



REQUEST TO EMERGENCY COMMISSION
STATE OF NORTH DAKOTA
SFN 02580 (9-2007)

RECEIVED

Submit original and 7 copies to Secretary of State

AUG 22 2013

1819 #1

SEC. OF STATE

For reference, see North Dakota Century Code, Chapter 54-16

Date 8/22/13	Department Number 125.00	Department Name Office of Attorney General
Authorized Department Signature <i>[Signature]</i>	Name of Contact Person Kathy Roll	Telephone Number 701-328-3622

PART A: BACKGROUND

- 1. Was any portion of this request presented to the last legislative session? (If yes, please explain legislative action in narrative) Yes No
- 2. Is any portion of this request a new program? (If yes, please explain in narrative) Yes No
- 3. Will the legislature be asked to continue this program in the next biennium? Yes No

PART B: FTE

- 4. Will this program require an increase in authorized FTE? Yes No
If yes, how many?

PART C: INCREASE IN APPROPRIATION LINE ITEM

- 7. Will this program require state general fund money for a match in this biennium? Yes No
If yes, estimate the amount of general fund money needed and explain its source in the narrative
- 8. Will this program require state general fund money in the next biennium? Yes No
If yes, estimate the amount of general fund money needed in the next biennium.
- 9. Source of Funds for increased spending authority (check applicable box)
 Federal State Contingency Funds Other _____
- 10. Is this a pass-through from another agency? Yes No If yes, from which agency? _____
- 11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? Yes No
If yes, estimate the amount of general fund money needed in the next biennium.

Specify below the line item to be increased and the amount of the increase.

Line Item Amount

PART D: INTRA-AGENCY LINE ITEM TRANSFER

<u>FROM - Line Item</u>	<u>TO - Line Item</u>	<u>Amount</u>
Operating expenses	Salaries & Wages	\$200,000

PART E: NARRATIVE (attach separate sheets if necessary)

During the 2013 legislative session the Office of Attorney General requested funding to help put staff members in oil-impacted areas on more even footing with other staff members performing the same duties in other non-oil producing areas. The funding was removed from this budget, reduced and then added into the Office of Management and Budget's budget as a pool for this purpose. Since it appears there will be more requests on this pool than funding available, this office is requesting to transfer authority from operating expenses to salaries and wages to fund an oil-impact salary add-on of \$500 per month per affected staff member, where the office will try to cover the costs with other funds.



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1820

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PART A: BACKGROUND

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 If yes, how many?

PART C: INCREASE IN APPROPRIATION LINE ITEM

7. Will this program require state general fund money for a match in this biennium? Yes No
 If yes, estimate the amount of general fund money needed and explain its source in the narrative

8. Will this program require state general fund money in the next biennium? Yes No
 If yes, estimate the amount of general fund money needed in the next biennium.

9. Source of Funds for increased spending authority (check applicable box) Law Enforcement grant provided by legislature for oil-impacted areas
 Federal State Contingency Funds Other

10. Is this a pass-through from another agency? Yes No If yes, from which agency? _____

11. If this program is federally funded, will the legislature be asked to continue it if federal funds are no longer available? Yes No
 If yes, estimate the amount of general fund money needed in the next biennium.

12. Specify below the line item to be increased and the amount of the increase.

Line Item	Amount
Salaries & Wages	\$125,000
Operating Expenses	\$ 24,000

PART D: INTRA-AGENCY LINE ITEM TRANSFER

FROM - Line Item	TO - Line Item	Amount

PART E: NARRATIVE (attach separate sheets if necessary)

Requests for assistance from oil impact counties have recently increased dramatically. Although our skilled, experienced prosecutors provide such assistance as they are able, a staff of three gets spread very thin considering the area they must cover and the additional challenges of travel delays and lodging availability. The Criminal and Regulatory Division provides legal advice to the Department of Corrections, State Highway Patrol, the State Crime Lab, and the Bureau of Criminal Investigation. Each of those entities has added a significant number of staff in response to the increase in criminal justice system impact from the oil patch. More staff with more daily questions adds to the burden the Criminal and Regulatory Division is carrying. In a growing number of instances we have to tell state's attorneys, "we simply can't help right now." The prospect is very real that cases will go uncharged, those that are charged may get dismissed or pled down due to Speedy Trial constraints, and that victims of crime in oil impact counties will fail to see justice done.

The requested 1/2 time position will provide a minimal additional resource for overburdened state's attorneys. We also plan to reassign job portfolios so that the new attorney will handle more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impact counties.

The legislature recognized that the challenges created by the Bakken's population explosion necessitated that additional dollars be directed to fill law enforcement needs. At present the chief law enforcement officer the State of North Dakota has felt an increased and increasing demand for skilled prosecutors. It is highly likely that, as the need continues to grow, further increases in skilled prosecutorial staff will be needed. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion.