

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Funding Summary**

	<b>Base Budget</b>	<b>Final Legislative Action</b>	<b>Comparison to Base Budget</b>
Attorney General			
Salaries and wages	\$50,295,349	\$50,295,442	\$93
Operating expenses	15,237,498	18,741,105	3,503,607
Capital assets	648,055	5,233,627	4,585,572
Grants	3,903,440	4,303,440	400,000
Litigation fees	127,500	127,500	
Medical examinations	660,000	660,000	
North Dakota lottery	5,254,844	5,316,634	61,790
Arrest and return of fugitives	8,500	8,500	
Gaming commission	7,489	7,489	
Criminal justice information sharing	4,074,968	4,487,137	412,169
Law enforcement	3,048,927	3,131,697	82,770
Human trafficking victims grants	1,101,879	1,105,404	3,525
Forensic nurse examiners grants	250,691	251,482	791
State Crime Laboratory salary equity	537,297		(537,297)
Statewide litigation pool		5,000,000	5,000,000
Additional income		250,000	250,000
Children's medical examinations			
Children's forensic interviews		304,560	304,560
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Total all funds	\$85,156,437	\$99,224,017	\$14,067,580
Less estimated income	42,509,719	47,596,107	5,086,388
General fund	<u>\$42,646,718</u>	<u>\$51,627,910</u>	<u>\$8,981,192</u>
FTE	253.00	266.00	13.00
Bill total			
Total all funds	\$85,156,437	\$99,224,017	\$14,067,580
Less estimated income	42,509,719	47,596,107	5,086,388
General fund	<u>\$42,646,718</u>	<u>\$51,627,910</u>	<u>\$8,981,192</u>
FTE	253.00	266.00	13.00

**Senate Bill No. 2003 - Attorney General - Senate Action**

	<b>Base Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$50,295,349	\$6,180,262	\$56,475,611
Operating expenses	15,237,498	2,450,937	17,688,435
Capital assets	648,055	2,912,522	3,560,577
Grants	3,903,440		3,903,440
Litigation fees	127,500		127,500
Medical examinations	660,000		660,000
North Dakota lottery	5,254,844	178,602	5,433,446
Arrest and return of fugitives	8,500		8,500
Gaming commission	7,489		7,489
Criminal justice information sharing	4,074,968	471,677	4,546,645
Law enforcement	3,048,927	4,145,778	7,194,705
Human trafficking victims grants	1,101,879	9,601	1,111,480
Forensic nurse examiners grants	250,691	2,181	252,872
State Crime Laboratory salary equity	537,297	(537,297)	
Statewide litigation pool		5,000,000	5,000,000
Additional income		250,000	250,000
<b>Total all funds</b>	<b>\$85,156,437</b>	<b>\$21,064,263</b>	<b>\$106,220,700</b>
Less estimated income	42,509,719	124,130	42,633,849
<b>General fund</b>	<b>\$42,646,718</b>	<b>\$20,940,133</b>	<b>\$63,586,851</b>
FTE	253.00	7.00	260.00

**Department 125 - Attorney General - Detail of Senate Changes**

	<b>Adds Funding for the Cost to Continue Salaries<sup>1</sup></b>	<b>Adds Funding for Salary and Benefit Increases<sup>2</sup></b>	<b>Adjusts Funding for Prior Biennium Salary Equity Increases<sup>3</sup></b>	<b>Adds Funding for FTE Positions<sup>4</sup></b>	<b>Adds Funding for the Medicaid Fraud Control Unit<sup>5</sup></b>	<b>Transfers the State Fire Marshal<sup>6</sup></b>
Salaries and wages	\$519,493	\$3,589,614		\$2,615,910	\$715,753	(\$1,797,805)
Operating expenses				772,912	102,419	(365,094)
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	8,471	156,756				
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing		76,341				
Law enforcement	14,398	222,387				
Human trafficking victims grants	936	8,665				
Forensic nurse examiners grants	198	1,983				
State Crime Laboratory salary equity						
Statewide litigation pool						
Additional income						
Children's medical examinations						
Children's forensic interviews						
<b>Total all funds</b>	<b>\$543,496</b>	<b>\$4,055,746</b>	<b>\$0</b>	<b>\$3,388,822</b>	<b>\$818,172</b>	<b>(\$2,162,899)</b>
Less estimated income	151,470	1,548,160	(2,404,289)	0	271,880	(1,275,214)
<b>General fund</b>	<b>\$392,026</b>	<b>\$2,507,586</b>	<b>\$2,404,289</b>	<b>\$3,388,822</b>	<b>\$546,292</b>	<b>(\$887,685)</b>
FTE	0.00	0.00	0.00	12.00	3.00	(8.00)

