

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

2003

2007 SENATE APPROPRIATIONS

SB 2003

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 1-16-07

Recorder Job Number: 1181

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on SB 2003 at 11:00 a.m. on January 16, 2006 in reference to the Office of Attorney General for the State of North Dakota.

**Wayne Stenehjem, Attorney General** gave an outline of accomplishments his office has had since the last biennium and discussed some of the critical issues the Attorney General's Office needs to address, specifically the North Dakota Crime Laboratory. Written Testimony of the Budget Presentation (1) was distributed to the committee. One of the biggest problems this office encounters is the epidemic in Methamphetamine use and manufacturing. He stated there is a decline in high school users, which is the good news, but the office needs to go after the big producers, which is 90% of the problem. Future critical issues include salaries and staffing for an IT Network Administrator, Criminal Justice Information Project (CJI), Forensic Scientists, BCI Agents and Attorneys and Paralegals. He also gave the Division Summaries of the Attorney General's Office. They are as follows: Administration Division, Bureau of Criminal Investigation, Consumer Protection and Antitrust Division, Crime Laboratory, Finance and Administration Division, Fire Marshal, Gaming Division, Information Technology, Legal Services and Lottery Division. Bureau of Criminal Investigation (BCI) has 2 forensic trained officers. There are two officers assigned to the Cold Case Investigative Team and we have 14 homicide cases that are still unsolved that date back to 1962. Some of the accomplishments of

this office include but are not limited to the investigation and success in representing the State of North Dakota against the Tobacco Industry, defended the DOC in 2003 involving the facility in New England (this case is still in litigation), the IT division is perfecting the Sex Offender Website, we work together with State Highway Patrol and the National Guard on homeland security, regulate gaming sites, assist the fire marshal, Don't Call Project, investigate Consumer Fraud, work with the Health Dept concerning the Clean air Acts and do inquiry concerning the building of additional power plants in the state of North Dakota.

There are 4 critical issues and they all involve salaries. They are as follows:

1. **BCI** agency which requires their agents to have 5 years of experience, be available 24/7 and yet our agents do not make the salaries that many city and county officers in the state make. Examples were given concerning wages in the different cities and agencies in comparison to what our agents receive and there is a real shortfall, which results in losing our experienced agents to other agencies.
2. **Attorneys and Paralegals:** OMB did an equity review and found that the attorneys and paralegals in this office are paid a great deal less than other state government agencies.
3. **Crime Lab Forensic** presented written testimony (2) which was an editorial from the Great Falls Tribune in Montana. The editorial expounded on several facts, like delays in trials, lack of personnel because of salary issues and how it has tied up the Court system. This office is very concerned about the fact that our agents in this department are nearly 60% below the market equity. Some are leaving because of salary issues. These are fine accredited officers that are leaving our office and sometimes the state of North Dakota for better salaries and benefits.
4. **IT Staff** wages are lower than any IT staff within state government.

There is a problem with great overcrowding with the crime lab. We now share with the Health Dept. Land has been purchased up by BCI and when we can build that facility it will be very beneficial to both law enforcement and the Health Dept. It is important to grow, as we need and will continue to need additional space. He stated there are several bills that will impact his office's appropriation; HB1197, HB1251, HB1313, SB2037, SB2062, SB2099, SB2260, HB1330, SB2023, SB2097, SB2099, SB2101, SB2103 and SB2161.

**Chairman Holmberg** stated there will be a subcommittee appointed on this budget chaired by Senator Kilzer and Senator Mathern and Senator Holmberg will be on that subcommittee.

**Senator Krauter** had several questions regarding the law suit against the DOC particularly the Southwest Correctional Center in New England, was it a gender issue, questions regarding the meth issue as the University of Iowa is addressing, consumer complaints regarding wireless cell service and if the subcommittee can work on resolving some of the consumer complaints.

**Kathy Roll, Finance Administrator for the Office of Attorney General** gave testimony regarding the charts in the written testimony (1) concerning the budget.

**Senator Grindberg** asked about the increase in IT and for a summary of ITD costs in all state agencies.

**Allen Knudson, Assistant Legislative Budget analyst and Auditor** said they will provide a summary of various rates for their services in the different state offices.

**Senator Robinson** made comments regarding the Mindy Morgenstern case and commended the AG office, BCI or whoever was involved for their superior action in this case. Also had questions regarding the Burn Grant and the relation to drug traffic.

**Wayne Stenehjem** introduced members of his staff to the committee.

**Chairman Holmberg** closed the hearing on SB2003.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 01-30-07

Recorder Job Number: 2311

Committee Clerk Signature



Minutes:

**Chairman Kilzer** opened the subcommittee hearing on SB 2003 at 3:30 pm on January 30, 2007 regarding the Attorney General's budget, in particular the Crime Lab. Senators Mathern and Holmberg were also present. He stated they will be working on SB 2103 and SB 2161 too.

**Senator Holmberg** asked if we will be doing them in order. He was informed they will.

**Chairman Kilzer** said the first thing he wanted to refer to is Kathy Roll's document on the building north of town, who owns it now, and whether or not the Attorney General (AG) has full supervision.

**Kathy Roll, Director of Finance Office of Attorney General** stated two gentlemen own the building and they plan to sell it. They would like to sell it to us. They own the whole building and the land the building is on. Capital Electric owns part of the land in that area. We are requesting a dollar amount that is the balance of our loan, we would continue to pay the lease payment until 2013 then we would own the building.

**Chairman Kilzer** asked if that is the way the ownership would go with the present building and there would be two more bienniums after this present one. He asked if BCI is in that building now and asked if the Federal Crime Investigation is there too or is it all state.

**Wayne Stenjehem, Attorney General** informed him that Consumer Protection, IT, and State Fire Marshall is there as well. They are all state offices.

**Chairman Kilzer** had questions regarding the operating costs.

**Senator Mathern** wanted more clarification as to whether they want to buy the buildings and the land and when they would want to do that. He was told if we buy that land from Capital Electric we need to build a crime lab up there. It is not in our bill. This is in addition to the Governor's budget. Senator Mathern said but we need to make sure BCI stays up there if we buy the land.

**Wayne Stenjehem** stated he thought they would be there in that location a long time whether we own it or lease it.

**Chairman Kilzer** asked if Capital Electric is a willing seller. He also asked about the square footage and if the building now needs any other improvements. He stated he thought the Capital Electric land is more than adequate for a crime lab. He also mentioned the curb and gutter expenses.

**Wayne Stenjehem** stated they came to us about buying the property. There was also comments concerning paying off the construction loan, the value of the land will go up and the price is \$12 per square foot for land. Building the crime lab will be expensive because of the special equipment that will be needed.

**Chairman Kilzer** asked if there needs to be special attention to the walls regarding the exray equipment and so forth. He was told there would be environmental concerns to deal with.

**Senator Mathern** asked for the Department to summarize the difference between the governor's budget and this bill. It was explained that the difference is about \$2 million. There was conversation in the past about building the crime lab in southern Bismarck but the relocation to the north allows for further expansion. More discussion followed regarding the total costs and carrying the money over to the next biennium.

**Senator Holmberg** asked for a copy of the total picture, estimated costs and all the figures together and asked if the committee's recommendation was to go ahead and construct the project on the north site if there would be allowance for the funding to carry over from the last biennium. Where is this money in the budget?

**Sandy, OMB** stated we are providing it in your budget as carry over. There was more discussion about it being carried forward.

**Senator Holmberg** stated that we had to be sure that occurred and then we would have to appropriate an additional \$2.263 million and then you would get the north site. That is the number I've been looking for.

**Senator Mathern** had questions regarding credit for the other site that we thought of originally. That we won't be using.

There was further discussion regarding rent payments and who pays rent.

**Senator Mathern** stated it seems to me the building we are presently leasing should be part of this plan regarding BCI. I am concerned about us building a building and buying some land and then if we wouldn't control the BCI building and someday find ourselves in an uncomfortable situation. I hate to see a situation where our adjoining building really isn't ours.

**Chairman Kilzer** asked if they would like a Right of 1<sup>st</sup> Refusal of Sale at least until 2013. He was informed they have a lease until 2013 and they came to us regarding selling the property to us.

**Senator Holmberg** asked if they want it if this north addition does not pass. Then what will you do? He was told it depended upon the action taken by the Legislature. He also had questions regarding the tax rolls. Further discussion followed regarding the locations that they operate already, here in Bismarck and around the state concerning the Narcotic task Force.

**Senator Mathern** asked if there could be any consolidation if we move into this plan. Sounds like we'd be bring two operations. He was told the only one would be lawyers. He stated later in testimony that he would like to see an amendment that ties things together.

**Senator Holmberg** had questions regarding bringing the lawyers up there, the square feet necessary, and the expense compared to the crime lab.

**Wayne Stenjehem** stated he would hope someday that everyone would not be so spread out.

**Chairman Kilzer** agreed it is not feasible to put the crime lab down south, 1. No room. 2.

Makes sense to put it on the north site where planned 3. Ties the two properties together, the BCI and crime lab.

**Senator Mathern** wondered about a bond payment would compare, say for the whole project, a bond payment dream project, how that would compare to our present lease payment. He asked what the lease payment is. He commented to do it all with bond payment would be no more than rent, and it makes more sense because bond payment interest rates are as low as ever. He suggested not using cash if using bonds are available to us. He asked to have this issue addressed. Much discussion followed regarding this issue.

**Senator Holmberg** suggested something as simple as possible should be put together for caucuses. He asked about the other items the Department is requesting. He made comments regarding the House doing some work on salaries.

Discussion followed. Some of the items discussed were the comparison between OAR's, Salary items regarding IT, lottery (where IT does a tremendous amount of work) FTE's, Salary increase issues, ITD in our office, equity money in the budget, and the equity pool.

**Wayne Stenjehem** asked for better salaries for his attorneys.

**Senator Mathern** had comments concerning sex offenders, whether they are high risk or low risk, and asked if some things need to be changed within the Department concerning these matters and the activity of these sex offenders in relation to public perception.

**Wayne Stenje** shared about the sex offender website, how close these people can be to schools, the involvement of monitoring these sex offenders, and the commitment to the State Hospital for sex offenders. There was also discussion regarding the costs of the forensic examiners. The Attorney General stated their office supports this bill.

**Chairman Kilzer** closed the subcommittee hearing on SB 2003.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

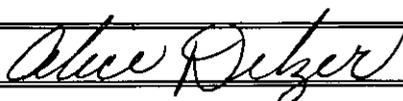
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-01-07

Recorder Job Number: 2633

Committee Clerk Signature



Minutes:

Chairman Kilzer opened the Subcommittee hearing on SB 2003 regarding the Attorney General's Office at 3:15 on February 1, 2007. Subcommittee members Senators Holmberg and Mathern were present as were Attorney General Wayne Stenjehem, Allen Knudson, Legislative council and Sandy Paulson from OMB.

A chart regarding the options for funding the purchase of the BCI building and funding the north crime lab was presented by Sandy Paulson and Attorney General Wayne Stenjehem. Plans A, B and C were discussed.

Chairman Kilzer confirmed the \$3.2 million was allocated in the previous biennium and there is \$1.2 million for a total of \$4.4 million. \$400,000 has already been spent for the architect.

Senator Mathern asked the anticipated total cost of the new crime lab and land.

The answer was \$6.7 million.

Senator Mathern said the difference is what we have in the system already with bonding authority and cash.

Senator Holmberg said that money is there.

Senator Mathern said he wonders if we shouldn't put something into the bill that permits this process to start and trigger an OK to a degree so that there could be an acceptance for the current BCI building and sell at the good offer. We have to have a process to deal with the

offer, Can the state accept an offer without a process that permits others to meet or match the offer?

Allen Knudson answered the question. (tape is very garbled, meter 8:14)

Senator Mathern asked if we have restricted ourselves from accepting an option without going to the market.

Allen Knudson said he doesn't know, we haven't rushed into this, we know the value of the property.

Senator Mathern said lets not get caught in a situation where we accept this great offer then find a section of law that says...

Chairman Kilzer asked if there are any hoops that need to be cleared because this would now be non taxable land.

Allen Knudson said it comes off the tax rolls. We don't have any obligation to do anything.

Senator Holmberg said the new Bank of North Dakota is a prime example.

Chairman Kilzer asked if the Capital Electric land is currently taxable.

Allen Knudson said he is not an expert but if you pay real estate tax it has to do with the improvements.

Senator Mathern said it would be helpful to have a 2007 – 2009 biennium expenditure for each of these options. That appears clear on plan A, it would be \$4.3 million on plan B, he doesn't know what the biennium expenditure would be on plan C.

Sandy Paulson said there is none, the payments would start in 2009.

Are there any questions for the Attorney General?

Chairman Kilzer said regarding the lottery, on the pie chart on the last page, he couldn't find an exact amount of revenue for this biennium and the next biennium.

Sandy Paulson said on page 51 in the narrative.

Attorney General Wayne Stenjeheem said the legislature said it is his duty to operate the lottery, run it like a business while being sensitive to the nature of the lottery. Not everyone is in favor of the lottery. When it was first enacted there was an effort by those who opposed the lottery to take the marketing and promotion of the lottery out of the bill and the legislature said no. He took that to mean that they intended to promote the lottery. Having done that, North Dakota is probably the leanest, most efficient lottery operation in the United States. In Minnesota, you hear their commercials all the time. North Dakota spends about 2 – 3% of gross sales for all promotion. Only about \$348,000 goes into the media. A lot of the advertising budget is for brochures and signs. The lottery tends to advertise when the Powerball is big because that is when people buy tickets. If you don't advertise, sales drop. When he talked to Chuck Keller about the fiscal note, he asked where the figures came from. They were from other states whose legislature decided they should do the same thing, quit advertising because it's a waste of money. What they saw as a result, is a dramatic reduction in the number of tickets that were sold. Missouri decided at one point to quit advertising, Pennsylvania and Maryland did the same thing and then realized they were being penny wise and pound foolish. It just cost them money. That is where the information on the fiscal note came from. If you compare what we spend on advertising and promotion and the manner in which we do it with any other state you will see the way we do it in North Dakota is far more conservative and thrifty and much more efficient. The return per dollar spent in North Dakota is at the top of the nation, how much money from each dollar spent a lottery ticket actually ends up in the general fund. Chairman Kilzer asked if individual gas stations advertise or is it all done by his office. Attorney General Wayne Stenjeheem said some do their own promotions but that is not typical. His office will buy signs for them and sometimes conduct promotions in conjunction with the retailer.

Senator Holmberg asked if they have lost sites from around the state. 400 were settled on initially, has that number been stable?

Attorney General Wayne Stenjechem said they are about where they were, occasionally one will drop out and occasionally they have to explain to a retailer that the number of sales cannot justify keeping the site open. They are careful, though, because they get complaints from some less populated counties that say they don't want to drive to Montana to buy a ticket. They make sure it is available to the people in the rural areas. There is always someone who wants to pick up a site if a retailer drops out. There is an initial fee of \$150 for a background and credit check. There is a \$20 annual fee.

Senator Holmberg asked who pays for the cards and brochures, is that part of promotions?

Attorney General Wayne Stenjechem said yes, they are part of promotions, there are cards, the website, brochures that tell how to play the game. All of those would not be permitted under that bill.

Senator Mathern said he agrees with that, brochures are fine.

Attorney General Wayne Stenjechem said he talked to Senator Andrist who said it wasn't his intent but it was what the bill said. It took out all promotion and advertising. It was defeated. The folks who work with the lottery do a very good job. The decision to hire Chuck Keller was a good one. He is an efficient guy and runs it well.

Senator Mathern said it is interesting the emails he received to vote yes are advertisers.

Attorney General Wayne Stenjechem said they have a duty to advertise in the small papers and help them survive.

Senator Holmberg asked if Lady Luck is on a continuing contract.

Attorney General Wayne Stenjechem said she seems to work. He was in a parade and Lady Luck was ahead of him and everyone knew who she was.

There was some discussion of Lady Luck and the Blue Cross Blue Shield ads and the carpet girl.

Senator Holmberg asked if there are any other bills coming our way that he has been tracking.

They discussed 2340, 2209, 2160, 2103 and the schedule and fiscal notes for other bills.

(meter 29:27)

The subcommittee began talking about the payment for forensic work.

Attorney General Wayne Stenjeheem said if it passes they will do what they are required to by statute but they don't want to get into the position where they have to fill out insurance forms.

Senator Mathern asked if there is a process where local jurisdictions are charged for forensic work done by the state.

Attorney General Wayne Stenjeheem said they do that. The lab is getting over burdened.

Senator Mathern said it would be simplest to just pass the bill and pay for it out of the Attorney General funds until we do the study and find a solution.

Senator Holmberg said the stop gap is because we are still are \$900 million above what the governor is spending. If we are looking at A or B, we are talking about another increase in general fund spending . If we add another \$500,000, you have reached a level where there will be difficulty getting the package through the Senate.

Senator Holmberg asked if Senator Mathern has talked to his caucus.

Senator Mathern said he has raised the discussion. They were looking to him for some suggestions. There was not a strong reaction. What do you prefer, A, B or C?

Attorney General Wayne Stenjeheem said build the crime lab. He would be inclined to suggest it makes sense to buy the building and build the crime lab. B will not work, he would do plan A.

Chairman Kilzer said his feedback is we have to do something. The old site is...(meter 39:10)

With outright purchase you know what you have. We need to predict that area of town.

Senator Mathern said his concern is packaging them together, he is more concerns all the good intentions will not stay in place for that building.

Allen Knudson inquired about the debt for the BCI building.

There was a discussion of lease payments (meter 41:00)

Senator Mathern said in that scenario, would it decrease the bonding cost in C?

Attorney General Wayne Stenjehem said the last 2 items in the bill were not discussed.

Sandy Paulson said the first item is under bills we must pay said it is prepared as no matter where we go, this must be paid, \$217,000 and they have requested an additional \$62,600 for utilities, present operating expenses, regardless of where the crime lab ends up.

Senator Mathern asked if the governor approved any.

Sandy Paulson said he approved \$217,000.

Senator Mathern said every agency is adding space.

Sandy Paulson said that is why they are asking for an increase.

Senator Holmberg said that is only for part of the biennium because the addition will not be ready until well into the biennium.

Sandy Paulson said they anticipate occupation within 9 months. The next item is ITD. They took a look at what they were spending and how they could make cuts. The last item is rent, postage, printing, legal services.

Senator Mathern asked if they need a change in the bill to accomplish that.

Answer was garbled (meter 47:52)

Some discussion of numbers that was garbled.

Senator Mathern said he is surprised about the budgets, which agencies don't have the ability to advocate for getting these changes. Some agencies have more savvy than others.

There was more discussion with Sandy Paulson that is garbled (meter 49:52)

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-12-07

Recorder Job Number: 3422

Committee Clerk Signature

*Alice Delzer J.P.*

Minutes:

**Chairman Holmberg** opened the hearing on SB 2003. He talked about the amendments and the right one which Senator Kilzer said is .0102. Copies of the amendment were distributed to the committee members.

**Senator Kilzer** explained the amendments to the committee.

**Senator Krauter** had questions regarding the salary increase for the lawyers in the Attorney General's Office. He was informed they are not eligible for the equity pool. Further discussion followed regarding this matter and the governor's budget.

Discussion followed regarding the BCI building and building a new crime lab at the north site the FTE's, software expenses, parimutual betting, another bill about the state taking over the prosecution of sexual offenders and that has been changed, reference was made to SB 2260 regarding background checks, SB 2380 that does have it's own funding.

**Senator Mathern** stated he thinks this budget basically got everything they wanted and I have two primary concerns: 1. These programs are all important, we need to figure out a way to pay for them, not all general funds inclusive, items 6 and 7 are problematic in that it's all cash payment. I think putting this bill and project together is important in order to get that land and get that office space to build this building, but I think we ought to bond for that. Basically, the bond payment over a ten year period would not be higher than what we are presently paying

for a lease, so that is a concern of mine. The other concern I have is #5, putting those people back into the department rather than keeping them in ITD (14.39) doesn't change the dollar amount at all in terms of what eventually is paid but it changes it from special funds to general funds which I think is another thing we shouldn't do, so those are my concerns.

**Chairman Holmberg** asked all in favor of the amendment say aye. He then asked the committee to raise their hands those who are in favor of the amendment. Opposed – raise your hand. Ok, the motion carried. Can we have a motion on the bill itself as amended.

**Senator Kilzer moved a DO PASS AS AMENDED, Seconded by Senator Fischer.** There was further discussion.

**Senator Krebsbach** commented about Senator Mathern's concerns regarding bonding over the years and felt there will be time down the road to take a good look at that as we sift through the budgets.

**Senator Mathern** stated if we adopt this bill with these amendments we're sending a bill up to the floor that has a 25% increase in the agency budget. He talked about the Human Service budget and their increase and stated it was much lower even with all the amendments Senator Fischer had introduced and put into the bill. He felt he wanted to warn the senators about this.

**Senator Holmberg** stated the legislative branch that passed the House is a 31% increase, the Veteran's Affairs has a 49% increase, Highway Patrol put in for 38% increase, even this committee the State Treasurer's at 29% increase, Tax Commissioner at 28% increase, and we can't really count OMB because we are not done with that. But there have been some substantial increases. This information is just for the record.

**Senator Bowman** had questions regarding the building, the purchase of the land and what that increase amounts to. That has quite a lot to do with it, doesn't it?

**Senator Mathern** stated it is a big part of it.

**Senator Kilzer** said he hadn't calculated it but there would be the one time purchase of about \$7 million if you really count everything, even from last session, so it is a major part of it. The other big item is the increase in attorney's salaries. Those are the two major items. And about the 3<sup>rd</sup> down on the list is mandates that we're putting on to do the background checks.

**Senator Christmann** stated he is going to support this but when we get to conference committee there may be adjustments made then. (19.23)

**Chairman Holmberg** stated he would be very surprised if this came back at this level. I would have some of the same concerns. Would you call the roll on a do pass as amended.

**A roll call vote was taken resulting in 13 yeas, 1 nay, 0 absent. The motion carried.**

**Senator Kilzer will carry the bill.**

The hearing was closed on SB 2003.

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/02/2007

Bill/Resolution No.: SB 2003

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2005-2007 Biennium		2007-2009 Biennium		2009-2011 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2005-2007 Biennium			2007-2009 Biennium			2009-2011 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill provides an appropriation for the Office of Attorney General. The fiscal impact of the bill is included in the appropriation.

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The fiscal impact of the bill is included in the appropriation.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

N/A

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

N/A

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

The fiscal impact on the bill is included in the appropriation.

<b>Name:</b>	Kathy Roll	<b>Agency:</b>	Office of Attorney General
<b>Phone Number:</b>	328-3622	<b>Date Prepared:</b>	01/02/2007

*JK*  
2-13-07  
1 of 3

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

- Page 2, line 3, replace "1,794,320" with "3,189,266"
- Page 2, line 4, replace "934,608" with "1,525,512"
- Page 2, line 5, replace "(3,269,010)" with "992,215"
- Page 2, line 11, replace "(\$2,476,825)" with "\$3,770,250"
- Page 2, line 12, replace "(6,193,878)" with "(5,576,024)"
- Page 2, line 13, replace "3,717,053" with "9,346,274"
- Page 2, line 19, replace "21,344,055" with "22,739,001"
- Page 2, line 20, replace "9,418,403" with "10,009,307"
- Page 2, line 21, replace "2,149,731" with "6,410,956"
- Page 2, line 27, replace "41,223,732" with "47,470,807"
- Page 2, line 28, replace "18,294,523" with "18,912,377"
- Page 2, line 29, replace "22,929,209" with "28,558,430"

Page 3, after line 15, insert:

**"SECTION 7. ESTIMATED INCOME - RACING PROMOTION FUND.**

Notwithstanding section 53-06.2-11, the estimated income line item in section 3 of this Act includes \$60,988 from the racing promotion fund for the purpose of defraying the expenses of simulcast racing site audits conducted by the attorney general's office for the biennium beginning July 1, 2007, and ending June 30, 2009."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$21,344,055	\$1,394,946	\$22,739,001
Operating expenses	9,418,403	590,904	10,009,307
Capital assets	2,149,731	4,261,225	6,410,956
Grants	4,197,000		4,197,000
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
North Dakota lottery	4,048,402		4,048,402
Gaming Commission	<u>6,141</u>		<u>6,141</u>
Total all funds	\$41,223,732	\$6,247,075	\$47,470,807
Less estimated income	<u>18,294,523</u>	<u>617,854</u>	<u>18,912,377</u>
General fund	\$22,929,209	\$5,629,221	\$28,558,430
FTE	181.30	8.50	189.80

2013

Dept. 125 - Attorney General - Detail of Senate Changes

	RESTORES ADMINISTRATIVE POSITIONS <sup>1</sup>	RESTORES CRIMINAL HISTORY PROJECT POSITIONS <sup>2</sup>	ADDS SALARY INCREASE FUNDING <sup>3</sup>	ADDS SALARY EQUITY FUNDS <sup>4</sup>	CJIS FUNDING CHANGE <sup>5</sup>	AUTHORIZES BUILDING PURCHASE <sup>6</sup>
Salaries and wages	\$221,010	\$164,159	\$172,232	\$496,885		
Operating expenses						(\$277,716)
Capital assets						1,998,000
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming Commission						
<b>Total all funds</b>	<b>\$221,010</b>	<b>\$164,159</b>	<b>\$172,232</b>	<b>\$496,885</b>	<b>\$0</b>	<b>\$1,720,284</b>
Less estimated income	175,916	124,571		21,842	(261,916)	(155,864)
General fund	\$45,094	\$39,588	\$172,232	\$475,043	\$261,916	\$1,876,148
FTE	2.00	2.00	0.00	0.00	0.00	0.00

	ADDS FUNDING FOR NEW CRIME LABORATORY BUILDING <sup>7</sup>	ADDS FUNDING FOR CRIME LABORATORY OPERATIONS <sup>8</sup>	ADDS FUNDING FOR RATE INCREASES <sup>9</sup>	ADDS FUNDING FOR OPERATING INCREASES <sup>10</sup>	ADDS HORSE RACING AUDITOR <sup>11</sup>	ADDS TRAINING FUNDS <sup>12</sup>
Salaries and wages					\$60,988	
Operating expenses		\$62,599	\$66,097	\$77,776		\$15,000
Capital assets	\$2,263,225					
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming Commission						
<b>Total all funds</b>	<b>\$2,263,225</b>	<b>\$62,599</b>	<b>\$66,097</b>	<b>\$77,776</b>	<b>\$60,988</b>	<b>\$15,000</b>
Less estimated income			2,541	77,776	60,988	
General fund	\$2,263,225	\$62,599	\$63,556	\$0	\$0	\$15,000
FTE	0.00	0.00	0.00	0.00	0.50	0.00

	ADDS FUNDING FOR BACKGROUND CHECKS <sup>13</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$279,672	\$1,394,946
Operating expenses	647,148	590,904
Capital assets		4,261,225
Grants		
Litigation fees		
Arrest and return of fugitives		
North Dakota lottery		
Gaming Commission		
<b>Total all funds</b>	<b>\$926,820</b>	<b>\$6,247,075</b>
Less estimated income	572,000	617,854
General fund	\$354,820	\$5,629,221
FTE	4.00	8.50

1 An information technology network administrator and an account technician deleted in the executive budget are restored. Funding for the network administrator is from the lottery fund and 50 percent of the funding for the account technician is from the lottery fund with the remainder from the general fund.

2 Restores 2 FTE national criminal history improvement project positions deleted in the executive budget. The estimated income is from federal funds.

3 Funding is added to provide the level of funding needed for the 4 percent annual state employee salary increases. The amount included in the executive budget was not calculated correctly.

4 The salaries and wages line item is increased by \$496,885 to provide a total of \$1,150,885, of which \$1,118,122 is from the general fund for salary equity increases for attorneys and employees of the Crime Laboratory and Bureau of Criminal Investigation.

5 The funding source for employees involved with the criminal justice information sharing (CJIS) project is changed from special funds from the Information Technology Department to the general fund.

6 Funding for building lease payments is removed and funding is added for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation.

2 of 3

- 7 Funding is added to allow the Attorney General to purchase land and construct a new Crime Laboratory building adjacent to the Bureau of Criminal Investigation building in north Bismarck. The \$2,263,225 from the general fund added in this amendment is in addition to the \$1,242,840 from the general fund included in the executive budget for additional costs of the Crime Laboratory renovation project and the \$3,632,691 of bond proceeds approved by the 2005 Legislative Assembly for the renovation project. Total funds provided for the land purchase and the design and construction of the new Crime Laboratory are \$7,138,756.
- 8 Funding is added to provide a total of \$279,599 of additional operating costs associated with the new Crime Laboratory building and for Crime Laboratory inflationary increases.
- 9 Provides additional funding for Information Technology Department telecommunications and data processing rate increases and PeopleSoft user fees.
- 10 Adds funding from the Attorney General operating fund and refund fund for anticipated operating cost increases of the Legal, Consumer Protection, and Gaming divisions.
- 11 Funding from the racing promotion fund is added for a .5 FTE auditor position to audit simulcast racing sites in accordance with provisions of Senate Bill No. 2209.
- 12 Funding is added for the Attorney General to provide training to state's attorneys relating to the prosecution of sexually dangerous individuals.
- 13 Funding is added for the Attorney General to do background checks as required by Senate Bill No. 2260.

Date: 2/12/07  
Roll Call Vote #: 1

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken D P A

Motion Made By Kilzer Seconded By Fischer

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm		✓	Senator Tim Mathem	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer	✓		Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No 1

Absent \_\_\_\_\_

Floor Assignment Kilzer

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2003: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "1,794,320" with "3,189,266"

Page 2, line 4, replace "934,608" with "1,525,512"

Page 2, line 5, replace "(3,269,010)" with "992,215"

Page 2, line 11, replace "\$2,476,825" with "\$3,770,250"

Page 2, line 12, replace "(6,193,878)" with "(5,576,024)"

Page 2, line 13, replace "3,717,053" with "9,346,274"

Page 2, line 19, replace "21,344,055" with "22,739,001"

Page 2, line 20, replace "9,418,403" with "10,009,307"

Page 2, line 21, replace "2,149,731" with "6,410,956"

Page 2, line 27, replace "41,223,732" with "47,470,807"

Page 2, line 28, replace "18,294,523" with "18,912,377"

Page 2, line 29, replace "22,929,209" with "28,558,430"

Page 3, after line 15, insert:

**"SECTION 7. ESTIMATED INCOME - RACING PROMOTION FUND.**

Notwithstanding section 53-06.2-11, the estimated income line item in section 3 of this Act includes \$60,988 from the racing promotion fund for the purpose of defraying the expenses of simulcast racing site audits conducted by the attorney general's office for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$21,344,055	\$1,394,946	\$22,739,001
Operating expenses	9,418,403	590,904	10,009,307
Capital assets	2,149,731	4,261,225	6,410,956
Grants	4,197,000		4,197,000
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
North Dakota lottery	4,048,402		4,048,402
Gaming Commission	6,141		6,141
Total all funds	\$41,223,732	\$6,247,075	\$47,470,807
Less estimated income	<u>18,294,523</u>	<u>617,854</u>	<u>18,912,377</u>
General fund	\$22,929,209	\$5,629,221	\$28,558,430

FTE 181.30 8.50 189.80

Dept. 125 - Attorney General - Detail of Senate Changes

	RESTORES ADMINISTRATIVE POSITIONS <sup>1</sup>	RESTORES CRIMINAL HISTORY PROJECT POSITIONS <sup>2</sup>	ADDS SALARY INCREASE FUNDING <sup>3</sup>	ADDS SALARY EQUITY FUNDS <sup>4</sup>	CJIS FUNDING CHANGE <sup>5</sup>	AUTHORIZES BUILDING PURCHASE <sup>6</sup>
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Less estimated income			<u>2,541</u>	<u>77,776</u>	<u>60,988</u>	
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2007 HOUSE APPROPRIATIONS

SB 2003

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2003

House Appropriations Committee  
Government Operations Division

Check here for Conference Committee

Hearing Date: 2/26/07

Recorder Job Number: 3881

Committee Clerk Signature *Tonya Voegele*

Minutes:

Chairman Carlson opened the hearing on senate Bill 2003.

Wayne Stenehjem, Attorney General, spoke in support of the bill. See testimony 2003.2-26.07 A.

**Chairman Carlson:** We have appropriated money the last two bienniums for the railroad rate case but I do not believe that has gone forward. Will you be defending that if it does?

**Wayne Stenehjem:** No, the PSC is going to handle it.

**Rep. Thoreson:** the instate lottery? Is your office in support or against?

**Wayne Stenehjem:** We are monitoring the legislation.

**Chairman Carlson:** Do the figures listed in the requested positions include the 4&4?

**Wayne Stenehjem:** No

**Vice Chairman Carlisle:** What is the turnover rate?

**Wayne Stenehjem:** 23%

**Vice Chairman Carlisle:** What is in the equity pool?

**Sandy Paulson:** \$374,703 for entire office.

**Rep. Kempenich:** You provide \$643,000 for salary and equity, where is that at?

**Wayne Stenehjem:** Most of it was in the Governors Budget, the rest was put in by senate.

**Rep. Kempenich:** Where do BCI Agents compare with the Highway Patrol?

**Wayne Stenehjem:** We will get that into.

**Vice Chairman Carlisle:** Any turn back?

**Sandy Paulson:** Not that we are aware of.

**Rep Kroeber:** Last session we had a concern about the Burn Grant dollars being lost, that was going to have a large effect on our number of agents for BCI. Where are we at on that?

**Wayne Stenehjem:** You and previous sessions have added funding for the BCI.

**Chairman Carlson:** what was included in Gov Budget total for equity?

**Sandy Paulson:** 654,000 Governor's Budget, 496,855 senate added, 374,703 equity pool

**Chairman Carlson:** Are you assuming that there will be a reduction in the funds received from the equity pool?

**Wayne Stenehjem:** Yes, we will have to adjust accordingly.

**Sandy Paulson:** One thing to keep in mind is that the attorney's are unclassified employees and would not qualify for the equity pool.

**Chairman Carlson:** What happened to the money we appropriated last session?

**Kathy Roll:** Used about 320,000 for architectural fees the rest is in the appropriation bill to be used as carryover.

**Chairman Carlson:** What is happening with the land you want to build on?

**Wayne Stenehjem:** Capital Electric owns the land and will hold it until the determination is made.

**Rep. Williams:** On page 8, you talk about the loss of Federal Funds. I remember the Burn Grant last time. I am curious are you continuing to loose federal funds?

**Wayne Stenehjem:** The amount of federal funds is declining but we are working on getting the federal government to restore the Burn Grant Program.

**Rep Williams:** Ave you loosing any other grants from federal money?

**Wayne Stenehjem:** NCHIP.

**Rep. Williams:** Any FTEs allocated with this program?

**Kathy Roll:** Yes but we have special funds to cover those positions.

**Vice Chairman Carlisle:** What kind of lease agreements do you have on the current crime lab?

**Kathy Roll:** referred to page 16 of testimony.

Vice Chairman Carlisle requested a priority list.

**Rep Kempenich:** So the senate added \$1 mil to the budget?

**Wayne Stenehjem:** That is correct.

Kathy Roll testified in support of bill.

Chairman Carlson asked for clarification regarding CJIS employees.

**Rep. Kempenich:** So you are looking at about \$130,000 for utilities for the new crime lab?

**Kathy Roll:** Yes

**Chairman Carlson:** How many funds do you have?

**Kathy Roll:** About 6.

**Rep. Kempenich:** Cannot hear audio.

**Vice Chairman Carlisle:** Why did the executive recommendation omit the funding?

**Sandy Paulson:** We went by priorities.

**Chairman Carlson:** Can you explain the suspect money from the tobacco settlements?

**Wayne Stenehjem:** They are appealing to the ND Supreme Court.

**Chairman Carlson:** Why are they contesting this?

**Wayne Stenehjem:** They are claiming that some of the states are not diligently enforcing the tobacco funds.

Chairman Carlson reviewed the green sheet.

**Chairman Carlson:** Doesn't BCI use state fleet?

**Kathy Roll:** We use other vehicles for undercover needs

**Chairman Carlson:** Why was the operating expenses adjusted by the Senate for the Crime Lab?

**Kathy Roll:** It was under funded in the Governor's Budget.

**Chairman Carlson:** The reduction of federal funding is that the burn grant?

**Kathy Roll:** Half is from burn grant and half is from The National Criminal History Improvement Project.

**Chairman Carlson:** is there a breakdown of the lottery revenues and expenses?

**Kathy Roll:** I will get that.

**Chairman Carlson:** We will not do action on this bill until the other legislation goes through.

**Chairman Carlson:** what is the turnover rate?

**HR:** I will get back to you.

**Chairman Carlson:** Do you have any vacancies?

**HR:** yes

**Rep. Kempenich:** How does your office handle the seizure money?

**BCI:** Highway Patrol modeled their program after ours.

Chairman Carlson closed the hearing.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

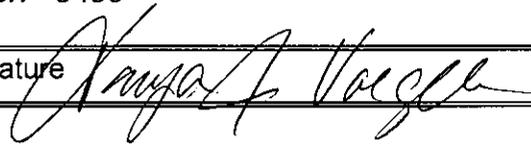
House Appropriations Committee  
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/23/07

Recorder Job Number: 5499

Committee Clerk Signature



Minutes:

Chairman Carlson opened the discussion on Senate Bill 2003.

**Tom Trenbeath:** Last night we met with the CJIS Board. The upshot of that is because we know these positions are hanging fire in the ITD budget as well as this budget in the house.

We want to take the general funding out of our budget here and replace it with special funds.

We will be paying the FTEs and we will fund it just as it was funded this present biennium.

**Chairman Carlson:** Where will the special funds come from?

**Tom Trenbeath:** Those funds are in the ITD budget and as our FTEs do the work, we will bill ITD for it.

**Chairman Carlson:** Who is in charge of the project? That was kind of the deal that Representative Skarphol had I think is that you have six people working on the project four in one spot two in another, who is in charge?

**Tom Trenbeath:** All of the FTEs who are working with CJIS are working in one location and that is at the BCI building. We have FTEs from two different sources but they are all under one roof. They will all work under Pam Schafer.

Page 2  
House Appropriations Committee  
Government Operations Division  
Bill/Resolution No. 2003  
Hearing Date: 3/23/07

Discussion occurred regarding ITD employees for CJIS performing the duties of the Attorney General's employees for CJIS.

Discussion closed

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

House Appropriations Committee  
Government Operations Division

Check here for Conference Committee

Hearing Date: 3/23/07

Recorder Job Number: 5529

Committee Clerk Signature *Kanya J. Voegele*

Minutes:

2003 discussion and vote

Chairman Carlson opened discussion on Senate Bill 2003.

