positions	General Fund	Other Funds	Total
2023-25 legislative appropriations	266.00	\$55,406,910	\$47,596,107	\$103,003,017
2023-25 base budget	253.00	42,646,718	42,509,719	85,156,437
Legislative increase (decrease) to base budget	13.00	\$12,760,192	\$5,086,388	\$17,846,580

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2023-25 legislative appropriations	\$47,020,564	\$8,386,346	\$55,406,910
2021-23 legislative appropriations ¹	42,646,718	1,075,000	43,721,718
2023-25 legislative increase (decrease) to 2021-23 appropriations	\$4,373,846	\$7,311,346	\$11,685,192
Percentage increase (decrease) to 2021-23 appropriations	10.3%	680.1%	26.7%

¹The 2021-23 biennium general fund appropriation for the Attorney General includes a \$1,075,000 one-time deficiency appropriation provided by the 2023 Legislative Assembly in Senate Bill No. 2025, of which \$75,000 is for prosecution witness fees and \$1,000,000 is for the statewide litigation funding pool.

**SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS
Changes to Base Budget**

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Adjusted funding for base payroll changes		\$392,026	\$151,470	\$543,496
Added funding to provide employee salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024		2,242,589	1,449,551	3,692,140
Added funding for employee health insurance premiums to reflect a revised premium estimate of \$1,643 per month		712,869	453,892	1,166,761
Transferred funding for new FTE positions and estimated savings from vacant FTE positions to a new and vacant FTE funding pool in the Office of Management and Budget (OMB)		(6,701,991)	(2,157,983)	(8,859,974)
Added funding for salary equity increases, of which \$223,000 is from the general fund and \$22,368 is from special funds, and \$35,668 to reclassify staff positions, of which \$21,181 is from the general fund and \$14,487 is from the Attorney General refund fund		244,181	36,855	281,036

Adjusted funding for prior biennium State Crime Laboratory staff salary equity increases from the Attorney General refund fund to the general fund. The funding was transferred from a special line item to the salaries and wages line item.		537,297	(537,297)	0
Added funding for 21 FTE positions, including 4 FTE attorney positions (\$1,189,850), 3 FTE Bureau of Criminal Investigation (BCI) cybercrime positions (\$839,976), 3 FTE BCI criminal investigator positions (\$840,029), 6 FTE State Crime Laboratory positions (\$1,695,822), 2 FTE information technology programmers and analysts (\$504,543), and 3 FTE Medicaid Fraud Control Unit (MFCU) positions (\$242,017 from the general fund and \$613,627 from federal funds). Of the total, \$4,602,851 relates to salaries and wages and \$1,323,013 relates to operating expenses of the FTE positions.	21.00	5,312,237	613,627	5,925,864
Transferred the State Fire Marshal's office to the Insurance Commissioner. Of the \$1,275,214 of other funds removed from the Attorney General's budget, \$382,129 is from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund and \$893,085 is from the Attorney General operating fund.	(8.00)	(887,685)	(1,275,214)	(2,162,899)
Adjusted funding for MFCU salaries and wages and operating expenses by reducing federal funds and increasing funding from the general fund to reflect a change in the federal-state cost-sharing of the program. Previously, the federal government provided funding for 90 percent of the costs of the MFCU program. The new federal funding rate is 75 percent.		341,747	(341,747)	0
Added funding for State Crime Laboratory building and equipment maintenance contract costs		222,000		222,000
Adjusted funding from the Attorney General refund fund for operating expenses, primarily as a result of settlement proceeds from the JUUL Labs, Inc., lawsuit no longer being available to the Attorney General		809,381	(831,749)	(22,368)
Added funding for information technology rate increases		54,245	7,301	61,546
Added funding for various software projects and costs, including software maintenance and subscription costs (\$453,297 from the general fund), sexual assault kit tracking system software maintenance (\$180,000 from federal funds), the automated biometric identification system and data extraction software (\$384,000 from the general fund and \$144,000 from federal funds), legal case search "Discovery" software (\$100,000 from the general fund), and gaming, licensing, and deposit project operating expenses (\$37,000 from the general fund and \$37,000 from charitable gaming operating fund)		974,297	361,000	1,335,297