	<b>Adjusts Base Level Funding<sup>7</sup></b>	<b>Adds Funding for Software Costs<sup>8</sup></b>	<b>Adds Funding for the Capitol Rent Model<sup>9</sup></b>	<b>Adds One-Time Funding for FTE Positions<sup>10</sup></b>	<b>Adds One-Time Funding for Capital Assets<sup>11</sup></b>	<b>Adds One-Time Funding for Inflationary Increases<sup>12</sup></b>
Salaries and wages	\$537,297					
Operating expenses	258,439	\$831,700	\$259,708	\$434,390		\$156,463
Capital assets	(264,055)			357,700	\$2,818,877	
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	13,375					
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	(261)	395,597				
Law enforcement	8,993					
Human trafficking victims grants						
Forensic nurse examiners grants						
State Crime Laboratory salary equity	(537,297)					
Statewide litigation pool						
Additional income						
Children's medical examinations						
Children's forensic interviews						
<b>Total all funds</b>	<b>\$16,491</b>	<b>\$1,227,297</b>	<b>\$259,708</b>	<b>\$792,090</b>	<b>\$2,818,877</b>	<b>\$156,463</b>
Less estimated income	(791,961)	324,000	0	51,955	1,555,877	0
General fund	\$808,452	\$903,297	\$259,708	\$740,135	\$1,263,000	\$156,463
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<b>Adds One-Time Funding for the Litigation Funding Pool<sup>13</sup></b>	<b>Adds One-Time Funding for Law Enforcement Grants<sup>14</sup></b>	<b>Adds One-Time Funding for Additional Income<sup>15</sup></b>	<b>Total Senate Changes</b>
Salaries and wages				\$6,180,262
Operating expenses				2,450,937
Capital assets				2,912,522
Grants				
Litigation fees				
Medical examinations				
North Dakota lottery				178,602
Arrest and return of fugitives				
Gaming commission				
Criminal justice information sharing				471,677
Law enforcement		\$3,900,000		4,145,778
Human trafficking victims grants				9,601
Forensic nurse examiners grants				2,181
State Crime Laboratory salary equity				(537,297)
Statewide litigation pool	\$5,000,000			5,000,000
Additional income			\$250,000	250,000
Children's medical examinations				
Children's forensic interviews				
<b>Total all funds</b>	<b>\$5,000,000</b>	<b>\$3,900,000</b>	<b>\$250,000</b>	<b>\$21,064,263</b>
Less estimated income	442,252	0	250,000	124,130
General fund	\$4,557,748	\$3,900,000	\$0	\$20,940,133
FTE	0.00	0.00	0.00	7.00

<sup>1</sup> Funding is added for the cost to continue salary increases.

<sup>2</sup> The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Salary increase	\$1,778,318	\$1,083,827	\$2,862,145
Health insurance increase	<u>729,268</u>	<u>464,333</u>	<u>1,193,601</u>
Total	\$2,507,586	\$1,548,160	\$4,055,746

<sup>3</sup> Funding of \$2,404,289 is adjusted for prior biennium salary equity increases for Bureau of Criminal Investigation (BCI), Medicaid Fraud Control Unit (MFCU), and State Crime Laboratory positions by reducing funding from the Attorney General refund fund and increasing funding from the general fund.

<sup>4</sup> Funding is added from the general fund for the following FTE positions:

	<b>FTE Positions</b>	<b>Salaries and Wages</b>	<b>Operating Expenses</b>	<b>Total</b>
Attorney positions	2.00	\$548,296	\$83,540	\$631,836
BCI cybercrime positions	3.00	677,355	162,621	839,976
BCI criminal investigator positions	3.00	677,355	162,674	840,029
State Crime Laboratory positions	<u>4.00</u>	<u>712,904</u>	<u>364,077</u>	<u>1,076,981</u>
Total	12.00	\$2,615,910	\$772,912	\$3,388,822

<sup>5</sup> Funding of \$840,029, including \$715,753 for salaries and wages and \$102,419 for related operating expenses, is added from the general fund for 3 FTE MFCU positions. In addition, funding for MFCU is adjusted by \$341,747 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.

<sup>6</sup> Funding of \$2,162,899 for 8 FTE positions for the State Fire Marshal is transferred from the Attorney General to the Insurance Commissioner. Funding removed in the Attorney General budget includes \$887,685 from the general fund, \$893,085 from the Attorney General operating fund, and \$382,129 from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund.

<sup>7</sup> Base level funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Transfers \$537,297 from the Attorney General refund fund for prior biennium State Crime Laboratory salary equity funding from a special line item to the salaries and wages line item	\$0	\$0	\$0
Adds funding for salary equity increases from the Attorney General operating fund	0	22,368	22,368
Reduces funding for operating expenses from the Attorney General operating fund	0	(22,368)	(22,368)
Adjusts funding for Information Technology (IT) Division and Criminal Justice Information Sharing (CJIS) Division operating expenses by reducing funding from the Attorney General refund fund	856,262	(856,262)	0
Adds funding for the BCI, State Crime Laboratory, and Gaming Division inflationary increases, including funding from the charitable gaming operating fund	125,000	20,000	145,000
Adds funding for gaming, licensing, and deposit projects operating expenses, including funding from the charitable gaming operating fund	37,000	37,000	74,000
Adds funding for Information Technology Department rate increases	54,245	7,301	61,546
Adds funding to replace Attorney General IT servers	54,000	0	54,000
Reduces funding for bond payments for the State Crime Laboratory	<u>(318,055)</u>	<u>0</u>	<u>(318,055)</u>
Total	\$808,452	(\$791,961)	\$16,491

<sup>8</sup> Funding is added for software upgrades, maintenance, and subscription costs, as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adds funding for increased software maintenance and subscription costs	\$419,297	\$0	\$419,297
Adds federal funding for sexual assault kit tracking system software maintenance	0	180,000	180,000
Adds funding for the automated biometric identification system and data extraction software, of which \$144,000 is from federal funds	384,000	144,000	528,000
Adds funding for legal case search software, also known as Discovery software	<u>100,000</u>	<u>0</u>	<u>100,000</u>
<b>Total</b>	<b>\$903,297</b>	<b>\$324,000</b>	<b>\$1,227,297</b>

<sup>9</sup> Funding of \$259,708 is added from the general fund for a new Capitol space rent model.

<sup>10</sup> One-time funding of \$792,090 for operating expenses and capital assets for new FTE positions is added as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
FTE attorney positions operating expenses	\$12,520	\$0	\$12,520
FTE BCI cybercrime positions operating expenses (\$159,717) and capital assets (\$153,300)	313,017	0	313,017
FTE BCI criminal investigator positions operating expenses (\$57,642) and capital assets (\$153,300)	210,942	0	210,942
FTE MFCU positions operating expenses (\$18,173) and capital assets (\$51,100), of which \$51,955 is from federal funds	17,318	51,955	69,273
FTE State Crime Laboratory operating expenses	<u>186,338</u>	<u>0</u>	<u>186,338</u>
<b>Total</b>	<b>\$740,135</b>	<b>\$51,955</b>	<b>\$792,090</b>

<sup>11</sup> One-time funding of \$2,818,877 is added for capital assets, as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
State Crime Laboratory capital assets, including firearms and fingerprint software and testing equipment upgrades and the replacement of intoxilyzers. Of the total, \$754,677 is from federal funds.	\$886,000	\$754,677	\$1,640,677
Gaming Division and Consumer Protection and Antitrust Division vehicles and radios, of which \$51,100 is from the Attorney General refund fund and \$51,100 is from the charitable gaming operating fund	0	102,200	102,200
Gaming, licensing, and deposit software, including \$699,000 from the charitable gaming operating fund	177,000	699,000	876,000
Replacement of 10 undercover BCI vehicles	<u>200,000</u>	<u>0</u>	<u>200,000</u>
<b>Total</b>	<b>\$1,263,000</b>	<b>\$1,555,877</b>	<b>\$2,818,877</b>

<sup>12</sup> One-time funding of \$156,463 is added from the general fund for BCI, State Crime Laboratory, and Gaming Division inflationary increases.

<sup>13</sup> One-time funding of \$5,000,000 is added for the statewide litigation funding pool, of which \$4,557,748 is from the general fund and \$442,252 is from the gaming and excise tax allocation fund.

<sup>14</sup> One-time funding of \$3.9 million is added from the general fund for law enforcement grant programs, including \$3.5 million for a back the blue grant program and \$400,000 for a law enforcement resiliency grant program.

<sup>15</sup> One-time funding of \$250,000 is added from federal funds or other funds received during the 2023-25 biennium, the same amount provided for the 2017-19, 2019-21, and 2021-23 bienniums. This amount is appropriated in a separate section of the bill.

This amendment also adds sections to:

- Require 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 \$442,252 appropriated in the estimated income line item for the statewide litigation funding pool is from the gaming excise tax allocation fund;

- Identify \$736,000 appropriated in the estimated income line item from the charitable gaming operating fund for the continued development and implementation of the charitable gaming technology system;
- Identify \$1,111,480 appropriated from the general fund is for providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims. 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;
- Identify \$252,872 appropriated from the general fund is for providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs. 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;
- Identify \$3.5 million appropriated from the general fund in the grants line item is for back the blue grants. Of this amount, \$1.5 million is available exclusively to local law enforcement agencies employing 10 or fewer employees working in a law enforcement capacity. The Attorney General may spend funding for this program only to the extent the applicant has secured \$1 for every \$4 provided by the Attorney General;
- Identify \$400,000 appropriated from the general fund in the law enforcement 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;
- Create a new section to North Dakota Century Code Chapter 50-06 to create an opioid settlement fund and deposit money received by the state as a result of opioid litigation in the fund;
- Amend 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. This change will reduce general fund revenue by \$400,000 for the 2023-25 biennium;
- Amend Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$169,162 to \$175,928 effective July 1, 2023, and \$182,965 effective July 1, 2024, to reflect the 4 percent and 4 percent approved salary increases;
- Require 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;
- Authorize the Attorney General to contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the 2023-25 biennium;
- Allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2021-23 biennium to be used during the 2023-25 biennium, rather than transferring the balance to the general fund;
- Provide the Attorney General an exemption 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;
- Provide the Attorney General an exemption 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;
- Provide the Attorney General an exemption 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;
- Provide the Attorney General an exemption to continue any remaining funding appropriated from the federal State Fiscal Recovery Fund during the 2021-23 biennium for a missing persons database (\$300,000), the replacement of the prosecuting case management system (\$1 million), and charitable gaming IT costs (\$50,000) into the 2023-25 biennium; and
- Provide for a Legislative Management study of the services and needs of the State Crime Laboratory.

**Senate Bill No. 2003 - Attorney General - House Action**

	<b>Base Budget</b>	<b>Senate Version</b>	<b>House Changes</b>	<b>House Version</b>
Salaries and wages	\$50,295,349	\$56,475,611	(\$6,180,169)	\$50,295,442
Operating expenses	15,237,498	17,688,435	1,082,670	18,771,105
Capital assets	648,055	3,560,577	1,673,050	5,233,627
Grants	3,903,440	3,903,440	400,000	4,303,440
Litigation fees	127,500	127,500		127,500
Medical examinations	660,000	660,000		660,000
North Dakota lottery	5,254,844	5,433,446	(116,812)	5,316,634
Arrest and return of fugitives	8,500	8,500		8,500
Gaming commission	7,489	7,489		7,489
Criminal justice information sharing	4,074,968	4,546,645	(59,508)	4,487,137
Law enforcement	3,048,927	7,194,705	(4,063,008)	3,131,697
Human trafficking victims grants	1,101,879	1,111,480	(6,076)	1,105,404
Forensic nurse examiners grants	250,691	252,872	(1,390)	251,482
State Crime Laboratory salary equity	537,297			
Statewide litigation pool		5,000,000		5,000,000
Additional income		250,000		250,000
Children's medical examinations			304,560	304,560
<b>Total all funds</b>	<b>\$85,156,437</b>	<b>\$106,220,700</b>	<b>(\$6,966,683)</b>	<b>\$99,254,017</b>
Less estimated income	42,509,719	42,633,849	4,962,258	47,596,107
General fund	\$42,646,718	\$63,586,851	(\$11,928,941)	\$51,657,910
<b>FTE</b>	<b>253.00</b>	<b>260.00</b>	<b>6.00</b>	<b>266.00</b>

**Department 125 - Attorney General - Detail of House Changes**

	<b>Adjusts Funding for Salary and Benefit Increases<sup>1</sup></b>	<b>Adds Funding for Salary Equity Increases and Reclassifications<sup>2</sup></b>	<b>Adjusts Funding for Prior Biennium Salary Equity Increases<sup>3</sup></b>	<b>Adds Funding for FTE Positions<sup>4</sup></b>	<b>Removes Salary Funding for Funding Pool<sup>5</sup></b>	<b>Adjusts Base Level Funding<sup>6</sup></b>
Salaries and wages	\$701,762	\$258,668		\$1,271,188	(\$8,411,787)	
Operating expenses				447,682		\$64,000
Capital assets						222,000
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	33,740				(150,552)	
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	17,294				(76,802)	
Law enforcement	48,223				(211,231)	
Human trafficking victims grants	1,738				(7,814)	
Forensic nurse examiners grants	398				(1,788)	
Statewide litigation pool						
State Crime Laboratory salary equity						
Additional income						
Children's medical examinations						
Children's forensic interviews						
<b>Total all funds</b>	<b>\$803,155</b>	<b>\$258,668</b>	<b>\$0</b>	<b>\$1,718,870</b>	<b>(\$8,859,974)</b>	<b>\$286,000</b>
Less estimated income	355,283	14,487	1,866,992	0	(2,157,983)	46,881
General fund	\$447,872	\$244,181	(\$1,866,992)	\$1,718,870	(\$6,701,991)	\$239,119
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6.00</b>	<b>0.00</b>	<b>0.00</b>

	Adds Funding for Children's Medical Examinations <sup>7</sup>	Adjusts One- Time Funding <sup>8</sup>	Adjusts One- Time Funding for the Litigation Funding Pool <sup>9</sup>	Total House Changes
Salaries and wages				(\$6,180,169)
Operating expenses		\$570,988		1,082,670
Capital assets		1,451,050		1,673,050
Grants		400,000		400,000
Litigation fees				
Medical examinations				
North Dakota lottery				(116,812)
Arrest and return of fugitives				
Gaming commission				
Criminal justice information sharing				(59,508)
Law enforcement		(3,900,000)		(4,063,008)
Human trafficking victims grants				(6,076)
Forensic nurse examiners grants				(1,390)
Statewide litigation pool				
State Crime Laboratory salary equity				
Additional income				
Children's medical examinations	\$304,560			304,560
Children's forensic interviews				
Total all funds	\$304,560	(\$1,477,962)	\$0	(\$6,966,683)
Less estimated income	304,560	1,772,038	2,760,000	4,962,258
General fund	\$0	(\$3,250,000)	(\$2,760,000)	(\$11,928,941)
FTE	0.00	0.00	0.00	6.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$464,271	\$365,724	\$829,995
Health insurance reduction	(16,399)	(10,441)	(26,840)
Total	\$447,872	\$355,283	\$803,155

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding of \$223,000 is added from the general fund for salary equity funding and \$35,668 is added to reclassify employee positions, including \$21,181 from the general fund for finance staff and \$14,487 from the Attorney General refund fund for Consumer Protection and Antitrust Division staff. The Senate did not add funding for these purposes.