Representative Skarphol distributed and Allen Knudson explained amendment 78027.0202.

Glassheim: Is there any need for the background record check for the IT people who are doing this?

Carlson: I believe there is but I don't know where it says that.

Glassheim: Does that already happen or should we put it in here?

Skarphol: I think in the bill that we had and I don't remember the number in regards to background checks I think you could look in that bill and I think it is required in that bill that ITD have the criminal background checks. All IT employees need the checks.

Carlson: So then we are covered then. These people could have access to fairly sensitive information working throughout state government.

Skarphol: I would further amend to require criminal background checks to be run on anybody having access to CJIS and sensitive areas so designated by the Attorney General's office.

Kroeber: The one thing that I got out of listening to the Attorney General was that they had certain criminal checks that had to be done by their people. I think we would solve the problem if we just let two of the CJIS position in IT and move them in to the Attorney General's office. I think it is more of a designation than anything.

Allen Knudson: The part about requiring background checks there is a part in code that says that the Chief Information Officer shall require by the division of employment individuals that have access to security sensitive areas to have a background check.

Carlson: So it is already in there so we don't need to add that amendment.

**A motion was made to adopt amendment 78027.0202 to Senate Bill 2003. Motion carried by voice vote.**

Amendment 78027.0203 was distributed.

**A motion was made to adopt amendment 78027.0203 to Senate Bill 2003. Motion carried by voice vote.**

Representative Skarphol distributed amendment 78027.0201.

**A motion was made to adopt amendment 78027.0201 to Senate Bill 2003. Motion carried by voice vote.**

Proposed verbal amendments.

1. Remove the CJIS Employees.

**A motion was made to adopt the verbal amendment to remove the CJIS employees from the budget. Motion carried by voice vote.**

2. Remove funding for the .5 FTE auditor position for the Racing Commission.

**A motion was made to adopt the verbal amendment to remove funding for the .5 auditor position for the Racing Commission. Motion carried by voice vote.**

3. Removes the \$476,000 and adds \$79,000 for BCI and examiners.

**A motion was made to adopt the verbal amendment to remove the \$476,000 and adds \$79,000 for equity of BCI investigators and examiners. Motion carried by voice vote.**

4. Adds the total of what is remaining in the bank and what the Governor added for the building of the new crime lab for a total of \$4.5million. Also requires semi-annual status reports to the budget section. The amendment also requires that the new building must be designed for further expansion and that the construction must be complete and built on the state owned land by the current crime lab.

**A motion was made to adopt the verbal amendment regarding the construction of the new crime lab. Motion carried by voice vote.**

5. Removes the purchase of the current BCI building and any funding associated with it.

**A motion was made to adopt the verbal amendment regarding the purchase of the BCI building. Motion carried by voice vote.**

6. Language that states that the Attorney General's office will hire FTEs to perform background checks as needed with an authorization for up to five FTEs.

**A motion was made to adopt the verbal amendment regarding the hiring of up to five FTEs on an as needed basis to perform background checks. Motion carried by voice vote.**

7. If the Burn Grants are reinstated that money is to be spent first and it is not to expend the General Fund dollars.

**A motion was made to adopt the verbal amendment regarding the expenditure of the Burn Grant dollars before the General Fund dollars. Motion carried by voice vote.**

8. Removes the funding for the additional crime lab operating costs resulting from inflation with the crime lab building addition.

**A motion was made to adopt the verbal amendment to remove the funding for the additional crime lab operating costs resulting from the inflation with the crime lab building addition. Motion carried by voice vote.**

9. Removes two FTEs for the Criminal History Improvement Program.

**Sandy Paulson:** I think they were looking at changing funding sources for these positions.

**Allen Knudson:** They were federally funded before and they were going to try to get some General Fund dollars.

**Representative Kroeber:** There is very little General Fund dollars, \$39,000.

**Sandy Paulson:** When they put in their original request there were more General Fund dollars involved.

**Carlson:** I would rather see this one as a negotiating chip for conference committee.

**A motion was made to adopt the verbal amendment to remove the two FTEs for the Criminal History Improvement Program. Motion was withdrawn.**

**A motion was made by Representative Carlisle seconded by Representative Skarphol for a DO PASS AS AMENDED recommendation to the Full Committee. The committee vote was 8 Yeas, 0 Nays and 0 Absent and Not Voting. The bill will be carried by Vice Chairman Carlisle.**

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2003

House Appropriations Committee

Check here for Conference Committee

Hearing Date: March 26, 2007

Recorder Job Number: 5566

Committee Clerk Signature

*Molly N. Svedjan*

Minutes:

**Chm. Svedjan** called the House Appropriations Committee meeting back to order.

**Rep. Carlisle** distributed amendment .0204 (Attachment A).

**Rep. Carlisle moved to adopt amendment .0204. Rep. Skarphol seconded the motion.**

**Rep. Carlisle** reviewed amendment .0204 (Attachment A). Re: Section 7: \$1.242 from the general fund for new crime lab construction. The crime lab approved last session did not happen. GO Section is proposing that the money that was left over from last session (\$3 million) plus the money the Governor put in this time should be used to build the crime lab.

The idea is that we give them this money and they build what they can with that money.

Building will be on existing land so no new land purchase is required.

Section 9 authorizes the Attorney General to hire five new FTEs as needed to conduct background checks.

Section 11 requires the Attorney General to provide periodic reports to the budget section on the status of the crime lab construction.

Section 14 deals with CJIS (Criminal Justice Information Sharing). There was duplication in the IT budget and this budget.

**Rep. Skarphol:** We had Legislative Council do research on whether or not current law is different than what J. Edgar Hoover directed in 1972 (Ref. 7:30). There are substantial differences. The current federal law and regulations does allow for IT individuals working within CJIS to have the requisite clearance to do this type of work at the direction of the Attorney General.

**Rep. Aarsvold:** Re: CJIS – was there discussion regarding the county courts having access and fees schedule?

**Rep. Skarphol:** We did not have any discussion regarding a fee schedule. We will have to address a fee schedule in the future.

**Rep. Carlisle** reviewed the Dept. 125 Detail of House Changes (see footnotes on pp. 3 and 4 of amendment .0204).

**Rep. Wald:** Did you have the Racing Commission in your section? You removed a .5 FTE auditor. Was that moved to the Racing Commission budget?

**Rep. Skarphol:** The bill for the simulcast racing was killed. We felt the need for auditor was not needed since the bill was killed.

**Rep. Wald:** Is there still an auditor position or part time auditor in the Racing Commission? There are other activities in the Racing Commission other than simulcast?

**Allen Knudson, Legislative Council:** There is no auditor position in the Racing Commission either. There was a bill in the Senate that was killed that would have authorized the Attorney General to conduct these audits and that was killed. I believe the Senate is adding those provisions into HB 1126 to provide for this again (Ref. 15: 14).

**Rep. Gulleason:** Re: Section 9 – Did you discuss having the Attorney General come to budget section to ask for authorization.

**Rep. Carlisle:** The Attorney General can use his judgment as to when to add FTEs. He will not hire until he needs to.

**Rep. Gulleason:** Last week on the Agriculture Committee's budget with regard to the meat inspectors, we put language in that said he has to come to the budget section should he need to add FTEs. I'm looking for consistency here. And following up on Rep. Wald's comment, if we don't have an auditor assigned to the Racing Commission, I think that would be very unfortunate. We need to make sure we have an auditor in place to take a critical look at all the activities.

**Rep. Skarphol:** Re: Section 9 – These FTEs are going to be functioning in a profit center at the Attorney's General office – it's an entity that makes money (Ref. 19:54). As the number of background checks increases, the Attorney General will hire an individual. He will not have the money to pay for that individual until the first new individual is in place generating revenue.

**Rep. Gulleason:** The meat inspectors also generate fees and that's all tied to those positions as well.

**Rep. Kempenich:** Re: auditor – We've never seen a bill that addresses what the auditor in it. The language is in the Racing Commission budget and that was the rationale.

**Rep. Kerzman:** Where is the location?

**Rep. Carlson:** If you walked out the front door of the existing building where the Crime Lab and the Health Dept. are, there is a big open area between two buildings straight across the parking lot. That is where the new site would be. The site is already ours and will require a title transfer between state agencies. There will be extra space in the Health Dept. building they are sharing with the Crime Lab and there is an opportunity for that to become a total Health Dept. building when this new facility is built.

**Rep. Skarphol:** Re: Rep. Gulleson's concern, I would have no problem her further amending this to require budget section notification of any hiring. With regard to removal of CJIS FTEs, they were put in the ITD budget, they are still in the ITD budget. That was a recommendation of the Governor that those positions be moved.

**Rep. Carlson:** Re: BCI Forensic position – Rep. Koppelman sponsored a bill that added two positions for the eastern part of the state. We asked for a Do Not Pass on that bill and said that we would put one of those positions back in. That specialist was added. It was not in any budget (Ref. 24 42).

**The motion to adopt amendment .0204 carried by a voice vote and the amendment was adopted.**

**Rep. Gulleson:** I will decline to further amend. I trust the judgment of the Attorney General to hire as needed. My preference would be to change the Agriculture Commissioner's budget to reflect this language rather than the other way.

**Rep. Carlisle motioned a Do Pass as Amended to SB 2003. Rep. Carlson seconded the motion. The motion carried by a roll call vote of 24 ayes, 0 nays and 0 absent and not voting. Rep. Carlisle was designated to carry the bill.**

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 3, replace "section" with "sections" and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and to the criminal justice data information sharing system"

Page 3, after line 31, insert:

**"SECTION 10. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Exempt records.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.
4. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

Re-number accordingly



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 2, line 3, replace "3,189,266" with "3,293,838"

Page 2, line 4, replace "1,525,512" with "1,575,940"

Page 2, line 5, replace "992,215" with "1,012,215"

Page 2, line 11, replace "3,770,250" with "3,945,250"

Page 2, line 13, replace "9,346,274" with "9,521,274"

Page 2, line 19, replace "22,739,001" with "22,843,573"

Page 2, line 20, replace "10,009,307" with "10,059,735"

Page 2, line 21, replace "6,410,956" with "6,430,956"

Page 2, line 27, replace "47,470,807" with "47,645,807"

Page 2, line 29, replace "28,558,430" "28,733,430"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,055	\$22,739,001	\$104,572	\$22,843,573
Operating expenses	9,418,403	10,009,307	50,428	10,059,735
Capital assets	2,149,731	6,410,956	20,000	6,430,956
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402		4,048,402
Gaming Commission	6,141	6,141		6,141
Total all funds	\$41,223,732	\$47,470,807	\$175,000	\$47,645,807
Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>		<u>18,912,377</u>
General fund	\$22,929,209	\$28,558,430	\$175,000	\$28,733,430
FTE	181.30	189.80	1.00	190.80

**Dept. 125 - Attorney General - Detail of House Changes**

	ADDS BCI COMPUTER FORENSICS POSITION 1	TOTAL HOUSE CHANGES
Salaries and wages	\$104,572	\$104,572
Operating expenses	50,428	50,428
Capital assets	20,000	20,000
Grants		
Litigation fees		
Arrest and return of fugitives		
North Dakota lottery		
Gaming Commission		
Total all funds	\$175,000	\$175,000
Less estimated income		

General fund	\$175,000	\$175,000
FTE	1.00	1.00

1 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.



PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 2, line 3, replace "3,189,266" with "2,793,296"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "3,256,467"

Page 2, line 12, replace "(5,576,024)" with "(6,089,807)"

Page 2, line 19, replace "22,739,001" with "22,343,031"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "46,957,024"

Page 2, line 28, replace "18,912,377" with "18,398,594"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,056	\$22,739,001	(\$395,970)	\$22,343,031
Operating expenses	9,418,403	10,009,307		10,009,307
Capital assets	2,149,731	6,410,956		6,410,956
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming Commission.	6,141	6,141		6,141
<b>Total all funds</b>	<b>\$41,223,732</b>	<b>\$47,470,807</b>	<b>(\$513,783)</b>	<b>\$46,957,024</b>
<b>Less estimated income</b>	<b>18,294,523</b>	<b>18,912,377</b>	<b>(513,783)</b>	<b>18,398,594</b>
<b>General fund</b>	<b>\$22,929,209</b>	<b>\$28,558,430</b>	<b>\$0</b>	<b>\$28,558,430</b>
<b>FTE</b>	<b>181.30</b>	<b>189.80</b>	<b>(4.30)</b>	<b>185.50</b>

**Dept. 125 - Attorney General - Detail of House Changes**

	REMOVES VACANT POSITIONS 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$395,970)	(\$395,970)
Operating expenses		
Capital assets		
Grants		
Litigation fees		
Arrest and return of fugitives		
North Dakota lottery	(117,813)	(117,813)
Gaming Commission		
<b>Total all funds</b>	<b>(\$513,783)</b>	<b>(\$513,783)</b>
<b>Less estimated income</b>	<b>(513,783)</b>	<b>(513,783)</b>
<b>General fund</b>	<b>\$0</b>	<b>\$0</b>
<b>FTE</b>	<b>(4.30)</b>	<b>(4.30)</b>

<sup>1</sup> The following vacant FTE positions are removed:

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
Grants and contracts officer	(1.00)		(100,636)	(100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(4.30)	\$0	(\$513,783)	(\$513,783)

Date: 3/23/07  
 Roll Call Vote #: 3

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House \_\_\_\_\_ Appropriations- Government Operations \_\_\_\_\_ Committee

Check here for Conference Committee

Legislative Council Amendment Number 18027.0201

Action Taken Adopt Amendment by Voice Vote

Motion Made By Skarphol Seconded By Kempenich

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes ✓ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 3/23/07  
Roll Call Vote #: 5

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House \_\_\_\_\_ Appropriations- Government Operations \_\_\_\_\_ Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken Adopt Amendment by voice vote

Motion Made By Kempenich Seconded By Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes ✓ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Remove funding for the 5 FTE Auditor position.



Date: 3/23/06  
Roll Call Vote #: 7

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2003

House Appropriations- Government Operations Committee

Check here for Conference Committee

Legislative Council Amendment Number TBD

Action Taken Adopt Amendment by Voice Vote

Motion Made By Skarphol Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes ✓ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

- Add the totals of what is remaining in the bank and what the Governor added for the building of the new crime lab. \$4.5 million.
- Status Reports to the budget section semi annually
- building must be designed for future expansion.
- the construction must be done
- must be built on original state owned land.
- land transfer

Date: 3/23/07  
Roll Call Vote #: 8

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House Appropriations- Government Operations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt Amendment by Voice Vote

Motion Made By Carlisle Seconded By Glassheim

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glassheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes ✓ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
Remove purchase for BCI Building and any dollars associated with it.

Date: 3/23/07

Roll Call Vote #: 9

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House Appropriations- Government Operations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Adopt Amendment by Voice Vote

Motion Made By Skarphol Seconded By Carlisle

Representatives	Yes	No	Representatives	Yes	No
Chairman Al Carlson			Vice Chairman Ron Carlisle		
Rep Keith Kempenich			Rep Bob Skarphol		
Rep Blair Thoreson			Rep Eliot Glasheim		
Rep Joe Kroeber			Rep Clark Williams		

Total Yes ✓ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*hire as needed.  
Authorize up to 5 FTE.*







March 23, 2007

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 3, after the semicolon insert "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;", replace "section" with "sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 2, line 3, replace "3,189,266" with "2,225,225"

Page 2, line 4, replace "1,525,512" with "1,713,247"

Page 2, line 5, replace "992,215" with "(3,249,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "(1,365,094)"

Page 2, line 12, replace "5,576,024" with "5,897,373"

Page 2, line 13, replace "9,346,274" with "4,532,279"

Page 2, line 19, replace "22,739,001" with "21,774,960"

Page 2, line 20, replace "10,009,307" with "10,197,042"

Page 2, line 21, replace "6,410,956" with "2,169,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "42,335,463"

Page 2, line 28, replace "18,912,377" with "18,591,028"

Page 2, line 29, replace "28,558,430" with "23,744,435"

Page 3, replace lines 16 through 20 with:

**"SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,242,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 8. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general

receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, that the attorney general fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota adjacent to the existing facility housing the crime laboratory.

**SECTION 11. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim."

Page 3, after line 31, insert:

**"SECTION 14. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal Justice Information sharing board - Membership - Duties and powers - Exempt records.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.
4. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming Commission	6,141	6,141		6,141
<b>Total all funds</b>	<b>\$41,223,732</b>	<b>\$47,470,807</b>	<b>(\$5,135,344)</b>	<b>\$42,335,463</b>
Less estimated income	18,294,523	18,912,377	(321,349)	18,591,028
General fund	\$22,929,209	\$28,558,430	(\$4,813,995)	\$23,744,435
FTE	181.30	189.80	(4.80)	185.00

**Dept. 125 - Attorney General - Detail of House Changes**

	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	REMOVES CJIS POSITIONS 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	REDUCES SALARY EQUITY FUNDING 5	INCREASES SALARY EQUITY FUNDING 6
Salaries and wages	(\$395,970)	\$104,572	(\$261,916)	\$68,146	(\$496,885)	\$79,000
Operating expenses		50,428		139,190		
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming Commission						
<b>Total all funds</b>	<b>(\$513,783)</b>	<b>\$175,000</b>	<b>(\$261,916)</b>	<b>\$207,336</b>	<b>(\$496,885)</b>	<b>\$79,000</b>
Less estimated income	(513,783)			119,400	(21,842)	
General fund	\$0	\$175,000	(\$261,916)	\$87,936	(\$475,043)	\$79,000
FTE	(4.30)	1.00	(2.00)	1.00	0.00	0.00

	REMOVES HORSE RACING AUDITOR 7	CHANGES FUNDING FOR NEW CRIME LAB 8	REMOVES BCI BUILDING PURCHASE 9	REDUCES CRIME LAB OPERATING FUNDS 10	TOTAL HOUSE CHANGES
Salaries and wages	(\$60,988)				(\$964,041)
Operating expenses			\$277,716	(\$279,599)	187,735
Capital assets		(\$2,263,225)	(1,998,000)		(4,241,225)
Grants					
Litigation fees					
Arrest and return of fugitives					
North Dakota lottery					(117,813)
Gaming Commission					
<b>Total all funds</b>	<b>(\$60,988)</b>	<b>(\$2,263,225)</b>	<b>(\$1,720,284)</b>	<b>(\$279,599)</b>	<b>(\$5,135,344)</b>
Less estimated income	(60,988)		155,864		(321,349)
General fund	\$0	(\$2,263,225)	(\$1,876,148)	(\$279,599)	(\$4,813,995)
FTE	(0.50)	0.00	0.00	0.00	(4.80)

1 The following vacant FTE positions are removed:

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
Grants and contracts officer	(1.00)		(100,636)	(100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
<b>Total</b>	<b>(4.30)</b>	<b>\$0</b>	<b>(\$513,783)</b>	<b>(\$513,783)</b>

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.

- 3 This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.
- 4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.
- 5 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed.
- 6 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 7 The .5 FTE horse racing auditor position added by the Senate is removed.
- 8 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project.
- 9 Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.
- 10 Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.



Date: 3/24/07  
 Roll Call Vote #: \_\_\_\_\_

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House Appropriations Full \_\_\_\_\_ Committee

Check here for Conference Committee

Legislative Council Amendment Number 78027-0204

Action Taken Adopt amend 0204

Motion Made By Carlisle Seconded By Skarphol

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleason		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Vote - carries*

Date: 3/24/07  
 Roll Call Vote #: 2

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2003**

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 78007.0204

Action Taken Do Pass as Amended

Motion Made By Carlisle Seconded By Carlson

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleeson	✓	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	✓		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 24 No 0

Absent 0

Floor Assignment Carlisle

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2003, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.**

Page 1, line 3, after the semicolon insert "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;", replace "section" with "sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 2, line 3, replace "3,189,266" with "2,225,225"

Page 2, line 4, replace "1,525,512" with "1,713,247"

Page 2, line 5, replace "992,215" with "(3,249,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "\$3,770,250" with "(\$1,365,094)"

Page 2, line 12, replace "(5,576,024)" with "(5,897,373)"

Page 2, line 13, replace "9,346,274" with "4,532,279"

Page 2, line 19, replace "22,739,001" with "21,774,960"

Page 2, line 20, replace "10,009,307" with "10,197,042"

Page 2, line 21, replace "6,410,956" with "2,169,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "42,335,463"

Page 2, line 28, replace "18,912,377" with "18,591,028"

Page 2, line 29, replace "28,558,430" with "23,744,435"

Page 3, replace lines 16 through 20 with:

**"SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,242,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 8. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated

from the general fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, that the attorney general fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota adjacent to the existing facility housing the crime laboratory.

**SECTION 11. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim."

Page 3, after line 31, insert:

**"SECTION 14. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Exempt records.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.
4. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming Commission	<u>6,141</u>	<u>6,141</u>		<u>6,141</u>
Total all funds	\$41,223,732	\$47,470,807	(\$5,135,344)	\$42,335,463
Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>	<u>(321,349)</u>	<u>18,591,028</u>
General fund	\$22,929,209	\$28,558,430	(\$4,813,995)	\$23,744,435
FTE	181.30	189.80	(4.80)	185.00

**Dept. 125 - Attorney General - Detail of House Changes**

	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	REMOVES CJIS POSITIONS 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	REDUCES SALARY EQUITY FUNDING 5	INCREASES SALARY EQUITY FUNDING 6
Salaries and wages	(\$395,970)	\$104,572	(\$261,916)	\$68,146	(\$496,885)	\$79,000
Operating expenses		50,428		139,190		
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming Commission						
Total all funds	(\$513,783)	\$175,000	(\$261,916)	\$207,336	(\$496,885)	\$79,000
Less estimated income	<u>(513,783)</u>			<u>119,400</u>	<u>(21,842)</u>	
General fund	\$0	\$175,000	(\$261,916)	\$87,936	(\$475,043)	\$79,000
FTE	(4.30)	1.00	(2.00)	1.00	0.00	0.00

	REMOVES HORSE RACING AUDITOR 7	CHANGES FUNDING FOR NEW CRIME LAB 8	REMOVES BCI BUILDING PURCHASE 9	REDUCES CRIME LAB OPERATING FUNDS 10	TOTAL HOUSE CHANGES
Salaries and wages	(\$60,988)				(\$964,041)
Operating expenses			\$277,716	(\$279,599)	187,735
Capital assets		(\$2,263,225)	(1,998,000)		(4,241,225)
Grants					
Litigation fees					
Arrest and return of fugitives					
North Dakota lottery					(117,813)
Gaming Commission					
Total all funds	(\$60,988)	(\$2,263,225)	(\$1,720,284)	(\$279,599)	(\$5,135,344)
Less estimated income	<u>(60,988)</u>		<u>155,864</u>		<u>(321,349)</u>
General fund	\$0	(\$2,263,225)	(\$1,876,148)	(\$279,599)	(\$4,813,995)
FTE	(0.50)	0.00	0.00	0.00	(4.80)

1 The following vacant FTE positions are removed:

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
Grants and contracts officer	(1.00)		(100,636)	(100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(4.30)	\$0	(\$513,783)	(\$513,783)

- 2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.
- 3 This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.
- 4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.
- 5 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed.
- 6 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 7 The .5 FTE horse racing auditor position added by the Senate is removed.
- 8 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project.
- 9 Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.
- 10 Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

2007 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2003

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-02-07

Recorder Job Number: 5663

Committee Clerk Signature

*Alice Delzer sp.*

Minutes:

**Chairman Kilzer** opened the Conference Committee Hearing on SB 2003. Roll call was taken with Senators Kilzer, Holmberg Mathern, Representatives Carlisle, Skarphol and Kroeber present. He made that both the Senate and House made a number of changes so there are some large differences. I'd like the House members to tell us about the changes concerning the amendment .0204.

**Representative Carlisle** stated they did make a number of changes. He stated there were 4 vacant positions that had been vacant for quite a while so we rolled them up on the Attorney General's budget. We added a computer forensic position. There was a bill that had two of them. We decided to fund one of them. Those are the folks who work on sexual predators and child porn. They are going to house that position for a total of \$175,000 in Fargo because BCI does have an office there. We removed a couple of positions that were duplicated. We added funding for background checks He referred to SB 2260 and with the events that happened last year around the state a lot more folks are going to be requesting background checks. Right now the forensic people and some of the DOCR people do background checks but what we did is authorize the Attorney General to add up to 5 FTE's as needed. We took a tour to the BCI building and the crime lab and talked to a worker there and she can do about 2000 background checks a year. The potential is maybe 5 times that so the Attorney General has

the option to add as needed. To break the funding it is a little over \$50.00 if you have the FBI background check and \$22.00 for other checks and it will be a revenue producer because the people have to pay for them. It won't cost the state a lot of money.

Concerning the equity salary issue the OMB had put in \$300 and some thousand, the governor added another 600, we added another 79 thousand strictly for the BCI and the forensic scientists at the crime lab to get them up to 92% of the equity.

There was a bill killed on the horse racing so we took out that part-time position for the auditor and changed the dynamics for the crime lab. Last time there was funding for a new crime lab, it didn't happen, there is about \$3.2 million carried over, the governor added another \$1 million.

Our committee looked at the building site that is up next to the BCI building and they wanted about \$1 million for that site and our committee decided that they should build on state land and save that money and build whatever they can get for roughly \$4.4 million, an expandable building right off the Health Department and Game and Fish. We will get a report from the budget section on this. In item 10 on your green sheets there is some funding for crime lab operating funds. We can pull that because we haven't built a new lab. The expandable building ideal scenario is up to 18,000 ft.

**Representative Skarphol** with regard to the CGIS project, there's been 4 employees working on CGis in the past, two in ITD and two in Attorney General's office. The governor's budget recommendation was to put all four of them in ITD. We left it that way. The Senate funded the two positions that had been left unfunded in the Attorney General's budget procedures and what's reflected on the amendments subparagraph 3 removes CGIS position. We took the funding back out of those two positions because we did not want to end up with 6 but rather with 4. There was discussion about the ability to do that by the Attorney General' office.

Further discussion followed regarding this matter. (08.29) The comment was made we need to rectify both budgets regardless what happens and I serve on both of those committees.

**Chairman Kilzer** asked if Allen Knudson from Legislative Council had any comments regarding having all 4 CGIS people in ITD.

**Senator Holmberg** asked if this was run by the legal staff. He was told yes.

**Representative Carlisle** stated he had one more item regarding section 8 on the amendment relative to HB 1330 regarding multi-jurisdiction regarding the drug task force. We had put in some boilerplate amendment when we found if they get any more money out of Washington ie the burn grant funding. We also on section 8 we added that funding just in case.

**Senator Mathern** asked for further description of building portion on this set of amendments and how that changes from the Senate portion.

**Representative Carlisle** stated that BCI rents or leases an entire building. The Senate moved to build on a lot next to it. After we toured the crime lab we felt it is better to build on the existing state land, which is kitty corner from the lab site. We can use funds from last session. We can build it expandable so down the road we can add on if necessary. The idea is to use the money the governor has put in plus the carry over money.

**Senator Mathern** asked if we would still be on same site as BCI.

**Representative Kroeber** stated it was better to rent that building rather than to purchase it at this time.

**Senator Mathern (15.55)** stated the lease goes until 2017. He asked what would we do at the end of 2017.

**Representative Skarphol** stated we would have the option of renegotiating a lease or relocating to a different facility We would have a number of alternatives then but in the

meantime that property stays on the tax roll as taxes paid whereas if we buy it it's off. Our full committee was uncertain about the value of taking more land out of the state tax rolls.

**Senator Mathern** stated we had some information that indicated that would be a pretty good purchase.

**Senator Skarphol** said it may seem to be a good purchase but in 10 or 15 years from now when we want to do something with it we will be the ones responsible for upgrading it. If you're leasing from someone it's their responsibility to take care of the upgrades. Maybe there will be a more appropriate facility available at the time this lease is up that will serve the purposes much better than this one.

**Senator Kilzer** stated it should be noted that the Senate members also toured the northern site and we've also seen the Health Department site on the south side. I would like to question further about that word "expandable". How large of a lab and expandable, I assume you mean add on and how many square feet are you thinking of.

**Representative Carlisle** stated the idea is to use the money allotted and get as much building as we can and leave room for expansion. They are looking at about 18,000 feet, but it may not be that exact amount. Our understanding is the business is increasing at the crime lab.

**Senator Kilzer (18.02)** stated he felt it was obvious that the location that was determined to be is not adequate so it needs to have a new site. The question is where is the best site. Some people say the north site is the best right next to the crime lab because when political subdivision law enforcement officers come into town they have specimens to drop off at both places. Our committee felt the north site was the best and that what was in the bill as it came to the House to purchase the land right on the corner right next to the BCI building. I'll have to look at it again but I don't believe the new location that is being proposed is the best site. I just mentioned the first reason why I'm not comfortable with the new location but also I need to

look at the expandable part and if it is really adequate for the building and all the things that go with it, traffic, parking, all the other things.

**Representative Carlisle** recommended that if Senator Kilzer would get a chance to visit with Representative Carlson because he is a builder and had some pretty good ideas.

**Representative Skarphol** stated the reason for his term expandable is that when we visited the existing lab and we discussed whether we can add onto that we were told that the way the facility was built it was extremely costly to try to expand the existing facility and that is why we put the word expandable into the language. (21.06)

**Representative Kroeber** stated the Attorney General's Office does have an architect's drawing for the proposed building at the new site and also have the location in that area where they feel it would be appropriate to be built. He means the south side location. We'll be sure you get a copy of those before we meet again so you have a better idea exactly what we are talking about down at the new site. The other important point in building a new building is that it will free up some space that they now share with the Health Department and the Supreme Court is in bad need of more room and the recommendation was that when this happens that the facilities management would look at some possibility of moving some of Health Department down to that 5000 square feet that will be vacated and that will free up some areas that the Health Department now has in the judicial wing.

**Senator Kilzer** concluded the Conference committee hearing on SB 2003 at this time.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

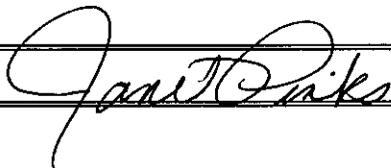
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-04-07

Recorder Job Number: 5724

Committee Clerk Signature



Minutes:

Senator Kilzer opened the conference committee hearing on SB 2003 with roll call, all were present. He indicated one of the issues is the location for building. The committee drove to the proposed site to get a good look. The Attorney General has a location in the capitol, downtown, and at BCI.

Chairman Holmberg indicated on the tour they went to the property next door. The one thing we all noted is that nothing was going on at the morgue, but most of the parking places were taken in that quadrant and I am wondering what the impact will be on the parking problem there. We didn't see anything in the plans that Senator Kilzer had that talked about additional parking and maybe there is some. It seemed that every one of the spaces except handicap and one other space free by the training building. Two-thirds of the parking spaces in the section the buildings face were also taken at about 2 pm in the afternoon. That was one concern and we want some further information on that.

Senator Mathern seconded what was heard from Chairman Holmberg. His other concern is it seemed like a hodge podge of buildings and he wondered if there wasn't some long-term plan we should look at. I am not sure how it fits with other buildings. We drove around to other places and maybe this is the time to look and see if it fits into a long range plan. I thought the

senate plan brought two facets together and the proposal we had from the house may have that possibility, too. I am looking for this option.

Senator Kilzer asked for additional input from the house. The other units out there include the Water Commission, the environmental teaching facility, the morgue and the health department.

Representative Carlisle indicated he asked Representative Carlson to come down as a builder and he can respond to this. We went off on a couple of ideas. We are going spend on the Senate's proposal, for a lot that would go off the tax rolls and if we buy the other privately owned building which also would go off the tax rolls. They are up to a maximum of 18,000 sf. There are a couple of quadrants that went to the east that we thought relative to spending that other money then taking a couple of entities off the tax rolls, that certainly they should be able to work with the entities out there to set up an expandable building on that lot. There are several other acres out there and I think there is enough room work out the parking was our observations.

Representative Skarphol indicated parking was not an issue. There is lots of room on the east side of the proposed facility. With regards to this location, I think is an appropriate location because the Health Department and Morgue is there. As far as consolidation of the other employees in the attorney generals office, I can understand your concern. I did ask early on in the session about what potential would be if the judicial wing were moved to a new building and the cost was proposed at \$32 million as a long term goal by facilities management. I wasn't willing to bring that forward but I would submit that the Attorney General would not want to move to a new office building.

Representative Kroeber indicated their committee decided not to purchase the BCI building and so we would not purchase the one next to it. That is the issue that should be resolved first. What are we going to do about the BCI building, is the question that needs to be answered first.

Senator Kilzer briefly commented about the BCI building; at the present time that lease expires in 2017. On the Senate side we felt the purchase of the building was a money saver over the long haul.

Representative Skarphol indicated they didn't feel that way. By the time the lease expires, we will need to be doing many upgrades

Representative Carlisle indicated Representative Carlson is here and he is a builder. He has commercial building in Fargo he is able to put things into a concept. Ask him how he has perceived parking; this is why we used his expertise.

Representative Carlson was asked to explain the logic on the building. He indicated there are two issues the purchase of the BCI building and the second is a new facility – we are in complete agree that we should be building. The BCI is close to a 20 year old building and it is a triple net lease which means there is \$150,000 on utilities, maintenance, law care, that were not factor into the purchase when talking about this. Now the landlord is paying for this. Our assumption was it is better off to rent then to own. In the future we will have a different view on state owned site and there is opportunity to expand the health department into the crime lab and maybe we can relieve pressure in the judicial wing. He further discussed the financial reasoning and combination of two funds totaling \$4.5 million and we said go get as much as you can for the money allotted. Parking is a concern but there is significant land behind that which can be used for parking. A parking lot is a lot cheaper to do then building a structure for \$300 sf. We belief there was some concern about taking more property off the tax rolls.

Senator Mathern questioned if there was discussion with other owners of that property as to where they would maintain their equipment.

Representative Skarphol indicated when they visited the site, there was nothing there. There is a fairly significant larger area.

Senator Mathern indicated there was a lot of activity there yesterday .

Chairman Holmberg indicated one question he didn't ask yesterday is what the origin of document with the plans on it is. When Representative Carlson talked was the diagram we saw for the building was the ideal building, not necessarily what they could afford to build.

Senator Skarphol indicated they believe the diagram is of the full 18,000 sf on one level. We ask that they construct a building that is expandable. For \$4.2 million they could expand in future you could add on

Representative Carlisle indicated they left it up to the department. They could build how they want, but allow for expansion. In our committee, we pretty much determined not to take property off tax rolls.

Senator Kilzer indicated we have had the expense with the Bank of ND where a lot of prop come off tax roles

Senator Mathern indicated that with the new drawing, it appears even more concerns because moving into space we didn't anticipate. I think we should get these parties together - so the parties involved have some input. We got the Attorney General to come up with a purchase agreement. We put details together before formulating amendments before going to the House. There are rules about how many parking spaces there needs to be.

Senator Kilzer indicated we need to talk to others involved before coming up with decisions.

Allen will make those arrangements.

Representative Kroeber indicated in getting back to the original bill, the Senate has made a definite decision. Senator still under assumption of buying the BCI building and building there.

Chairman Holmberg also agree in final analysis if we do not purchase the building he would agree not to build at that site.

Senator Kilzer adjourned the conference committee.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

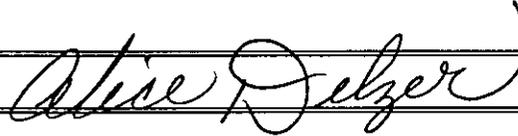
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-06-07

Recorder Job Number: 5805

Committee Clerk Signature



Minutes:

**Chairman Kilzer** opened the Conference Committee Hearing on SB 2003 on April 6, 2007. Let the record show all conferees were present. They are Senators Holmberg and Mathern; Representatives Carlisle, Skarphol, and Kroeber. Allen Knudson, Leg. Council and Sandy Paulson, OMB were present. We want to talk about buildings, particularly to start with the proposed new location of the crime lab. Is someone here from OMB or Facility Management here to talk about that and I have pictures to kind of show you the lay of the land.

**Pam Sharp, OMB** stated the Facility Management, Water Commission and the Health Department met to talk about the issues of the land and who owns the land. The Water Commission does have a quick claim deed to the land where you're proposing to build part of this building.

**Chairman Kilzer** stated some of us have viewed the property and asked if the fence is the boundary line to the West. He was told no, the fence is about 40 feet from the property line. So the property line goes to the parking lot.

**Representative Carlisle** commented he had driven out there and didn't think there was a problem regarding this matter. He was told some of the concerns are regarding drainage issues. There's a tree line that was recently planted to provide some privacy for the morgue and that would have to come down. There is nothing that probably couldn't be worked out But

the Water Commission and the Health Department have some concerns. The Health Department is concerned about loss of parking lot for their employees, and also the proposal was to use the existing crime lab space to move some employees at the Health Department out there to free up some space for the judicial branch and there isn't any particular tie from any of the Health Department employees in the capitol building to the lab out there so I guess it wouldn't be any more appropriate to move those employees than it would be to move employees from any other agency. She gave two options if you choose to keep the building at that location:

1. Move the building south to alleviate cramping, parking and drainage issues.
2. Continue the addition and remodel and built up rather than out.(meter 04.34)

More discussion followed regarding if there was room to build there, the Committee was told yes. Pam was asked to point out the location on the map

**Sheila Peterson OMB** explained the location to the committee. (meter 6:28)

**Representative Skarphol** stated the House did not propose the location on the property. That was brought forward at our request at the Attorney General's discretion. We did not pick that particular location. We didn't care where they put it out there as long as it was out on state property. That was their architect's suggestion. (meter 06.50)

**Dale Frank, ND State Engineer and Chief Engineer, Secretary, State Water Commission** stated one concern they have is regarding the heavy duty equipment. It is an inconvenience and can be dealt with. The bigger problem with that location that's laid out right now is issues with for the other agencies, more than the water commission. He expressed concerns regarding the slope, and the need for a retaining wall, issues regarding privacy for the morgue. To me is a bigger issue with the State Health and AG office if they want to cram a big building in there. Because you will have to a lot of fill you're probably better off going to the south. For

us the issue is it will be a little inconvenient for us for our heavy equipment but we could work with that.

**Senator Holmberg** said after hearing the presentations I don't see a problem because there appears to be land down there could also be utilized if we decided to go this site No one seems to object the building being put next to the morgue.

**Chairman Kilzer** asked if the building was taken from the proposed site and moved further south is there room for more parking. It looks like parking is a problem. If there was added more parking that would certainly take out a lot of your outdoor storage where you have a lot of equipment stored.

**Dale** said we were thinking further south. Certainly we would not want to give up a lot of our storage. This site is actually more storage than we had before. Our property does not go all the way to the road.