Added funding for a new Capitol space rent model	259,708		259,708
Reduced funding for bond payments for the State Crime Laboratory project to provide a total of \$330,000	(318,055)		(318,055)
Added funding to replace Attorney General information technology servers	54,000		54,000
Added funding from the insurance regulatory trust fund for children's forensic medical examinations in a new line item for children's forensic interviews related to North Dakota Century Code Section 12.1-34-07. This amount is in addition to \$660,000 of base level funding from the insurance regulatory trust fund for medical examinations.		304,560	304,560
Added funding for BCI, State Crime Laboratory, and Gaming Division inflationary increases, of which \$145,000 is ongoing funding, including \$125,000 from the general fund and \$20,000 from the charitable gaming operating fund, and \$156,463 is one-time funding from the general fund	281,463	20,000	301,463
Added one-time funding for staff operating and equipment costs, including \$51,955 from federal funds. Of the total, \$12,520 is for FTE attorney position operating expenses, \$313,017 is for FTE BCI cybercrime position operating expenses and capital assets, \$210,942 is for FTE BCI criminal investigator position operating expenses and capital assets, \$186,338 is for FTE State Crime Laboratory position operating expenses, and \$69,273, including \$17,318 from the general fund, is for MFCU operating expenses and capital assets.	740,135	51,955	792,090
Added one-time funding for State Crime Laboratory capital improvements	250,000		250,000
Added one-time funding for State Crime Laboratory capital assets, including \$754,677 from federal funds, for firearms and fingerprint testing equipment, intoxilyzers, and software upgrades	886,000	754,677	1,640,677
Added one-time funding for Gaming Division and Consumer Protection and Antitrust Division vehicles and radios, of which \$51,100 is from the charitable gaming operating fund and \$51,100 is from the Attorney General refund fund		102,200	102,200
Added one-time funding to replace 10 undercover BCI vehicles	200,000		200,000
Added one-time funding for gaming, licensing, and deposit software	177,000	699,000	876,000
Added one-time funding for the statewide litigation funding pool, including \$3,202,252 from the gaming and excise tax allocation fund, of which \$2,760,000 is transferred from the lottery operating fund to the gaming and excise tax allocation fund by June 30,	1,797,748	3,202,252	5,000,000

2023, pursuant to Section 4 of Senate Bill No. 2003, resulting in a \$2,760,000 reduction in 2021-23 biennium general fund revenues

Added one-time funding from federal funds for the United States Department of Justice Community Oriented Policing Services (COPS) anti-methamphetamine program, of which \$570,988 is for operating expenses and \$1,201,050 is for capital assets. In December 2022, the Emergency Commission and Budget Section approved \$2,000,000 for the program for the 2021-23 biennium, of which approximately \$227,962 will be spent by the end of the 2021-23 biennium.		1,772,038	1,772,038
Added one-time funding for a law enforcement resiliency grant program	400,000		400,000
Added one-time funding for additional income from federal or other funds		250,000	250,000
Added one-time funding for a domestic violence forensic medical examination grant program for community-based or hospital-based domestic violence examiner programs and related administrative costs (Senate Bill No. 2202)	250,000		250,000
Added one-time funding for a back the blue grant program for providing grants to assist local law enforcement agencies with workforce recruitment and retention (House Bill No. 1307)	3,500,000		3,500,000
Added one-time funding for a law enforcement staffing grant program for grants to any local police department located in a community that has recently experienced a significant increase in the number of registered sex offenders living in that community in order to hire additional law enforcement staff (House Bill No. 1415)	29,000		29,000
Total	<u>13.00</u>	<u>\$12,760,192</u>	<u>\$5,086,388</u>