<sup>3</sup> Funding of \$1,866,992 for prior biennium salary equity increases for attorneys, Bureau of Criminal Investigation (BCI), and Medicaid Fraud Control Unit (MFCU) positions is transferred from the general fund to the Attorney General refund fund to restore the funding to the base level. The Senate transferred this funding from the Attorney General refund fund to the general fund.

The Senate also transferred \$537,297 for prior biennium salary equity increases for State Crime Laboratory positions from the Attorney General refund fund to the general fund. The House did not adjust this funding.

<sup>4</sup> Funding is added from the general fund for the following FTE positions:



	<b>FTE Positions</b>	<b>Salaries and Wages</b>	<b>Operating Expenses</b>	<b>Total</b>
Attorney positions	2.00	\$461,954	\$96,060	\$558,014
State Crime Laboratory positions	2.00	356,452	262,389	618,841
IT programmers and analyst positions	2.00	452,782	51,761	501,543
MFCU positions authorized by the Senate	<u>0.00</u>	<u>0</u>	<u>37,472</u>	<u>37,472</u>
Total	6.00	\$1,271,188	\$447,682	\$1,718,870

The House did not change the 15 FTE positions added by the Senate, including 2 FTE attorney positions, 3 FTE BCI cybercrime positions, 3 FTE BCI criminal investigator positions, 4 FTE State Crime Laboratory positions, and 3 FTE MFCU positions, totaling \$4,206,994, of which \$3,593,367 is from the general fund and \$613,627 is from federal funds.

Funding for salaries and wages and operating expenses of 21 new FTE positions, as approved by the House, totals \$5,925,864, of which \$5,312,237 is from the general fund and \$613,627 is from federal funds, prior to the removal of funding for the new and vacant FTE position pool.

<sup>5</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
New FTE positions	(\$4,066,038)	(\$536,813)	(\$4,602,851)
Vacant FTE positions	<u>(2,635,953)</u>	<u>(1,621,170)</u>	<u>(4,257,123)</u>
Total	(\$6,701,991)	(\$2,157,983)	(\$8,859,974)

<sup>6</sup> Base level funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adjusts funding from the Attorney General refund fund as a result of settlement proceeds from the JUUL Labs, Inc. lawsuit no longer being available to the Attorney General for salaries and operating expenses. The Senate did not adjust funding for this purpose.	\$809,381	(\$809,381)	\$0
Adjusts funding for Information Technology Division and Criminal Justice Information Sharing Division operating expenses by adding funding from the Attorney General refund fund to restore funding to the base level. The Senate provided this funding from the general fund.	(856,262)	856,262	0
Adds funding to the \$419,297 from the general fund added by the Senate for increased software maintenance and subscription costs.	34,000	0	34,000
Adds funding for a retired law enforcement dogs program. The Senate did not add funding for this program.	30,000	0	30,000
Adds funding for State Crime Laboratory building and equipment maintenance contract costs. The Senate did not add funding for this purpose.	<u>222,000</u>	<u>0</u>	<u>222,000</u>
Total	\$239,119	\$46,881	\$286,000

<sup>7</sup> Funding of \$304,560 from the insurance regulatory trust fund is added in a new line item for children's medical examinations related to 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. The Senate did not add funding for this purpose.

<sup>8</sup> One-time funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adds funding for State Crime Laboratory capital improvements. The Senate did not add funding for this purpose.	\$250,000	\$0	\$250,000
Removes funding approved by the Senate for the back the blue grant program.	(3,500,000)	0	(3,500,000)
Transfers \$400,000 from the general fund approved by the Senate for the law enforcement resiliency grant program from the law enforcement line item to the grants line item.	0	0	0
Adds federal funding 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. The Senate did not add funding for this purpose.	<u>0</u>	<u>1,772,038</u>	<u>1,772,038</u>
<b>Total</b>	<b>(3,250,000)</b>	<b>\$1,772,038</b>	<b>(\$1,477,962)</b>

<sup>9</sup> One-time funding of \$2,760,000 is adjusted for the statewide litigation funding pool by reducing the general fund and increasing funding from the gaming and excise tax allocation fund. A section is added to the bill to provide for the transfer of \$2,760,000 from the lottery operating fund to the gaming and excise tax allocation fund. This will reduce 2021-23 biennium general fund revenues by \$2,760,000.