**Senator Holmberg** stated this is our property. Right now he has the property but Legislature has the authority to make it our property.

**Representative Skarphol** said absolutely. I sincerely believe that we can stay off their property to the south and provide this facility. They have even talked about potentially wanting a basement under this. We haven't prohibited that in our language and that's why we left the flexibility we did with regard to the building so if they thought they could provide that basement space at some reduced cost for square foot and utilize it in some fashion they can. If the grading in that area would be contusive to a basement or walkout basement we're fine with that.

**Senator Mathern** said I believe one of the main issues the Senate had in addition to a space for a crime lab was bringing together a staff from the prospective of customers; sheriffs, police, and other folks wanting to come in and do something at the crime lab, maybe want to talk to

someone at BCI and somehow bringing those together. I checked on the lease of the BCI building up on Highway 83 is up June 2013, according to OMB and I just wonder if we couldn't still deal with that principle how do we bring these two together, meaning the crime lab and BCI.

**Representative Carlisle** asked how many years have they been apart. Didn't seem to be an issue. They authorized this building two years ago we didn't hear that argument now this time we hear it.

**Senator Mathern** said I see it as coming to a better awareness as this comes to fruition. They didn't build when we authorized them to and it's giving us an opportunity to re-look at the long-term thing.

**Representative Skarphol** said I have a number of colleagues that share your concern about bringing people together. I think they are thinking on even a larger scale than what you are with regard to doing it and in fact bringing the entire AG staff together in some single facility. They provided me with some information regarding this and quite frankly maybe we should not buy the BCI building and wait an interim and see if we come up with an overall plan and provide more space for more individuals than just BCI.

**Senator Holmberg** stated it seemed to him that one reason that we were looking favorably at the BCI building was because of its apparent availability now as to when it was being discussed two years ago. There was a potential purchase agreement that would not be a bad deal for us to make. Why all of a sudden it became an issue for us what the fact it's available.

**Representative Carlisle** stated the land that we purchased from the water commission is in close proximity. There is 11 acres, so a lot of room over there. He also addressed issues regarding the heavy equipment. (meter 16.48)

**Arvy Smith, Department of Health** stated the issue with where this particular plan lays is the crime lab we have a little bit of issue with the morgue. My bigger issue is there is a plan and the crime lab is going adjacent to our microbiology lab there. The idea has been brought forth that if the crime lab vacates that space that we would potentially be moved there and whether we move out there or someone else would not make a difference as far as efficient operations. We've been working on our space for several years and we're settled. My only space need now is for our pandemic flu stockpile and I need around 5,000 sq. ft. but I can rent a space for \$5.00 a square foot and the operating costs on the crime lab is \$10.00 per sq. ft. so I can't justify that when I can rent it for \$5.00.

**Senator Kilzer** asked if the microbiology lab and chemistry lab ok with this. He was told yes.

**Representative Skarphol** had one comment saying it was only a suggestion that your department be looked at because you are already in half of that building, was not a directive. More discussion followed regarding the parking space for lab people (meter 20.44)

**Senator Mathern** stated at some point he would like to hear from AG office about this discussion.

**Chairman Kilzer** stated we will look more into that when we meet next week. He asked the committee to refer to the orange book page 124 – 128 that refers to this budget.

The Conference Committee Hearing on SB 2003 closed.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

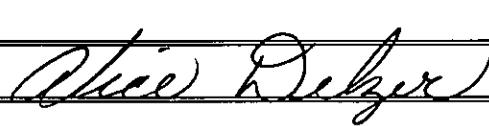
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-09-07

Recorder Job Number: 5847

Committee Clerk Signature



Minutes:

**Chairman Kilzer** called the conference committee hearing to order and report that all the conferees are present. They are Senators Holmberg and Mathern; Representatives Carlisle, Skarphol, and Kroeber. Also present were Allen Knudson – Legislative Council and Sheila Peterson – OMB. He asked for discussion regarding the building, whether it be leasing, building or purchasing on both the BCI building and the new crime lab. We will finish the discussion but probably won't make any decision today.

**Tom Trenbeath, Chief Deputy, Attorney General's Office** went over the blueprint that he had passed out in a previous meeting which is the south site. He stated that he and the Attorney General had gone to the property and made assessments concerning the property. Power lines overhead, the relief of the property, and issues regarding the parking lot He felt it was a good place to build a building. He called the architect to make sure he did not have any further observations regarding the property and we are meeting with him this afternoon. Concerns are the sewer main that runs through that property, plus the fill or cut issues and the parking lot issue. What I would like to get from him is a dollar figure so you gentlemen have some numbers to work with. He stated there will be lots of challenges to build a crime lab there.

**Senator Mathern** asked If we were to go the alternate location, which is up north, would you want to relocate the staff and have the crime lab and BCI staff together?

**Mr. Trenbeath** stated that had not been considered. If we would relocate but that would be something we would look at. We might be able to share some lab building with BCI people on a temporary basis. To relocate BCI down to the south site is something we have never considered. Kathy Roll our Director of Finance passed out the form (1) OPTIONS FOR FUNDING THE PRUCHASE OF THE BCI/IT/FIRE MARSHAL/CONSUMER PROTECTION BUILDING AND FOR FUNDING THE NORTH CRIME LAB WITH EXPANSION INCLUDED.

**Representative Carlisle** had questions regarding the square footage. It was explained the 25,000 square foot included a basement.

**Representative Skarphol** asked if this was for the south site. He was told yes. He also had questions regarding the actual dollar amount for each site and the acquisition of land on the north site.

**Representative Carlisle** had questions regarding the need for privacy regarding the morgue. He commented that when it was in the hospital this was not an issue. He was informed that it is not an issue with the Attorney General's Office.

**Chairman Kilzer** told him that both hospitals did forensic autopsies. Hospitals really don't like to do these exams because of the risk of contamination.

**Senator Mathern** wanted the Facilities Manager to give testimony regarding the location for the new crime lab.

**John Boyle, Director Facilities Management** gave comments regarding leasing a building and stated that the lease we have on the north site is about the best lease we have in our portfolio because it is long term and at a rate that is way below market. I am very pro leasing buildings. He stated he thinks it is better to lease than to purchase especially if you are dealing

with an older building. He mentioned there is room on the south site to build the building they need to have to house the crime lab. If you look at the hand-out that was given to you at an earlier meeting, if you compare Plan A with Plan B it would make sense to buy the building up north because there would be a \$404,000 general fund savings. The problem with this is it doesn't show any operating costs to actually run the building up there, which runs about \$110,000 a year. You are looking at a 40 year old building so you will have expenses just to maintain that building. So in my opinion if you look at it over a 10 year period and look at this it is about a negative \$800,000 to \$1 million,.

**Chairman Kilzer** stated the lease expires in 2013, what do you view as the new lease rate beyond that and would you be saying the same things then as now.

**John** stated the lease actually expires in 2017. They are pretty anxious to keep the tenant in their space especially with this situation.

There was further discussion concerning the date the lease is up.

**Senator Mathern** commented that he checked with OMB and the lease is up in 2013. John did confirm that it does say 2013 on the actual lease agreement. It was confirmed that 2013 is correct.

**Representative Kroeber** said we have a total down for lease payments through 2017, is that your estimate? He asked if 2013 is the number we should be working with. John informed the committee that he did not put that sheet together.

**Representative Skarphol** asked John when he started his comments he said the location the governor had submitted. I don't think it was from the governor but a Senate proposal to locate the crime lab up north or was it the governor's request.

**Sheila Peterson, OMB** stated the governor's proposal has been an addition to the existing crime lab. The current crime lab is about 4500 square feet and we were talking remodeling that

and adding about 13,000 square feet or so to come up with this total of 18,000 square feet.

Our proposal was always just to add on to the building on the north site. That is where we came up with our numbers.

**Representative Skarphol** stated we have never had a drawing of that addition. He was told that there was a drawing at one time I think it was in the Health master plan. Representative Skarphol said that in their discussions to add on to the existing facility had some inherit problems because of the design of the existing facility.

**John** stated he did not put this together.

**Chairman Kilzer** commented that a very expensive sprinkler system would have to be installed throughout the old and new parts. This is one of the problems of adding on in addition to the space confinement. He said he does not recall hearing anything about a 2 story building.

**Senator Mathern** said he assumed that sketch was brought out during last session. But nothing was done so they have come to this legislative session saying thanks for the money last time, the building didn't work, please give us more consideration and build someplace else, so we probably haven't looked at that sketch this session.

**John** stated that last session they came and spread out the plans. We bid those drawings and when the bids came in we did not have enough money to build it. We eventually looked at the north site. He was asked if that was a single story plan and he answered yes.

**Representative Kroeber** asked if they discussed that day that there were some additional costs as far as just adding on and so to go to a free standing building would be more efficient for the dollars. He was told yes. The agreement was that BCI can continue to lease the building as long as we rent the space. So we are kind of under the impression we could continue to lease this and there may be only a 5% increase per biennium and we are working

under that assumption. He was told the lease runs out in 2013. He said the document expires in 2013.

**Representative Skarphol** made comments regarding the overall plan and accommodating the needs of state government employees and doing something to create some room in the judicial wing. He asked if there is an overall plan.

**John** stated the only overall plan that we have is the capitol grounds master plan that was prepared in 2000 that discusses additional buildings on the grounds to alleviate some of the pressures of the people in the judicial wing. This would be Health and Human Services that would move into a new building which would create all kind of space where we could move people around and spread out.

**Representative Skarphol** asked if that building would become a reality would it be the intent to move the Attorney General's Office into the tower here and locate the Health Department and Human Services in the new facility. He was told the intent is always to move general funded agencies on to the capitol grounds. Right now with the BCI building is the most money that is spent in the biennium coming from a general fund agency paying rent to a private landlord. So the answer is yes. So it would make sense to at least look at that so that all those rent dollars would not have to be funded by moving the BCI to the state capitol building too. The question was raised about the location of the crime lab and that it would not be moved here. It would have to be located someplace else. That was confirmed.

**Chairman Kilzer** stated he appreciated Mr. Boyle and Mr. Trenbeath for coming in to answer some questions for us.

**Representative Skarphol** distributed his proposed amendments #0205 to the committee for their review.

The Conference Committee Hearing on SB 2003 was adjourned.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 4-10-07

Recorder Job Number: 5872

Committee Clerk Signature

*Alice Kilzer (UB)*

Minutes:

**Chairman Kilzer** called the conference committee on SB 2003 to order.

Senators Kilzer, Holmberg, and Mathern, and Reps Carlisle, Skarphol, and Kroeber and Allen Knudson from Legislative Council and Sandy Paulson from OMB were in attendance.

**Senator Kilzer:** I would like to move away from the topic of buildings, leases, etc. for a moment, not that we are avoiding a decision but I think we need to mull that over for a couple of days. I would like to move on to salaries and equity adjustments and things like that. Particularly referring to the testimony in the Attorney General in the green book on pages 2 – 5 relating to forensic scientists, attorneys and paralegals, and also to BCI agents. In the executive budget there was an increase proposed of \$643, 079.00 and then the Senate added a request for \$496,000.00 so that is how it went to the House. The House took out the \$491,000.00.

**Representative Carlisle:** The governor put in equity \$643,097.00. OMB in their pool had \$300,000.00. Now the attorneys aren't part of that pool because they are unclassified. The House took out the extra \$496,000.00 that the Senate had put in but we backfilled \$79,000.00 for strictly the forensic sciences at the crime lab in the BCI. That involves about 30 FTE's and we were trying to get them to about 92%. (meter 02.27)

**Rep. Kroeber:** That would have brought them up to 92% over 95% of the midpoint.

**Senator Kilzer:** Which group was that again?

**Rep. Kroeber:** It is the criminal investigators and also the forensic scientists. This included the two groups that the AG's office informed us they were the very most concerned about.

**Representative Carlisle:** Even without the 496 that the Senate added, if you add the 643 to the 379 we are at about a million dollars in equity plus the 4 and 4 that will be forthcoming.

**Senator Mathern:** What is your rationale of 92% from 95%. Are you doing that in other bills, other agencies, that same percent?

**Rep. Kroeber:** On the Employee Benefits Committee what we got from HR was they were basically trying to bring everyone up to about a 95% midpoint was their goal. So when we talked about increasing salaries we kind of compare to that 95% of midpoint that HR always talked about. With this \$76,000.00 and with the other dollars that will be available while we should be getting them up to about I think 92% compa-ratio on July 1, 2007 just the forensic scientists group and the BCI people.

**Senator Mathern:** I'm just wondering if that relates to trying to get everybody to 92 across the board or just this agency?

**Rep. Kroeber:** As we went through the compa-ratios, these were the two groups that were the lowest in the office in comparison. And that is why we added the \$79,000.00. I am assuming that is why the AG's office felt that these were the people that they felt have the greatest need.

**Senator Kilzer:** The attorneys and paralegals, what does this do to them?

**Rep. Kroeber:** They would still have the added equity pool that the governor put in. They would also have the available dollars for that group from the classified, not the attorneys but I think the paralegals are classified. So they would also be eligible for the equity pool. And those

dollars will be added on as you know first and then the 4% will take and be applied. Tom said even though they are classified they do not qualify for the equity pool. Why is that?

**Kathy Roll:** Based on the amount of money that was provided by agencies it didn't get everybody to 92% (meter 06.36) The paralegals weren't as low as BCI and the attorneys.

**Senator Kilzer:** This seems to be one of the greater deficiencies as far as interagency comparisons goes. The 30 attorneys are much lower than many of the other agencies and the Attorney General has lost two attorneys very recently, some people with a lot of tenure. They will be sorely missed but there have been two of them that have quit and at least one has moved on to a different agency. That was what I was told. This leaves us very significantly lower compared to other agencies.

**Representative Carlisle:** I just want to double check, the equity pool of \$643,000.00 the attorneys will participate in that not the 300 with OMB, right? Because they are unclassified? However they parcel that out the \$643,000.00 ...That's in the executive budget. Yes, the \$643,079.00 ...the governor added that equity in minus the attorneys can participate in that the OMB pool of 300 they cannot because they are unclassified. And then the \$79,000.00 that government ops added back in was affecting roughly 40 folks, the forensic scientists in the BCI to get them to 92%.

**Senator Kilzer:** Allen, at what % does that put the attorneys? Does that get close to 95%?

**Allen Knudson from Legislative Council:** Because the attorneys aren't classified there isn't a compa-ratio for a classified position so there is no way to determine that.

**Representative Carlisle:** Conceivably in the governor's equity pool at 643 the attorneys can participate and who else would participate in that pool then for equity?

**Allen Knudson from Legislative Council:** I believe the Attorney General indicated earlier that it would be the BCI agents, the crime lab staff and the attorneys that were going to be participating in that.

**Representative Carlisle:** For the latter two, they could also participate in the OMB pool, right?

**Senator Mathern:** I suppose the fact that we don't have compa-ratios for the attorneys because they are not classified, the way we would compare where they are on the comparison ratio throughout the state is comparison average salaries that we just got here.

**Allen Knudson from Legislative Council:** I'm not sure if this is what OMB had put together during the last interim. The Legislature asked OMB to do a comparison of salaries of different agencies during the last interim.

**Senator Mathern:** This one we have before us has been prepared by the Attorney General's office using data from all these different state agencies and the Indicates the point you made, Mr. Chairman, about salaries for attorneys in the Attorney General's office being lower than many of the other agencies. That is basically where we came to putting some money into that pot on the Senate side. (meter 11.15)

**Representative Skarphol:** I'm having a little difficulty understanding some of the numbers here. Could Mr. Trenbeath explain it for us? 24,000.00 under Attorney General. I think that the total of the numbers in parentheses above.

**Tom Trenbeath, Chief Deputy Attorney General:** The best way to read this is not with relation to the bottom line because although that is a compilation of the numbers above that I am not sure it is instructive necessarily. But each individual category is instructive and for example if you are looking at attorneys with 4 – 10 years of experience and looking at a state-employee-wide attorney's salary you would see that Workforce Safety is almost \$17,000.00

over the average. Whereas the like qualified person in the Attorney General's office is somewhat over \$5000.00 in the other direction. That analysis can be carried through. But for the category of the 16 – 20 years we are less than \$500.00 above average. Whereas in Higher Education you are \$30,000.00 above the average for an attorney within the same pay rate.

**Representative Skarphol:** It would have been helpful had you had a number of employees in these various categories reflected as well because if there was one in Higher Education with 16-20 and you had 10 in the same category.

**Tom Trenbeath:** But I don't know that that would be instructive. You are still comparing.. I mean I only take home one paycheck.

**Representative Kroeber:** Tax department only has three attorneys.

**Representative Carlisle:** Tom, have you lost any attorneys to Workforce Safety?

**Tom Trenbeth:** Not in my time but I'm looking over to the wisdom expert and she's nodding her head in disagreement so I don't believe we have lost any to Workforce Safety.

**Representative Kroeber:** I have to comment and you just can't make comparisons with Workforce Safety attorneys with anyone else. They are just totally out of the ballpark on salaries earning. As to why I am sure we could all make a guess but ...

**Senator Kilzer:** There also at Workforce Safety was a complete turnover not too many years ago. I assume that these are all annual salaries.

**Tom Trenbeth:** They are. The reason that it is divided down, that it is demarcated by years of experience is that I know when the present Attorney General took office some 6 years ago there was no way of differentiating between the value of legal services in the various divisions that he had attorneys. The only possible way that we found that was still a little arbitrary and still a little but certainly not subjective, it was totally objective, is by years of actual experience in the profession. That is why you see these categories. (meter 14.46)

**Representative Carlisle:** Tom, under that 643, 000, how many potential people would participate?

**Representative Kroeber:** Of the 525,000, and we take out the 79,000, the 446,000 would have gone to... That's what you are after, right? So that 446,000 would go to just the attorneys and paralegals. Which amount would that be? That would be the 446,000. The 525 minus the 446 was 79 or am I completely off base, Allen?

**Allen Knudson from Legislative Council:** I believe the 446 was to go to the Crime Lab staff and the BCI agents. 218,000 to the attorneys.

**Representative Carlisle:** So that's the number we are looking for the 218,000. So how many attorneys would participate in 218,000? Is that the right question then?

**Tom:** First of all the answer to your first question with respect to BCI agents etc. appears to be 78. Attorneys 30 to 35. It depends on who left yesterday.

**Representative Carlisle:** So thirty, about 6000 on an annual basis per thirty, is that how it would be? Plus the 4 and 4?

**Tom:** If it were to be distributed evenly that sounds about right.

**Representative Skarphol:** We are talking apples and oranges here because the 4 and 4 is a general raise and what we are talking about is equity.

**Representative Carlisle:** I understand. So roughly 218 would be for the services as the bill presently stands, right? Because we can't participate in the OMB pool.

**Representative Skarphol:** Allen, now the 218 comes out of the 643 that was in the governor's budget? Is that correct?

**Allen:** That is correct.

**Representative Skarphol:** And the balance goes to the BCI, to the crime lab. But we put 79,000 more into forensic sciences and crime lab so there would be 79 in addition to that.

**Allen:** Right.

**Representative Skarphol:** OK, and that would be distributed. So if you discount BCI and forensic scientists cause we would have brought them to 92%. If you discount those then there is roughly how much left for the balance? (meter 17.34)

**Allen:** In regard to that, the governor added 643 plus the 79. Reference was made regarding the equity pool. Human Resource management indicated that there would be 117,000 made available to the BCI agents and criminal investigators from the overall \$10 million pool. They were told \$300,000 and then \$117,000 out of that \$10 million pool.

How much out of the \$10 million?

300,000. and then 117,000

**Allen:** That was the information that was given to the House from Human Resource Management.

**Representative Skarphol:** There's 183,000 left in that particular pool to be distributed amongst

**Allen:** Classified employees in the individual agencies. Their share of the pool is going to be \$375,000.00, \$300,000.00 of which is from the general fund of the \$10 million pool.

**Representative Kroeber:** And is this other 75,000 realistic? That's federal dollars, I'm assuming.

**Representative Skarphol:** Are you expecting to receive that kind of money?

**Kathy Roll:** Those moneys are just federal funds (meter 19.27)

**Representative Kroeber:** They would not be able to go to attorneys.

**Representative Skarphol:** Do you think we could have Allen prepare some type of spreadsheet that would delineate this somewhat because it would appear to me almost that there is a somewhat unusual amount that would go to BCI. It just seems to me that the way the

dollars that the House has in there, it would seem to me that you would have a lot of money available to BCI over and above what you would normally have available. In other words we have in some ways confined with the 79,000 going to BCI and limited your abilities to distribute those probably as fairly and as appropriately as you would like.

**Kathy Roll:** In terms of why the BCI seems to have so much more money, first there are about double the number of people in BCI. The BCI agents versus the forensic scientists. Secondly and quite honestly we did not ask for enough money for the crime lab. And when we compared the BCI agents we compared them not only to the Highway Patrol but also to the market where we are losing our staff. And that's the local cities, counties, federal. So we looked at those markets and basically we were just looking within the state and saying OK this is where they are at. We require 5 years of experience for instance for Bismarck PD after probation they pay about 3400.00 per month and we pay a little over 3000.00 so you can see there is a huge difference and we require 5 years of experience. Secondly in terms of the 79,000 and the distribution of that money I would think that what we would do is an agency is take a look at what the greatest needs are within the agents at the crime lab and try to address those.

**Representative Skarphol:** But if we are specific about that's what it's for and if 117,000 of the 300 is specific about who it is for have we in fact restricted your hand with regard to other individuals more than we should have is what I am asking. So could you prepare us a spreadsheet to see how these moneys could be distributed between these various types of employees within your agency.

**Kathy Roll:** Absolutely. There are going to be people in our office who qualify for the equity pool that are not part of any equity adjustments we've requested for. There are a number of

people. So what I will provide you if it's OK is just those categories of people that we are talking about.

**Senator Kilzer:** Kathy, when you do that could you put a plus by the people who are eligible for the equity adjustment? And put a minus by the people who are not eligible for participating in that? And I have one other request. I am going back to the handout from Mr. Trenbeath. (1 and 2) I would like to know the number of people in each one of these agencies and how many people in each one of the groups.

**Representative Carlisle:** Kathy brought up an interesting comment about the Highway Patrol. We've had their budget too and it's kind of a "vicious circle." The Highway Patrol is worried about the Border Patrol which is going to hire the feds and they are going to go after the Highway Patrol .... And then there is obviously in house rating too, one department getting more than another, excluding...I agree about Worker's Comp. They are the different..... for the funding, but sometimes agencies pick off other agency's personnel.

**Senator Kilzer:** Those of us that come from families know about that.

**Senator Holmberg:** This might be a very simple answer. Are these attorney positions that you are putting down here, are these folks whose job description requires them to be an attorney or are some of these folks who just happen to be licensed as an attorney and not doing attorney's stuff.

**Kathy:** They are all attorneys, not necessarily required to be attorneys for their jobs.

**Allen:** We ran into that trouble some years ago when we had a performance audit of DPI where we had a bunch of people up there that their job description said they had to be certified teachers but their job had nothing to do with that. When they rewrote Title 15, we made those changes. Is there a way to flag them because we should be looking at the position not the fact that an individual might happen to have a law degree, if it isn't a requirement of the position.

**Kathy:** We can do that for you. When the survey was done it looked at all who actually were attorneys.

**Allen:** If I could just make one comment about the amount of dollars that were specified for the BCI agents in the crime lab. When Human Resource Management looked at the numbers, they did include \$117,000.00 from the statewide interview pool .....same agencies when they came up with the amount that the House added in to get to that 79,000 so that was considered in. To get all those ....92% ... to 95%

**Senator Kilzer:** We probably have a little bit to talk about next time. Third subject after buildings and after salaries and equity will be..... and we'll take that up. We stand adjourned.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-12-07

Recorder Job Number: 5943

Committee Clerk Signature



Minutes:

Senator Kilzer opened the conference committee on SB 2003, indicating he would like to center on the salaries and equity issues we had last time and hopefully we can get to CJIS before the end of the time.

Tom Trenbeath distributed additional handouts indicated he photocopied a portion of their budget from the 2003 session which mandates the equity in ND and has included results of that study summarizing equity in the ranks of the legal profession in ND. He also included results of that study and which indicates each of the attorneys and their salaries. I have also included the study that summarizes inequities in the system and a sheet indicated where other employees in the Attorney General's for which we were requesting equity with their compo ratios and scenarios.

Kathy discussed the comparison of equity increases and the \$10 million equity pool distribution.

Representative Carlisle questioned the numbers in the Governor's budget or is this as the senate added. The response was the last column is what the Senate included along with the Governor's budget and the equity.

Representative Carlisle questioned on the BCI with house amend would be at \$92,000 without the equity. Kathy did not know.

Representative Kroeber discussed the handout indicating they were under the impression that with the addition of \$79,000 it would bring them to 92 percent. The response was that is correct but the crime lab even with the amount requested, the equity pool and what was allowed is only at 87 percent of the compo ratio.

Representative Carlisle indicated his notes show 30 FTE's in forensic and the addition of \$79,000; does that go to BCI and not forensic?

Allen indicated that would have brought people to 92 percent of 95 percent of midpoint.

Discussion continued on the percentages and salaries.

Senator Kilzer referred to page 2.

Kathy further discussed the salary review and recommendation on the last two pages of the handout. The schedule shows everyone who is an attorney, not necessarily those positions not required to be an attorney. The next page is those positions required to be an attorney.

Senator Mathern asked about the average salary of an attorney with one to three years experience. Kathy indicated she would provide that information.

Representative Kroeber asked about equity pool adjustments and was informed this is not equity adjustments. Attorneys are not eligible for equity adjustments.

Senator Kilzer requested a listing of average salaries be supplied. He then moved on to discuss CJIS.

Representative Skarphol explained information about CJIS together with discussion of CJIS being under the attorney general's office. This is for information purposes as to how various entities interrelate with CJIS and how they exchange information. CJIS acts as hub for communications between all law enforcement entities. This is new in our system. It lacks an identity. I ask that the conference committee consider the amendment 0205 to create that identity. I did talk to Mr. Trenbeath and the Chief Justice about the specific language in this. It

is my intent to create that identity. With this we would eliminate some of the struggles CJIS has gone through in the past.

Representative Carlisle asked if this would pertain only to this budget -- it doesn't change anything else only this budget. The response was that is correct. There are no provisions anywhere that directs the board to hire and supervise existing employees.

Tom Trenbeath commented on the 0205 amendments. He indicated he had seen a copy of this previously as to how CJIS should be set up and how it should function and this amendment takes a step in the right direction. In accordance with our discussions there would be the confirmation of the existing two FTE's that the Attorney General has to remain with the Attorney General which would be the budget item of \$261,000.

Senator Mathern asked if this is basically establishing a new Government agency. The response was this is not a new agency only creating an identity to an agency. They have never had any real authority for anyone which resulted in divided loyalty. In conversation with the previous director that is one reason he became frustrated and left.

Sandy indicated this would still flow through the Attorney General office.

Tom Trenbeath, stated there is presently a director and it is the chain of command that needs to be clarified and budgeted FTE line item within ITD.

Senator Mathern asked to clarify to this extent does OMB have to define it as another agency.

Representative Skarpol stated there is an existing line item of \$1 million for CJIS. The mechanics may change slightly. We have other entities out there that need a home that we have ignored; the Office of Administrative Hearings, the administrative hearing officers in DOT, the office of independent review at WFS and CJIS. Some of us think we need to find a way to organize a little more effectively than they are. Hopefully over the interim a committee will look at what needs to happen to some of those issues.

Senator Kilzer some of those you have mentioned have been in foster care for a while and I think they are about to have their adoption finalized.

Representative Skarphol questioned Allen about the salary issues. He is still confused as to who is eligible for the dollars that are in each of the different pools over life cycle of this budget.

Can you lay out a spreadsheet of who is eligible for those pools?

Senator Kilzer adjourned for the day.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-16-07

Recorder Job Number: 6025

Committee Clerk Signature



Minutes:

Senator Kilzer opened the conference committee on SB 2003 all are present

Senator Kilzer indicated up to now we have talked about the buildings and leases, the second issue of salaries and equity is the #1 priority of the Attorney General we will take that up on Monday or

Tuesday. The third item has been CJIS and we are happy with what Representative Skarphol stated.

Now we want to talk about one FTE that was removed and part timers and any other loose ends..

Representative Carlisle discussed a portion of the budget bill from last session, HB 1330 is a multi jurisdictional drug task force. The Senate reduced it by \$200,000 and the question came up about \$43,000 whether it was going to be a nurse project or to fund a person to monitor a half time person half time person to monitor this. It is part of the burn grants. It doesn't cover it, it only shows the FTE to monitor the grants. They are asking this be straightened out.

Senator Kilzer asked if this has to do with expired burn grants.

Tom Trenbeath, Attorney General, indicated there are no dollars for ½ time person. They wondered if it should be in the appropriation bill and if we should include funding for the existing grants and contracts officer.

Senator Mathern indicated as he recalled one of the reasons it was taken out of there was to get the bill passed and some people thought the work could be done without that.

Tom Trenbeath dollars taken out included \$125,000 a quarter and that is aside from FTE costs.

Representative Skarphol asked where the \$100,000 was transferred from. The response was from the lottery fund.

Representative Skarphol then asked if there is no leeway for federal funds to carry this part time position. The response was that there are federal dollars but we ask that this be funded that says when the funds are available, they will be used first.

Representative Skarphol indicated Section 8 of the House amendments states if federal funds become available you have to use them first.

Allen Knudson, LC, indicated that relates to any additional funds received.

Representative Skarphol can this be included. The response was yes.

Senator Kilzer is the FTE's in 1330.

Tom Trenbeath indicated we are just requesting funding for an existing FTE, not a new FTE.

Representative Kroeber indicated then we don't need it in 1330 because the language is already there. The response was correct.

Senator Kilzer all asked to have information in Section 8.

Senator Kilzer asked if there are any other FTE's in this version.

Representative Skarphol asked what the source of the \$500,000 is.

Senator Kilzer indicated it is in the Industrial Commission budget.

Senator Mathern recalled the \$500,000 appropriation in the bills and \$2 million someplace else that relates to the lawsuit with MN. He indicated he had gotten the impression it would be contracted out.

Representative Skarphol the \$2 that Senator Mathern referred to, can you tell us where it is located. The response was he didn't know.

Representative Carlisle referred to pg 3 of the amendments for an Asst attorney general.

Tom Trenbeath indicated they would need an FTE for those purposes.

Representative Skarphol stated we could make it a contingent FTE as the suite goes forward.

Representative Trenbeath indicated he didn't know how many parameters need to be in placed on a potential lawsuit in public record.

Senator Kilzer stated we could have general but not too general of language.

Tom Treanbeath if contingency don't make it too specific may be a lot of work.

Allen Knudson, LC, indicated we can put something in general language.

Senator Holmberg asked if this would be figured based on communications with the emergency commission.

Senator Kilzer any other items that we should discuss. He suggested we think about the amendment over the weekend.

Representative Skarphol the chief is out town until Monday and he should be available and in agreement with it.

Senator Holmberg suggested the committee not meet until Tuesday.

Tom Trenbeath brought attention to HB 1126 the department is now authorized to audit the racing comm. during the biennium and the House did remove funding for that purpose. We ask that be restored. The funds for operations for the new crime lab under the assumption the lab wouldn't be ready for occupancy during this next biennium. Our engineer has informed us that with the construction schedule it should be complete by Aug 2008.

Representative Carlisle asked Mr. Trenbeath to provide a memo to committee. Tom Trenbeath's office provided an e-mail with the schedule.

Representative Skarphol indicated \$279,000 is going to be for less then one year and we will have that much additional operating expense. He then indicated he would like to see a comparison of what the current facility costs and what the new one will cost so we know what to anticipate in the future.

Representative Skarphol asked with regard to the racing audit, is that a position you truly want in the Attorney General's office or would you like the ability to contract it with the auditor's office.

Tom Trenbeath indicated it has more to do with an investigation audit then a strict CPA audit.

Senator Mathern asked why you passed the bill without the money if the audit is that important, maybe we should reconsider. The response was this was a stand alone bill at one time in 2209 and I think the Senator Holmberg we had discussed the audit position and we were going to get together to determine what we would do.

Senator Kilzer adjourned the conference committee.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: unknown

Recorder Job Number: unknown

Committee Clerk Signature

*possibly  
4-17-07*  
*Jane Smith*

Minutes:

The conference committee hearing on SB 2003 was opened.

The House discussed the bill about predators and funding for background checks. There are many more requests for forensic people to be authorized for the Attorney General office. The calls are increasing and one young woman in the office can do about 2000 checks a year. Doing the background checks is a revenue producer. The salary equity was put in at \$300,000 and the Governor \$79,000 for the forensic and crime lab. The bill was killed on horse racing and they took out the position for an auditor. They changed the dynamics for the crime lab. They didn't want the current building site by the current BCI office. The owners want \$1million for the land. It is the House feeling they should build on state land with an expandable section and report to the Legislature on the progress. Item 10 funding for crime lab was eliminated. The idea of constructing 18,000 SF building was discussed.

Representative Skarphol will explain a little about the positions -- CGIS has four employees working on that in past in ITD and two in the Attorney General office. The Governor recommended putting it all in ITD; the senate funded two positions in Attorney General office. There was discussion on ability to do that -- the Attorney General indicated they would have problems with the FBI if they did that. In checking with the FBI there would not be a problem, if they are in with ITD it is a problem. The office

needs to have in state law ability for Attorney General to do this. The CGIS board prior to legislative session thought it would be appropriate. Attorney General has some problem with it and there is a need to rectify both budgets no matter what we try to do.

Senator Kilzer asked for any comments from Allen re: doing that.

Chairman Holmberg asked if this was run by the legal staff. The response was yes.

Representative Carlisle referred to sect 8 on the amendment on HB 1330 being multijurisdictional. HB 1330 multijurisdictional added language they needed.

Senator Mathern asked for further description of the building portion and how that changed from the senate portion.

Representative Carlisle indicated BCI rents an entire bldg, the lot next to it and the senate said they are going to build in that lot. We toured the crime lab and our idea is to build on site on state land. It is kitty corner from lab site, using funds from last session we can get as much as possible for the money. There is a piece that can be built on and it can be built expandable so that down the road we can add additional space.

Representative Kroeber indicated the lab would be built on the land we now have. BCI indicated it would be better to rent a building rather than building on land next to the designated spot.

Senator Mathern stated that at the end of the lease where would we have that office. The current lease goes until 2017.

Representative Skarphol indicated at that time we have an option of a new lease.

Senator Mathern stated we had information they had a good purchase price.

Senator Kilzer stated that senate members also toured the north site and the site by the health dept. I would like to question further about the expandable option. How large of a lab are you discussing? By expandable I assume you mean to add on at some point.

Representative Carlisle had the idea to use money allotted for 18000 sf. Use \$4.4 million and get as much space as possible and leave room for expansion.

Senator Kilzer indicated it is obvious the location determined to be used is not adequate. Some say the best site is at the north side. Our idea is to purchase land adjoining the current site. I don't think the site you are looking at is the best site.

Representative Carlisle stated if you get a chance to sit down and talk to Representative Carlson, because he is a builder and he had some pretty good ideas.

Representative Skarphol indicated the reason the term expandable is used is that when visiting with BCI the current structure is not conducive to expanding.

Representative Kroeber indicated the Attorney General office does have an architect drawing which will go to this committee before the next meeting. In building new structure we will free up space now shared with the Health Department.

The conference committee was adjourned.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

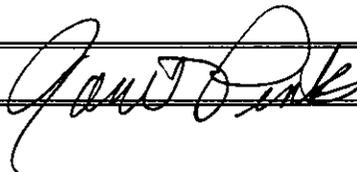
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-17-07

Recorder Job Number: 6077

Committee Clerk Signature



Minutes:

**Senator Kilzer** opened the conference committee on SB 2003. All were present.

**Allen Knudson** was asked to review an analysis of salary equity funding for the attorney general based on the \$10 million for classified employees. He discussed particulars of the funding and funding added in by the Governor and the general fund. The Senate added in the full request for the salary equity. In the House version, they removed the additional that the Senate added. The difference between the two is \$400,000. At the bottom of the page this is separated out for different groups of employees. The groups are at the left of the page and 95 other employees not eligible for the equity pool. The total employees is 171; 141 are classified and 30 are unclassified. The first column to the right is the allocation to the equity pool and additional salary equity added by the governor. In the Senate version and how that would be allocated and then same for the House version and how all would be distributed. At far right is attorney's request for salary equity – the current request is between the House and Senate version.

**Representative Skarphol** commented on the attorney's. He says it would take an additional \$135,171 to bring to the request. If add \$64,000 and \$135,000, for purposes of discussion it is \$200,000 it would come to the Attorney General requested amount.

**Senator Mathern** distributed a second chart comparison of requested equity increases and \$10 million equity pool distribution for selected Attorney General Employee groups. He took a prior chart and put

everyone in the same percentage across board and he used 90 percent of everyone to bring all employees to the same level. What it would cost is \$1.190 million. I just offer that for discussion purposes. We ought to help move everyone up in the equity situation so that at least within that agency they are at the same point. One could choose 89, 91 or 92. Offer for consideration as to how to proceed in equity salaries.

**Representative Skarphol** does this reflect the attorneys?

**Senator Mathern** only took classified employees and applied 90 %.

**Representative Kroeber** asked Mr. Trenbeath according to the salary you requested where you would be on Senator Mathern's request. When you did your request did you have a percentage in mind?

**Kathy** when we made our request it was to be between 91-93 percent.

**Representative Kroeber** you are right in the game with your figures.

**Mr. Trenbeath** distributed a handout showing a summary of non-building related issues. He then discussed wages, crime lab bldg and operating expenses.

**Senator Kilzer** questioned whether this will give them a larger building for more sq ft. The response was yes more space and storage space. They want permission to demolish the existing smaller structure.

**Mr. Trenbeath** indicated CJIS has been talked about. He discussed the do not call legislation, the SB 2260 background emergency clause would allow to train two FTE's, the racing auditor HB 1126 allows the Attorney General to investigate and monitor the racing audit. The next is a belt and suspenders on compensation for people is a new section added – this is non set off

**Chairman Holmberg** this is interesting because we have had OMB and personnel talking about this. Our goal is if we are treating everyone the same, why we are doing diff here.

**Mr. Trenbeath** indicated this is a preventative measure on the part of the highway patrol. We want to make sure that everything that happens in an equity situation actually results in being paid as equity.

**Chairman Holmberg** why would only two agencies have that? In the end there is going to be winners and losers and throughout the session, the numbers we have been given have always been numbers labeled fluid. One agency may get X amount. It just troubles me that we are treating two agencies different.