FTE Changes

The Legislative Assembly authorized 266 FTE positions for the Attorney General for the 2023-25 biennium, an increase of 13 FTE positions from the 2021-23 biennium authorization of 253 FTE positions, as follows:

FTE Position Description	FTE Position Authorization
Attorney positions	4.00
BCI cybercrime positions	3.00
BCI criminal investigator positions	3.00
State Crime Laboratory positions	6.00
MFCU positions	2.00
Information technology programmers and analyst positions	3.00
Transfer of State Fire Marshal office to the Insurance Commissioner	(8.00)
Total	13.00

One-Time Funding

The Legislative Assembly appropriated \$15.2 million of one-time funding to the Attorney General for the 2023-25 biennium as follows:

	General Fund	Other Funds	Total Funds
BCI, State Crime Laboratory, and Gaming Division inflationary increases	\$156,463	\$0	\$156,463
Staff operating and equipment costs ¹	740,135	51,955	792,090
State Crime Laboratory capital improvements	250,000	0	250,000
State Crime Laboratory capital assets, including funding for firearms and fingerprint testing equipment, intoxylzers, and software upgrades ¹	886,000	754,677	1,640,677
Gaming Division and Consumer Protection and Antitrust Division vehicles and radios ²	0	102,200	102,200
Replacement of 10 undercover BCI vehicles	200,000	0	200,000
Gaming, licensing, and deposit software ³	177,000	699,000	876,000
Statewide litigation funding pool ⁴	1,797,748	3,202,252	5,000,000
COPS anti-methamphetamine program ¹	0	1,772,038	1,772,038
Law enforcement resiliency grant program	400,000	0	400,000
Additional income from federal or other funds ¹	0	250,000	250,000
Domestic violence forensic medical examination grant program	250,000	0	250,000
Back the blue grant program	3,500,000	0	3,500,000
Law enforcement staffing grant program	29,000	0	29,000
	\$8,386,346	\$6,832,122	\$15,218,468

¹Other funds for these programs are derived from federal funds.

²Of the \$102,200 appropriated for Gaming Division and Consumer Protection and Antitrust Division vehicles and radios, \$51,100 is from the charitable gaming operating fund and \$51,100 is from the Attorney General refund fund.

³Other funds for the gaming, licensing, and deposit software are from the charitable gaming operating fund.

⁴Other funds for the statewide litigation funding pool is from the gaming and excise tax allocation fund, of which \$2.76 million is transferred from the lottery operating fund to the gaming and excise tax allocation fund by June 30, 2023, pursuant to Section 4 of Senate Bill No. 2003. After expenditure of these funds, the gaming and excise tax allocation fund balance at the end of the 2023-25 biennium will be \$0.

Deficiency Appropriations - 2021-23 Biennium

Senate Bill No. 2025 - Prosecution witness fees - Statewide litigation funding pool - Section 1 of this bill provides a \$1,075,000 deficiency appropriation from the general fund to the Attorney General, of which \$75,000 is for prosecution witness fees and \$1,000,000 is for the statewide litigation funding pool.

Total funding for the statewide litigation funding pool for the 2021-23 biennium is \$5.65 million, of which \$1 million is from the general fund, \$3 million is from the strategic investment and improvements fund (SIIF), and \$1.65 million is from the gaming and excise tax allocation fund.

Salary Equity Increases

In Senate Bill No. 2003 (2019), the Legislative Assembly appropriated \$425,000 from lawsuit settlement proceeds, of which \$25,000 relates to anticipated interest and earnings of the settlement amount, to the Attorney General for the 2019-21 biennium. Section 14 of the bill included legislative intent that the Attorney General use up to \$425,000 of the appropriation for providing salary equity increases to attorney positions in the Attorney General's office for the 2019-21 biennium. Further intent was provided that the remaining settlement proceeds and investment earnings on the remaining proceeds be retained in the Attorney General refund fund and be used for the cost to continue the salary equity increases provided in the 2019-21 biennium during the 2021-23 and 2023-25 bienniums, subject to legislative appropriations.