Total funding for the statewide litigation funding pool as approved by the House is \$5,000,000 of which \$1,797,748 is from the general fund and \$3,202,252 is from the gaming and excise tax allocation fund. The Senate approved \$5,000,000, of which \$4,557,748 was from the general fund and \$442,252 was from the gaming and excise tax allocation fund.

This amendment also:

- Adds a section to transfer funding from the lottery operating fund to the gaming and excise tax allocation fund for the statewide litigation funding pool.
- Amends a section authorizing the transfer of funding from the gaming and excise tax allocation fund and the general fund to state agencies for litigation expenses through the statewide litigation funding pool.
- Amends a section identifying the amount of funding included in Section 1 for the human trafficking victims grants program.
- Amends a section identifying the amount of funding included in Section 1 for the forensic nurse examiners grant program.
- Removes a section identifying an appropriation for back the blue grants. Funding for this program is proposed in House Bill No. 1307.
- Removes a section creating an opioid settlement fund. The creation of this fund is proposed in House Bill No. 1447.
- Adds a section to amend Section 53-06.1-11.2 to provide up to \$4 million of gaming tax revenues be deposited in the Attorney General operating fund instead of the general fund.
- Adds a section to add a new section to Chapter 54-12 to establish a retired law enforcement dog program.
- Amends a section providing for the salary of the Attorney General reflecting a 6 percent 1st year and 4 percent 2nd year salary increase.
- Adds a section to provide an exemption allowing the Attorney General may distribute quarters 7 and 8 of 2021-23 biennium gaming tax revenues to cities and counties through October 31, 2023.
- Adds a section to allow 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 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.
- Adds a section to provide an exemption to allow the Attorney General to continue any remaining funding of the \$300,000 appropriated from 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.
- Amends a section authorizing the Attorney General an exemption to continue funding appropriated from the federal State Fiscal Recovery Fund during the November 2021 special legislative session.
- Adds a section to require 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.

- Adds a section to declare \$250,000 appropriated in Section 1 for State Crime Laboratory capital improvements and Sections 4 and 16 to be an emergency measure.

**Senate Bill No. 2003 - Attorney General - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$50,295,349	\$56,475,611	(\$6,180,169)	\$50,295,442	\$50,295,442	
Operating expenses	15,237,498	17,688,435	1,052,670	18,741,105	18,771,105	(\$30,000)
Capital assets	648,055	3,560,577	1,673,050	5,233,627	5,233,627	
Grants	3,903,440	3,903,440	400,000	4,303,440	4,303,440	
Litigation fees	127,500	127,500		127,500	127,500	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota lottery	5,254,844	5,433,446	(116,812)	5,316,634	5,316,634	
Arrest and return of fugitives	8,500	8,500		8,500	8,500	
Gaming commission	7,489	7,489		7,489	7,489	
Criminal justice information sharing	4,074,968	4,546,645	(59,508)	4,487,137	4,487,137	
Law enforcement	3,048,927	7,194,705	(4,063,008)	3,131,697	3,131,697	
Human trafficking victims grants	1,101,879	1,111,480	(6,076)	1,105,404	1,105,404	
Forensic nurse examiners grants	250,691	252,872	(1,390)	251,482	251,482	
State Crime Laboratory salary equity	537,297					
Statewide litigation pool		5,000,000		5,000,000	5,000,000	
Additional income		250,000		250,000	250,000	
Children's medical examinations					304,560	(304,560)
Children's forensic interviews			304,560	304,560		304,560
<b>Total all funds</b>	<b>\$85,156,437</b>	<b>\$106,220,700</b>	<b>(\$6,996,683)</b>	<b>\$99,224,017</b>	<b>\$99,254,017</b>	<b>(\$30,000)</b>
Less estimated income	42,509,719	42,633,849	4,962,258	47,596,107	47,596,107	0
General fund	\$42,646,718	\$63,586,851	(\$11,958,941)	\$51,627,910	\$51,657,910	(\$30,000)
FTE	253.00	260.00	6.00	266.00	266.00	0.00

**Department 125 - Attorney General - Detail of Conference Committee Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adds Funding for Salary Equity Increases and Reclassifications <sup>2</sup>	Adjusts Funding for Prior Biennium Salary Equity Increases <sup>3</sup>	Adds Funding for FTE Positions <sup>4</sup>	Removes Salary Funding for Funding Pool <sup>5</sup>	Adjusts Base Level Funding <sup>6</sup>
Salaries and wages	\$701,762	\$258,668		\$1,271,188	(\$8,411,787)	\$34,000
Operating expenses				447,682		222,000
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	33,740				(150,552)	
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	17,294				(76,802)	
Law enforcement	48,223				(211,231)	
Human trafficking victims grants	1,738				(7,814)	
Forensic nurse examiners grants	398				(1,788)	
Statewide litigation pool						
State Crime Laboratory salary equity						
Additional income						
Children's medical examinations						
Children's forensic interviews						
Total all funds	\$803,155	\$258,668	\$0	\$1,718,870	(\$8,859,974)	\$256,000
Less estimated income	355,283	14,487	1,866,992	0	(2,157,983)	46,881
General fund	\$447,872	\$244,181	(\$1,866,992)	\$1,718,870	(\$6,701,991)	\$209,119
FTE	0.00	0.00	0.00	6.00	0.00	0.00