**Mr. Trenbeath** indicated he has been assured that the equity pool is a fluid number. It is counter intuitive that the Legislature would pass an equity bill and then say, Human Resources it is up to you to distribute it based on whatever else we might do in the legislature. In answer to our query about why these two agencies should benefit from this language; I would have one statement in bill or the OMB bill indicating legislative intent.

**Representative Skarphol** asked of Sandy Paulson how you would envision the equity pool dollars changing as a result of the money in this budget. The response was she would have to talk to OMB.

**Mr. Trenbeath** indicated that suggests there is some formula in place.

**Chairman Holmberg** we have had other agencies in here talk about equity and discussion always is they knew the \$10 would be parceled out after the equity money. Mr. Trenbeath am I wrong to assume that if 90 percent is midpoint are we defeating the purpose?

**Chairman Holmberg** indicated if we are we are just looking at one or two agencies.

**Senator Mathern** indicated the suggestion I had about 90 percent is to look at this from a policy perspective -- after this is all done and we get the agency on the same level as other employees and we get the \$10 million equity fund it may be applied differently.

**Chairman Holmberg** asked if Senator Mathern is troubled about taking two agencies and indicating we are not going to county your equity and everyone else gets counted. The response was yes, I see that as a problem, our responsibility right now is to get this agency

**Representative Kroeber** questioned Allen Knudson about the amount the Governor added on for the equity in the Attorney General's office. Was that considered when determining a number for their eligibility of the \$10 million? The response was that he was not sure of the formula.

**Representative Kroeber** indicated he had a list of 12 agencies and four where the Governor put equity funding directly in their budgets. I do have a concern if that was added in when determining the equity pool dollars.

**Sandy Paulson** indicated he did not think that was considered as she thinks this is an estimate.

**Senator Mathern** asked Mr. Trenbeath whether the Attorney General's office is interested in getting all classified employees to a percentage of salary mid point. The response was that one of the variables is looking at competitors in and out of state.

**Representative Skarphol** indicated if he recalls correctly Mr. Trenbeath said the Attorney General first priority is people and the second is building the crime lab. The response was correct.

**Representative Skarphol** state the committee has a few dominos falling. He requested of Senator Kilzer that we meet more frequently.

**Senator Kilzer** stated we can meet daily. The conference committee was adjourned.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-18-07 pm

Recorder Job Number: 6121

Committee Clerk Signature



Minutes:

**Senator Kilzer** opened the conference committee on SB 2003 with all present.

**Representative Carlisle** indicated this is our 9<sup>th</sup> meeting and with the committee's indulgence

**Representative Skarphol** will discuss

**Representative Skarphol** indicated that in looking over the handout from Tom Trenbeath. Item #4 the AG refund we have no issue, the racing auditor issue needs to be addressed, from our side the dollar amount is reasonable.

**Representative Skarphol** move we accept the \$60,988 and the .5 auditor, Chairman Holmberg seconded. A roll call vote was taken resulting in 6 yes. The motion passed.

**Representative Skarphol** then discussed item 5 which requires a background check on the final applicant, which should reduce the work load required. They need \$111,998 to begin hiring. That is money we have in the budget for five individual to do background checks.

**Representative Skarphol** moved we authorize the emergency clause on \$112,000 of the appropriated money so it is in the budget to do background checks. This is foot note five. By this action they hire the first one sooner. **Representative Carlisle** seconded. Discussion followed:

**Senator Mathern** asked if the Attorney General wants to hire now.

**Representative Skarphol** indicated he assumes that is what is implied

**Representative Kroeber** indicated this is one of the things that bring in money.

**Tom Trenbeath** stated we would anticipate hiring two people in near future. There is a learning curve.

**Senator Kilzer** asked if there is money in the budget for the project.

**Kathy** indicated they will use next biennium funding for this year.

**Representative Carlisle** indicated this is emergency clause.

**Kathy** indicated there are special funds and those are the money collected.

**Representative Skarphol** can you give us idea of profits created under this scenario with the number of checks they now do. It generates more revenue then what it costs to do it.

**Kathy** indicated when look at adding 5 FTE's we are going to be at \$130,000 more then the cost.

**Representative Skarpol indicated** if over the biennium you gain \$130,000 by moving some of next years money, there should still be an \$18,000 balance.

**Kathy** indicated that would be correct except those monies go direct to the general fund and not to us.

**Representative Skarpol** stated that if they were allowed to retain profits, you would cover the cost.

**Kathy** indicated the Attorney General would receive about \$35,000 profit.

**Senator Kilzer** requested that Alan Knudson put this in the amendment -- right now those go to the general fund.

**Allen Knudson** indicated if did what the motion is to take out of the next biennium they would be short and have to seek a deficiency appropriation.

**Representative Skarphol** if we authorize them to retain the money, the money in excess of the costs to do it, then they should be able to cover it right? The response is you will reduce general fund revenues.

**Representative Kroeber** in FBI, that is in and out. In other words it is a wash.

**Kathy** indicated that basically we need to have \$59,400 in special funds added -- in addition if we receive \$32,000 or \$35,000 for additional background checks in this biennium, there would be appropriations that become effective this biennium.

**Representative Skarphol and Representative Carlisle withdrew their motion.**

**Representative Skarphol moved that we appropriate \$59,000 special fund dollars and authorize the retention of the \$35,000 generated in this biennium, hire the two FTE's the Attorney General's office is asking for, Representative Carlisle seconded. A roll call vote was taken resulting in 6 yes. The motion passed.**

**Representative Skarphol** indicated we should talk about the equity. We had discussion and on the sheet distributed to us.

**Representative Skarphol** moved we add and additional \$150,000 equity to the equity. Representative Carlisle seconded. Discussion followed.

**Senator Mathern** indicated this brings this office ahead of other offices. I am arguing the point of equity in the system.

**Representative Skarphol** indicated the Attorney General has an opinion of the highest need.

**Representative Carlisle** we have given the Attorney General flexibility on the five FTE's. Let the Attorney General make the call.

**Senator Kilzer** asked of Representative Skarphol which number is increased. The response was it is just an increase in the equity in the budget. It is capable of being used for his attorney's or other employees.

**Senator Kilzer** clarified where that funding would be placed.

**Senator Holmberg** asked would that bring any additional special fund money. The response was not as far as I know.

**Senator Mathern** indicated he didn't have a problem putting the money in the budget, but I do have a problem with not having input in equity.

**Representative Carlisle** indicated his understanding is that in addition to the equity pool there is an additional \$2 million floating around out their. The response was \$2.4 million.

**Chairman Holmberg** indicated that of the various items on the sheet he is uncomfortable with the footnote 7, exempting the equity money as part of the salary prior to the distribution of the \$10 million. That is a separate issue.

A roll call vote was taken resulting in 5 yes and 1 no vote. The motion carried.

**Representative Skarphol indicated Mr. Purdy** is here and he could comment on the two scenarios. Senator Holmberg addressed Mr. Purdy, you are going to take a look at the \$10 million after you see how the various agencies fit and this agency is exempt. With the money we put into equity over an d above budget would not count. I am uncomfortable doing that.

**Representative Skarphol** indicated he tends to agree with Senator Holmberg and if we disallow that on the Highway Patrol I am not sure it would have great significance. I am not adverse to making a motion to do that.

**Representative Skarphol** asked Mr. Knudson to get the operating costs of the current crime lab is because in this scenario in the handouts, the estimated costs of operating the crime lab is about \$180,000 for nine months.

**Kathy** distributed additional operating expenses.

**Senator Kilzer** adjourn until 5:30 pm.

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-19-07

Recorder Job Number: 6160

Committee Clerk Signature



Minutes:

Senator Kilzer called the conference committee to order on SB 2003 with roll call--all were present.

We all have a long afternoon and need to

Tom Trenbeath explained that he had an architect look at several ways of constructing at the south end.

Because of the lay of the land, the relief of the land, the architect drew the building with a basement with a portion under it that allows more than enough room to grow for storage purposes and put ballistic on the lower level and the difference of construction is \$400,000.

Senator Kilzer indicated this includes the \$3.2 million from last session. The response was yes, it includes the \$3.2 from last session and the \$1.2 that the Governor included in his budget.

Senator Kilzer asked Mr. Trenbeath to tell the committee what the square footage is now and what the useful non-storage sf would be if you are given this amount and the plans are able to be developed as hoped.

Tom Trenbeath indicated the useful square footage as planned is 18,500 and the square footage will be increased to 25,000 with the basement. So we are talking 5-6,000 square feet of basement. With the percentage of the planned structure above grade that is devoted to storage, I don't have that number for you. I'm not so sure that was ever determined.

Senator Kilzer questions whether it is adequate and the response is yes, for present needs.

Representative Skarpol indicated a thought occurred; is there any possibility of federal funds.

Tom Trenbeath indicated we have not found a cream can like that.

Representative Skarpol asked if federal funds become available would you be agreeable to reducing the general fund expenditure by a like amount. The response was we wouldn't have any problem with that. Senator Holmberg noted that we are starting to get toward the end and have resolved a number of issues between the House and Senate. There has been give and take on both sides. In looking at the original senate position was on construction and would like to talk about a ten percent option. We were looking at \$4.2 million for additional capital assets for construction projects and the house removed that and came up with a different plan that we are moving towards. I would look at 10% of what the Senate had planned for and put that amount toward a lower level construction. I would hope to restore \$400,000 for the lower level. I would make that in the form of a motion. I really like the amendment idea Representative Skarpol had about if they are able to identify monies between now and when they actually have to start spending them. That would be very good. I would hope we could restore the \$400,000 for the lower level.

Senator Holmberg moved to accept the \$400,000 item, Senator Mathern seconded. Discussion followed.

Representative Skarphol indicated in thinking about actions we took yesterday, he did have an after thought about the \$279,000 for moving and operating expenses. One thing we overlook is the fact that what happens to operating costs in the current budget. Is it going to cost the same amount to leave the building empty after the new one is in service? I don't know. Another thought is the \$400,000 in Senator Holmberg's motion. I am getting pressure from our side not to spend more money. If we have language in the bill that if the Attorney General could identify any surplus numbers in his budget totaling an amount of \$400,000 that he would be asked to report those numbers and the source of those

supluses to the budget section for authorization to increase the expenditures on this building. That was my thought and I think it would be an appropriate way for him to find additional money or be a better negotiator on the new building. This idea is for purposes of discussion.

Senator Kilzer indicated it is his impression that the present lab is adjacent to the health department and they have built a new microbiology lab out there, but the chemistry lab space they need will more then take up vacant space the crime lab might need so I don't think there will be any empty building at all.

The Health Dept will more then need the space for the chemistry lab.

Representative Skarpol indicated that if there is money in the Attorney General's budget because they don't have to pay operating costs on that building and we did give them money to pay operating costs on the new one, then it would be appropriate that those monies be transferred over to the costs for the addition to the new building. If that is not the case, then those savings won't be there and they won't

have that available. There may be other places in the budget to identify areas to create \$400,000.

Senator Kilzer asked Kathy if there is a doubling of operating expenses at that time.

Kathy indicated they took into account what they had in the budget for the existing crime lab when we calculated the operating expenses. There is no duplication.

Senator Kroeber indicated that perhaps Arvy Smith from the Health Dept would have information as to whether they have funds for taking over that facility.

Arvy Smith, Health Department, indicated they are OK with the space they have. We are not seeing a need for additional space there. Our own need for space now is to store the stockpile and we can do that for \$5 SF or \$50,000 a biennium and that space that will be vacated is around \$100,000 per biennium.

That money is not in our budget at all. If we were to use it to store stockpile, I'd be paying \$10 sf per storage versus \$5 elsewhere.

Representative Skarpol asked Kathy; based on the handout yesterday of operating costs, if we were to use \$180,000 as operating costs for the new facility and you are saying for 24 mo that would be

\$480,000. Is that a correct assumption? The sheet you gave us reflects \$155,910 for this biennium for the existing facility.

Kathy indicated the numbers put together and if you think about the amount of space we would receive with the addition of \$400,000, it is 4 times the square footage we have now. So obviously the costs go up.

Representative Skarpol and if we say it is four times and we multiply four times the 05-07 operating costs, that is \$620,000. The new building you are expecting the operating costs to be reduced by 25%. Is that somewhat correct? Additional discussion took place on this point.

Kathy stated she is not sure and has to check on that.

Senator Mathern indicated that in light of the south side proposal what would the date of occupancy be?

Kathy indicated the date is Oct 1, 2008.

Senator Mathern indicated that with the concern on the issue of old space, we would be in session within 3 months and we could give some attention to it. I'm not sure where the building size is going to, and that has some impact on it too. I wonder if there should be some wording on it to permit some transfer of dollars between two agencies is there some need there.

Representative Skarpol indicated he is going to vote against this and would like to bring up another idea to the picture after we vote on this.

A roll call vote was taken on the \$400,000. The resulting vote was 3 yes 3 no. The motion failed.

Representative Skarpol discussed the handout as to the Attorney General's refund fund. He stated it seems to him that during the presentation there was about \$409,000 in there.

Kathy stated what we would carryover is Senator Krauter \$330,000 and that is to fund do not call enforcement.

Representative Skarpol it is my understanding there is nearly \$1.5 million in that account.

Kathy indicated that could be correct. That includes refunds.

Representative Skarpol asked what the balance would be if we authorize a carryover of that fund with \$1.5 million. It seems that would greatly exceed the amount needed for construction.

Kathy indicated she knows we presented to one of the appropriation committees as to how that would shake out.

Representative Skarpol indicated the point he is making is that fund has a pool of money and it is concerning that it is as large as it is. The last two biennium's we have allowed the carry forward of that fund and this is large reserve. If \$300,000 is needed for on-call and it would be in my mind that is \$1 million to flow into the general fund.

Senator Kilzer indicated he does not have recollection of a review of that during the presentation to our committee.

Representative Skarpol indicated there is \$1.489 million in that fund.

Kathy we laid out how that would be spent and the vast majority is for refunds

Representative Skarpol indicated with regard to funds utilized out of that fund, the expenditures in 03-05 were \$223,000 and in 05-07 was \$101,000 and in both cases ending fund balance was \$1.4 million.

Chairman Holmberg indicated on p 11 there are comments in the green book distributed to the Senate.

Representative Skarpol indicated it refers to two FTE's that need to be funded with a balance of \$1.4 million I still have difficulty understanding a need for the rest of it. There are specific uses of the money; it can't be used for just anything. But it says it must be deposited (he read the statement) in the general fund. (He continued reading out of the green book)

Kathy indicated the income for that comes from background checks and receipts in a settlement of a case. I did find information I was looking for. At the end February was \$1.47 million and there were refunds of \$400,000, \$135,000, \$331,000, \$345,000, and \$250,000 so the balance is about \$24,000.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

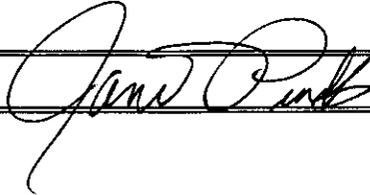
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-20-07

Recorder Job Number: 6121

Committee Clerk Signature



Minutes:

Senator Fischer called the conference committee to order on SB 2003 on 4/18/07 in the evening for the 10<sup>th</sup> meeting. All committee were present.

Representative Skarpol addressed the handout he had previously distributed. He indicated that this has more or less tripled the size of the current facility.

Kathy indicated she looked at the square footage in the project 07-09 information and the amount of time to be occupied which is in 9 months and the rest of items will need to be funded into the program. Senator Kilzer indicated it was his understanding that the \$279,000 was the operating to provide nine months of expenses to the new crime lab and \$400,000 is for the enlargement of the project. Out of the \$279,000 is one time funding.

Representative Skarpol asked Kathy which ones are one time. The response was provided.

Senator Mathern indicated as a clarification, this amount that is related to a plan for the building on the south side and this is totally abandoning the north side plant. The response was yes.

Representative Skarpol indicated these costs would be the same regardless of the location. The response was that is right.

Representative Kilzer indicated there is a change of \$400,000 in moving the building location.

Kathy stated that moving the building to the south would entail demolishing a building.

4-20-07

Representative Skarpol in calculating deferred maintenance or extraordinary repairs, OMB policy if a building is less than five years old, there is no consideration given to deferred maintenance or extraordinary repairs. When you say Repairs on 2<sup>nd</sup> line or service contracts What?

Kathy indicated there are a number of service contracts on various equipment she named.

Representative Skarpol stated that in looking at this from my perspective I think the \$279,000 reflected is high and I hope we get better energy efficiency. I am amenable to including it in the budget, but that may be as high as house will go.

Representative Skarpol moved approval of the amendment to put in \$279,599 for nine months of operating and the one time expenses of moving into the facility, Representative Carlisle seconded.

Senator Mathern does that mean you don't want the \$400,000.

Representative Kroeber on the \$400,000 how much additional space are they looking at. He asked Mr. Trenbeath how much the cost per square foot is.

Tom Trenbeath indicated that actually, the reason for extra \$400,000 is for the increased need for storage put in the building. This facility will allow tearing down the current storage. This is space we need incrementally. All of the specimens have to be kept in DNA tests. This is at \$36 a square foot and it would eliminate hauling dirt for fill.

Representative Skarpol indicated you don't get the \$479,000 you still need \$279,000. The response is yes we still need it.

Tom Trenbeath it would not add an appreciable amount the operating cost of the facility.

Representative Skarpol stressed to Mr. Trenbeath, you know that you can build whatever you want in the confines of the amount awarded with the stipulation the building be expandable? The response is yes.

4/20/07

Tom Trenbeath indicated we hope to discuss further on the \$400,000.

Representative Skarpol hopes to resolve what we are amenable to and the \$400,000 is a bone of contention with me.

A roll call vote was taken resulting in 6 yes votes.

Representative Skarpol moved to the subject of CJIS and discussed the 0205 amendment to put in code.

Representative Skarpol moved amendment 0205, Representative Carlisle seconded. Discussion followed. A roll call vote was taken resulting in 6 yes votes. The motion carried.

Representative Carlisle indicated the two go in the Attorney General's budget and money in ITD. No money changes position only the authorization.

Senator Kilzer what if it becomes necessary for a couple more people

Representative Skarpol if need employees the need more money but does not stop from having more employees.

Senator Mathern asked if this was brought up before –was their bill to do this.

Representative Skarpol CJIS was initiated as an ITD project and intent of this amend is to create an entity and does not need any new staff.

Senator Mathern has the issue of creating an entity in another bill.

Senator Kilzer has it been resolved with confidentially. The response was this continues to let us get information and who may be doing that and it has to be through a BCI employee. If during the course of the next biennium they find a way to work this out differently they will discuss this with the FBI and are told this needs to come through BCI employees. The two BCI employees will be used for these ITD positions.

4-20-07

Roll call was taken resulting in 6 yes votes. The motion passed.

Representative Skarpol moved to authorize the Attorney General's office with two new FTE's for the CJIS positions and we will make the commensurate reduction in the ITD budget, Representative Carlisle seconded. Discussion was held.

Representative Carlisle there is no more money in the overall budget – The Response was there will be no monetary change only 2 FTE's remove from one and in the other.

Roll call was taken resulting in 6 yes votes.

Representative Skarpol expressed concerns on Item 7 the same discomfort as Senator Holmberg does and if we receive highway patrol budget back we will make a similar change.

Senator Mathern it looks like we are close to the end and want to discuss the \$400,000 and put it back in bill if that is agreeable.

Senator Mathern moved adding \$400,000 to the capital assets line for consideration of the request for construction the building, Representative Kroeber seconded. Discussion was held.

Senator Mathern indicated the Attorney General's staff is all over the place and we would like to bring some of those together. I think \$400,000 doesn't say we will co-locate anyone but we need to think ahead and I want to see us get down to building new facility.

4-20/07 ^

Senator Mathern and Representative Kroeber withdraw motion

Senator Kilzer asked if there is any issue on tearing down the one building.

Tom Trenbeath indicated it may come to a point that if we get permission we will need the intent language. I have spoken to Arvy about it.

Chairman Holmberg because we made a number of changes and before next meeting Allen was asked to make a list of changes. As they stand now and could we see the difference between the House and Senate separate from the big building issue.

Tom Trenbeath the other item is carryover fund needs to be on agenda.

Representative Carlisle indicated he will let Lauri know to reschedule.

Senator Kilzer closed the conference committee hearing.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-20-07

Recorder Job Number: 6209

Committee Clerk Signature

*Alice Pelzer*

Minutes:

**Chairman Kilzer** opened the Conference Committee hearing on SB 2003 at 11:30 am on April 20, 2007. All conferees were present. He stated we will be looking into the new building and crime lab.

**Representative Skarphol** stated we looked at how the Attorney General (AG) refund fund was being used and Kathy Roll from AG office will explain. He stated he thought we could resolve this issue. There is an amendment that Mr. Trenbeath would like us to have. I would like to go back briefly to the racing auditor issue to ensure we did the right thing there.

**Senator Mathern** made comment that he hoped they would hear from the Water Commission regarding building on that location before we finish our discussion.

**Kathy Roll, Director of Finance, AG Office** presented written testimony (1) SPECIAL FUNDS BALANCES, ADJUSTMENTS AND PURPOSE OF FUND UPDATED AS OF MARCH 31, 2007 and offered oral testimony explaining the balance. As of March 31, 2007 the balance in the refund fund was \$1.46 million. She went over the balances on the sheet.

**Representative Skarphol** asked Kathy to explain what appropriated amounts of \$250,000 mean.

**Kathy** explained there are 4 items that were included in our request. The first one was \$470,000 to begin a process having money to be able to replace equipment that the crime

bureau has. \$50,000 for crime lab toxicology ITF location. \$26,700 operating expenses and \$3300 for CPAP cleaning services.

**Representative Skarphol** presented written testimony (2) Attorney General refund Fund Balance and (3) Fund Account Report. He asked Kathy if we are utilizing these kinds of dollars for various entities and you look at the balance on a monthly basis in this account (1) since July of 05 that balance has stayed consistently about \$1.4 million. I have difficulty understanding why we need to sustain that kind of balance in that account. If you look at the other handout (3) This biennium to date revenues and expenditures and it appears the revenues exceed the expenditures on a biannual basis so I am having difficulty why we need to sustain that level. I'm wondering if you can give the committee a little comfort level with the need to maintain that kind of level of funding when it appears the revenues pretty much match the expenditures on an ongoing basis.

**Kathy** stated as we said before the revenues in this fund vary significantly. 05.54) She further explained the use of this fund to the committee. (meter 06.42) She commented that the Department does not know what those revenues may be. That can change. (meter 07.12)

**Representative Skarphol** said I just wanted us all to be aware of what has transpired here. I've had some discussion with Mr. Trenbeath about the building situation and the \$400,000. Ms. Sharp expressed concern to me about trying to come up with some mechanism to resolve this so we drove back out to the potential location and access the situation. What I would propose is put some language in the bill that would say that any new building located on that site would minimize any impact on the Water Commission to the largest extent possible and in the event it was necessary to remove the environmental storage facility that they would replace it with one of needed quality in a location that would be convenient for the facility. I did talk with our committee contractor and he indicated that a metal building could be available for \$20,000.

What I think the House may be willing to do is if we include that language the House would be willing to go along with the appropriations \$200,000 in general fund and authorized special funds and federal funds as the AG can find up to the \$400,000. Mr. Trenbeath was in agreement with that. It is our intent to not impose the conflict between agencies here. **And I would make that motion. Seconded by Representative Carlisle.**

**Senator Mathern** said different agency holds the title to that land and I'd like feed back regarding this property from the Water Commission.

**Mr. Trenbeath** stated that Representative Skarphol has summarized the situation very well. We know the building will be out there in the south location and we will work with the Water Commission concerning these matters. I would rather see it up north but those talks are completed on that issue.

**Dale Frank, State Engineer, Water Commission** (meter 12.51) stated he thought all agencies involved, Game and Fish, Health Department, AG and their office would work together regarding this project.

**Representative Skarphol** stated they would encourage AG to build their building as far south as possible and try to stay off Water Commission land as much as possible. Again Mr. Frank stated they will work together. He stated they have a shop door out the back and they need to be able to get around the building but we'll work it all out. we'll try to stay as whole as possible. (meter 16.29)

**Representative Skarphol** said about his motion when I talked with Mr. Trenbeath about this there was one condition on the special or federal funds and that was that they would not use this AG Refund Fund to come up with the \$200,000. **That would be included as part of my motion, It was seconded by Representative Carlisle.** He was asked if that would be an option. The committee was informed it would not be an option to utilize the \$1.4 million you

would have to find either federal funds or other special funds within their abilities up to a maximum of \$400,000.

**A roll call vote was taken on Representative Skarphol's motion resulting in 6 yeas, 0 nays. The motion carried.**

**Representative Carlisle** said he had some items he wanted to go through and if they could schedule one more meeting today and if we adopt this maybe have either Allen or Don go through all our amendments before we take final action. He asked if that would be ok and that was confirmed by the chairman.

I would like to make in the form of a **motion that we move the budget out of HB 1330 and move into the AG budget.** He went on to explain the dollar amounts and the fact that the bill passed both houses and in conference committee right now. We could then dispose of HB 1330 and just move it into the AG's budget because they're going to be administrating this anyway to help these units out in the field. For purpose of discussion I move that motion be put on the table. It doesn't cost anymore money, it just moves the bill into the AG's budget.

**Chairman Kilzer** asked if HB1330 is in another conference committee someplace.

**Representative Carlisle** said yes, it is on the House side, and he talked to the conferees and they are in agreement between the House and Senate. It's just a matter of you folks reduced it by \$200,000 and then the discussion came up this morning why couldn't we just put the bill in the AG's budget. The lottery fund is general fund anyway so we just add that to his budget. If I could get a second and you folks look at it this afternoon and we'll bring it up at our next meeting. **The motion was seconded by Representative Skarphol.** (meter 20.59)

**Chairman Kilzer** asked if there were any other introductions to this bill.

**Representative Carlisle** presented handout (4) requesting the AG may establish a pilot sobriety program in the counties of Burleigh, Emmons, Grant, Kidder, Logan, McIntosh,

McLean, Mercer, Morton, Oliver, Sheridan, and Sioux. This includes sobriety testing up to twice per day, for offenders charged or convicted of DUI or controlled substances. The AG in cooperation with law enforcement, judiciary, and DOT may develop guidelines, policies and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the program, including urine testing and electronic monitoring, and to establish He said that there would be language needed in the bill to give the authority to the AG office to implement this pilot program. This program is in process in the state of South Dakota. I would ask that we give this consideration and add it to this bill. The second topic I'd like to bring up is with regard to the ½ time racing auditor that we authorized earlier. I don't know if we put any money into that position. We had a bill on the floor today, HB 1126, we turned down the conference committee report on that bill. Further discussion took place regarding this bill.

**Chairman Kilzer** closed the Conference Committee hearing on SB 2003.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

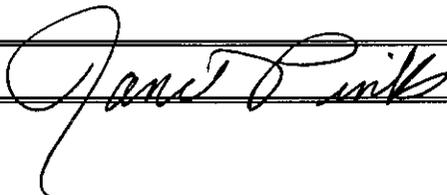
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-20-07

Recorder Job Number: 6228

Committee Clerk Signature



Minutes:

Senator Fischer called the conference Committee to order on SB 2012, at 6:30pm, all members were present.

Representative Carlisle discussed the task force lottery fund, HB 1330, and possibly having the dollars be a part of SB 2003. Discussion was held about this option, what the reasoning was behind HB 1330 being in conference to begin with. There was conversation between Allen Knudson, and Representative Carlisle about the idea of an amendment. A motion was made and withdrawn about this concept.

Tom Trenbeath spoke about a pilot program like one being done in SD. He stated SD started a pilot program with respect to arrestees out on bond and what they are doing works well in SD. They are now in the process of passing legislation that will take it statewide. We have put language together to put in this bill to provide authority to implement a program like it and we will then search for funds. It is nice to have enabling language to have this in place. The purpose is to divert pre and post conviction DUI's. Representative Kroeber talked to SD about a presentation they will do at a 4 state conference. Statistics on this are amazing; they have 96 % compliance on this. The offender has to remain sober because they are tested twice a day. They have to pay for part of the program through fees.

Senator Mathern indicated he has been involved in the task force and looked at the program in SD but I have concerns about adding it now. There is the assumption that will keep offenders off street. Victims

think jail time is necessary on some issues of DUI. I am concerned why it comes up now at the end of session to address those concerns.

Tom Trenbeath stated that although research has been on going for a good portion of the legislative session, it has not been going on continuously. There have been articles published and it looked like something we could do a test program on.

Representative Skarpol indicated he did not get this introduced earlier it was first heard the day they heard the Attorney General's budget. He also stated there would have to be substantial cooperation to get other law enforce to make this work.

Senator Mathern questioned why the Attorney General did not bring this in earlier.

Representative Skarpol indicated it may not have been at the forethought.

Representative Skarpol moved that we adopt language to permit the Attorney General's office to go through with the pilot program, Representative Carlisle seconded. Discussion took place.

Chairman Holmberg indicated you won't be asking the committee to get this wrapped up now?

A Roll call vote was taken and the motion carried.

Representative Carlisle distributed intent language for entities to work together and he was asked if there was any reason this couldn't go on SB 2003. It is now in the OMB budget.

Representative Skarpol questioned if we weren't asked to do this same thing for the Health Dept.

Allen read a section of intent language.

Senator Holmberg indicated in the HB 1003 budget, we took language from the OMB budget to move money from Connect ND to the base budget and there was a sense that is where it should be.

Representative Carlisle moved the facilities management develop intent language to develop a plan, Chairman Holmberg seconded. A roll call vote was taken. The motion carried.

Representative Carlisle indicated we will have the last meeting on Monday morning when the amendments are done. Discussion took place on the process and when to schedule this next session. Senator Holmberg indicated he had been on conference committees where they distributed the amendments to the members and then the members go to whoever the chief is and we would do the same and if even one person wants to sit down and talk about it then we would make the schedule. Additional discussion took place and consensus was reached to review the amendments and Representative Carlisle will schedule a time to meet.

Allen Knudson asked if the committee decided on the Attorney General Refund fund.

Representative Skarpol indicated there was no intention of not allowing them keeping the fund. He also asked when we made motions and the ½ auditor for the racing commission. Did you write down that there were general funds appropriated for that? The response indicated the \$60,000 is coming from the racing commission.

Representative Skarpol the other intention is through Kathy.

Kathy indicated the estimated expenses for the current crime lab facility during the last nine months of the biennium will need \$42,000 and it needs to be addressed whether in our budget, facilities management, OMB or the Health Dept budget.

Senator Holmberg indicated the Health Dept is done.

Chairman Holmberg I would hate to go back and have another meeting here.

Representative Skarpol moved the house recede from their amendments and we further amend the bill as agreed to by our actions, Senator Holmberg seconded. An oral vote was taken resulting in a do pass of SB 2003.

Senator Kilzer dissolved the Conference Committee on SB 2003.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2003

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 04-23-07

Recorder Job Number: 6292

Committee Clerk Signature



Minutes:

**Senator Kilzer** opened the conference committee on SB 2003 04-23-07 5pm.

**Alan Knudson** explained the amendments 0208 being introduced.

**Senator Holmberg** moved to reconsider prior amendments, the motion was seconded an oral vote passed the motion.

**Senator Mathern** indicated to me this is another example of a bill change without a hearing and this change between conference committee to now plan to go statewide is troublesome. He just had a conference call from a judge back home and he said he could do that same thing now. I think a full hearing before the Senate and House should have been held.

**Representative Skarphol** indicated nothing was said about it being contingent in the event it was picked up by someone else then it would remain unutilized.

**Allen** stated it is only to the extent that it will be used only for this purpose.

**Representative Skarphol** asked if we had a prior amendment, do we have to remove that. The response was it was reconsidered.

**Representative Skarphol** moved amendment 0208, **Chairman Holmberg** seconded. Discussion followed.

**Representative Skarphol** the main thing this does is that it gives Attorney General ability to use this.

**Representative Carlisle** asked where we added the FTE for the Attorney General's office. The response was that the Senate version had 4.3 and the House 3.3 which means one attorney stays in.

**Senator Holmberg** stated at one point on section 12, the use of the word move versus replace or raise and reconstruct on pg 2 what does the word move mean to those on committee.

**Representative Skarphol** stated that should probably be remove. Is there language somewhere else that says we have the right to build or have an obligation to replace it if they remove it? The intent was, if they have to remove it, they will replace it and the Health Dept would be satisfied with a metal bldg.

**Tom Trenbeath** indicated that language was brought to his attention and we take that language to not physically move the building, but move the storage space so that would involve tearing down and relocating it to a new site. Arvy Smith and I have agreed to cooperate in that effort. I want this on record and on tape that this is our interpretation of the language.

**Representative Skarphol** that satisfies me if it satisfies Arvy Smith.

**Arvy Smith** indicated as long as move doesn't mean we take that stuff and store it somewhere else and pay for those storage costs. Right now we own the building and are not paying any rent. We need that replaced in ownership.

**Tom Trenbeath** indicated the intent is that the Attorney General's office at its expense and in this budget will probably tear down that building and reconstruct another one at our expense for their use.

**Senator Kilzer** indicated that resolves that. We know what the legislative intent is so if Attorney General has to make a judgment later about what was meant.

**A roll call vote was taken resulting in 5 yes and 1 no.**

**Tom Trenbeath** commented to the committee that they have spent a lot of time on this budget and as in everything you don't always get what you want but we have the salaries and the crime lab. Thank you for your efforts.

**Representative Skarphol** moved approval of SB 2003 with amendments, **Senator Holmberg** seconded. A roll call vote was taken resulting in 6 yes votes. The motion carried.

**Senator Kilzer** dissolved the conference committee.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 3, replace "section" with "sections" and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 3, after line 31, insert:

**"SECTION 10. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal Justice Information sharing board - Membership - Duties and powers - Director.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

0205

Bill Number 2003 (, as (re)engrossed):

Date: 4/20/05

Your Conference Committee \_\_\_\_\_

**For the Senate:**

**For the House:**

<i>Holmberg</i>	<i>20</i>	<i>yes</i>	<i>S Carlisle</i>	<i>yes</i>
<i>Kilbuck</i>		<i>yes</i>	<i>Skarphol</i>	<i>yes</i>
<i>Mathern</i>		<i>yes</i>	<i>Kraeber</i>	<i>yes</i>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) \_\_\_\_\_ -- \_\_\_\_\_

\_\_\_\_\_ and place \_\_\_\_\_ on the Seventh order.

\_\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

DATE: \_\_\_\_\_

HOUSE CARRIER: \_\_\_\_\_

SENATE CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Skarphol  
 SECONDED BY: Carlisle  
 VOTE COUNT: \_\_\_ YES \_\_\_ NO \_\_\_ ABSENT

*on Skarphol's motion.*

**REPORT OF CONFERENCE COMMITTEE**

**SB 2003, as engrossed:** Your conference committee (Sens. Kilzer, Holmberg, Mathern and Reps. Carlisle, Skarphol, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1071-1074, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, after the first semicolon insert "to provide a continuing appropriation;" and replace "an exemption" with "exemptions"

Page 1, line 3, replace "and" with "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;"; replace "section" with "and reenact sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system; and to declare an emergency"

Page 2, line 3, replace "3,189,266" with "2,901,006"

Page 2, line 4, replace "1,525,512" with "2,070,731"

Page 2, line 5, replace "992,215" with "(2,849,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "68,171"

Page 2, line 12, replace "(5,576,024)" with "(5,128,707)"

Page 2, line 13, replace "9,346,274" with "5,196,878"

Page 2, line 19, replace "22,739,001" with "22,450,741"

Page 2, line 20, replace "10,009,307" with "10,554,526"

Page 2, line 21, replace "6,410,956" with "2,569,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "43,768,728"

Page 2, line 28, replace "18,912,377" with "19,359,694"

Page 2, line 29, replace "28,558,430" with "24,409,034"

Page 3, after line 20, insert:

**"SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,442,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general shall report to the appropriations committees

of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, the attorney general may fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 11. SOBRIETY PROGRAM PILOT PROJECT - CONTINUING APPROPRIATION.** The attorney general may establish a pilot sobriety program in the Burleigh, Emmons, Grant, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux Counties for the biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves coordination among state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing up to twice per day, for offenders charged or convicted of driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, and the department of transportation traffic safety division, may develop guidelines, policies, and procedures for the administration of the pilot sobriety program; for testing offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring; and for establishing user fees. There is created a fund to be known as the attorney general sobriety program fund. The fund consists of funds received from grants from the United States, agencies of this state, or user fees. Any moneys in the fund are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment, and supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 12. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota near the existing facility housing the crime laboratory. The attorney general, if necessary to allow for construction of the new crime laboratory, may move the state department of health's storage building located on the site.

**SECTION 13. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim.

**SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN.** It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the use of space that becomes available in the existing crime laboratory when the new crime laboratory is completed for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 15. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** 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, 2007."

Page 3, after line 31, insert:

**"SECTION 18. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Director.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

**SECTION 19. EMERGENCY.** The amount of \$16,515 included in the salaries and wages line item and \$77,885 included in the operating expenses line item in section 3 of this Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$21,344,055	\$22,739,001	(\$288,260)	\$22,450,741	\$21,774,960	\$675,781
Operating expenses	9,418,403	10,009,307	545,219	10,554,526	10,197,042	357,484
Capital assets	2,149,731	6,410,956	(3,841,225)	2,569,731	2,169,731	400,000
Grants	4,197,000	4,197,000		4,197,000	4,197,000	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
North Dakota lottery Gaming Commission	4,048,402	4,408,402	(117,813)	3,930,589	3,930,589	
	<u>6,141</u>	<u>6,141</u>		<u>6,141</u>	<u>6,141</u>	
Total all funds	\$41,223,732	\$47,470,807	(\$3,702,079)	\$43,768,728	\$42,335,463	\$1,433,265

Less estimated funds	<u>18,294,523</u>	<u>18,912,377</u>	<u>447,317</u>	<u>19,359,694</u>	<u>18,591,028</u>	<u>768,666</u>
General fund	\$22,929,209	\$28,558,430	(\$4,149,396)	\$24,409,034	\$23,744,435	\$664,599
FTE	181.30	189.80	(1.30)	188.50	185.00	3.50

**Dept. 125 - Attorney General - Detail of Conference Committee Changes**

	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	CJIS FUNDING CHANGE 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	ADDS FUNDING FOR 2005-07 BACKGROUND CHECKS 5	REDUCES SALARY EQUITY FUNDING 6
Salaries and wages	(\$254,608)	\$104,572		\$68,146	\$16,515	(\$496,885)
Operating expenses		50,428		139,190	77,885	
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming Commission						
<b>Total all funds</b>	<b>(\$372,421)</b>	<b>\$175,000</b>	<b>\$0</b>	<b>\$207,336</b>	<b>\$94,400</b>	<b>(\$496,885)</b>
Less estimated income	<u>(372,421)</u>		<u>261,916</u>	<u>119,400</u>	<u>59,400</u>	<u>(21,842)</u>
General fund	\$0	\$175,000	(\$261,916)	\$87,936	\$35,000	(\$475,043)
FTE	(3.30)	1.00	0.00	1.00	0.00	0.00

	INCREASES SALARY EQUITY FUNDING 7	ADDS ADMINISTRATIVE FUNDS 8	CHANGES FUNDING FOR NEW CRIME LAB 9	REMOVES BCI BUILDING PURCHASE 10	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$229,000	\$45,000			(\$288,280)
Operating expenses				\$277,716	545,219
Capital assets			(\$1,863,225)	(1,998,000)	(3,841,225)
Grants					
Litigation fees					
Arrest and return of fugitives					
North Dakota lottery					(117,813)
Gaming Commission					
<b>Total all funds</b>	<b>\$229,000</b>	<b>\$45,000</b>	<b>(\$1,863,225)</b>	<b>(\$1,720,284)</b>	<b>(\$3,702,079)</b>
Less estimated income		<u>45,000</u>	<u>200,000</u>	<u>155,864</u>	<u>447,317</u>
General fund	\$229,000	\$0	(\$2,063,225)	(\$1,876,148)	(\$4,149,396)
FTE	0.00	0.00	0.00	0.00	(1.30)

1 The following vacant FTE positions are removed (the House had removed 4.30 vacant FTE positions):

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Grants and contracts officer	(1.00)		(\$100,636)	(\$100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High-intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
<b>Total</b>	<b>(3.30)</b>	<b>\$0</b>	<b>(\$372,421)</b>	<b>(\$372,421)</b>

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations, the same as the House version.