In House Bill No. 1003 (2021), the Legislative Assembly appropriated \$1,374,989 from lawsuit settlement proceeds for providing salary equity increases to Attorney General staff during the 2021-23 biennium, of which \$1,249,083 was from proceeds deposited in the Attorney General refund fund for 55 FTE BCI and 2 FTE MFCU positions and \$125,906 was from funding available in the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for 8 FTE Fire Marshal office positions. Legislative intent was provided the lawsuit settlement funding receiving by the Attorney General and any investment earnings on the funding be retained in the Attorney General refund fund and Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for the purpose of providing salary equity increases for the 2021-23 biennium and for the cost to continue the salary equity increases during the 2023-25 biennium, subject to legislative appropriations.

In House Bill No. 1506 (2021), the Legislative Assembly, during the November 2021 special legislative session, appropriated \$537,297 from the Attorney General refund fund to the Attorney General for providing salary equity increases to State Crime Laboratory staff during the 2021-23 biennium.

In Senate Bill No. 2003 (2023), the Legislative Assembly adjusted the \$537,297 for the prior biennium salary equity increases for State Crime Laboratory staff from the Attorney General refund fund to the general fund. The Legislative Assembly authorized \$245,368 for new salary equity increases for Attorney General staff for the 2023-25 biennium, of which \$223,000 is from the general fund and \$22,368 is from special funds. This amount is in addition to funding appropriated in Senate Bill No. 2015 (2023) to OMB for a targeted market equity pool to provide salary equity increases to executive branch employees.

Statewide Litigation Funding Pool

In Senate Bill No. 2003 (2023), the Legislative Assembly appropriated \$5 million for a statewide litigation funding pool. A recent history of funding for the statewide litigation funding pool is as follows:

Biennium	Agency	General Fund	Other Funds	Total Funds
2019-21 ¹	OMB	\$0	\$3,500,000	\$3,500,000
2021-23 ²	Attorney General	1,000,000	4,650,000	5,650,000
2023-25 ³	Attorney General	1,797,748	3,202,252	5,000,000
Total		\$2,797,748	\$11,352,252	\$14,150,000

¹Other funds for the 2019-21 biennium was from SIIF. In House Bill No. 1025 (2021), the Legislative Assembly required OMB to use \$875,632 of the \$3.5 million appropriated to OMB in the statewide litigation funding pool for the 2019-21 biennium for the payment of court ordered judgements.

²Funding for the 2021-23 biennium was from SIIF (\$3 million), the gaming and excise tax allocation fund (\$1.65 million), and a general fund deficiency appropriation provided by the 2023 Legislative Assembly in Senate Bill No. 2025 (\$1 million).

³Other funds for the 2023-25 biennium are from the gaming and excise tax allocation fund, of which \$2.76 million is to be transferred from the lottery operating fund to the gaming and excise tax allocation fund by June 30, 2023, pursuant to Section 4 of Senate Bill No. 2003.

Transfer - Lottery operating fund to gaming and excise tax allocation fund - Section 4 of Senate Bill No. 2003 transfers \$2.76 million from the lottery operating fund to the gaming and excise tax allocation fund during the 2021-23 biennium for the statewide litigation funding pool, which is appropriated in Section 1 for the 2023-25 biennium, resulting in a decrease in general fund revenue. Section 24 declares Section 4 to be an emergency measure.

Transfer - Statewide litigation funding pool to state agencies - Section 5 of Senate Bill No. 2003 requires the Attorney General to transfer funds appropriated in the statewide litigation funding pool line item to eligible state agencies for litigation expenses during the 2023-25 biennium and identifies \$3,202,252 appropriated in the estimated income line item for the statewide litigation funding pool is one-time funding from the gaming and excise tax allocation fund.