	Adds Funding for Children's Forensic Interviews <sup>7</sup>	Adjusts One- Time Funding <sup>8</sup>	Adjusts One- Time Funding for the Litigation Funding Pool <sup>9</sup>	Total Conference Committee Changes
Salaries and wages				(\$6,180,169)
Operating expenses		\$570,988		1,052,670
Capital assets		1,451,050		1,673,050
Grants		400,000		400,000
Litigation fees				
Medical examinations				
North Dakota lottery				(116,812)
Arrest and return of fugitives				
Gaming commission				
Criminal justice information sharing				(59,508)
Law enforcement		(3,900,000)		(4,063,008)
Human trafficking victims grants				(6,076)
Forensic nurse examiners grants				(1,390)
Statewide litigation pool				
State Crime Laboratory salary equity				
Additional income				
Children's medical examinations				
Children's forensic interviews	\$304,560			304,560
Total all funds	\$304,560	(\$1,477,962)	\$0	(\$6,996,683)
Less estimated income	304,560	1,772,038	2,760,000	4,962,258
General fund	\$0	(\$3,250,000)	(\$2,760,000)	(\$11,958,941)
FTE	0.00	0.00	0.00	6.00

<sup>1</sup> Salaries and wages funding is adjusted to provide for 2023-25 biennium salary increases of 6 percent on July 1, 2023, and 4 percent on July 1, 2024, and for adjustments to health insurance premium rates as follows:

	General Fund	Other Funds	Total
Salary increase	\$464,271	\$365,724	\$829,995
Health insurance reduction	(16,399)	(10,441)	(26,840)
Total	\$447,872	\$355,283	\$803,155

The Senate provided salary adjustments of 4 percent on July 1, 2023, and July 1, 2024.

<sup>2</sup> Funding of \$223,000 is added from the general fund for salary equity funding and \$35,668 is added to reclassify employee positions, including \$21,181 from the general fund for finance staff and \$14,487 from the Attorney General refund fund for Consumer Protection and Antitrust Division staff. The House also added this funding. The Senate did not add funding for these purposes.

<sup>3</sup> Funding of \$1,866,992 for prior biennium salary equity increases for attorneys, Bureau of Criminal Investigation (BCI), and Medicaid Fraud Control Unit (MFCU) positions is transferred from the general fund to the Attorney General refund fund to restore the funding to the base level, the same as provided by the House. The Senate transferred this funding from the Attorney General refund fund to the general fund.

The Senate also transferred \$537,297 for prior biennium salary equity increases for State Crime Laboratory positions from the Attorney General refund fund to the general fund. The House and the Conference Committee did not adjust this funding.

<sup>4</sup> Funding is added from the general fund for the following FTE positions, the same as provided by the House:

	<b>FTE Positions</b>	<b>Salaries and Wages</b>	<b>Operating Expenses</b>	<b>Total</b>
Attorney positions	2.00	\$461,954	\$96,060	\$558,014
State Crime Laboratory positions	2.00	356,452	262,389	618,841
IT programmers and analyst positions	2.00	452,782	51,761	504,543
MFCU positions authorized by the Senate	<u>0.00</u>	<u>0</u>	<u>37,472</u>	<u>37,472</u>
Total	6.00	\$1,271,188	\$447,682	\$1,718,870

The Conference Committee did not change the 15 FTE positions added by the Senate, including 2 FTE attorney positions, 3 FTE BCI cybercrime positions, 3 FTE BCI criminal investigator positions, 4 FTE State Crime Laboratory positions, and 3 FTE MFCU positions, totaling \$4,206,994, of which \$3,593,367 is from the general fund and \$613,627 is from federal funds. This is the same as provided by the House.

Funding for salaries and wages and operating expenses of 21 new FTE positions, as approved by the Conference Committee, totals \$5,925,864, of which \$5,312,237 is from the general fund and \$613,627 is from federal funds, prior to the removal of funding for the new and vacant FTE position pool. This is the same as provided by the House.

<sup>5</sup> Funding for new FTE positions and estimated savings from vacant FTE positions is removed as shown below. These amounts are available to the agency if needed by submitting a request to the Office of Management and Budget for a transfer from the new and vacant FTE funding pool.

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
New FTE positions	(\$4,066,038)	(\$536,813)	(\$4,602,851)
Vacant FTE positions	<u>(2,635,953)</u>	<u>(1,621,170)</u>	<u>(4,257,123)</u>
Total	(\$6,701,991)	(\$2,157,983)	(\$8,859,974)

The House also removed this funding. The Senate did not remove funding for the new and vacant FTE funding pool.

<sup>6</sup> Base level funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adjusts funding from the Attorney General refund fund as a result of settlement proceeds from the JUUL Labs, Inc. lawsuit no longer being available to the Attorney General for salaries and operating expenses. The Senate did not adjust funding for this purpose.	\$809,381	(\$809,381)	\$0
Adjusts funding for Information Technology Division and Criminal Justice Information Sharing Division operating expenses by adding funding from the Attorney General refund fund to restore funding to the base level. The Senate provided this funding from the general fund.	(856,262)	856,262	0
Adds funding to the \$419,297 from the general fund added by the Senate for increased software maintenance and subscription costs.	34,000	0	34,000
Adds funding for State Crime Laboratory building and equipment maintenance contract costs. The Senate did not add funding for this purpose.	<u>222,000</u>	<u>0</u>	<u>222,000</u>
Total	\$209,119	\$46,881	\$256,000

The Conference Committee adjusted each of these items the same as the House adjustments. The House also added \$30,000 from the general fund for a retired law enforcement dogs program. The Conference Committee did not add funding for this program.

<sup>7</sup> Funding of \$304,560 from the insurance regulatory trust fund is added in a new line item for children's forensic interviews related to Section 12.1-34-07, the same as provided by the House. This amount is in addition to \$660,000 of base level funding from the insurance regulatory trust fund for medical examinations. The Senate did not add funding for this purpose. The Conference Committee amendment renames the line item "children's forensic interviews" rather than "children's medical examinations."

<sup>8</sup> One-time funding is adjusted as follows:

	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
Adds funding for State Crime Laboratory capital improvements. The Senate did not add funding for this purpose.	\$250,000	\$0	\$250,000
Removes funding approved by the Senate for the back the blue grant program.	(3,500,000)	0	(3,500,000)
Transfers \$400,000 from the general fund approved by the Senate for the law enforcement resiliency grant program from the law enforcement line item to the grants line item.	0	0	0
Adds federal funding 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. The Senate did not add funding for this purpose.	<u>0</u>	<u>1,772,038</u>	<u>1,772,038</u>
<b>Total</b>	<b>(\$3,250,000)</b>	<b>\$1,772,038</b>	<b>(\$1,477,962)</b>

The Conference Committee adjusted each of these items the same as the House adjustments.

<sup>9</sup> One-time funding of \$2,760,000 is adjusted for the statewide litigation funding pool by reducing the general fund and increasing funding from the gaming and excise tax allocation fund, the same as provided by the House. A section is added to the bill to provide for the transfer of \$2,760,000 from the lottery operating fund to the gaming and excise tax allocation fund. This will reduce 2021-23 biennium general fund revenues by \$2,760,000. This section was also added by the House.

Total funding for the statewide litigation funding pool as approved by the Conference Committee and the House is \$5,000,000 of which \$1,797,748 is from the general fund and \$3,202,252 is from the gaming and excise tax allocation fund. The Senate approved \$5,000,000, of which \$4,557,748 was from the general fund and \$442,252 was from the gaming and excise tax allocation fund.

The Conference Committee:

- Did not add a section previously added by the House to amend Section 53-06.1-11.2 to provide up to \$4 million of gaming tax revenues be deposited in the Attorney General operating fund instead of the general fund.
- Did not add a section previously added by the House to add a new section to Chapter 54-12 to establish a retired law enforcement dog program.

This amendment also provides for the following, the same as provided by the House:

- Adds a section to transfer funding from the lottery operating fund to the gaming and excise tax allocation fund for the statewide litigation funding pool.
- Amends a section authorizing the transfer of funding from the gaming and excise tax allocation fund and the general fund to state agencies for litigation expenses through the statewide litigation funding pool. This section is declared an emergency measure.
- Amends a section identifying the amount of funding included in Section 1 for the human trafficking victims grants program.
- Amends a section identifying the amount of funding included in Section 1 for the forensic nurse examiners grant program.
- Removes a section identifying an appropriation for back the blue grants. Funding for this program is included in House Bill No. 1307.
- Removes a section creating an opioid settlement fund. The creation of this fund is proposed in House Bill No. 1447.
- Amends a section providing for the salary of the Attorney General reflecting a 6 percent 1st year and 4 percent 2nd year salary increase.
- Adds a section to provide an exemption allowing the Attorney General may distribute quarters 7 and 8 of 2021-23 biennium gaming tax revenues to cities and counties through October 31, 2023. This section is declared an emergency measure.
- Adds a section to allow 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 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.

- Adds a section to provide an exemption to allow the Attorney General to continue any remaining funding of the \$300,000 appropriated from 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.
- Amends a section authorizing the Attorney General an exemption to continue funding appropriated from the federal State Fiscal Recovery Fund during the November 2021 special legislative session.
- Adds a section to require the Attorney General to provide a report to the 69<sup>th</sup> Legislative Assembly regarding cost-savings realized by hiring FTE attorney positions instead of contracting for third-party legal counsel.
- Adds a section to declare \$250,000 appropriated in Section 1 for State Crime Laboratory capital improvements and Sections 4 and 14 to be an emergency measure.