3 This amendment provides funding from funds received from the Information Technology Department for 2 FTE criminal justice information sharing (CJIS) positions. The Senate version provided funding from the general fund for these positions and the House removed the positions and funding. The section added by the House clarifying the services that may be provided by ITD relating to the criminal justice information sharing system is replaced with a section authorizing the CJIS board to hire a director position and to contract with BCI for federal fingerprint identification processing.

4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. The House also made these changes.

- 5 Funding is added with an emergency clause relating to costs of conducting background checks for the remainder of the 2005-07 biennium, in accordance with provisions of Senate Bill No. 2260.
- 6 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed, the same as the House version.
- 7 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Attorney General's office. The House had added \$79,000 from the general fund for additional salary equity increases for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 8 Funding from the multijurisdictional task force grant fund created by House Bill No. 1330 is provided for salaries and wages relating to the administration of the multijurisdictional grant program.
- 9 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,642,840, of which \$1,442,840 is from the general fund and \$200,000 of other funds, except that the other funds may not be from the Attorney General refund fund, is appropriated in Section 3 of the bill. The Attorney General may use this funding, which totals \$4,923,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project. The amounts provided are \$400,000 more, \$200,000 of which is from the general fund, than the funding provided by the House. The conference committee also added language authorizing the Attorney General to move the State Department of Health storage building from the site if necessary to allow for the building construction.
- 10 Authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation is removed, the same as the House version. Funding is provided to continue to lease the building, the same as the House version.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes, the same as the House version.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of one-time funding. The House added a similar section.

Sections are added by the conference committee which:

- Allow the Attorney General to retain the June 30, 2007, balance in the Attorney General refund fund rather than transferring the balance to the general fund.
- Provide for a sobriety program pilot project.
- Provide legislative intent that Facility Management develop a plan for the existing Crime Laboratory space when the new Crime Laboratory is completed.

Funding provided by the Senate but removed by the House for a .5 FTE horse racing auditor position is included in the conference committee version.

Funding of \$279,599 is included for additional Crime Laboratory operating costs resulting from inflation and the building expansion. This amount was included in the executive budget and the Senate version, but was removed by the House.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

*JB*  
4-23-07  
1 of 5

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 3, replace "and" with "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;"; replace "section" with "and reenact sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and to the criminal justice information sharing system; and to declare an emergency"

Page 2, line 3, replace "3,189,266" with "2,901,006"

Page 2, line 4, replace "1,525,512" with "2,112,731"

Page 2, line 5, replace "992,215" with "(2,849,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "110,171"

Page 2, line 12, replace "5,576,024" with "5,128,707"

Page 2, line 13, replace "9,346,274" with "5,238,878"

Page 2, line 19, replace "22,739,001" with "22,450,741"

Page 2, line 20, replace "10,009,307" with "10,596,526"

Page 2, line 21, replace "6,410,956" with "2,569,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "43,810,728"

Page 2, line 28, replace "18,912,377" with "19,359,694"

Page 2, line 29, replace "28,558,430" with "24,451,034"

Page 3, after line 20, insert:

**"SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,442,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive

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budget. The attorney general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, the attorney general may fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 11. SOBRIETY PROGRAM PILOT PROJECT.** The attorney general may establish a pilot sobriety program in one or more judicial districts of the state during the biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves coordination among state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing twice per day seven days per week or continuous monitoring, for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the department of transportation traffic safety division, may develop guidelines, policies, and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring, and to establish user fees, all of which are not subject to chapter 28-32. There is created the North Dakota sobriety program fund. The fund consists of moneys received from grants from the United States, agencies of this state, private grants, gifts, or donations, and user fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment, and supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 12. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota near the existing facility housing the crime laboratory. The attorney general, if necessary to allow for construction of the new crime laboratory, may move the state department of health's storage building located on the site. The attorney general, to the extent possible, shall locate the building to minimize the effect on the operations of the water commission in the area.

**SECTION 13. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim.

**SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN.** It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the use of space that becomes available in the existing crime laboratory when the new crime laboratory is completed for the biennium beginning July 1, 2007, and ending June 30, 2009.

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**SECTION 15. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** 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, 2007."

Page 3, after line 31, insert:

**"SECTION 18. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Director.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

**SECTION 19. EMERGENCY.** The amount of \$16,515 included in the salaries and wages line item and \$77,885 included in the operating expenses line item in section 3 of this Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$21,344,055	\$22,739,001	(\$288,260)	\$22,450,741	\$21,774,960	\$675,781
Operating expenses	9,418,403	10,009,307	587,219	10,596,526	10,197,042	399,484
Capital assets	2,149,731	6,410,956	(3,841,225)	2,569,731	2,169,731	400,000
Grants	4,197,000	4,197,000		4,197,000	4,197,000	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589	3,930,589	
Gaming Commission	<u>6,141</u>	<u>6,141</u>		<u>6,141</u>	<u>6,141</u>	
Total all funds	\$41,223,732	\$47,470,807	(\$3,660,079)	\$43,810,728	\$42,335,463	\$1,475,265
Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>	<u>447,317</u>	<u>19,359,694</u>	<u>18,591,028</u>	<u>768,666</u>
General fund	\$22,929,209	\$28,558,430	(\$4,107,396)	\$24,451,034	\$23,744,435	\$706,599
FTE	181.30	189.80	(1.30)	188.50	185.00	3.50

Dept. 125 - Attorney General - Detail of Conference Committee Changes

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	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	CJIS FUNDING CHANGE 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	ADDS FUNDING FOR 2005-07 BACKGROUND CHECKS 5	REDUCES SALARY EQUITY FUNDING 6
Salaries and wages	(\$254,608)	\$104,572		\$68,146	\$16,515	(\$496,885)
Operating expenses		50,428		139,190	77,885	
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission	(117,813)					
<b>Total all funds</b>	<b>(\$372,421)</b>	<b>\$175,000</b>	<b>\$0</b>	<b>\$207,336</b>	<b>\$94,400</b>	<b>(\$496,885)</b>
Less estimated income	(372,421)		261,916	119,400	59,400	(21,842)
General fund	\$0	\$175,000	(\$261,916)	\$87,936	\$35,000	(\$475,043)
FTE	(3.30)	1.00	0.00	1.00	0.00	0.00

	INCREASES SALARY EQUITY FUNDING 7	ADDS ADMINISTRATIVE FUNDS 8	CHANGES FUNDING FOR NEW CRIME LAB 9	REMOVES BCI BUILDING PURCHASE 10	ADDS FUNDING FOR EXISTING CRIME LAB OPERATING COST 11	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$229,000	\$45,000				(\$288,260)
Operating expenses				\$277,716	\$42,000	587,219
Capital assets			(\$1,863,225)	(1,998,000)		(3,841,225)
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission						(117,813)
<b>Total all funds</b>	<b>\$229,000</b>	<b>\$45,000</b>	<b>(\$1,863,225)</b>	<b>(\$1,720,284)</b>	<b>\$42,000</b>	<b>(\$3,660,079)</b>
Less estimated income		45,000	200,000	155,864		447,317
General fund	\$229,000	\$0	(\$2,063,225)	(\$1,876,148)	\$42,000	(\$4,107,396)
FTE	0.00	0.00	0.00	0.00	0.00	(1.30)

1 The following vacant FTE positions are removed (the House had removed 4.30 vacant FTE positions):

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Grants and contracts officer	(1.00)			
Administrative assistant	(0.30)		(\$100,636)	(\$100,636)
High-intensity drug trafficking analyst	(1.00)		(34,905)	(34,905)
Lottery customer relations specialist	(1.00)		(119,067)	(119,067)
<b>Total</b>	<b>(3.30)</b>	<b>\$0</b>	<b>(\$372,421)</b>	<b>(\$372,421)</b>

- Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations, the same as the House version.
- This amendment provides funding from funds received from the Information Technology Department for 2 FTE criminal justice information sharing (CJIS) positions. The Senate version provided funding from the general fund for these positions and the House removed the positions and funding. The section added by the House clarifying the services that may be provided by ITD relating to the criminal justice information sharing system is replaced with a section authorizing the CJIS board to hire a director position and to contract with BCI for federal fingerprint identification processing.
- Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. The House also made these changes.
- Funding is added with an emergency clause relating to costs of conducting background checks for the remainder of the 2005-07 biennium, in accordance with provisions of Senate Bill No. 2260.
- Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed, the same as the House version.
- The salaries and wages line item is increased to provide additional salary equity funding for employees of the Attorney General's office. The House had added \$79,000 from the general fund for additional salary equity increases for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- Funding from the multijurisdictional task force grant fund created by House Bill No. 1330 is provided for salaries and wages relating to the administration of the multijurisdictional grant program.

<sup>9</sup> Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,642,840, of which \$1,442,840 is from the general fund and \$200,000 of other funds, except that the other funds may not be from the Attorney General refund fund, is appropriated in Section 3 of the bill. The Attorney General may use this funding, which totals \$4,923,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project. The amounts provided are \$400,000 more, \$200,000 of which is from the general fund, than the funding provided by the House. The conference committee also added language authorizing the Attorney General to move the State Department of Health storage building from the site if necessary to allow for the building construction.

<sup>10</sup> Authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation is removed, the same as the House version. Funding is provided to continue to lease the building, the same as the House version.

<sup>11</sup> The conference committee appropriated \$42,000 from the general fund for operating costs of the existing crime lab facility for the last nine months of the 2007-09 biennium. This funding may be used only for operating costs of this facility during the period of time it is unoccupied.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes, the same as the House version.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of one-time funding. The House added a similar section.

Sections are added by the conference committee which:

- Allow the Attorney General to retain the June 30, 2007, balance in the Attorney General refund fund rather than transferring the balance to the general fund.
- Provide for a sobriety program pilot project.
- Provide legislative intent that Facility Management develop a plan for the existing Crime Laboratory space when the new Crime Laboratory is completed.

Funding provided by the Senate but removed by the House for a .5 FTE horse racing auditor position is included in the conference committee version.

Funding of \$279,599 is included for additional Crime Laboratory operating costs resulting from inflation and the building expansion. This amount was included in the executive budget and the Senate version, but was removed by the House.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2003, as engrossed:** Your conference committee (Sens. Kilzer, Holmberg, Mathern and Reps. Carlisle, Skarphol, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1071-1074, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 3, replace "and" with "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;", replace "section" with "and reenact sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and to the criminal justice information sharing system; and to declare an emergency"

Page 2, line 3, replace "3,189,266" with "2,901,006"

Page 2, line 4, replace "1,525,512" with "2,112,731"

Page 2, line 5, replace "992,215" with "(2,849,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "3,770,250" with "110,171"

Page 2, line 12, replace "(5,576,024)" with "(5,128,707)"

Page 2, line 13, replace "9,346,274" with "5,238,878"

Page 2, line 19, replace "22,739,001" with "22,450,741"

Page 2, line 20, replace "10,009,307" with "10,596,526"

Page 2, line 21, replace "6,410,956" with "2,569,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "43,810,728"

Page 2, line 28, replace "18,912,377" with "19,359,694"

Page 2, line 29, replace "28,558,430" with "24,451,034"

Page 3, after line 20, insert:

**"SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in section 3 of this Act includes \$1,442,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, the attorney general may fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 11. SOBRIETY PROGRAM PILOT PROJECT.** The attorney general may establish a pilot sobriety program in one or more judicial districts of the state during the biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves coordination among state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing twice per day seven days per week or continuous monitoring, for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the department of transportation traffic safety division, may develop guidelines, policies, and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring, and to establish user fees, all of which are not subject to chapter 28-32. There is created the North Dakota sobriety program fund. The fund consists of moneys received from grants from the United States, agencies of this state, private grants, gifts, or donations, and user fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment, and supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 12. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota near the existing facility housing the crime laboratory. The attorney general, if necessary to allow for construction of the new crime laboratory, may move the state department of health's storage building located on the site. The attorney general, to the extent possible, shall locate the building to minimize the effect on the operations of the water commission in the area.

**SECTION 13. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim.

**SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN.** It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the use of space that becomes available in the existing crime laboratory when the new crime laboratory is completed for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 15. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** 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, 2007."

Page 3, after line 31, insert:

**"SECTION 18. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Director.**

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

**SECTION 19. EMERGENCY.** The amount of \$16,515 included in the salaries and wages line item and \$77,885 included in the operating expenses line item in section 3 of this Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$21,344,055	\$22,739,001	(\$288,260)	\$22,450,741	\$21,774,960	\$675,781
Operating expenses	9,418,403	10,009,307	587,219	10,596,526	10,197,042	399,484
Capital assets	2,149,731	6,410,956	(3,841,225)	2,569,731	2,169,731	400,000
Grants	4,197,000	4,197,000		4,197,000	4,197,000	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
North Dakota lottery Gaming Commission	4,048,402	4,048,402	(117,813)	3,930,589	3,930,589	
	6,141	6,141		6,141	6,141	
Total all funds	\$41,223,732	\$47,470,807	(\$3,660,079)	\$43,810,728	\$42,335,463	\$1,475,265

Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>	<u>447,317</u>	<u>19,359,694</u>	<u>18,591,028</u>	<u>768,666</u>
General fund	\$22,929,209	\$28,558,430	(\$4,107,396)	\$24,451,034	\$23,744,435	\$706,599
FTE	181.30	189.80	(1.30)	188.50	185.00	3.50

**Dept. 125 - Attorney General - Detail of Conference Committee Changes**

	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	CJIS FUNDING CHANGE 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	ADDS FUNDING FOR 2005-07 BACKGROUND CHECKS 5	REDUCES SALARY EQUITY FUNDING 6
Salaries and wages	(\$254,608)	\$104,572		\$68,146	\$16,515	(\$496,885)
Operating expenses		50,428		139,190	77,885	
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission	(117,813)					
Total all funds	(\$372,421)	\$175,000	\$0	\$207,336	\$94,400	(\$496,885)
Less estimated income	<u>(372,421)</u>		<u>261,916</u>	<u>119,400</u>	<u>59,400</u>	<u>(21,842)</u>
General fund	\$0	\$175,000	(\$261,916)	\$87,936	\$35,000	(\$475,043)
FTE	(3.30)	1.00	0.00	1.00	0.00	0.00

	INCREASES SALARY EQUITY FUNDING 7	ADDS ADMINISTRATIVE FUNDS 8	CHANGES FUNDING FOR NEW CRIME LAB 9	REMOVES BCI BUILDING PURCHASE 10	ADDS FUNDING FOR EXISTING CRIME LAB OPERATING COST 11	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$229,000	\$45,000				(\$288,260)
Operating expenses				\$277,716	\$42,000	587,219
Capital assets			(\$1,863,225)	(1,998,000)		(3,841,225)
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery Gaming Commission						(117,813)
Total all funds	\$229,000	\$45,000	(\$1,863,225)	(\$1,720,284)	\$42,000	(\$3,660,079)
Less estimated income		<u>45,000</u>	<u>200,000</u>	<u>155,864</u>		<u>447,317</u>
General fund	\$229,000	\$0	(\$2,063,225)	(\$1,876,148)	\$42,000	(\$4,107,396)
FTE	0.00	0.00	0.00	0.00	0.00	(1.30)

1 The following vacant FTE positions are removed (the House had removed 4.30 vacant FTE positions):

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Grants and contracts officer	(1.00)		(\$100,636)	(\$100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High-intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(3.30)	\$0	(\$372,421)	(\$372,421)

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations, the same as the House version.

3 This amendment provides funding from funds received from the information Technology Department for 2 FTE criminal justice information sharing (CJIS) positions. The Senate version provided funding from the general fund for these positions and the House removed the positions and funding. The section added by the House clarifying the services that may be provided by ITD relating to the criminal justice information sharing system is replaced with a section authorizing the CJIS board to hire a director position and to contract with BCI for federal fingerprint identification processing.

4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. The House also made these changes.

- 5 Funding is added with an emergency clause relating to costs of conducting background checks for the remainder of the 2005-07 biennium, in accordance with provisions of Senate Bill No. 2260.
- 6 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed, the same as the House version.
- 7 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Attorney General's office. The House had added \$79,000 from the general fund for additional salary equity increases for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 8 Funding from the multijurisdictional task force grant fund created by House Bill No. 1330 is provided for salaries and wages relating to the administration of the multijurisdictional grant program.
- 9 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,642,840, of which \$1,442,840 is from the general fund and \$200,000 of other funds, except that the other funds may not be from the Attorney General refund fund, is appropriated in Section 3 of the bill. The Attorney General may use this funding, which totals \$4,923,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project. The amounts provided are \$400,000 more, \$200,000 of which is from the general fund, than the funding provided by the House. The conference committee also added language authorizing the Attorney General to move the State Department of Health storage building from the site if necessary to allow for the building construction.
- 10 Authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation is removed, the same as the House version. Funding is provided to continue to lease the building, the same as the House version.
- 11 The conference committee appropriated \$42,000 from the general fund for operating costs of the existing crime lab facility for the last nine months of the 2007-09 biennium. This funding may be used only for operating costs of this facility during the period of time it is unoccupied.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes, the same as the House version.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of one-time funding. The House added a similar section.

Sections are added by the conference committee which:

- Allow the Attorney General to retain the June 30, 2007, balance in the Attorney General refund fund rather than transferring the balance to the general fund.
- Provide for a sobriety program pilot project.
- Provide legislative intent that Facility Management develop a plan for the existing Crime Laboratory space when the new Crime Laboratory is completed.

Funding provided by the Senate but removed by the House for a .5 FTE horse racing auditor position is included in the conference committee version.

Funding of \$279,599 is included for additional Crime Laboratory operating costs resulting from inflation and the building expansion. This amount was included in the executive budget and the Senate version, but was removed by the House.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

2007 TESTIMONY

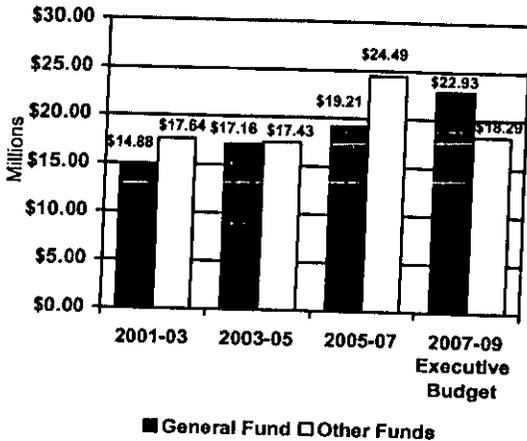
SB 2003

**Department 125 - Attorney General  
 Senate Bill No. 2003**

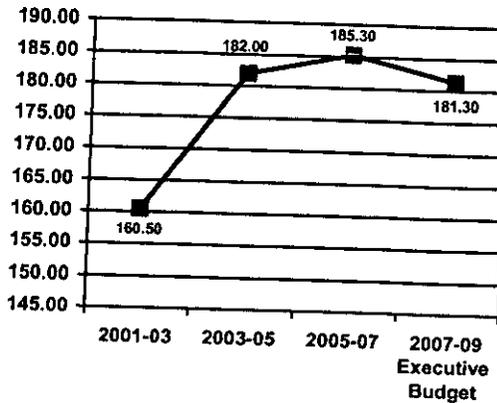
	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	181.30	\$22,929,209	\$18,294,523	\$41,223,732
2005-07 Legislative Appropriations	185.30	19,212,156	24,488,401	43,700,557 <sup>1</sup>
Increase (Decrease)	(4.00)	\$3,717,053	(\$6,193,878)	(\$2,476,825)

<sup>1</sup>The 2005-07 appropriation amounts do not include \$97,000 of additional general fund appropriations from the state contingencies appropriation approved by the Emergency Commission for the school finance lawsuit.

**Agency Funding**



**FTE Positions**



**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Adds funding for salary equity adjustments with priority to be given to attorneys and employees of the Crime Laboratory and Bureau of Criminal Investigation	\$643,079	\$10,921	\$654,000
2. Adds funding for information technology costs, including upgrading to Windows 2003 and to allow a four-year replacement cycle for computer purchases	\$110,000		\$110,000
3. Removes funding provided for the 2005-07 biennium relating to the school finance lawsuit	(\$337,000)		(\$337,000)
4. Provides funding from the Attorney General operating fund to rewrite the Bureau of Criminal Investigation case management system		\$180,000	\$180,000
5. Provides funding from the Attorney General operating fund to develop a computer system to store and manage agency documents		\$150,000	\$150,000
6. Adds funding for the Bureau of Criminal Investigation for inflationary increases, replacing bullet-proof vests, and for the automated fingerprint identification system maintenance contract	\$212,000		\$212,000
7. Provides \$116,000 from the general fund for the purchase of vehicles for the Bureau of Criminal Investigation	(\$20,000)		(\$20,000)
8. Provides federal funding for enhancing fingerprinting capabilities of law enforcement agencies		\$100,000	\$100,000
9. Adds funding for bond payments issued during the 2005-07 biennium relating to the Crime Laboratory renovation project approved by the 2005 Legislative Assembly for \$3,632,691	\$182,485		\$182,485

10. Adds funding for additional costs of the Crime Laboratory renovation project ( <b>executive budget identified as one-time funding</b> )	\$1,242,840	\$1,242,840
11. Adds funding for additional Crime Laboratory operating costs resulting from inflation and associated with the Crime Laboratory building addition	\$217,000	\$217,000
12. Adds funding for Crime Laboratory maintenance agreements relating to lab equipment purchased during the 2005-07 biennium	\$85,000	\$85,000
13. Adds funding from the Attorney General refund fund for developing a Crime Laboratory toxicology computer system	\$50,000	\$50,000
14. Provides funding for purchasing a polarizing light microscope for the Crime Laboratory	\$38,400	\$38,400
15. Provides federal funding for purchasing Crime Laboratory equipment	\$170,000	\$170,000
16. Reduces federal funding for the Bureau of Criminal Investigation grants and equipment	(\$2,939,535)	(\$2,939,535)
17. Removes funding from bond proceeds for the 2005-07 Crime Laboratory renovation project	(\$3,632,691)	(\$3,632,691)
18. Increases funding from the lottery fund for additional temporary employees	\$33,000	\$33,000

#### Other Sections in Bill

Section 8 of this bill provides the statutory changes increasing the Attorney General's salary. The Attorney General's annual salary is increased from the current level of \$80,761 to \$83,991, effective July 1, 2007, and to \$87,351, effective July 1, 2008, to reflect the 4 percent and 4 percent recommended salary increase.

#### Continuing Appropriations

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

Lottery operating fund - NDCC Section 53-12.1-06 - To pay costs of operating the lottery.

Refund fund - NDCC Section 54-12-18 - To pay costs of the consumer protection and Antitrust Division and the Gaming Division.

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

#### Major Related Legislation

**Senate Bill No. 2097** - This bill increases the amount of fees the Attorney General may collect and deposit in the Attorney General's operating fund during the 2005-07 biennium for fire marshal services provided to entities covered by the fire and tornado fund and petroleum release compensation fund.

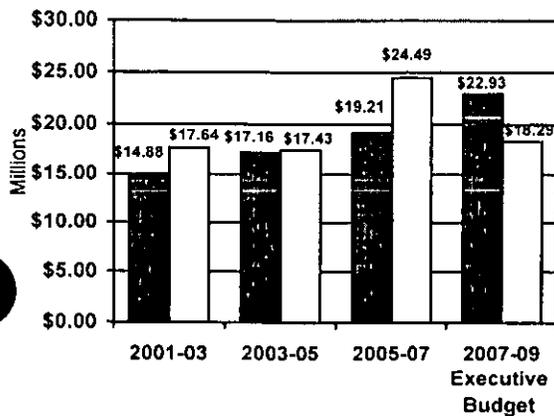
**Senate Bill No. 2103** - This bill appropriates \$500,000 from the general fund to the Attorney General for reimbursing health care providers for the cost of performing forensic medical examinations on victims of criminal sexual conduct.

**Department 125 - Attorney General  
 Senate Bill No. 2003**

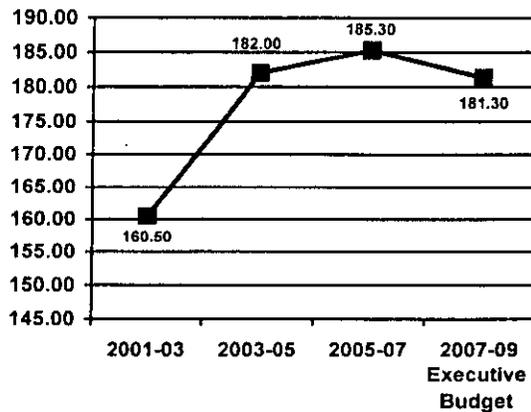
	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	181.30	\$22,929,209	\$18,294,523	\$41,223,732
2005-07 Legislative Appropriations	185.30	19,212,156	24,488,401	43,700,557 <sup>1</sup>
Increase (Decrease)	(4.00)	\$3,717,053	(\$6,193,878)	(\$2,476,825)

<sup>1</sup>The 2005-07 appropriation amounts do not include \$97,000 of additional general fund appropriations from the state contingencies appropriation approved by the Emergency Commission for the school finance lawsuit.

**Agency Funding**



**FTE Positions**



■ General Fund □ Other Funds

**First House Action**

Attached is a summary of first house changes.

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

	General Fund	Other Funds	Total
1. Adds funding for salary equity adjustments with priority to be given to attorneys and employees of the Crime Laboratory and Bureau of Criminal Investigation. <b>The Senate increased this funding by \$496,885, of which \$475,043 is from the general fund.</b>	\$643,079	\$10,921	\$654,000
2. Adds funding for information technology costs, including upgrading to Windows 2003 and to allow a four-year replacement cycle for computer purchases	\$110,000		\$110,000
3. Removes funding provided for the 2005-07 biennium relating to the school finance lawsuit	(\$337,000)		(\$337,000)
4. Provides funding from the Attorney General operating fund to rewrite the Bureau of Criminal Investigation case management system		\$180,000	\$180,000
5. Provides funding from the Attorney General operating fund to develop a computer system to store and manage agency documents		\$150,000	\$150,000
6. Adds funding for the Bureau of Criminal Investigation for inflationary increases, replacing bullet-proof vests, and for the automated fingerprint identification system maintenance contract	\$212,000		\$212,000
7. Provides \$116,000 from the general fund for the purchase of vehicles for the Bureau of Criminal Investigation	(\$20,000)		(\$20,000)

8. Provides federal funding for enhancing fingerprinting capabilities of law enforcement agencies	\$100,000	\$100,000
9. Adds funding for bond payments issued during the 2005-07 biennium relating to the Crime Laboratory renovation project approved by the 2005 Legislative Assembly for \$3,632,691	\$182,485	\$182,485
10. Adds funding for additional costs of the Crime Laboratory renovation project (executive budget identified as one-time funding). <b>The Senate increased this amount by \$2,263,225 from the general fund to purchase land and construct a new Crime Laboratory building.</b>	\$1,242,840	\$1,242,840
11. Adds funding for additional Crime Laboratory operating costs resulting from inflation and associated with the Crime Laboratory building addition. <b>The Senate increased this amount by \$62,599 from the general fund.</b>	\$217,000	\$217,000
12. Adds funding for Crime Laboratory maintenance agreements relating to lab equipment purchased during the 2005-07 biennium	\$85,000	\$85,000
13. Adds funding from the Attorney General refund fund for developing a Crime Laboratory toxicology computer system	\$50,000	\$50,000
14. Provides funding for purchasing a polarizing light microscope for the Crime Laboratory	\$38,400	\$38,400
15. Provides federal funding for purchasing Crime Laboratory equipment	\$170,000	\$170,000
16. Reduces federal funding for the Bureau of Criminal Investigation grants and equipment	(\$2,939,535)	(\$2,939,535)
17. Removes funding from bond proceeds for the 2005-07 Crime Laboratory renovation project	(\$3,632,691)	(\$3,632,691)
18. Increases funding from the lottery fund for additional temporary employees	\$33,000	\$33,000

#### Other Sections in Bill

Section 8 of this bill provides the statutory changes increasing the Attorney General's salary. The Attorney General's annual salary increased from the current level of \$80,761 to \$83,991, effective July 1, 2007, and to \$87,351, effective July 1, 2008, to reflect the 4 percent and 4 percent recommended salary increase.

#### Continuing Appropriations

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

Lottery operating fund - NDCC Section 53-12.1-06 - To pay costs of operating the lottery.

Refund fund - NDCC Section 54-12-18 - To pay costs of the consumer protection and Antitrust Division and the Gaming Division.

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

#### Major Related Legislation

**Senate Bill No. 2097** - This bill increases the amount of fees the Attorney General may collect and deposit in the Attorney General's operating fund during the 2005-07 biennium for fire marshal services provided to entities covered by the fire and tornado fund and petroleum release compensation fund.

**Senate Bill No. 2103** - This bill appropriates \$500,000 from the insurance regulatory trust fund to the Attorney General for reimbursing health care providers for the cost of performing forensic medical examinations on victims of criminal sexual conduct.

**Senate Bill No. 2260** - This bill expands the number of entities that may request criminal background checks on certain individuals.

**Senate Bill No. 2340** - This bill appropriates \$436,107 from the general fund to the Attorney General for the prosecution of civil commitment of sexually dangerous individuals.

**Senate Bill No. 2382** - This bill appropriates \$350,000 from the general fund and authorizes 2 FTE positions to the Attorney General for the Bureau of Criminal Investigation to conduct computer investigations and examinations.

**House Bill No. 1197** - This bill requires a DNA sample from each felony arrestee. The bill becomes effective when federal funds are available for the costs of implementing it.

**House Bill No. 1330** - This bill creates a multijurisdictional task force grant fund within the Attorney General's office from lottery revenue and provides a continuing appropriation to the Attorney General from money in the fund to be used for drug task forces throughout the state and for a .5 FTE position. The bill transfers \$125,000 per quarter from lottery revenues to this special fund.

03/02/07

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2003 - Funding Summary**

	<b>Executive Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Attorney General			
Salaries and wages	\$21,344,055	\$1,394,946	\$22,739,001
Operating expenses	9,418,403	590,904	10,009,307
Capital assets	2,149,731	4,261,225	6,410,956
Grants	4,197,000		4,197,000
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
North Dakota lottery	4,048,402		4,048,402
Gaming commission	6,141		6,141
Total all funds	<u>\$41,223,732</u>	<u>\$6,247,075</u>	<u>\$47,470,807</u>
Less estimated income	<u>18,294,523</u>	<u>617,854</u>	<u>18,912,377</u>
General fund	<u>\$22,929,209</u>	<u>\$5,629,221</u>	<u>\$28,558,430</u>
FTE	181.30	8.50	189.80
Bill Total			
Total all funds	<u>\$41,223,732</u>	<u>\$6,247,075</u>	<u>\$47,470,807</u>
Less estimated income	<u>18,294,523</u>	<u>617,854</u>	<u>18,912,377</u>
General fund	<u>\$22,929,209</u>	<u>\$5,629,221</u>	<u>\$28,558,430</u>
FTE	181.30	8.50	189.80

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

	<b>Executive Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$21,344,055	\$1,394,946	\$22,739,001
Operating expenses	9,418,403	590,904	10,009,307
Capital assets	2,149,731	4,261,225	6,410,956
Grants	4,197,000		4,197,000
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
North Dakota lottery	4,048,402		4,048,402
Gaming commission	6,141		6,141
Total all funds	<u>\$41,223,732</u>	<u>\$6,247,075</u>	<u>\$47,470,807</u>
Less estimated income	<u>18,294,523</u>	<u>617,854</u>	<u>18,912,377</u>
General fund	<u>\$22,929,209</u>	<u>\$5,629,221</u>	<u>\$28,558,430</u>
FTE	181.30	8.50	189.80

03/02/07

Department No. 125 - Attorney General - Detail of Senate Changes

	Restores Administrative Positions <sup>1</sup>	Restores Criminal History Project Positions <sup>2</sup>	Adds Salary Increase Funding <sup>3</sup>	Adds Salary Equity Funds <sup>4</sup>	CJIS Funding Change <sup>5</sup>	Authorizes Building Purchase <sup>6</sup>
Salaries and wages	\$221,010	\$164,159	\$172,232	\$496,885		(277,716)
Operating expenses						1,998,000
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$221,010</b>	<b>\$164,159</b>	<b>\$172,232</b>	<b>\$496,885</b>	<b>\$0</b>	<b>\$1,720,284</b>
Less estimated income	175,916	124,571	0	21,842	(261,916)	(155,864)
<b>General fund</b>	<b>\$45,094</b>	<b>\$39,588</b>	<b>\$172,232</b>	<b>\$475,043</b>	<b>\$261,916</b>	<b>\$1,876,148</b>
FTE	2.00	2.00	0.00	0.00	0.00	0.00
	Adds Funding for New Crime Lab Building <sup>7</sup>	Adds Funding for Crime Lab Operations <sup>8</sup>	Adds Funding for Rate Increases <sup>9</sup>	Adds Funding for Operating Increases <sup>10</sup>	Adds Horse Racing Auditor <sup>11</sup>	Adds Training Funds <sup>12</sup>
Salaries and wages		62,599	66,097	77,776	\$60,988	15,000
Operating expenses						
Capital assets	2,263,225					
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$2,263,225</b>	<b>\$62,599</b>	<b>\$66,097</b>	<b>\$77,776</b>	<b>\$60,988</b>	<b>\$15,000</b>
Less estimated income	0	0	2,541	77,776	60,988	0
<b>General fund</b>	<b>\$2,263,225</b>	<b>\$62,599</b>	<b>\$63,556</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,000</b>
FTE	0.00	0.00	0.00	0.00	0.50	0.00
	Adds Funding for Background Checks <sup>13</sup>	Total Senate Changes				
Salaries and wages	\$279,672	\$1,394,946				
Operating expenses	647,148	590,904				
Capital assets		4,261,225				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$926,820</b>	<b>\$6,247,075</b>				
Less estimated income	572,000	617,854				
<b>General fund</b>	<b>\$354,820</b>	<b>\$5,629,221</b>				
FTE	4.00	8.50				

An information technology network administrator and an account technician deleted in the executive budget are restored. Funding for the network administrator is from the lottery fund and 50 percent of the funding for the account technician is from the lottery fund with the remainder from the general fund.

03/02/07

This amendment restores 2 FTE national criminal history improvement project positions deleted in the executive budget. The estimated income is from federal funds.

<sup>3</sup> Funding is added to provide the level of funding needed for the 4 percent annual state employee salary increases. The amount included in the executive budget was not calculated correctly.

<sup>4</sup> The salaries and wages line item is increased by \$496,885 to provide a total of \$1,150,885, of which \$1,118,122 is from the general fund for salary equity increases for attorneys and employees of the Crime Laboratory and Bureau of Criminal Investigation.

<sup>5</sup> The funding source for employees involved with the criminal justice information sharing (CJIS) project is changed from special funds from the Information Technology Department to the general fund.

<sup>6</sup> Funding for building lease payments is removed and funding is added for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation.

<sup>7</sup> Funding is added to allow the Attorney General to purchase land and construct a new Crime Laboratory building adjacent to the Bureau of Criminal Investigation building in north Bismarck. The \$2,263,225 from the general fund added in this amendment is in addition to the \$1,242,840 from the general fund included in the executive budget for additional costs of the Crime Laboratory renovation project and the \$3,632,691 of bond proceeds approved by the 2005 Legislative Assembly for the renovation project. Total funds provided for the land purchase and the design and construction of the new Crime Laboratory are \$7,138,756.

<sup>8</sup> Funding is added to provide a total of \$279,599 of additional operating costs associated with the new Crime Laboratory building and for Crime Laboratory inflationary increases.

<sup>9</sup> Provides additional funding for Information Technology Department telecommunications and data processing rate increases and PeopleSoft user fees.

Adds funding from the Attorney General operating fund and refund fund for anticipated operating cost increases of the Legal, Consumer Protection, and Gaming divisions.

<sup>11</sup> Funding from the racing promotion fund is added for a .5 FTE auditor position to audit simulcast racing sites in accordance with provisions of Senate Bill No. 2209.

<sup>12</sup> Funding is added for the Attorney General to provide training to state's attorneys relating to the prosecution of sexually dangerous individuals.

<sup>13</sup> Funding is added for the Attorney General to do background checks as required by Senate Bill No. 2260.