Medicaid Fraud Control Unit

In Senate Bill No. 2003 (2019), the Legislative Assembly appropriated \$1,528,620 for the MFCU for the 2019-21 biennium, of which \$152,863, or 10 percent, is from the general fund and \$1,375,757, or 90 percent, is from federal funds. The funding includes salaries and wages funding of \$1,119,015 for 6 FTE positions, including 1 attorney, 2 auditors, 2 criminal investigators, and 1 administrative assistant. The remaining \$409,605 is for operating expenses and capital assets of the MFCU for the 2019-21 biennium.

In House Bill No. 1003 (2021), the Legislative Assembly continued funding for 6 FTE positions and reduced funding for operating expenses and capital assets by \$12,865 from the general fund to provide total MFCU operating expenses and capital assets of \$396,739, of which \$28,095 is from the general fund and \$368,644 is from federal funds.

In Senate Bill No. 2003 (2023), the Legislative Assembly appropriated \$855,644 for an additional 3 FTE MFCU positions, of which \$242,017 is from the general fund and \$613,627 is from federal funds. The Legislative Assembly also adjusted \$341,747 of funding for MFCU salaries and wages and operating expenses by reducing federal funds and increasing funding from the general fund to reflect a change in the federal-state cost sharing of the program. Previously, the federal government provided funding for 90 percent of the costs of the MFCU program. The new federal funding rate is 75 percent. In addition, the Legislative Assembly provided a one-time appropriation of \$69,273 for MFCU operating expenses and capital assets, including \$17,318 from the general fund and \$51,955 from federal funds.

Prosecution Witness Fees

Section 4 of Senate Bill No. 2003 (2019) amended Section 31-01-16 to limit the amount of prosecution witness fees a county may be reimbursed by the Attorney General to \$25,000 per county per biennium. The Attorney General has budgeted \$95,056 in the operating expenses line item for prosecution witness fees for the 2023-25 biennium. A recent history of funding for prosecution witness fees in the Attorney General's office is as follows:

Biennium	General Fund			Emergency Commission State Contingency Funds	Total
	Budgeted by the Attorney General	Deficiency Appropriation	Emergency Commission Line Item Transfers		
2013-15	\$100,000	\$50,000		\$120,000	\$270,000
2015-17	100,000		\$121,714		221,714
2017-19	95,056	50,000		50,000	195,056
2019-21	95,056				95,056
2021-23	95,056	75,000			170,056
2023-25	95,056				95,056
Total	\$580,224	\$175,000	\$121,714	\$170,000	\$1,046,938

Charitable Gaming Technology System

The 2019 Legislative Assembly provided a one-time appropriation of \$400,000 from the Attorney General operating fund to the Attorney General to purchase equipment and software for Phases 1 and 2 of a charitable gaming technology system to address charitable gaming needs in the state during the 2019-21 biennium. Section 12 of Senate Bill No. 2003 provides an exemption from Section 53-06.1-12(3) to allow the Attorney General to retain \$400,000 of gaming tax revenues and deposit the revenue in the Attorney General operating fund during fiscal year 2020. This change reduced 2019-21 estimated general fund revenues from gaming tax collections by \$400,000.

In Section 8 of House Bill No. 1003 (2021), the Legislative Assembly identified a one-time appropriation provided in Section 1 of \$400,000 from the charitable gaming operating fund to the Attorney General for Phases 3 and 4 of the charitable gaming technology system project for additional system enhancements during the 2021-23 biennium.

Charitable gaming technology system - In Section 6 of Senate Bill No. 2003 (2023), the Legislative Assembly identified \$736,000 of funding from the charitable gaming operating fund for defraying the expenses related to the continued development and implementation of the charitable gaming technology system, of which \$37,000 is ongoing funding and \$699,000 is one-time funding.