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2003 - Funding Summary**

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>House Changes</b>	<b>House Version</b>
<b>Attorney General</b>				
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming commission	6,141	6,141		6,141
<b>Total all funds</b>	<b>\$41,223,732</b>	<b>\$47,470,807</b>	<b>(\$5,135,344)</b>	<b>\$42,335,463</b>
Less estimated income	18,294,523	18,912,377	(321,349)	18,591,028
<b>General fund</b>	<b>\$22,929,209</b>	<b>\$28,558,430</b>	<b>(\$4,813,995)</b>	<b>\$23,744,435</b>
FTE	181.30	189.80	(4.80)	185.00
<b>Bill Total</b>				
Total all funds	\$41,223,732	\$47,470,807	(\$5,135,344)	\$42,335,463
Less estimated income	18,294,523	18,912,377	(321,349)	18,591,028
<b>General fund</b>	<b>\$22,929,209</b>	<b>\$28,558,430</b>	<b>(\$4,813,995)</b>	<b>\$23,744,435</b>
FTE	181.30	189.80	(4.80)	185.00

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

	<b>Executive Budget</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$21,344,055	\$1,394,946	\$22,739,001
Operating expenses	9,418,403	590,904	10,009,307
Capital assets	2,149,731	4,261,225	6,410,956
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Gaming commission	6,141		6,141
<b>Total all funds</b>	<b>\$41,223,732</b>	<b>\$6,247,075</b>	<b>\$47,470,807</b>
Less estimated income	18,294,523	617,854	18,912,377
<b>General fund</b>	<b>\$22,929,209</b>	<b>\$5,629,221</b>	<b>\$28,558,430</b>
FTE	181.30	8.50	189.80

Department No. 125 - Attorney General - Detail of Senate Changes

	Restores Administrative Positions <sup>1</sup>	Restores Criminal History Project Positions <sup>2</sup>	Adds Salary Increase Funding <sup>3</sup>	Adds Salary Equity Funds <sup>4</sup>	CJIS Funding Change <sup>5</sup>	Authorizes Building Purchase <sup>6</sup>
Salaries and wages	\$221,010	\$164,159	\$172,232	\$496,885		
Operating expenses						(277,716)
Capital assets						1,998,000
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$221,010</b>	<b>\$164,159</b>	<b>\$172,232</b>	<b>\$496,885</b>	<b>\$0</b>	<b>\$1,720,284</b>
Less estimated income	175,916	124,571	0	21,842	(261,916)	(155,864)
<b>General fund</b>	<b>\$45,094</b>	<b>\$39,588</b>	<b>\$172,232</b>	<b>\$475,043</b>	<b>\$261,916</b>	<b>\$1,876,148</b>
FTE	2.00	2.00	0.00	0.00	0.00	0.00
	Adds Funding for New Crime Lab Building <sup>7</sup>	Adds Funding for Crime Lab Operations <sup>8</sup>	Adds Funding for Rate Increases <sup>9</sup>	Adds Funding for Operating Increases <sup>10</sup>	Adds Horse Racing Auditor <sup>11</sup>	Adds Training Funds <sup>12</sup>
Salaries and wages		62,599	66,097	77,776	\$60,988	15,000
Operating expenses						
Capital assets	2,263,225					
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$2,263,225</b>	<b>\$62,599</b>	<b>\$66,097</b>	<b>\$77,776</b>	<b>\$60,988</b>	<b>\$15,000</b>
Less estimated income	0	0	2,541	77,776	60,988	0
<b>General fund</b>	<b>\$2,263,225</b>	<b>\$62,599</b>	<b>\$63,556</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,000</b>
FTE	0.00	0.00	0.00	0.00	0.50	0.00
	Adds Funding for Background Checks <sup>13</sup>	Total Senate Changes				
Salaries and wages	\$279,672	\$1,394,946				
Operating expenses	647,148	590,904				
Capital assets		4,261,225				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery						
Gaming commission						
<b>Total all funds</b>	<b>\$926,820</b>	<b>\$6,247,075</b>				
Less estimated income	572,000	617,854				
<b>General fund</b>	<b>\$354,820</b>	<b>\$5,629,221</b>				
FTE	4.00	8.50				

<sup>1</sup> An information technology network administrator and an account technician deleted in the executive budget are restored. Funding for the network administrator is from the lottery fund and 50 percent of the funding for the account technician is from the lottery fund with the remainder from the general fund.

<sup>2</sup> This amendment restores 2 FTE national criminal history improvement project positions deleted in the executive budget. The estimated income is from federal funds.

<sup>3</sup> Funding is added to provide the level of funding needed for the 4 percent annual state employee salary increases. The amount included in the executive budget was not calculated correctly.

<sup>4</sup> The salaries and wages line item is increased by \$496,885 to provide a total of \$1,150,885, of which \$1,118,122 is from the general fund for salary equity increases for attorneys and employees of the Crime Laboratory and Bureau of Criminal Investigation.

<sup>5</sup> The funding source for employees involved with the criminal justice information sharing (CJIS) project is changed from special funds from the Information Technology Department to the general fund.

<sup>6</sup> Funding for building lease payments is removed and funding is added for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation.

<sup>7</sup> Funding is added to allow the Attorney General to purchase land and construct a new Crime Laboratory building adjacent to the Bureau of Criminal Investigation building in north Bismarck. The \$2,263,225 from the general fund added in this amendment is in addition to the \$1,242,840 from the general fund included in the executive budget for additional costs of the Crime Laboratory renovation project and the \$3,632,691 of bond proceeds approved by the 2005 Legislative Assembly for the renovation project. Total funds provided for the land purchase and the design and construction of the new Crime Laboratory are \$7,138,756.

<sup>8</sup> Funding is added to provide a total of \$279,599 of additional operating costs associated with the new Crime Laboratory building and for Crime Laboratory inflationary increases.

<sup>9</sup> Provides additional funding for Information Technology Department telecommunications and data processing rate increases and PeopleSoft user fees.

<sup>10</sup> Adds funding from the Attorney General operating fund and refund fund for anticipated operating cost increases of the Legal, Consumer Protection, and Gaming divisions.

<sup>11</sup> Funding from the racing promotion fund is added for a .5 FTE auditor position to audit simulcast racing sites in accordance with provisions of Senate Bill No. 2209.

<sup>12</sup> Funding is added for the Attorney General to provide training to state's attorneys relating to the prosecution of sexually dangerous individuals.

<sup>13</sup> Funding is added for the Attorney General to do background checks as required by Senate Bill No. 2260.

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

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming commission	6,141	6,141		6,141
Total all funds	\$41,223,732	\$47,470,807	(\$5,135,344)	\$42,335,463
Less estimated income	18,294,523	18,912,377	(321,349)	18,591,028
General fund	\$22,929,209	\$28,558,430	(\$4,813,995)	\$23,744,435
FTE	181.30	189.80	(4.80)	185.00

## Department No. 125 - Attorney General - Detail of House Changes

	Removes Vacant Positions <sup>1</sup>	Adds BCI Computer Forensics Position <sup>2</sup>	Remove CJIS Positions <sup>3</sup>	Adds Funding for Background Checks <sup>4</sup>	Reduces Salary Equity Funding <sup>5</sup>	Increases Salary Equity Funding <sup>6</sup>
Salaries and wages	(\$395,970)	\$104,572	(\$261,916)	\$68,146	(\$496,885)	\$79,000
Operating expenses		50,428		139,190		
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming commission						
Total all funds	(\$513,783)	\$175,000	(\$261,916)	\$207,336	(\$496,885)	\$79,000
Less estimated income	(513,783)	0	0	119,400	(21,842)	0
General fund	\$0	\$175,000	(\$261,916)	\$87,936	(\$475,043)	\$79,000
FTE	(4.30)	1.00	(2.00)	1.00	0.00	0.00

	Removes Horse Racing Auditor <sup>7</sup>	Changes Funding for New Crime Lab <sup>8</sup>	Removes BCI Building Purchase <sup>9</sup>	Reduces Crime Lab Operating Funds <sup>10</sup>	Total House Changes
Salaries and wages	(\$60,988)				(\$964,041)
Operating expenses			277,716	(279,599)	187,735
Capital assets		(2,263,225)	(1,998,000)		(4,241,225)
Grants					
Litigation fees					
Arrest and return of fugitives					
North Dakota lottery					(117,813)
Gaming commission					
Total all funds	(\$60,988)	(\$2,263,225)	(\$1,720,284)	(\$279,599)	(\$5,135,344)
Less estimated income	(60,988)	0	155,864	0	(321,349)
General fund	\$0	(\$2,263,225)	(\$1,876,148)	(\$279,599)	(\$4,813,995)
FTE	(0.50)	0.00	0.00	0.00	(4.80)

<sup>1</sup> The following vacant FTE positions are removed:

Position	FTE	General Fund	Other Funds	Total
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
Grants and contracts officer	(1.00)		(100,636)	(100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High-intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(4.30)	\$0	(\$513,783)	(\$513,783)

<sup>2</sup> Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.

<sup>3</sup> This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.

<sup>4</sup> Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.

<sup>5</sup> Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed.

<sup>6</sup> The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.

The .5 FTE horse racing auditor position added by the Senate is removed.

<sup>8</sup> Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project.

<sup>9</sup> Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.

<sup>10</sup> Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

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A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of one-time funding.

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2007-2009 Budget Presentation  
to the Senate Appropriations Committee

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Office of Attorney General  
State of North Dakota

Wayne Stenehjem  
Attorney General

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**2007 Senate Bill No. 2003**  
**Office of Attorney General Appropriation**  
**Senate Appropriations Committee**

The Office of Attorney General represents and defends the interests of the citizens of North Dakota by executing the responsibilities charged to the North Dakota Attorney General by the North Dakota Constitution, state statutes and administrative rules, North Dakota and federal case law, and common law. The Attorney General is the chief legal counsel and advisor to state government providing legal representation to all facets of state government, including the Governor, all departments of state government, local government and all state agencies, boards, and commissions.

The Attorney General has primary authority to act on behalf of the state of North Dakota in other areas, including criminal investigations; full arrest and law enforcement authority; sex offender risk assessment and registration; evidence examination and testimony; consumer protection and antitrust; administration, regulation and enforcement of charitable gaming and Lottery activity; and fire inspections, investigations, and mitigation of hazardous materials incidents. Attorney General staff members provided a significant amount of training to North Dakota citizens, and others including law enforcement and the fire services.

The office consists of 13 divisions: Administration, Bureau of Criminal Investigation, Civil Litigation, Consumer Protection and Antitrust, Crime Laboratory, Criminal and Regulatory, Finance and Administration, Fire Marshal, Gaming, Information Technology, Lottery, Natural Resources and Indian Affairs, and State and Local Government.

**FUTURE CRITICAL ISSUES**

**Current Staff Needed – Removed in Executive Recommendation**

**IT Network Administrator**

An IT network administrator, formerly funded by NCHIP federal funds, will be funded from the lottery operating fund due to the increased Lottery IT workload. This position was inadvertently omitted in the Executive Recommendation and totals \$130,822.

A financial account technician is currently funded 50% from the general fund and 50% from the lottery operating fund due to the increased Lottery financial workload. This position was inadvertently omitted in the Executive Recommendation and totals \$45,094 from the general fund and \$45,094 from special funds.

The federal National Criminal History Improvement Program (NCHIP) has experienced significant cuts. These funds have been critical to the office's efforts to improve the state's criminal records database, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are

updated in a timely manner. To ensure the state's criminal records database records continue to be up to date and accurate, the 2 BCI FTE's currently funded through NCHIP need to continue so individuals with a criminal record are not given the clearance to work in a teaching or care-giving profession simply because of a data entry backlog. This request totals \$164,159, of which \$39,588 is from the general fund and \$124,571 is from special funds.

### **Criminal Justice Information Project (CJIS) FTE's**

Currently, 2 IT FTE's who work on the CJIS project is included in this office's budget. The Executive Recommendation transfers \$261,916 in special funds for these FTE's to ITD for financial purposes -- ITD currently pays this office for the salary costs associated with these FTE's.

It is critical for these 2 FTE's to remain in this office. These FTE's work with BCI to represent law enforcement interests in making information available and useful by the criminal justice community. In addition, by statute, BCI is the central repository for confidential information used by CJIS.

### **Equity Adjustments**

#### **Forensic Scientists**

The Crime Laboratory forensic scientist's salaries within the laboratory must become competitive within the region. These agencies all have starting salaries for new scientists exceeding \$3,000 per month, compared to the Crime Lab's starting salary of only \$2,216 per month. Recently, the North Dakota Human Resource Management Services released a report indicating out of the approximately 100 job classifications surveyed, the Forensic Scientist series was **nearly 60% below** the market equity for salaries. In addition to substantially lower salaries, the forensic scientist series is comparably lower than the average chemist's salary and classification in the state (a comparable job category).

Due to significantly lower forensic scientist salaries, the Lab has serious retention and recruitment issues. The Lab is unable to hire employees with forensic experience. Employees without this experience have a 6 to 24 month learning curve. Experienced staff must not only monitor the work of the new employees, but also handle the significantly increasing workload. This situation has exacerbated processing casework delays and has a serious negative impact on employee morale which in turn causes employees to look for work elsewhere.

#### **BCI Agents**

Recruitment and retention of Bureau of Criminal Investigation (BCI) agents continues to be a significant challenge. The office goal is to hire seasoned officers with several years' experience, which allows them to be an immediate resource to law enforcement

across the state. However, present salary levels make it difficult to recruit qualified applicants. At this time we are having trouble competing with the Federal government, the larger cities in the state and some of the counties. In particular, we struggle to compete with local law enforcement agencies that are starting rookie officers, with less experience, at a higher wage. Currently BCI agents start at \$2,800 per month and are required to have at least 5 years of experience. Examples of entry-level salaries for local agencies include:

- Fargo PD patrol officer - no experience \$3,370
- Fargo PD detective – entry level investigator \$3,517
- Richland County deputy - no experience \$2,896
- Bismarck PD patrol officer – no experience \$3,200
- Grand Forks PD patrol officer – no experience \$2,921
- Moorhead MN PD patrol officer – no experience \$3,279

On the other side of the issue, we are losing experienced agents to entities that offer higher salaries. Thus, some agents, after gaining valuable training and experience with BCI, leave for greener fields, including federal law enforcement, where higher wages, an earlier retirement, and a higher retirement multiplier are offered. Local law enforcement depends on our staff to be experienced in many areas of criminal justice. We are relied upon to bring expert personnel resources and services to the field. New officers with no experience and limited education are able to begin their law enforcement careers with many local law enforcement agencies at salaries higher than we can offer to a new agent who must have a minimum of 5 years experience and a four-year degree. It is critical that we compensate our agents with a salary commensurate with their experience, expertise, and education so we can recruit and retain highly qualified law enforcement staff.

The requested general fund enhancement totaling \$594,626 provides a minimum starting salary of \$3,200 per month to a new agent and for an equitable increase in agent salaries across the board. These increased salaries will allow us to do a better job of bringing the experience and resources expected by local law enforcement in North Dakota to the field.

### **Attorneys and Paralegals**

Section 14 of 2005 House Bill No. 1003 required the Office of Management and Budget to conduct an equity review of all attorney and paralegal salaries employed as full-time employees with all branches of state government. The director was to provide to the Governor for inclusion in the 2007-2009 biennial executive budget recommendation the funding necessary to adjust the salaries of attorneys and paralegals in a manner that makes attorney and paralegal salaries comparable and equitable throughout state government. In determining comparable positions based upon years of experience and importance of the position, the director was required to consult with the Attorney General.

Human Resource Management Services conducted a salary survey of all full-time attorneys and paralegals as of January 1, 2006. The survey reflected a wide disparity between salaries not only within the executive branch, but also between branches of government. Since 62 of the 87 attorneys identified in the survey are not classified employees, using normal salary classification and grade analysis was not possible.

In order to have a basis for developing an equity plan, attorneys were placed within 5 major categories: Executive, Legislative, Supreme Court, Higher Education and Workforce Safety Insurance. For purposes of developing a comparison, a schedule was established within each category by segregating the attorneys into several groups based upon total years of legal experience and/or management responsibility. Within each group the average years of experience and average salary were calculated. From these averages, an equity adjustment recommendation was developed for the attorneys and paralegals in this office. In general the adjustment was based upon salaries paid by Legislative Council and the Supreme Court.

**The Executive Recommendation includes \$654,000 general fund equity adjustments for Crime Lab forensic scientists, BCI agents and assistant attorneys general, which this office appreciates. This office is requesting an additional \$491,039 from the general fund to provide the total equity adjustments requested for these staff members due to the significant issues in these salary areas.**

#### **Information Technology (IT) Staff**

This office's IT staff salaries are significantly below the average for IT staff across state government. It is impossible to compete with the private sector for these highly skilled positions. Within ITD, staff can be more specialized; in this office staff must be skilled in more than one area to handle the agency's requirements. These skills are highly desired in the marketplace and make it very difficult to find candidates for public sector positions. In order to retain the IT staff, the division needs to offer competitive salaries. It is critical that adequate IT resources be available to meet the requirements for this office's public safety responsibilities in a timely and efficient manner. In order to adequately support the applications within this office, it is critical to maintain highly trained and skilled IT staff. It is absolutely critical in the criminal justice area to be able to respond quickly to change and to adequately secure the data retained by this office. This \$75,502 request (\$67,099 general fund and \$8,403 special funds) will bring the salaries of these positions more in line with other statewide IT staff salaries.

The office has 13 divisions with very different business requirements. It takes time to understand the business areas of this office which cover legal, criminal justice, charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, financial, and the Crime Lab. The business knowledge gained by the IT staff is very valuable and hard to replace. Therefore, it is critical that we retain staff. To learn the IT environment as well as the business side of the office can take a new IT employee 2 years. The Lottery and the Crime Lab were added to the office without any

additional IT staff, and these 2 additions have brought a tremendous amount of work for IT staff.

The office is developing more online applications for the Web. The design of the agency web pages has been done in the past by our network staff. But, with the increased complexity of these pages, this is putting a strain on network resources as well as a need for more advanced skills in this area.

### **Legal Administrative Assistants**

We have experienced significant difficulty in hiring administrative assistants with a legal background for our legal divisions. We advertised twice for the most recent vacancy. Some of the legal administrative staff members are paid significantly less than the average salary statewide for the same classification. This \$22,241 general fund request will bring the salaries of these positions to the average salary statewide.

### **Crime Laboratory Addition and Associated Operating Expenses**

The building/remodeling bids received for the Crime Lab exceeded the amount appropriated by the 2005 Legislative Assembly. The Executive Recommendation includes \$1.24 million from the general fund to address this issue. Assuming the proposed addition to the Crime Lab is made at the East Laboratory, which is currently shared with the Health Department, any more space after this addition will require a sprinkling system for the entire building, which would be very expensive. The Health Department is already out of room in the current building. As a result, this request is to purchase land by the Bureau of Criminal Investigation (BCI) and Fire Marshal to build a Crime Lab. This would be very beneficial to all local law enforcement since they often need to stop at the BCI or the Fire Marshal (located in north Bismarck) and then go across town to the southeast part of Bismarck to deliver criminal evidence. It would also allow the Health Department to have full access to the entire East Laboratory building. **The estimated additional cost for the north location is \$1.36 million, which includes the land purchase and site preparation but excludes any future expansion space. In addition, additional operating expenses, above the amount included in the Executive Recommendation, of \$62,599 from the general fund are needed for the 2007-2009 biennium.**

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

### **Additional Operating Costs Resulting From Rate Increases**

The office continues to see rate increases in State Fleet, cell phone service, dues, office supplies, central services (including printing and supplies), motor fuel, rent, postage, state employee travel rates, and other private sector costs. Adequate funding for these rate increases has not been approved in past budget cycles. If the office is to continue to provide the required services to local law enforcement agencies, fire departments,

state agencies, etc., the office's budget needs to be increased to address these growing costs. The Executive Recommendation includes funding for some of these items. **The amount still needed for these purposes is \$77,776 from special funds.**

### **Increased Network Costs**

The agency has 12 field offices for BCI and Fire Marshal staff and 5 local offices within Bismarck. These all require some form of high-speed connection with the State network backbone. With the new network and telephone system being implemented by ITD, the charges for these services are increasing significantly. PeopleSoft charges have also increased. ITD is also experiencing problems with hiring and must increase the wages they are paying their employees. Consequently, the ITD rates have increased. In order to simply maintain our current service level to our customers, the office is asking for increased funding to support these items. The Executive Recommendation omits funding for these costs. **The amount needed for this purpose is \$96,097, of which \$93,556 is from the general fund and \$2,541 is from special funds.**

### **Aging and New IT Applications**

The BCI Case Management system is very old, utilizes old DOS-based technology, and no longer meets the needs of the BCI. As case load has increased over the last several years, this application has not been able to meet demand without significant support from IT staff. It requires a tremendous amount of support to keep it functioning and is a critical application to BCI staff for tracking cases, criminals, victims and case assignments.

Another application requiring replacement is used for DNA cases at the Crime Lab. The Crime Lab has struggled for years with minimal computer applications, and this hindered the elimination of case backlog problems. Currently, in order to do DNA analysis the information from the instruments must be retrieved and fed into a management information application for detailed analysis. The new software will automatically do much of the splitting of evidence that is currently done manually, and will improve the time it takes to perform DNA analysis.

The Criminal Justice Information Sharing (CJIS) project is crucial to law enforcement across the state as well as this agency. This office must continue to add information and maintain current information flow from this office through the CJIS hub. In order to decrease the time between when an arrest is made and when it is available through the Criminal History application automation of the flow of fingerprint cards and arrest information from local law enforcement offices to this office must occur. The office also wants to decrease the time between when a prosecution occurs through the States Attorney Offices and when it is reported to the Criminal History Repository in this office. This, too, would be handled through the CJIS hub.

The Executive Recommendation includes \$358,260 from special funds for these projects.

## **Crime Laboratory Preventive Maintenance Contracts and Equipment Replacement**

Preventative maintenance agreements funding is included in the Executive Recommendation. This funding will ensure Crime Lab equipment is properly calibrated and running efficiently. Without maintenance contracts some instruments would become idle because only certified trained technicians can repair/calibrate the instruments, the laboratory will not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community.

Currently the Laboratory has over \$1.6 million in capital assets. Federal funds available for the past 10 – 15 years to replace equipment are being discontinued, yet the Laboratory is mandated to use cutting edge technology to analyze casework. Special fund monies totaling \$170,000 are included in the Executive Recommendation to replace worn and/or obsolete equipment in order to analyze casework. It is important to find a regular funding source for this equipment replacement.

## **Adam Walsh Act Impact**

There has also been a major increase in background checks required for Adoption and Foster care because of the Adam Walsh Act. Adoption background checks increased 450% from October to November 2006. Foster care background checks increased 106% from October to November 2006. This increase has not been factored into the office's budget since these changes are recent developments.

## **School Financing Litigation**

In late 2003 litigation was commenced against the State of North Dakota challenging the constitutionality of North Dakota's statutory system for financing public schools. In January 2006, the parties entered an Agreement to Stay Litigation which stayed the lawsuit until the close of the 2007 legislative session. The agreement includes two conditions which must be met to end the lawsuit. The two conditions are:

- the 2007 Legislative Assembly appropriate an additional amount of state funds that results in at least a \$60 million net gain for elementary and secondary education over the amount authorized by the 2005 Legislative Assembly, and
- the 2007 Legislative Assembly pass a resolution adopting the North Dakota Commission on Education Improvement as a vehicle for proposing improvements in the system of delivering and financing public elementary and secondary education.

If not met, the school lawsuit will continue. If this occurs, it is likely the case will go to trial during the 2007-2009 biennium. The office will incur significant costs to defend the lawsuit, including discovery costs (travel, transcripts, etc.), expert witness costs (time to update previously prepared reports, possible depositions, travel and give testimony),

and the costs of a three-week trial in Williston (hotel, per diem, etc.). If the lawsuit continues, the office will request a contingency appropriation to fund the lawsuit, with the authority to go to the Emergency Commission for additional funds if needed in the event the conditions are not met.

### **Loss of Federal Grant Funding**

Federal grants for law enforcement initiatives continue to significantly decline. During the 2003-2005 biennium, the Edward Byrne Memorial Grant and Local Law Enforcement Block Grant were merged into one program – The Edward Byrne Memorial Justice Assistance Grant (JAG). The program change included unprecedented reductions, which over the course of two fiscal years resulted in an overall loss of approximately 67% funding to the state of North Dakota. The 2005 Legislature recognized the negative impact this decrease would have on the state's drug enforcement efforts and partially funded salaries for 3 BCI agents who coordinate task forces. Because our task forces provide 80% of the state's narcotics efforts, we are asking the 2007 Legislature to fund the balance (previously funded from the Byrne grant) of these 3 agents' salaries. This change is reflected in the Executive Recommendation.

The National Criminal History Improvement Program (NCHIP) is also experiencing significant cuts. These funds have been critical to the office's efforts to improve the state's criminal records database, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner. To ensure the state's criminal records database records continue to be up to date and accurate, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner, the 2.0 BCI FTE's primarily funded through NCHIP need to continue so individuals with a criminal record are not given the clearance to work in a teaching or care-giving profession simply because of a data entry backlog. The Executive Recommendation excluded funding for this purpose.

### **Tobacco Proceedings – Diligent Enforcement Issue**

Tobacco companies that signed the Master Settlement Agreement (MSA), known as Participating Manufacturers (PMs), make annual settlement payments into escrow each April 15, in perpetuity. The annual base payment amount is subject to several adjustments, including the Non-Participating Manufacturer ("NPM") Adjustment. Non-Participating Manufacturers ("NPMs") are tobacco companies that have not joined the MSA. The MSA requires each Settling State (North Dakota and others) to pass a "Qualifying Statute" (N.D.C.C. ch. 51-25, Tobacco Sales Act) allowing the Settling State to collect escrow payments from the NPMs. Under the MSA, a Settling State's annual settlement payment cannot be reduced by the NPM Adjustment so long as that Settling State "diligently enforced" its Qualifying Statute.

In April 2006, several PMs withheld approximately \$775 million from the Settling States, claiming an offset for the 2003 NPM Adjustment. While North Dakota's current share of the amount withheld by the PMs is approximately \$2.75 million, it is possible for North Dakota to lose its entire payment of approximately \$28 million.

In May 2006, the North Dakota Attorney General filed a motion in Cass County District Court, requesting a ruling that North Dakota diligently enforced its Tobacco Sales Act. In July 2006 the Cass County District Court denied the PMs' motion to compel arbitration of the diligent enforcement dispute. The PMs appealed and the matter is set for hearing before the North Dakota Supreme Court on March 1, 2007.

Regardless of the outcome of the Supreme Court proceeding, the North Dakota Office of Attorney General will be required to participate in a trial-like proceeding where it will present evidence that it diligently enforced its Qualifying Statute. If the North Dakota Supreme Court affirms the Cass County District Court ruling denying the PMs' motion to compel arbitration, the proceeding will take place in district court in Fargo and will last approximately one month. If the North Dakota Supreme Court reverses the Cass County District Court ruling, North Dakota will be forced to participate in at least one, and possibly two, nationwide proceedings – one before PricewaterhouseCoopers in Texas, and another before a three-judge arbitration panel at an unknown location. These proceedings would involve all Settling States and would be much longer than a proceeding before the Cass County District Court. Each of these proceedings could last a year, or longer and will be costly. This office will need a contingent appropriation to pay the related costs for nationwide proceedings.

### **Automated Fingerprint Identification System**

The Automated Fingerprint Identification System (AFIS) is an integral component in the State's initiative to integrate criminal justice information. Serving as the central database for fingerprints collected across the state, the AFIS system opens the door for electronic transfer of fingerprint images and information. It is a critical tool for criminal investigators.

The AFIS regional database contains approximately 1.4 million criminal records, of which North Dakota has contributed approximately 93,700, South Dakota 185,900 and Minnesota the balance. Currently, every criminal record ten-print (fingerprint card) submission searches the entire 1.4 million record database for a match on the fingerprints provided. The same is true in the case of latent fingerprints found at crime scenes. Without AFIS as an analysis tool, a latent print search would be an entirely manual process and nearly impossible to complete.

In calendar years 2005 and 2006, law enforcement officers throughout the state submitted 182 cases involving latent print examination for various cases including burglaries, stolen property, forgery, armed robbery, aggravated assault, controlled substances, embezzlement, and motor vehicle theft. Seventeen individuals were identified from the

latent prints, including 5 "cold hits," where there was either no suspect or someone was identified other than the individual originally suspected by law enforcement.

Livescan units are used by local law enforcement agencies to transfer fingerprints to the AFIS system located at BCI. Livescan allows fingerprint images to be transmitted at the time of booking and for booking officers to enter arrest information that initiates an entry to the BCI criminal history record system. Approximately 50% of fingerprint cards are currently submitted via livescan. Through the use of federal grant funds, the 6 existing livescan units were replaced and 3 additional units were purchased during the 2005-2007 biennium. Livescan fingerprint equipment is currently available to 8 of the state's largest jails and the state penitentiary. The Executive Recommendation includes federal funding for 2-3 additional livescan units.

The Automated Fingerprint Identification System (AFIS) equipment is also nearing the end of its useable life. We will need to upgrade our equipment to coincide with the upgrade of the Midwest Automated Fingerprint Identification Network (MAFIN) equipment. The cost of the upgrades is \$700,000 and will be paid for from federal grant funds. Maintenance costs for the AFIS system have continued to increase as well. Annual maintenance agreements have risen from \$55,890 in 2000 to \$88,239 in 2005, an increase of approximately \$64,000 per biennium. Grant funds have been utilized where-ever possible to offset these increasing costs; however, those funds are no longer available, and as a result, we are requesting additional general fund support to help cover these costs. The Executive Recommendation includes funding for the AFIS maintenance increased costs.

### **Legal Services Funding Inequity**

A serious inequity exists between the proportion of legal services provided to billable (special funds) agencies and nonbillable agencies (funded from the general fund) and the related funding sources. Presently, approximately 67% of our legal services are provided to general fund agencies and 33% is provided to special fund agencies. Our reimbursement from the general fund equals only 54% of our legal services cost. As such, the office's general fund appropriation is shorted approximately 13% for general fund agencies provided legal advice and assistance by this office. The number of nonbillable agency legal hours provided far exceeds the number of billable agency legal hours worked, yet billable agencies fund the bulk of legal services costs.

### **Methamphetamine Trafficking and Clandestine Laboratories**

The illegal manufacturing and production of methamphetamine (meth) remains a critical issue facing our state and the BCI. More than 90% of meth is imported to North Dakota. Thus, BCI agent time is strained as they work on investigations with federal and local law enforcement agencies.

Meth investigations involve conspiracies and several layers of networks, and require time, money, and expertise. While we have had great success in the seizure of illegal

drugs across the state, during this biennium, the office has a developed Post Seizure Analysis Team (PSAT) which helps this office utilize local, state, and federal resources to identify, investigate, and prosecute suppliers from out-of-state sources. The PSAT is a multi-agency team consisting of Border Patrol, Immigration and Customs Enforcement (ICE), BCI, and the North Dakota Highway Patrol. The team facilitates information sharing between the state task forces, analysts across the nation, and the northern border International Border Enforcement Teams (IBET), and will enhance the ability to identify threats and more effectively target investigative efforts.

### **High Intensity Drug Trafficking Funding**

Recent developments in the federal budget indicate a very high likelihood that High Intensity Drug Trafficking Area (HIDTA) funding will be eliminated for certain rural areas, like North Dakota. There has been a shift in federal drug enforcement policy away from the rural areas and toward the 25 major urban areas in the country. This policy is defined as "priority targeting" and focuses on targeting national and international narcotics organizations in an effort to eliminate those in charge of major drug trafficking organizations.

If the current funding is shifted away from North Dakota, BCI will lose 3 special agents. The state will also lose 2 forensic scientists, and 1 attorney who prosecutes state and federal narcotics and drug trafficking cases. In addition, the state will lose an additional \$80,000 per biennium currently being used to pay informants, purchase narcotics, and other drug-related evidence with HIDTA funds.

### **Cybercrime**

The Internet has provided the criminal element with the opportunity to exploit children and adults and expose them to pornography and numerous fraudulent activities. Currently, BCI is the only agency in the state that forensically analyzes computers used in criminal activity. Two agents are currently investigate these types of crimes, and they continue to be inundated with requests to assist with investigations that vary from narcotics activity to child pornography, child abuse, child molesters, counterfeit documents such as drivers' licenses, internet auction fraud, terrorizing, extortion, and identity theft. The current average turnaround time to analyze a computer is 4 months. In addition, to remain proactive in the fight against cybercrime, the Attorney General recently created a cybercrime task force coordinated by the BCI. BCI agents work with officers across the state in an undercover capacity to develop cases against individuals who contact and lure victims into inappropriate sexual and criminal activities. We anticipate this will result in a significant increase to this section's case load.

### **AG Refund Fund Carryover**

We request approval to carryover the AG Refund Fund balance available as of June 30, 2007. These monies are used to investigate, enforce, and litigate if necessary the Telephone Solicitations Act (do not call) violations. There are 2 FTE's paid from this

fund for this purpose. An estimated \$20,000 from this fund was included in the Executive Recommendation turn back amount.

### **Lottery FTE's**

For the 2005-2007 biennium, the Lottery has a contingency appropriation and is able to hire 2 FTE's if needed, with reporting required to the Budget Section. Due to the growth rate of the Lottery, this office requests this contingent appropriation and FTE authority for the 2007-2009 biennium.

## **CONTRACT SERVICES/OUTSOURCING INFORMATION REQUESTED**

This office uses contractual services for the following purposes:

- ❖ Outside legal counsel (when office staff does not have the legal expertise needed) and outside experts for litigation. The expertise needed is normally so unique and infrequent it would not be cost effective to hire staff for these purposes.
- ❖ When the office received temporary federal funds – this is the case with the Post Seizure Analysis Team contract and equates to 2 FTE's.

## **LEGISLATIVE INITIATIVES**

I want to let you know about several bills that will impact our office's appropriation.

- **HB 1197** requires a DNA sample to be obtained and maintained for all arrestees. The general fund impact of this bill will be significant. This office is currently working to determine the estimated cost. This and other bills described below will require staffing and additional space for the Crime Laboratory. If such space is added at its current location, the entire building will have to be sprinkled, which carries a significant cost.
- **HB 1251** requires cigarette manufacturers to be registered/certified by the state prior to their product being sold in the state. The bill requires the AG's office do the certification review, maintain a certification list on the web, etc. This legislation will require an appropriation for additional staff and operating expenses.
- **HB 1313, SB 2037, SB 2062, SB 2099, SB 2260** require this office to provide background checks to a significant number of entities. These bills will require an appropriation for additional staff and operating expenses, the bulk of which will be paid with special funds.

- **HB 1330** provides for a multijurisdictional drug task force grant fund with a continuing appropriation funded from \$125,000 per quarter transfers from the Lottery fund. This bill bridges the funding gap which resulted from the substantial reduction in Edward Byrne Memorial grants made to regional task forces throughout the state for expenses and operating costs. The Assets Forfeiture Fund can accept amounts from the multijurisdictional drug task force grant fund.
- **SB 2023** includes deficiency appropriations for the following:
  - An additional \$43,000 in general fund monies to reimburse counties and cities for prosecution witness fees for the remainder of the 2003-05 biennium. Historically the office's appropriation for prosecution witness fees has been insufficient to reimburse counties and cities for these expenses.
  - An additional \$21,140 in general fund monies for Litigation Fees as a result of litigation involving Racing Services Inc., Missouri River, and corporate family litigation which have resulted in higher than normal litigation costs
  - An additional \$103,030 in general fund monies needed to pay some unanticipated legal service invoices in the School Finance Litigation.
- **SB 2097** increases the 2005-2007 biennium collection amounts for 2003-2005 biennium Fire Marshal services unable to be billed until the 2005-2007 biennium due to staff shortages and PeopleSoft implementation.
- **SB 2099** transfers industrial hemp enforcement activities and fee collection from the Office of Attorney General to the Agriculture Department.
- **SB 2101** allows the Lottery to accept co sponsorship monies from outside entities for marketing expenses and allows the Lottery to take possession of a promotional motor vehicle without taking title. It also provides for retailer record and credit check fees to be paid from the continuing appropriation since the Lottery receives the monies and then pays them out for these services (each transaction is a wash). This also makes Lottery record and credit check fees consistent with the way Gaming and Licensing background check fees are handled.
- **SB 2103** requires the Office of Attorney General to reimburse health care facilities or professionals for performing criminal sexual rape examinations. The bill includes a \$500,000 general fund appropriation for the reimbursements.

- **SB 2161** requires the Attorney General to contract for and administer 10 sex offender registration kiosks. A general fund appropriation of \$1,046,080, which is included in the bill, is provided for this purpose.

OFFICE OF ATTORNEY GENERAL 2007-09 BIENNIUM - REQUESTED CHANGES - SENATE BILL NO. 2003

	2007-09 EXECUTIVE RECOMMENDATION	IT NETWORK POSITION	SALARY ISSUES										REQUIRED COSTS TO BE PAID				
			ACCOUNT TECHNICIAN	FEDERAL FUNDS STAFF	BCI	BARS SALARY INCREASE	STAFF EQUITY SALARY INCREASES	IT CRIMINAL JUSTICE POSITIONS	CRIME LAB BUILDING OPERATING	COMMUNICATION, USER FEES	IT DATA	LEGAL SERVICES, CPAT, AND GAMING OPERATING COSTS	TOTAL REQUESTED CHANGES	2007-09 BIENNIUM REVENUE APPROPRIATION			
SALARIES AND WAGES	21,344,055	130,822	90,188	164,159	172,232	482,615	261,916								1,301,932	23,128,603	
OPERATING EXPENSES	9,418,403											62,599			96,097	236,472	9,654,875
CAPITAL ASSETS	2,149,731														0	2,149,731	
GRANTS	4,197,000														0	4,197,000	
LITIGATION FEES	50,000														0	50,000	
ARREST & RETURN OF FUGITIVES	10,000														0	10,000	
GAMING COMMISSION	6141														0	6,141	
LOTTERY	4,048,402														0	4,048,402	
TOTAL	41,223,732	130,822	90,188	164,159	172,232	482,615	261,916					62,599			96,097	1,538,404	43,244,752
FTE	181.3	1.0	1.0	2.0											4.0	185.3	
GENERAL FUND	22,929,209																
FEDERAL FUNDS	8,799,578		45,094	39,588	172,232	470,791						62,599			93,556	883,859	24,283,859
SPECIAL FUNDS	9,484,945	130,822	45,094			11,825	261,916								2,541	124,571	8,924,149
TOTAL ALL FUNDS	41,223,732	130,822	90,188	164,159	172,232	482,615	261,916					62,599			96,097	1,538,404	43,244,752

REQUESTED ENHANCEMENTS FOR THE 2007-09 BIENNIUM BUDGET  
OFFICE OF ATTORNEY GENERAL

ENHANCEMENTS INCLUDED IN EXECUTIVE RECOMMENDATION

DESCRIPTION	SALARY	OPERATING	CAPITAL ASSETS	GENERAL FUND	FEDERAL FUNDS	SPECIAL FUNDS	TOTAL FUNDS
CRIME LAB - EXISTING LOCATION			1,242,840	1,242,840			1,242,840
BCI - MOTOR POOL, MOTOR FUEL, BULLETPROOF VEST REPLACEMENT		149,403		149,403			149,403
LOTTERY DRAW OPERATOR TEMPORARY SALARY	33,000					33,000	33,000
BCI - AFIS SERVICE CONTRACT INCREASE		62,597		62,597			62,597
CR. LAB EQUIPMENT SERVICE AGREEMENTS		85,200		85,200			85,200
BCI CASE MANAGEMENT REWRITE/DOCUMENT STORAGE		330,000				330,000	330,000
PROSECUTION & DISPOSITION INFORMATION - CJIS		150,000				150,000	150,000
CRIME LAB DNA APPLICATION		22,260	6,000			28,260	28,260
CRIME LAB TOXICOLOGY APPLICATION		50,000				50,000	50,000
CR. LAB - REPLACEMENT EQUIPMENT - CYCLE ESTABLISHED			170,000			170,000	170,000
CRIME LAB CAPITAL ASSETS			294,006		294,006		294,006
BCI LIVESCAN EQUIPMENT			100,000		100,000		100,000
CPAT - CLEANING SERVICES - TEMPORARY/OVERTIME	3,300					3,300	3,300
TOTAL OPTIONAL ADJUSTMENTS - EXECUTIVE RECOMMENDATION	36,300	849,460	1,812,846	1,540,040	394,006	764,560	2,698,606

ENHANCEMENTS PARTIALLY FUNDED IN EXECUTIVE

DESCRIPTION	CHANGE REQUESTS	EXEC. REC. AMOUNT
FORENSIC SCIENTISTS, AGENTS AND ATTORNEYS EQUITY ADJUSTMENTS	482,615	482,615
CRIME LAB PROJECT OPERATING	62,599	62,599
ITD DP, PEOPLESOFT FEES, TELECOMMUNICATIONS RENT, POSTAGE, PRINTING, MOTOR POOL, OFFICE SUPPLIES, RISK MANAGEMENT INSURANCE	96,097	96,097
OFFICE STAFF RETIREMENT	77,776	77,776
TOTAL REQUESTED OPTIONAL ADJUSTMENTS	482,615	482,615

ENHANCEMENTS EXCLUDED FROM THE EXECUTIVE RECOMMENDATION - REQUEST SENATE CHANGES

DESCRIPTION	CHANGE REQUESTS
NETWORK ADMINISTRATOR FUNDING CHG. - 1.0 FTE	130,822
FINANCE ACCOUNT TECHNICIAN - 1.0 FTE	90,188
CRIMINAL JUSTICE INFORMATION SYSTEM - 2.0 FTE'S LEFT IN BUDGET	261,916
BCI NCHIP POSITIONS - 2.0 FTE'S	164,159
BARS SALARY INCREASE ISSUE	172,232
TOTAL REQUESTED OPTIONAL ADJUSTMENTS	819,317
TOTAL REQUESTS AND FTE'S INCREASE	1,538,404

RELOCATE CRIME LAB TO NORTH BISMARCK, 2007-09 EXECUTIVE RELOCATION OF RECOMMENDATION	CRIME LAB ONLY REVISED 2007-09 BIENNIUM APPROPRIATION
CAPITAL ASSETS	
1,242,840	2,606,065
1,363,225	
TOTAL	2,606,065
1,242,840	
GENERAL FUND	2,606,065
1,242,840	2,606,065
TOTAL ALL FUNDS	

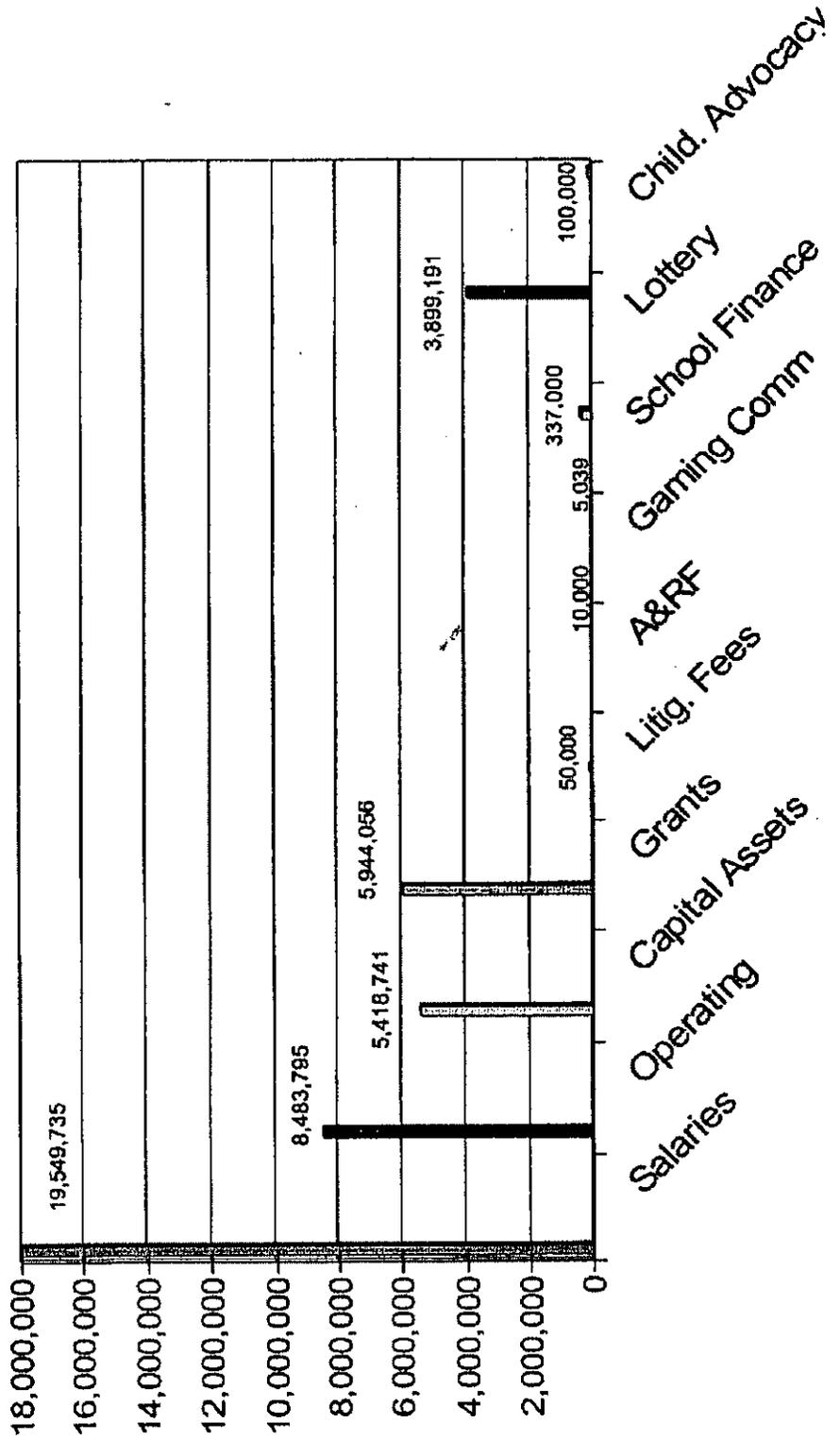
**CRIME LAB - NORTH  
LOCATION**

**CHANGE REQUEST**

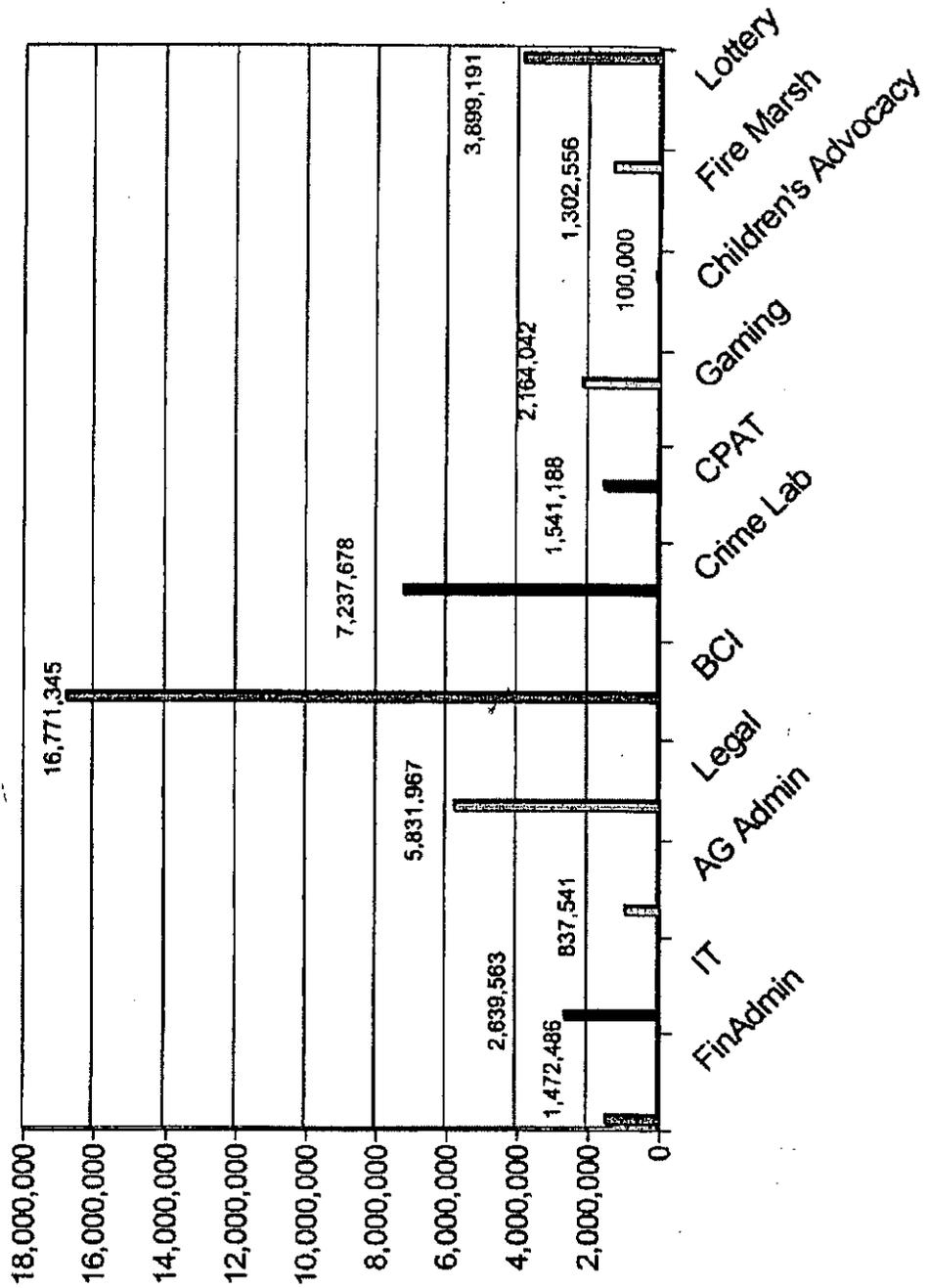
**CAPITAL ASSETS**

RELOCATE CRIME LAB TO NORTH	1,363,225	1,363,225	1,363,225
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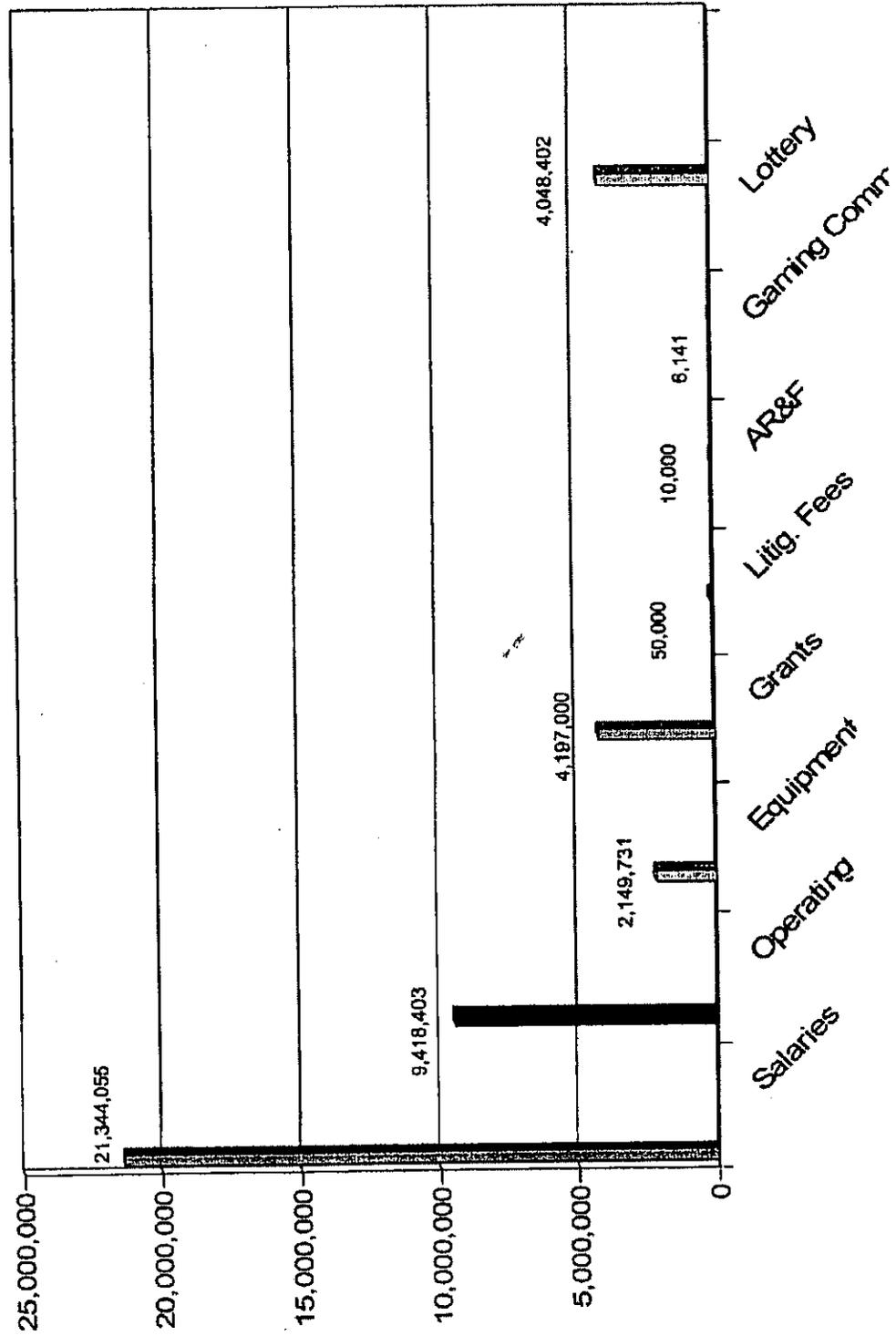
Office of Attorney General 2005-2007 Biennium  
 Appropriations By Line Item -  
 Total \$43,797,557



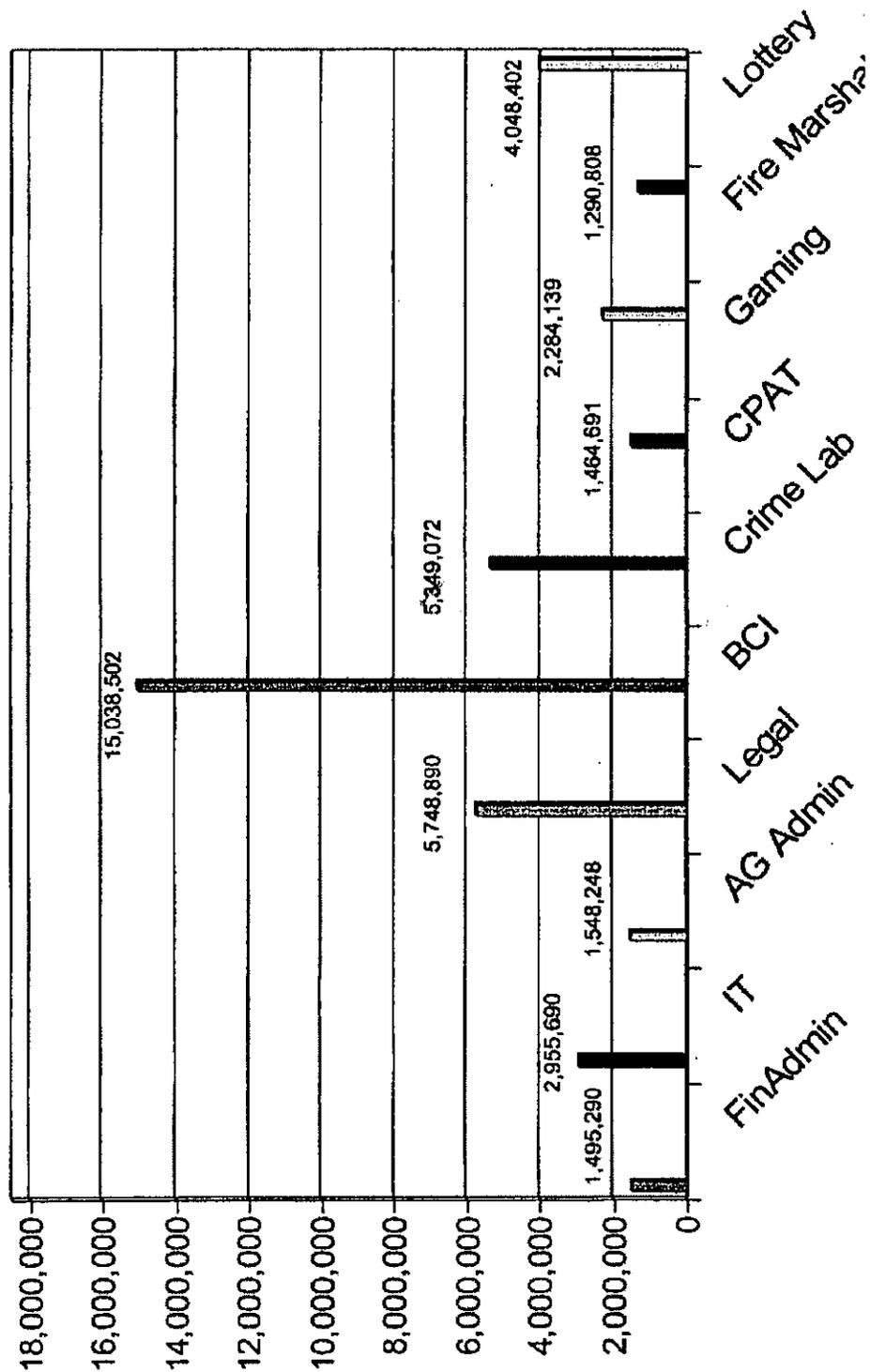
Office of Attorney General  
 2005-2007 Biennium Expenditures  
 By Division – Total \$43,797,577



Office of Attorney General 2007-2009  
 Biennium Executive Recommendation By Line Item  
 Total Recommendation \$41,223,732

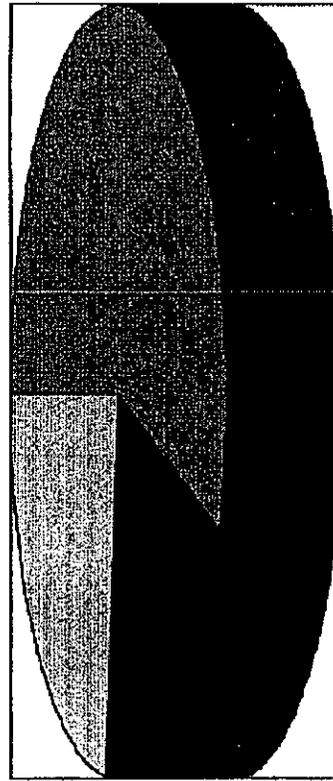


Office of Attorney General  
 Executive Recommendation for the  
 2007-2009 Biennium By Division  
 Total Budget Proposed \$41,223,732



Office of Attorney General Executive Recommendation for the  
2007-2009 Biennium By Funding Source  
Total Recommendation \$41,223,732

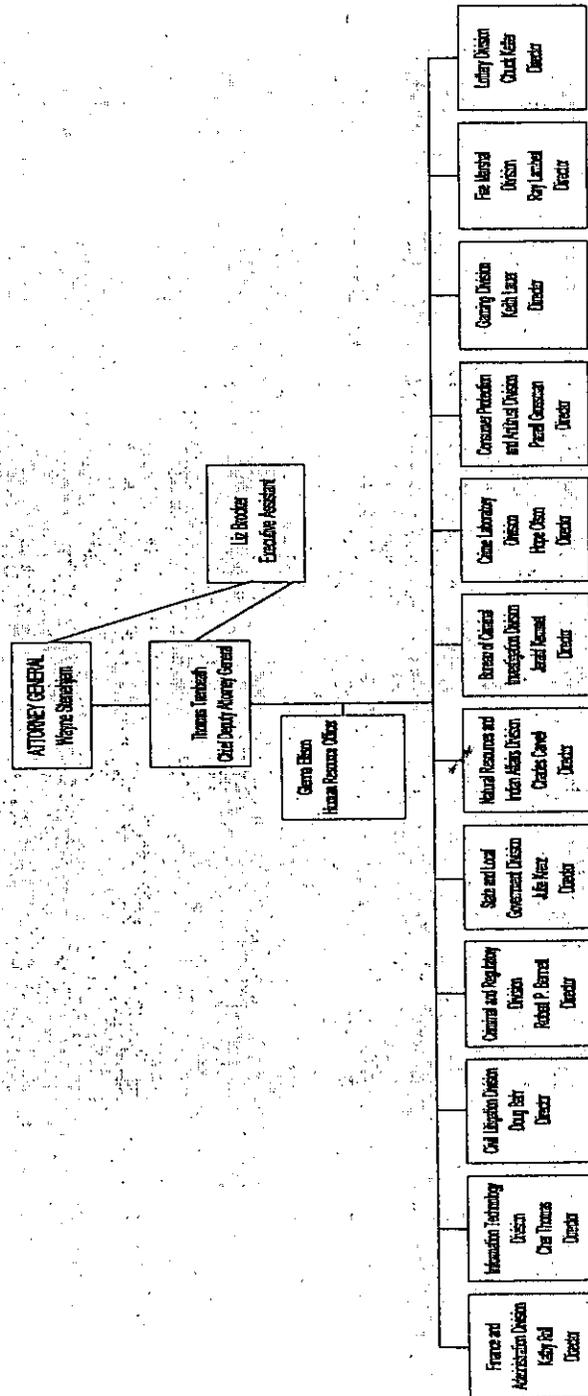
Other Funds  
23%



Federal Funds  
21%

General Fund  
56%

**NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL  
January 2007**



## MAJOR ACCOMPLISHMENTS

Enforced N.D.C.C. chapter 51-25, Tobacco Product Manufacturer Sales, that requires tobacco product manufacturers who do not join the master settlement agreement to pay funds into an escrow account based upon the number of cigarettes sold in North Dakota, resulting in over \$44,681,870 in settlement payments for the period from January 2005 through December 2006, for a total of over \$174,457,645 in settlement payments to date.

Collected over \$1,815,859 for the Bank of North Dakota and over \$3,343,281 for Job Service North Dakota.

Defended the Risk Management Fund in 41 new lawsuits between January 1, 2005, and December 31, 2006, resulting in a total of 59 Risk Management Fund cases defended during that time period.

Successfully defended the constitutionality of North Dakota's do not call law. Two nonprofit corporations challenged the constitutionality of N.D.C.C. ch. 51-28, the Telephone Solicitations Act, which was enacted in 2003. The plaintiffs asserted the Act infringed on their First and Fourteenth Amendment rights. The federal district court found the Act unconstitutional to the extent its restrictions apply to charitable speech. The State appealed the district court decision to the Eighth Circuit Court of Appeals. The Eighth Circuit Court of Appeals briefs reversed the district court and found the Act constitutional. The plaintiffs requested the United States Supreme Court to review the decision of the Eighth Circuit Court of Appeals. After briefing by the parties, on May 15, 2006, the Supreme Court declined to accept the case for review. Accordingly, the do not call law can be enforced against nonprofit and for-profit entities.

Defended a class action against the Department of Corrections and Rehabilitation. The DOCR, along with individual officials, was sued in November 2003 by 2 female inmates claiming they, and a class of similarly situated female inmates, had been discriminated against in the provision of services and programs based on their gender. In addition to the DOCR and its officials, the Southwest Multi-County Correction Center, the entity with whom DOCR has contracted to house the women inmates, was sued. The case was certified as a class action. There was extensive discovery of documents by the counsel for the inmates. In October 2005, the Department submitted a motion for summary judgment on the grounds there was no further injunctive relief necessary and that the individual defendants were not liable for damages. Since then, the plaintiffs requested additional document discovery and deposed many former and current officials and employees of DOCR. The plaintiffs' response to the motion for summary judgment is due December 30, 2006. A month trial is set for June 2007.

Issued 122 Attorney General's Opinions. Thirty-six of the opinions addressed alleged violations of the open records and meetings laws.

Assisted the state in issuing \$468 million in state revenue bonds.

Drafted agreements for storing vaccines and other drugs that would be needed to respond to bioterrorism incident or outbreak of a contagious disease.

Obtained dismissal of a suit brought in federal court challenging the constitutionality of the state's corporate farming law.

Successfully defended 2 lawsuits brought to stop the Devils Lake Outlet.

Successfully defended state hunting laws in a challenge brought by the State of Minnesota. Minnesota's appeal is pending before the Eighth Circuit Court of Appeals.

Successfully defended a suit brought by downstream Missouri River interests challenging the state's walleye stocking program for Lake Sakakawea.

Worked with the Health Department and the U.S. Environmental Protection Agency to clarify the Clean Air Act's application to North Dakota power plants.

Worked with the Health Department to hold the United States' first-ever "periodic review" hearings under the Clean Air Act's provisions on Prevention of Significant Deterioration. The hearings, conducted over 3 years, were significant steps in resolving long-standing questions about compliance with North Dakota's Class I PSD increments. This resolution was needed to determine appropriate pollution control technologies on existing power plants, and to determine whether new plants can be built.

Worked 260 methamphetamine laboratories in 2004, 192 in 2005, and 45 in 2006. Twenty-three agents of the Bureau are clandestine lab certified personnel, 9 of which are site safety certified.

Increased efforts in the cybercrime area, now dedicating 2 investigators to coordinate cybercrime investigative activities and provide assistance to local law enforcement. The work demands the full attention of these agents who have the expertise necessary to properly seize unique evidence, analyze system hardware and software, adequately investigate alleged crimes, and provide expert testimony in this very technical area. These agents assist with a wide variety of investigations including narcotics activity, child pornography, child abuse, child molesters, counterfeit documents such as drivers' licenses, internet auction fraud, terrorizing, extortion, and identity theft.

Implemented a Cold Case Team consisting of 2 current agents this biennium. With current staff and a limited number of hours available to devote to this project, as time permits, these agents have been reviewing numerous unsolved cases. To date, a 1984 homicide case out of New Rockford has been cleared, and 14 additional homicide and missing person cases from as early as 1962 are currently under review.

Awarded funds through the Drug and Violent Crime Policy Board and subcommittee totaling nearly \$3.7 million to 139 criminal justice projects, including criminal justice information systems, updating communications and computer information systems, narcotics enforcement initiatives, enhancement of officer safety, domestic violence and victim/witness programs, crime prevention and drug education programs, and adjudication, prosecution, training, and treatment programs.

Continued to partner with the Highway Patrol, State Radio, and the North Dakota National Guard to create a fusion center located at Fraine Barracks which receives and disseminates homeland security intelligence to the proper agencies. This center collaborates with the FBI's Field Intelligence Group (FIG), a regional fusion center for the entire upper Midwest. To date, North Dakota's fusion center has identified fifteen critical infrastructures as possible terrorist targets and continues to provide training to local agencies regarding Homeland Security issues. The office has an agent assigned to the fusion center on a full-time basis.

Developed a Post Seizure Analysis Team (PSAT) to help facilitate information sharing between task forces, analysts across the nation, and the northern border International Border Enforcement Teams (IBET). The PSAT will enhance our ability to identify threats and more effectively target investigative efforts. The PSAT will be a multi-agency team consisting of Border Patrol, Immigration and Customs Enforcement (ICE), Bureau of Criminal Investigation (BCI), and the North Dakota Highway Patrol. The North Dakota Fusion Cell will also be incorporated into PSAT to provide support and investigative capabilities in the western part of North Dakota.

Opened 2,788 consumer complaints and investigations and closed 2,921 files in 2005-2006. The office recovered \$1.213 million on behalf of consumers. During the same period the office took legal action against 112 companies or individuals resulting in recovered fines, penalties, investigative costs and attorney's fees totaling \$519,255. The office conducted 131 consumer fraud and identity theft presentations.

For fiscal years 2005 and 2006, there were 975 active gaming sites; \$529.7 million was wagered; \$32.4 million was raised for charitable uses; \$18.8 million was collected in gaming and pull tab excise taxes; \$4.3 million was generated in bingo sales tax; and \$236,000 was collected in interest, penalties, monetary fines, criminal history record check fees, and sales of gaming stamps and publications. Since 1977, \$433 million has been raised for charitable uses.

Implemented a new limited gaming compliance audit review program and a new In-office audit review program in February 2005. Nearly one-third of all gaming organizations will be reviewed under these new audit programs prior to the end of the 2005-2007 biennium.

For calendar years 2005 and 2006, 136 fire investigations were conducted to assist local fire and law officials in fire cause determination and arson mitigation. Of these, arson was determined to be the cause in 23% of the investigations.

The 2005 Lottery operating revenue was \$19.2 million and state general fund revenue was about \$5.57 million. The 2006 Lottery operating revenue was \$22.8 million and state general fund revenue was about \$6.3 million. The total Lottery operating revenue increased by 19.6% from 2005 to 2006. For the 2005-2007 biennium, the Lottery initially projected operating revenue of \$38.5 million and state general fund revenue of \$10 million. Subsequently, the Lottery increased its projected state general fund revenue to \$12 million. The Lottery is on track to exceed both sales and state general fund revenue projections.

The Information Technology Division with the help of the BCI, Attorney General Administration and the Criminal Regulatory Divisions implemented a new and improved sex offender web site for the public with the ability to map offenders and produce a complete list of offenders by state, county or city.

The Information Technology Division with the help of the Lottery Division implemented a lottery subscription service for the public. An email notification function was added as well. These services are available via the Lottery web site.

## ADMINISTRATION DIVISION

### **Explanation of Program Costs**

The salary and wages line item contains funding for 4 positions including the Attorney General. The operating line item includes funds for office supplies, telephones, legal research databases, as well as production and printing of publications, training on personnel and administrative matters, equipment leases and printing costs.

### **The Attorney General Administration Division provides the following services:**

- Administrative assistance to other divisions in the agency.
- Support to the Attorney General and coordination of special projects.
- General information regarding North Dakota laws to the general public.
- Representation on various boards and commissions.
- Personnel administration services and public information services to other agency divisions.

### **Program Statistical Data**

This division has 4 staff members including the Attorney General. It provides support services to the entire office (187.3 FTE's) including review of legal matters, administrative

supervision; personnel administration, coordination of North Dakota Commission on Drugs & Alcohol; coordination with public and private sector entities on law enforcement enhancement projects (i.e., the Retail Meth Watch program); and provision of public information to members of the public including responses to media inquiries.

The division provides personnel services including maintenance of the personnel files for all office employees, preparation of reclassification requests, administration of all evaluations and support for supervisors in disciplinary, personnel administration and hiring processes.

It is also the responsibility of this division to either compose or edit for final publication all public documents the agency produces. The agency has either produced or is in the process of producing more than 20 publications including: Biennial Report, Open Records and Open Meetings Manuals, the Comprehensive Status and Trends report, North Dakota Drug and Violent Crime Strategy, Annual Crime and Homicide Reports, Annual Fire Statistics Report, Gaming Update newsletter, the Concealed Weapons Manual, and the "Too Good to Be True" semi-monthly consumer protection column. A sampling of the topics covered in brochures produced during the biennium include: Scams, Sham and Flimflams, Small Claims Court, Employee Liability, Methamphetamine, Open Records and Open Meetings, Disaster Scams, Lemon Law, Tenant Rights, Pyramid Schemes, Eminent Domain, Concealed Weapons, Identity Theft, Anhydrous Ammonia, What Teenagers Need To Know About Sex and the Law, and general information about the functions of the Attorney General's office and the Opinion process.

In addition, division members are responsible for composing and editing letters to constituents; position papers and correspondence to federal agencies and the Congressional delegation on matters of interest to the legal and law enforcement communities; letters and other documents prepared in conjunction with the United States Attorney; and materials for various public seminars and presentations.

## **BUREAU OF CRIMINAL INVESTIGATION**

### **Explanation of Program Costs**

This cost center contains salaries and wages for 65 FTE's, including 39 in the Investigative/Training Section, 13 in the Administrative Services and Grants Management Section, 12 in the Information Services Section, and 1 division director. The agency maintains vehicles for 34 agents and 1 administrator who are on call 24 hours a day. BCI operates thirteen field offices in addition to the central office in Bismarck. Nine locations pay rent, which is reflected in the budget. BCI agents manage the activities of 8 ask forces throughout the state. In addition, agents and other staff provide a variety of services across the state and interface with other state, local, and federal agencies, all of which increase the need to travel.

In addition to salaries, agents are paid overtime for work on narcotics and major crime investigations, some of which is federally funded. Other federal funds are administered by this agency as grants to local and state criminal justice agencies. Federal funds awarded or managed by this office provide for a variety of services including technology improvement, victims' services, and narcotics enforcement.

Aside from criminal and narcotics investigation activities, a rapidly growing service area within BCI continues to be information services. BCI currently maintains state criminal history record information, sex offender and offenders against children registration files, automated warrant files, files of concealed weapon permits, as well as criminal justice statistical reports from law enforcement agencies throughout the state. The state participates in a regional Automated Fingerprint Identification System (AFIS) with Minnesota and South Dakota that provides law enforcement agencies in the state with a powerful investigative and identification tool in stored fingerprint images. The AFIS allows for electronic booking of arrested individuals at the local level and electronic reporting of arrest information and fingerprints to the FBI.

**The BCI provides the following services:**

- Assistance to local law enforcement agencies in investigating cybercrime, homicide, sexual assault, child abuse, arson, and terrorism; and provide services in polygraph and photography.
- Undercover personnel, confidential funds, special surveillance equipment, intelligence information, and training to local law enforcement agencies.
- Dedicated investigations in the area of controlled substance trafficking through participation in 9 narcotics task forces, including supervision for 8 of the 9.
- Forensic examinations of computers involved in criminal activity for state, local, and federal law enforcement agencies.
- Participation in a fusion center where intelligence regarding homeland security issues is gathered, analyzed, and disseminated to law enforcement.
- Maintenance of a case management system to document investigations, and provide copies to appropriate persons.
- Maintenance of a statewide criminal history record information system (CJIS), and providing this information to the federal criminal history database.
- Criminal history record checks to criminal justice agencies and courts, and non-criminal justice requesters including the North Dakota Department of Human Services, North Dakota Education Standards and Practices Board, North Dakota Private Investigative and Security Board, employment agencies, property managers, local social service agencies, private investigative firms, service

providers, National Conference of Bar Examiners, nursing homes, and to the general public.

- Concealed weapon permits and a system for tracking that information.
- Maintain Central Warrant Information System (CWIS), Uniform Crime Reporting (UCR), and a Protection and Restraining Order System.
- Maintain an Automated Fingerprint Identification System (AFIS) for identification and criminal investigation purposes.
- Statistical reports to criminal justice agencies, government agencies, and interested persons, state legislators, state's attorneys, police departments, sheriff's offices, correctional agencies, a number of Chamber of Commerce offices in North Dakota, North Dakota Department of Health, North Dakota Department of Transportation, North Dakota Supreme Court, Legislative Council, Office of Management and Budget, Highway Patrol, Department of Human Services, Association of Counties, media, and many others.
- Assistance to the Drug and Violent Crime Policy Board in setting guidelines for awarding grants, and assistance to local agencies in preparing grant applications.
- Monitoring local drug grant programs, audit expenditures of funds, and maintain detailed records of all grant activities.
- Training for law enforcement and corrections, maintain officer training records, and issue peace officer licenses.
- Offer CounterAct training, a drug and alcohol education/prevention program, to local law enforcement officers who, in turn, educate fifth through sixth graders statewide.
- Offer training to the general public, businesses, and other agencies on a variety of law enforcement issues including drug awareness issues and other criminal activity.
- Maintenance of a statewide sex offender and offenders against children registration system that requires these offenders to register and that addresses are verified every 6 months for most offenders and every 90 days for lifetime registrants. Maintain a registered offender's web site for lifetime registrants and high-risk offenders.

### **Program Statistical Data**

Thirty-three investigative agents continue to open over 800 new cases each year. The annual caseload has grown over the past several years from 415 in 1995 to 823 in 2006. Methamphetamine cases have increased from 15 in 1994 to 139 in 2006.

Agents closed down 17 methamphetamine laboratories in 1999. That number increased to a high of 297 in 2003. Since then, numbers have decreased to 260 labs in 2004, 192 in 2005, and 45 in 2006.

Criminal history record information is maintained on approximately 107,200 persons. Roughly 12,000 new arrests are posted annually.

The Central Warrant Information System contains approximately 20,400 warrants and protection and disorderly conduct restraining orders entered by law enforcement agencies throughout the state.

The Protection and Restraining Order System contains approximately 950 full-text orders transferred by the court and accessible to law enforcement.

Concealed Weapon Permits have been issued to a total of 7,759 as of December 31, 2006. In the 2003-2005 biennium, a total of 4,784 new or renewal permits were issued. Fees for these permits resulted in revenues of \$119,600.

The BCI receives approximately 18,900 requests for criminal history record information each year from non-criminal justice requestors.

There are currently 9 separate statewide information systems being operated by the BCI. These systems include:

1. Uniform Crime Reporting (UCR)/Incident-Based and Summary Reporting - a statistical system that tracks crime in North Dakota.
2. Case Management System - an automated system to aid BCI agents in generating and maintaining investigative case reports.
3. Offender Registration System - a system for the registration and tracking of sexual offenders and offenders against children.
4. Criminal History Records System - a system that compiles records of arrests and prosecutions of individual offenders for use by law enforcement, the courts, and the public.
5. Central Warrant Information System (CWIS) - a system used by law enforcement agencies to communicate information on outstanding arrest warrants.
6. Concealed Weapon Permits - a system for receiving and processing applications for concealed weapon permits, issuing permits, and maintaining a permit record system.