Human Trafficking Victims Grant Program

The 2015 Legislative Assembly in Senate Bill No. 2107 created Chapter 12.1-41 relating to the Uniform Act on Prevention of and Remedies for Human Trafficking, which provided a penalty for human trafficking, and authorized the Attorney General to grant or contract with service providers to develop or expand service programs for victims of human trafficking. A recent history of funding for the human trafficking victims grant program in the Attorney General's office is as follows:

Biennium	Bill No.	General Fund
2015-17 ¹	SB 2199	\$500,000
2017-19 ²	SB 2203	125,000
2019-21	SB 2003	1,400,000
2021-23 ³	HB 1003	1,101,879
2023-25 ⁴	SB 2003	1,105,404
Total		\$4,232,283

¹In addition to the appropriation provided to the Attorney General for prevention and treatment services related to human trafficking victims in non-oil-producing counties for the 2015-17 biennium, the Legislative Assembly, in Section 2 of Senate Bill No. 2199 (2015), directed the Board of University and School Lands, from funds designated from the oil and gas impact grant fund in House Bill No. 1176 (2015) for grants to law enforcement agencies impacted by oil and gas development, to make available \$750,000 for grants to organizations involved in providing prevention and treatment services related to human trafficking victims in hub cities located in oil-producing counties for the 2015-17 biennium. The Board of University and School Lands was required to award the grants as directed by the Attorney General.

²In addition to the appropriation provided to the Attorney General for the 2017-19 biennium, the Legislative Assembly, in Section 2 of Senate Bill No. 2203 (2017), directed the Board of University and School Lands to award, based on recommendations from the Attorney General, up to \$700,000 in grants to organizations involved in providing prevention and treatment services related to human trafficking victims, from funds designated from the oil and gas impact grant fund for grants to law enforcement agencies impacted by oil and gas development in subsection 3 of Section 5 of Chapter 463 of the 2015 Session Laws.

³Of the \$1,101,879 appropriated in Section 1 and identified in Section 9 of House Bill No. 1003 (2021) for the 2021-23 biennium, \$921,077 is for grants and \$180,802 is for administration of the program.

⁴Of the \$1,105,404 appropriated in Section 1 and identified in Section 7 of Senate Bill No. 2003 (2023) for the 2023-25 biennium, \$992,431 is for grants and \$112,973 is for administration of the program.

Human trafficking victims grant program - Section 7 of Senate Bill No. 2003 (2023) identifies \$1,105,404 appropriated from the general fund for providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2023-25 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 69th Legislative Assembly on the use of the funds received and the outcomes of its program.

Forensic Nurse Examiners Grant Program

In Senate Bill No. 2191 (2017), the Legislative Assembly appropriated one-time funding of \$150,000 from SIIF to the Attorney General for the purpose of providing grants for a domestic violence and rape crisis program, also known as the sexual assault forensic nurse examiners grant program for community- or hospital-based sexual assault examiner programs for the 2017-19 biennium. The Legislative Assembly has appropriated ongoing funding from the general fund for the program since the 2017-19 biennium. A recent history of funding for the forensic nurse examiners grant program in the Attorney General's office is as follows:

Biennium	Bill No.	General Fund	SIIF	Total
2017-19	SB 2191	\$0	\$150,000	\$150,000
2019-21	SB 2003	250,000	0	250,000
2021-23 ¹	HB 1003	250,691	0	250,691
2023-25 ²	SB 2003	251,482	0	251,482
Total		\$752,173	\$150,000	\$902,173

¹Of the \$250,691 appropriated in Section 1 and identified in Section 10 of House Bill No. 1003 (2021) for the 2021-23 biennium, \$183,689 is for grants and \$67,002 is for administration of the program.

²Of the \$251,482 appropriated in Section 1 and identified in Section 8 of Senate Bill No. 2003 (2023) for the 2023-25 biennium, \$225,627 is for grants and \$25,855 is for administration of the program.

Forensic nurse examiners grant program - Section 8 of Senate Bill No. 2003 (2023) identifies \$251,482 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2023-25 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 69th Legislative Assembly on the use of the funds received and the outcomes of its programs.

Other Sections in Senate Bill No. 2003

Additional income - 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 2023-25 biennium. The Attorney General is required to report to OMB and the Legislative Council on the availability of this funding.

Law enforcement resiliency grant program - Section 9 identifies \$400,000 appropriated from the general fund in the grants line item is for a law enforcement resiliency grant program to be provided to defray the administrative, therapeutic, training, and outreach-related costs of providing mental health and wellness support services to current and retired correctional and law enforcement personnel.

Lottery fund transfers - Section 10 amends Section 53-12.1-09 to increase transfers from the lottery operating fund to the multijurisdictional drug task force grant fund by \$50,000, from \$200,000 to \$250,000 each quarter.

Salary of the Attorney General - Section 11 includes the statutory changes necessary to provide for the Attorney General's annual salary to increase from \$169,162 to \$179,312 effective July 1, 2023, and to \$186,484 effective July 1, 2024, to reflect the 6 percent and 4 percent approved salary increases.

Criminal history record checks - Section 12 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2023-25 biennium.

Exemption - Contingent fee arrangement - Section 13 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the 2023-25 biennium.

Exemption - Gaming tax revenues - Section 14 provides, notwithstanding Section 53-06.1-12, the Attorney General may distribute quarters seven and eight 2021-23 biennium gaming tax revenues to cities and counties through October 31, 2023. Section 24 declares Section 14 to be an emergency measure.

Exemption - Attorney General refund fund - Section 15 provides the Attorney General an exemption to retain the 2021-23 biennium ending balance of the Attorney General refund fund for the 2023-25 biennium rather than transferring the balance to the general fund on June 30, 2023. Please refer to the **TRUST FUND ANALYSES** section of this report for an analysis of the Attorney General refund fund.

Exemption - Concealed weapon rewrite project - Section 16 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, 2019-21, and 2021-23 bienniums for a concealed weapon rewrite project into the 2023-25 biennium.

Exemption - Legal case management system - Section 17 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was carried into the 2021-23 biennium for the legal case management system to be continued into the 2023-25 biennium for the legal case management system. The Attorney General anticipates \$117,000 will be continued into the 2023-25 biennium.

Exemption - Criminal history improvement project - Section 18 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium for the criminal history improvement project into the 2023-25 biennium.

Exemption - Automated biometric identification system - Section 19 allows the Attorney General to continue any remaining funding of the \$300,000 appropriated from the federal funds during the 2021-23 biennium for the automated biometric identification system, formerly known as the automated fingerprint identification system, into the 2023-25 biennium.

Exemption - COVID-19 funds - Section 20 allows the Attorney General to continue any remaining funding of the \$2,082,871 appropriated from federal COVID-19 funds during the 2019-21 biennium and continued into the 2021-23 biennium for justice assistance grants into the 2023-25 biennium.

Exemption - Federal State Fiscal Recovery Fund - Section 21 allows the Attorney General to continue any remaining funding of the \$1 million appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium for the replacement of the prosecuting case management system into the 2023-25 biennium.

Legislative Management study - State Crime Laboratory - Section 22 provides for a Legislative Management study of the services and needs of the State Crime Laboratory.

Attorney cost-savings - Section 23 requires the Attorney General to provide a report to the 69th Legislative Assembly regarding cost-savings realized by hiring FTE attorney positions instead of contracting for third party legal counsel during the 2023-25 biennium.

Emergency - Section 24 declares \$250,000 appropriated in Section 1 for State Crime Laboratory capital improvements and Sections 4 and 14 to be an emergency measure.

Related Legislation

House Bill No. 1183 (2023) - Peace officer retirement - Expands the definition of peace officer to individuals employed by the state, allowing peace officers to transfer from the Public Employees Retirement System main system defined benefit retirement plan to the public safety defined benefit retirement plan. This bill does not include peace officers employed by the Highway Patrol who are enrolled in the Highway Patrol defined benefit retirement plan.

House Bill No. 1307 - Back the blue grants - Provides a one-time appropriation of \$3.5 million from the general fund to the Attorney General for a back the blue grant program to assist local law enforcement agencies with workforce recruitment and retention. The funding may be used for providing hiring and retention bonuses to new and current law enforcement and correctional officers and providing tuition and fee payments on behalf of law enforcement trainees. Of the total, at least \$750,000 must be granted to local law enforcement agencies employing 10 or fewer employees working in a law enforcement capacity.

House Bill No. 1309 (2023) - Peace officer retirement - Adjusts retirement vesting and multiplier provisions for peace officers of the public safety defined benefit plan.

House Bill No. 1415 - Law enforcement staffing grant - Provides a one-time appropriation of \$29,000 from the general fund to the Attorney General for the purpose of establishing a law enforcement staffing grant program for awarding grants to a local police department located in a community that has recently experienced a significant increase in the number of registered sex offenders living in that community in order to hire additional law enforcement staff. Eligible expenditures under the program include costs related to salaries and overtime, training, and purchases of equipment for existing and newly hired law enforcement staff. A Legislative Management study is provided in Section 2 regarding the feasibility and desirability of creating a multijurisdictional sexual predator task force.

House Bill No. 1447 (2023) - Opioid settlement fund - Creates an opioid settlement fund and an opioid settlement advisory committee, requires the Attorney General to transfer any funding received from opioid-related lawsuit settlement proceeds deposited in the Attorney General refund fund during the 2019-21 and 2021-23 bienniums into the opioid settlement fund, and allows political subdivisions to remit opioid-related funds to the state for deposit in the fund. An appropriation of \$8 million is provided to the Department of Health and Human Services for the purpose of opioid remediation and abatement efforts. Please refer to the **TRUST FUND ANALYSES** section of this report for an analysis of the Attorney General refund fund and the community health trust fund.

House Bill No. 1528 (2023) - Final disposition of records - Relates to the final disposition of records, mandatory records retention policies for state agencies, and the administration of employee accounts upon employee departure from an agency. The bill allows noncompliance with the records management program to be reported to the Attorney General for possible prosecution or referral to OMB's Human Resource Management Services Division for disciplinary action.

Senate Bill No. 2015 (2023) - Funding pools - Includes funding pools from which the agency may receive allocations, including the:

- Employer retirement contribution pool from which the agency is to receive \$2,111,975, including \$1,268,037 from the general fund and \$843,938 from other funds, in accordance with provisions of Section 23 of Senate Bill No. 2015 for the 1 percent employer retirement contribution increase provided for in House Bill No. 1040 (2023) and retirement contribution increases provided for in House Bill Nos. 1183 and 1309;
- New and vacant FTE funding pool from which the agency may request funding when hiring new FTE positions or if the agency does not realize sufficient savings from vacant FTE positions in accordance with provisions of Section 22 of Senate Bill No. 2015; and
- Targeted market equity pool from which the agency may receive an allocation as determined by OMB in accordance with provisions of Section 20 of Senate Bill No. 2015.

Senate Bill No. 2202 - Domestic violence forensic medical examination grants - Appropriates one-time funding of \$250,000 from the general fund to the Attorney General to provide domestic violence forensic medical examination program grants to community-based or hospital-based domestic violence examiner programs and related administrative costs.

Senate Bill No. 2211 (2023) - State Fire Marshal transfer - Transfers statutory supervision authority for the State Fire Marshal from the Attorney General to the Insurance Commissioner.

Senate Bill No. 2281 (2023) - Charitable gaming technology fund - Creates a charitable gaming technology fund, requires the Attorney General to deposit a portion of gaming licensing fees into the new fund, provides the Attorney General a continuing appropriation from the fund for contracting for and purchasing equipment and software for a charitable gaming technology system, training employees to operate the system, and maintaining and updating the system, and transfers \$400,000 from the charitable gaming operating fund to the charitable gaming technology fund.

Senate Bill No. 2299 (2023) - Scrap metal dealers - Requires the Attorney General to provide a certificate of registration for all scrap metal dealers.