7. Automated Fingerprint Identification System (AFIS) - a system, operated as part of a regional program with the states of Minnesota and South Dakota, which allows for electronic scanning, transmission, and storage of fingerprint image data to aid in identification and criminal investigations. The AFIS integrates livescan booking stations at the local level with nationwide fingerprint search capabilities provided by the FBI's Integrated AFIS (IAFIS).
8. Protection and Restraining Order System - a system developed by BCI, in cooperation with the courts, to provide information on individuals with current court orders restricting contact with other persons.
9. POST Board Training Records - a system to maintain peace officer training records, approve law enforcement courses, and issue renewal notices and peace officer licenses.

Statistical crime data is collected from approximately 100 local law enforcement agencies.

As of January 5, 2007, 1,168 offenders have a requirement to register as a sex offender or offender against children in North Dakota.

Annually, the grants management section administered over \$3.7 million in grant funds.

For the 2005-06 school year officers who were certified as CounterAct instructors instructed the CounterAct drug and alcohol prevention program for 2,237 students and 1,522 parents in the communities they serve.

In 2005, BCI agents provided community drug awareness training to 7,034 adults and children. Similar training was brought to 10,444 adults and children in 2004.

Training and license records were maintained for approximately 1,800 peace officers.

Provided law enforcement training to 2,364 local, state, and federal officers in calendar year 2006.

## **CONSUMER PROTECTION AND ANTITRUST DIVISION**

### **Explanation of Program Costs**

This budget includes funding for the ongoing operation of the division. The staff consists of the division director, 2 assistant attorneys general, 4 investigators and 3 administrative assistants. The division averages 150 calls and 50 pieces of correspondence per day.

Consumer protection issues continue to increase despite the office's efforts and consumer fraud scams proliferate in North Dakota and throughout the country. Many

instances of consumer fraud result in the loss of thousands of dollars for individual North Dakota consumers and businesses. As a result the division anticipates an increased need for resources to protect consumers, combat consumer fraud and identity theft, and enforce other related laws. The availability of the divisions' toll-free incoming telephone line has resulted in substantial utilization by consumers looking for the division's assistance or referral to other appropriate agencies or organizations.

The division is actively engaged in cooperative efforts with the National Association of Attorneys General, other Attorneys General, private businesses, etc., in an effort to protect consumers' privacy in business, financial, Internet and other personal transactions. Identity theft is a serious and growing concern for North Dakota consumers. The division has increased its consumer education efforts to protect consumers' social security numbers and other personal identifying information. In addition, the division has become a clearinghouse for North Dakota Identity Theft victims in assisting those victims who report the theft and assist them in addressing the consequences or correcting resulting problems.

The division is continuing its close working relationships with other state agencies such as the Insurance Department, Department of Financial Institutions, Workforce Safety and Insurance Bureau, Public Service Commission, Securities Department, and Secretary of State. The division also works closely with federal agencies such as the Federal Trade Commission, United States Department of Justice, United States Postal Inspector, and Federal Communications Commission.

**The Consumer Protection and Antitrust Division provides the following services:**

- Protect North Dakota consumers from misleading, deceptive, fraudulent, and unfair trade practices in connection with the sale or advertisement of goods or services by enforcing the state's antitrust laws, consumer fraud laws (including false advertising, unfair trade practices, home solicitation sales, pyramid schemes, contest prize notices), consumer credit counseling service laws, transient merchant laws, charitable solicitation laws, non-profit corporation laws, and do not call laws.
- Initiate and coordinate investigations and prosecute legal actions for violations of laws enforced by the division with local, state and federal law enforcement and regulatory agencies, including participation in multi-state investigations and legal actions.
- Educate law enforcement personnel on consumer fraud prevention and enforcement.
- Mediate consumer complaints between consumers and businesses.
- Investigate consumer complaints and violations of antitrust laws, consumer fraud laws, non-profit corporation laws, transient merchant laws, do not call laws, etc.,

and take legal action to obtain injunctive relief, civil penalties, restitution and other equitable relief.

- Conduct statewide consumer fraud and identity theft education presentations to the elderly, students, civic and professional groups, etc., and provide consumer warnings.
- Research state and federal consumer fraud law and issues and assist state and federal legislators in the development and implementation of legislation concerning consumer and antitrust issues.

### **Program Statistical Data**

During 2005-2006, the division opened 2,788 consumer complaints and investigations and closed 2,921 files. The division recovered \$1,213,000 on behalf of consumers and state agencies. The division took legal action against 112 companies or individuals resulting in recovered fines, penalties, investigative costs and attorney's fees totaling \$519,255. The division conducted 131 statewide consumer fraud, identity theft, and law enforcement presentations. There were 131 do not call list violations and 70 prerecorded message violations reported to the division. (This figure represents a small number of the actual violations, as many telephone subscribers do not report violations.)

Do Not Call enforcement continues to be a significant priority and issue for the Attorney General and North Dakota telephone subscribers who value their privacy. In do not call enforcement proceedings the division initiated 58 investigations, entered into 43 settlements (resulting in collections of \$61,900 in civil penalties), obtained 2 judgments (\$149,160 total) and issued 5 cease and desist orders.

Of the nearly 1,400 complaints and investigations handled each year, approximately 600 cases, or 150 files per investigator, are pending at any one time. The division conducts approximately 50 consumer fraud educational, law enforcement and training presentations each year, to limit or prevent consumer fraud. However, Internet fraud, Canadian cross border jurisdictional problems, creative con artists and crooks and more sophisticated consumer fraud scams utilizing advanced technology have increased the occurrence and consequences of fraud, causing more complex, costly and time consuming investigations and legal actions.

## **CRIME LABORATORY**

### **Explanation of Program Costs**

The salary and wages expenses are for 17 FTE's and 1 part-time employee who analyze and examine physical and toxicological evidence submitted by the criminal justice system and coroners. This includes: preparation of laboratory reports, certified documents, data collection, courtroom testimony, and associated administrative costs. The operating costs include: laboratory supplies, preventive maintenance agreements, employee travel,

repairs, postage, and telephone costs. The equipment expenses are to provide instrumentation, essential in meeting the guidelines and demands of the courts.

The Crime Laboratory's objective is to provide scientific support to the state's criminal justice system by use of accepted techniques in the analysis, identification, and comparison of physical and toxicological evidence involved in the investigation and prosecution of criminal offenses.

**The Crime Laboratory provides the following services:**

- Examination of physical and toxicological evidence provided to local, state, and federal law enforcement agencies, the military, prosecutors, and defense attorneys.
- Investigation of clandestine laboratory evidence.
- Maintenance of a DNA database of convicted offenders.
- Follow-up on referrals to local, state, and federal agencies involving death investigations.
- Equipment selection, inspection, repair, and training of law enforcement agents in breath/alcohol analysis.
- Provide expert testimony in courts.

**Program Statistical Data**

Crime Laboratory services are provided to approximately 200 law enforcement agencies, coroners, medical examiners, and state's attorney's offices. During 2005 and 2006 over 16,000 cases were submitted for physical and toxicological examinations. This includes 6,714 blood alcohol cases (driving under the influence - DUI), 5,300 narcotic cases, 1,468 urine or blood drug screens, 1,673 convicted offender samples, 669 serology/DNA cases, 75 latent fingerprint cases, 50 firearm/toolmark cases, 40 arson cases, and 9 miscellaneous criminalistic examinations.

During 2005 and 2006, 32 sessions were held, training 1,120 law enforcement officers in the use of breath instruments. Maintenance, certification, and archiving of data for 54 breath instruments which performed 5,676 breath alcohol cases for DUI in the field was provided.

The Crime Laboratory forensic scientist's salaries within the laboratory must become competitive within the region. These agencies all have starting salaries for new scientists exceeding \$3,000 per month, compared to the Crime Lab's starting salary of only \$2,216 per month. Recently, the North Dakota Human Resource Management Services released a report indicating out of the approximately 100 job classifications

surveyed, the Forensic Scientist series was **nearly 60% below** the market equity for salaries. In addition to substantially lower salaries, the forensic scientist series is comparably lower than the average chemist's salary and classification in the state (a comparable job category).

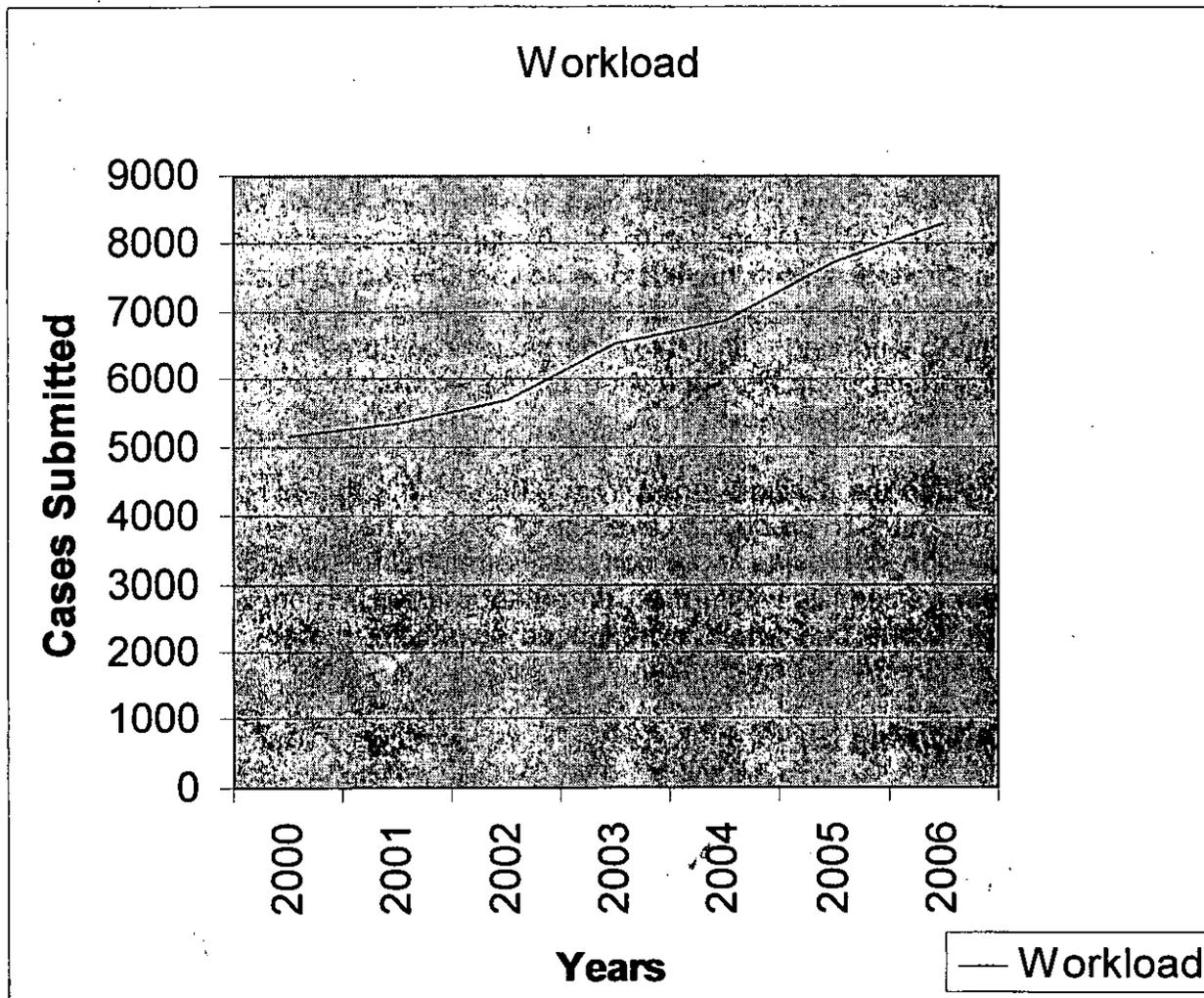
Due to significantly lower forensic scientist salaries, the Lab has serious retention and recruitment issues. The Lab is unable to hire employees with forensic experience. Employees without this experience have a 6 to 24 month learning curve. Experienced staff must not only monitor the work of the new employees, but also handle the significantly increasing workload. This situation has exacerbated processing casework delays and has a serious negative impact on employee morale which in turn causes employees to look for work elsewhere.

Also, comp ratios within the division range from 0.68 to 0.85; the division is requesting funds to increase the ratios to an agency average of 0.89. The requested enhancement would allow the division to provide more competitive minimum starting salaries and an equitable increase for scientists within the Crime Laboratory Division. This request will help the laboratory recruit and retain experienced scientists; thereby providing better service to the law enforcement community.

### **Crime Laboratory Staffing**

The Crime Laboratory Division has experienced approximately **55% growth** in casework over the past 5 years. Workload demands will necessitate adding FTE's to accommodate the growth sometime within a short time period.

The DNA unit is responsible for maintaining the DNA database for convicted offenders and performing DNA analysis on criminal casework. Currently, DNA case processing is determined on a priority basis. Court dates or the urgency of a case drives the workload prioritization. With proper staffing, turn-around time for DNA casework can be as short as 2 to 4 weeks. Law enforcement agencies are requesting a quicker turn-around time on pending casework which equates to better service to law enforcement agencies and the entire criminal justice system.



**FINANCE AND ADMINISTRATION DIVISION**

**Explanation of Program Costs**

This division of 14 employees consists of the following sections: 1) finance, payroll, and budget; 2) word and data processing; and 3) records management and administrative operations. The 7 administrative assistant staff members provide word and data processing support to approximately 80 staff members. The Finance and Administration staff provide technical, budget, finance, payroll, records management, purchasing, reception, and other administrative services to the 13 office's divisions.

The Finance and Administration Division provides internal administrative services and assistance to the divisions of the Office of Attorney General in a timely and cost effective manner. These support services include finance and budget, administrative operations, information processing and employee payroll matters.

**The Finance and Administration Division provides the following internal services:**

- Payment of bills and payroll.
- Budget preparation, implementation, and management.
- Receptionist services.
- Filing.
- Information processing.
- Records management.
- Billing for legal and Fire Marshal services.
- Purchasing and printing services.
- Legislative information and testimony.

**Program Statistical Data**

This program provides administrative assistance to all of the Office of Attorney General's 13 divisions. This division supports 187.3 authorized FTE's, 2 of which are included in a continuing appropriation.

<b>FIRE MARSHAL</b>
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**Explanation of Program Costs**

The salaries and wages fund 8 FTE's to address the program objectives. Operating expenses fund main and field office rental space, necessary travel, professional services, emergency equipment, investigation supplies, and other needed items. These expenses support efforts of local officials through fire prevention, fire investigation, and training.

**The Fire Marshal provides the following services:**

- Fire inspections in educational facilities, state buildings, child-care facilities, flammable material storage sites, and assembly occupancies.
- On-scene fire investigations to determine cause and assisting in arson prosecution.

- Technical support in arson cases and assistance in mitigating the effects of incidents involving hazardous materials, assist in prevention program development.
- Compiling fire incident and property loss information to determine statewide fire problems.
- Enforcing all state laws dealing with fire prevention; the storage, sale, and use of combustibles and explosives; fire protection equipment; and the means and adequacy of public assembly exits.
- Providing public education regarding the hazards of fire.
- Interpreting the state fire code.
- Training local officials in fire investigations, hazardous material incident response, and fire prevention. Educating local officials in fire origin and cause, fire prevention, and hazardous material incident response
- Providing National Fire Incident Reporting System training and support to fire departments.

### **Program Statistical Data**

During 2005 and 2006 calendar years, 957 fire safety inspections were conducted in educational facilities, public assemblies, child-care facilities, state buildings, flammable material storage sites, and in other public places throughout the year.

Approximately 100 hazardous material incidents occur each year, and assistance is provided to the local emergency responders.

Over 2,200 fire incident reports are compiled each year for the purpose of determining the fire problem, tracking arson trends, developing fire safety programs, and educating local fire departments about fire issues to promote their suppression and prevention programs. (Because all of the 2006 fire incidents have not yet been submitted, 2005 calendar year numbers are reflected.)

Multiple fire code interpretations are conducted daily/weekly. Persons assisted include business owners, homeowners, fire officials, building officials, school districts, and others.

Fifteen pre-construction plans are reviewed for fire code compliance each year.

Approximately forty-five public education sessions are conducted annually to target audiences for the promotion of fire safety.

Three hundred fifty-one local emergency responders received training through the hazardous materials/weapons of mass destruction training program.

The division provided National Fire Incident Reporting System (NFIRS) training to over 100 individuals. Nearly 400 fire departments throughout the state receive ongoing NFIRS support from this division.

## GAMING DIVISION

### **Explanation of Program Costs**

The budget includes funding for 15 FTE's to administer, regulate, and enforce the charitable gaming industry, of which 1.5 FTEs ensure compliance with the Tribal-State Indian gaming compacts. The budget includes \$211,842 in special funds for regulating Indian gaming activity; \$44,592 for printing and operations of the state gaming stamp system to efficiently manage and control the distribution of certain gaming equipment and to cover the cost of printing gaming law and administrative rules manuals and record-keeping booklets published by the Attorney General; and \$617,000 for gaming enforcement grants to cities and counties.

### **The Gaming Division provides the following services:**

- Establish and maintain an effective system of administration, regulation, and enforcement of the charitable gaming industry. Legal games include bingo, raffles, pull tabs, punchboards, sports pools, twenty-one, poker, calcuttas, and paddlewheels.
- Assist local law enforcement officials, gaming organizations, distributors, manufacturers, and the general public with gaming laws and rules, record keeping, and tax returns preparation. Perform criminal history record checks on potential gaming employees.
- Assist the State Gaming Commission in drafting proposed gaming laws and rules and conducting public hearings.
- Timely review and process applications and distributor records; gaming tax returns; collect license fees, miscellaneous types of revenue, and taxes; and issue licenses for various North Dakota industries.
- Conduct outreach training sessions for local law enforcement officers, organization board members, and gaming employees and volunteers.
- Publish a quarterly newsletter.
- Conduct compliance and financial office and field audits of licensees.

- Administrative complaints, assess monetary fines and impose appropriate sanctions. Pursue the collection of delinquent taxes, interest, penalties, and monetary fines.
- Conduct and coordinate investigations of illegal gaming activity and thefts.
- Coordination of laboratory testing on bingo and pull-tab dispensing devices, bingo card marking devices, and bar code reading devices.
- Plant manufacturing inspections on pull tabs and paper bingo cards.
- Conduct legislative research.
- Indian casino inspections to ensure compliance with Tribal-State Indian gaming compacts.

### **Program Statistical Data**

During fiscal years 2005 and 2006, there were 975 active gaming sites; \$529.7 million was wagered; \$32.4 million was raised for charitable uses; \$18.8 million was collected in gaming and pull tab excise taxes; \$4.3 million was generated in bingo sales tax; and \$236,000 was collected in interest, penalties, monetary fines, criminal history record check fees, and sales of gaming stamps and publications. Since 1977, \$433 million has been raised for charitable uses.

There were 28 administrative complaints issued and settled by the division against gaming organizations or distributors. Approximately 350 organizations, 11 distributors, 10 manufacturers, and 4,500 employees and volunteers were involved in the charitable gaming industry. Organizations filed about 2,800 gaming tax returns and distributors filed several thousand sales invoices and other records. Monthly inspections at the tribal gaming casinos were conducted. Staff members inspected 4 manufacturing facilities that produce pull tabs and paper bingo cards. Sixteen training sessions were conducted in 5 major cities. A total of 520 people representing 222 organizations and 1 distributor attended. One-on-one training was provided to 56 people representing 18 organizations, and post audit training was provided to 35 people representing 14 organizations. Governing board training was provided to 1 organization with 7 people attending and training was provided to 5 law enforcement officials.

The office negotiated a settlement in the state's lawsuit against Gary Minard and the IQ fund which resulted in distribution of over \$64,000 to Bismarck State College Foundation, a life-time ban of Mr. Minard from the charitable gaming industry, and a \$15,000 monetary fine.

Conducted public hearings and provided assisted to the State Gaming Commission in revising the Games of Chance Administrative rules which were promulgated on October 1, 2006.

Developed and implemented "auto calculating" gaming tax return forms on the office's web page to reduce the number of mathematical errors on tax returns submitted to the Gaming Division.

A new limited compliance review program and in-office audit review program was implemented in February 2005 for gaming organizations. Through December 2006, a total of 133 compliance reviews and 16 in-office audit reviews have been completed.

## INFORMATION TECHNOLOGY

### **Explanation of Program Costs**

This division has 10 FTE positions -- 3 in the Local Area Network (LAN) Administration, 4 in applications development, 2 FTE's are dedicated to the Criminal Justice Information Sharing effort and 1 division director. One position is currently being funded through a federal grant. The federal grant is being phased out and will no longer be available to fund this position. This position is critical to BCI as well as the overall upkeep of the network within our office. The 2 CJIS positions are funded through the CJIS fund within ITD's budget. The rest of the staff is funded through the state general fund. This division budget includes IT related data processing, consultant services, supplies and equipment for the office.

The Information Technology (IT) Division provides computer services to the Office of Attorney General. These services include the development, implementation and support of computer applications that meet the information needs of the divisions and their customers as well as improving decision-making abilities. The division also provides the development, implementation and support of Local Area Network/Wide area network (LAN/WAN) technology to ensure the accuracy and security of the agency's data; as well as the help desk function to facilitate division requests for IT services.

Enterprise level initiatives such as Enterprise Architecture and Criminal Justice Integration may have a direct or indirect impact on the Office of Attorney General. Therefore, the Information Technology Division is heavily involved in these initiatives.

### **The IT Division provides the following services:**

- Computer network support involving 5 local sites and 12 remote sites along with connections to several federal and state agencies.
- Computer applications support for the diverse business functions of the office. With 13 very different and complex divisions in the office with diverse functions, such as criminal justice, consumer protection, charitable gaming, lottery, and legal, IT staff must understand a large variety of business functions.

- Provide backup and recovery of computer files, and maintains disaster/recovery and contingency plans.
- Develop and implement strategic planning for division and overall office IT requirements that link effective software and hardware utilization to the business needs of the agency.
- Provide Web services such as the sex offender web site, the Attorney General web site complete with current and prior opinions, the Lottery web site, news releases and much more information for the public.
- Plan for agency computer training needs.
- Evaluate and provide tools to facilitate division self-sufficiency.
- Plan for and replace hardware in an effective and efficient manner.
- Plan for and replace old software as needed to enable the office to move forward to implement its business objectives.
- Create software using internal programming staff to meet the ongoing and future needs of the agency when purchased software is not feasible.
- Perform help desk function to log and evaluate computer problems and requests for services.
- Provide security systems for office data.
- Develop and maintain policies and procedures for office IT related areas.
- Provide support for critical applications and network after normal work hours.
- Collaborate with divisions to evaluate software and hardware that assist the divisions to become more effective and efficient. This includes gathering requirements for a new application whether the software is purchased or developed in-house.
- Effectively maintain data to easily provide information to the public as needed.
- Support external customers who have access to our network and applications.

### **Program Statistical Data**

This division supports 5 local sites and 12 remote sites, personal computers or laptops for 180+ employees, 8 livescan units, 17 agency servers and 2 servers dedicated to CJIS. IT supports 32 computer applications, mostly in-house developed.

The division rewrote 3 applications: the Fingerprint Image Transmission System (FITS), the Concealed Weapon Permit (CWP) system, and the Protection Order system. The division implemented 3 new applications: Lottery, Crime Lab Base System, and an IT project tracking application. The division made 6 major enhancements to existing applications: implemented Automated Clearing House (ACH) function for BCI record checks, changed the application security system to handle new .NET applications, made modifications to the Gaming system, interfaced the office's Sex Offender system with the National Sex Offender web site, sex offender email signup and notification, and redesigned the Attorney General web site as well as the Lottery web site. The division worked with the CJIS effort on a "proof of concept" project which published arrests and rap sheets through the CJIS hub to law enforcement across the state. Once that was completed successfully, the division worked with CJIS to provide information on sex offenders, concealed weapon permits, and protection orders to the CJIS hub.

## LEGAL SERVICES

### Explanation of Program Costs

This program is funded from general fund monies and special funds from billing state entities for legal services provided. The salaries and wages line item provides for 27 assistant attorneys general, 4 legal assistants, and 2 licensing administrative positions. Funding in this program provides for reimbursement of prosecution witness fees for district courts and juvenile proceedings, legal research databases, offsite space rent, and necessary travel for staff members. This program also has special line items for arrest and return of fugitives and litigation fees.

The objectives of the Legal Services program are to efficiently and impartially provide quality legal and informational services to North Dakota government. The program also assists other Office of Attorney General's divisions to provide quality law enforcement, regulatory, and investigatory services.

### The Legal Services program provides the following services:

- Legal advice and representation to over 163 state officials, agencies, boards, commissions, and councils.
- Legal defense to state employees as required by state law.
- Advice and consultation on legal matters to State's attorneys and city attorneys.

Included under this heading are 4 divisions – Civil Litigation, Criminal and Regulatory, Natural Resources and Indian Affairs and State and Local Government. The Criminal and Regulatory Division is responsible for the activities of the Licensing Section.

## Program Statistical Data

### Civil Litigation

For the period from January 2005 through December 2006, the Civil Litigation Division represented state agencies, officials, and employees in numerous legal actions, including cases for the:

1. Department of Human Services (approximately 254 cases, 4 of which were appealed to the state supreme court).
2. Bank of North Dakota (72 foreclosures, 14 bankruptcies, and 49 collection actions).
3. Department of Transportation (289 district court and 15 North Dakota Supreme Court appeals relating to drivers' licenses, as well as 13 other cases on behalf of the Department).
4. Job Service North Dakota (10 state district court appeals and 1 state supreme court appeal).
5. Department of Corrections and Rehabilitation (approximately 35 state and federal court lawsuits).

For the period from January 2005 through December 2006, the division:

1. Issued 1,016 unemployment tax complaints on behalf of Job Service North Dakota against employers who did not pay unemployment benefit taxes, and assisted with 1,919 Summons and Complaints for Unemployment Insurance Benefit collections, collecting in excess of \$3,343,281.
2. Represented the Labor Department, handling 84 wage claim cases involving 349 individual employees, and recovering over \$60,000 for those employees owed wages by their employers.
3. Assisted the State Risk Manager in handling claims against the State and defended 59 lawsuits.
4. Reviewed 186 requests to write or join briefs amicus curiae, resulting in the office joining or writing briefs in 62 of these cases, including 43 cases in the United States Supreme Court.
5. Represented state agencies in personnel matters, giving legal advice and representing state agencies in employment-related administrative appeals and lawsuits.

## State and Local Government

### The State and Local Government Division:

1. Issued 122 Attorney General's Opinions. Thirty-six of the opinions addressed alleged violations of the open records and meetings laws. The opinions addressed a broad range of issues including 7 opinions interpreting 2005 Senate Bill No. 2003, which imposed restrictions on smoking in public places and places of employment. Other significant opinions issued by the Attorney General determined that:
  - a. Missouri River land development is subject to several restrictions;
  - b. The constitution prohibits the Governor from appointing a legislator to a vacancy on the North Dakota Supreme Court and in the Tax Commissioner's office if the salary for those offices was increased during the legislator's term;
  - c. Appropriations to private sectarian colleges would likely violate the constitution;
  - d. An Internet auctioneer service, like e-bay, is not required to obtain an auctioneer's license;
  - e. Veteran's preference laws do not apply to the appointment of a state's attorney to fill a vacancy;
  - f. The prohibitions on corporate campaign contributions apply to candidates for city and county elected offices;
  - g. The incompatibility of offices doctrine prevents an individual from serving as both a county landfill manager and as a county commissioner;
  - h. A city commissioner may be excluded from a city commission executive session in which the other city commissioners will discuss litigation strategy regarding a lawsuit brought by the commissioner against the city;
  - i. The public trust doctrine currently does not require the state engineer to limit water being appropriated under existing water permits;
  - j. Nonprofit mutual insurance companies may make premium refunds to their policyholders; and
  - k. A person appointed to fill a vacant state's attorney position must have resided in the county at least 30 days before the appointment in order to qualify for office.
2. Reviewed 60 sets of administrative rules to determine whether the rules were adopted in procedural compliance with the Administrative Agencies Practice Act and were within the statutory authority of the adopting agency.
3. Assisted the state in issuing \$468 million in state revenue bonds.
4. Continued to expand education in an effort to improve compliance with the state's open records and meetings laws by making presentations to several public entities.

5. Assisted affected state agencies in meeting the requirements of HIPAA, the federal law that protects a patients' personal medical information, including compliance with national provider identification number requirements.
6. Drafted agreements between the State Department of Health and public facilities regarding storage of vaccines and other drugs needed to respond to a bioterrorism incident or a major outbreak of a contagious disease.
7. Negotiated 9 agreements for the State Investment Board investing over \$330 million.
8. Reviewed 562 unemployment compensation appeals for Job Service.
9. Provided daily general counsel legal services to over 65 state officials, agencies, boards, and commissions.
10. Provided legal advice and assistance to city attorneys and county state's attorneys regarding civil matters.
11. Provided advice and consultation regarding open records and meetings laws to all levels of state and local government.

### Criminal and Regulatory

Between January 1, 2005, and December 31, 2006, the Criminal/Regulatory Division:

1. Helped enforce the laws dealing with the regulation of gaming and liquor industries.
2. Assisted the Gaming Division and Licensing Section in the preparation and presentation of administrative complaints and proceedings for gaming and alcoholic beverage statute and administrative rule violations.
3. Researched legal issues for local prosecutors and law enforcement officials and handled the prosecution in certain complex criminal cases.
4. Defended the constitutionality of state statutes and represented the state in responding to habeas corpus proceedings in federal courts.

The Licensing Section is responsible for the licensing of alcoholic beverage retailers, wholesale and retail tobacco product dealers, transient merchants, coin-operated amusement devices operators, lessors, and distributors, fair boards, polygraph operators, charitable gaming operators, gaming manufacturers and distributors, and wholesale fireworks distributors. It also collects license fees, miscellaneous types of revenue, and taxes.

Between January 1, 2005, and December 31, 2006, the number, types of licenses, and amount of license fees collected by the Licensing Section were:

Number	Type of License	Amount
1,360	Gaming organizations, distributors, and manufacturers	\$312,800
3,174	Retail alcoholic beer	251,241
2,944	Retail alcoholic liquor	231,950
280	Coin-operated amusement devices	97,850
30	Detection of deception	1,115
19	Fair board	950
3,772	Wholesale and retail tobacco	59,105
93	Transient merchant	18,450
46	Wholesale fireworks	11,500
<u>11,718</u>		<u>\$984,961</u>

For the period from January 2005 to December 2006 there were 12,495 licensing transactions for gaming taxes, interest, penalties, monetary fines, criminal history record checks, sales of gaming stamps, investigative costs, manufacturer inspections, sales of publications, and funds received by the Lottery Division, Crime Lab, and the North Dakota Racing Commission. Also, there were 733 transactions involving the collection of \$1,974,417 of miscellaneous types of revenue, as follows:

Number	Type of Receipt	Amount
150	Judgment collection	\$ 996,996
21	Copying charges	546
487	Attorney billings	342,648
<u>75</u>	Miscellaneous revenues	<u>634,227</u>
<u>733</u>		<u>\$1,974,417</u>

### Natural Resources and Indian Affairs

For the period from January 2005 to December 2006, the Natural Resources Division:

1. Assisted the Department of Health with its environmental enforcement actions and helped negotiate numerous settlements involving air pollution control, asbestos abatement, water pollution control, and solid waste and hazardous waste management. Some of the settlements required payment of significant civil penalties and often involved "supplemental environmental projects" designed to enhance and protect health and the environment.
2. Worked extensively with the Health Department and the U.S. Environmental Protection Agency to clarify the Clean Air Act's application to North Dakota power plants.

3. Wrote an amicus brief supporting plaintiffs suing Canadian Pacific Railway over the 2002 Minot derailment. After a number of the suits were dismissed on jurisdictional grounds the plaintiffs asked the U.S. Supreme Court to consider the matter. Our amicus brief supporting the plaintiffs was joined by attorneys general from 19 states.
4. Defended a suit brought by Manitoba challenging the Northwest Area Water Supply Project. Although a District of Columbia court ordered more environmental study by the Bureau of Reclamation, it denied Manitoba's request to stop construction.
5. Began defense of a suit recently filed in Winnipeg by the Municipality of Rhineland, a Manitoba political subdivision. The suit alleges that the State Water Commission and local North Dakota entities contributed -- through water management activities -- to flood damages in Manitoba.
6. Filed amicus briefs in Montana and District of Columbia federal courts in support of efforts to limit Canadian beef imports due to concerns about mad cow disease.
7. Assisted the State Engineer in administering laws relating to water management.
8. Defended the state in a suit brought by landowners around Devils Lake who contend that drainage projects in the Devils Lake Basin contributed to the rise of the lake and that the state is responsible for the projects. After a 3-week trial in 2006 the court has not yet issued a decision.
9. Successfully defended 2 lawsuits brought to stop the Devils Lake Outlet and is defending a third.
10. Authored an Attorney General's opinion on the State Engineer's duties under the public trust doctrine to manage navigable waters.
11. Assisted the Agriculture Department in administering laws governing dairy operations, pesticide applications, meat inspection, noxious weeds, apiaries, livestock, and Project Safe Send; represented the Agriculture Department in pesticide and livestock dealer enforcement actions; and provided legal advice to numerous agriculture-related agencies, such as the Wheat Commission, Board of Animal Health, and State Seed Department.
12. Successfully defended a suit brought by Minnesota challenging North Dakota laws giving North Dakota hunters some preferences over out-of-state hunters.
13. Entered into a settlement agreement with the U.S. Forest Service that resolves some issues raised in lawsuits challenging Forest Service management of the National Grasslands. Environmental groups that had intervened in the suits are now challenging the settlement agreement.

14. Presided over hundreds of the Industrial Commission's oil and gas hearings and assisted the Commission in enforcing oil and gas regulatory laws.
15. Assisted the Game and Fish Department in numerous actions enforcing hunting, fishing, and outfitter laws.
16. Obtained dismissal of a suit brought in federal court challenging the constitutionality of the state's corporate farming law and is defending the law's constitutionality in a state court action.
17. Failed to convince the U.S. Supreme Court to consider the manner in which the Corps of Engineers manages the Missouri River

## LOTTERY

### **Explanation of Program Costs**

The North Dakota Lottery's mission is to maximize net proceeds for the benefit of the state by promoting entertaining games, providing quality customer service to retailers and players, achieving the highest standards of integrity, security, and accountability, and maintaining public trust. The Lottery's 2007-2009 biennium budget includes an appropriation of \$1,374,303 for salaries and fringe benefits for eleven FTE's, temporary draw operators and Lottery Commission members, and \$2,674,099 for administrative and operating expenses, for a total budget of \$4,048,402. The Lottery has a continuing appropriation for prizes, retailer commissions, vendor fees, and Multi-State Lottery Association related game group dues which have a direct incremental relationship to sales and cannot be predetermined.

Estimated appropriated Lottery expenses for the 2005-2007 biennium will be about \$2.1 million. Estimated continuing appropriation Lottery expenses for this biennium will be approximately \$28.8 million.

### **The North Dakota Lottery's program services include:**

- Processing retailer license applications, collecting application, license, credit check, and record check fees, and selecting eligible retailers.
- Forecasting sales of lottery tickets and state general fund revenue.
- Training retailers to promote games and training employees of retailers on sales strategies and how to redeem winning lottery tickets.
- Paying certain tier prizes directly to players.
- Issuing news releases, quarterly retailer newsletters, and annual financial reports.

- Investigating allegations of unlawful activity and enforcing compliance with and proposing new lottery rules and laws.
- Working with 25 state agencies on a debt setoff program involving prizes.
- Complying with the Multi-State Lottery Association's "Confidential Minimum Game Security Standards," Minimum Computer Gaming System and Minimum Computer Internal Control System," "Minimum System Standards for New Implementations," and "Game Rules."
- Providing full accountability to the public and legislature to maintain an image of public trust and confidence.
- Providing quality customer service to retailers and players, including education of the public on how to play lottery games.
- Successfully joining the Multi-State Lottery Association's Powerball, Hot Lotto, Wild Card 2, and 2by2 game groups.

#### **Program Statistical Data**

For calendar years 2005 and 2006:

- The 2005 operating revenue was \$19.2 million and state general fund revenue was about \$5.57 million. The 2006 operating revenue was \$22.8 million and state general fund revenue was about \$6.3 million. The total operating revenue increased by 19.6% from 2005 to 2006. For the 2005-2007 biennium, the Lottery initially projected operating revenue of \$38.5 million and state general fund revenue of \$10 million. Subsequently, the Lottery increased its projected state general fund revenue to \$12 million. The Lottery is on track to exceed both sales and state general fund revenue projections.
- The 2005 prizes were \$9.4 million, and the 2006 prizes were \$11.8 million, a total of \$21.2 million, of which \$15.4 million, or 73%, was payable to North Dakota players, and \$5.8 million, or 27%, was payable to the Multi-State Lottery Association to fund grand prizes. There were 141 prizes valued at \$5,000 or more, including one \$1 million Powerball prize and thirty-nine \$20,000 jackpot prizes for the 2by2 game. Prizes are about 49% of sales.
- The Lottery's amount of weekly per capita sales of each game usually exceeded the amount of weekly per capita sales of other state lotteries comparable state lotteries to North Dakota.
- Attached as Addendum A is a "Percent Allocation of Lottery Ticket Sales" chart detailing the breakdown of each \$1 of ticket sales. The Lottery's net proceeds

(actual profit) were 30% of total operating revenue and state general fund revenue was 28% of total operating revenue. The 2% difference relates to the Lottery's contribution of funds to the Compulsive Gambling Prevention and Treatment Fund and to the Multi-State Lottery Association for the Lottery's share of the prize reserve pools. The Lottery's ratio of net proceeds to total operating revenue was 29.9% to 40.1% higher than the ratio of net proceeds to total operating revenue of other comparable state lotteries.

- Annually licensed 400 businesses as lottery retailers. These retailers include convenience stores, grocery stores, service stations, truck stops, drug stores, liquor stores, and bars. Retailers are located in 128 towns and cities throughout all 53 counties. There is about 1 lottery terminal for each 1,586 residents.
- Issued 228 debt setoff notifications for prizes of \$600 or more. There were 5 claims against those prizes, totaling \$3,037.
- The retailer commission is 5% of sales, plus bonus commissions on selling large tier prize-winning tickets as of January 2006.
- Transferred \$400,000 to the State Treasurer for deposit in the Compulsive Gambling Prevention and Treatment Fund.

### **Major Accomplishments**

For calendar years 2005 and 2006, there were many accomplishments including:

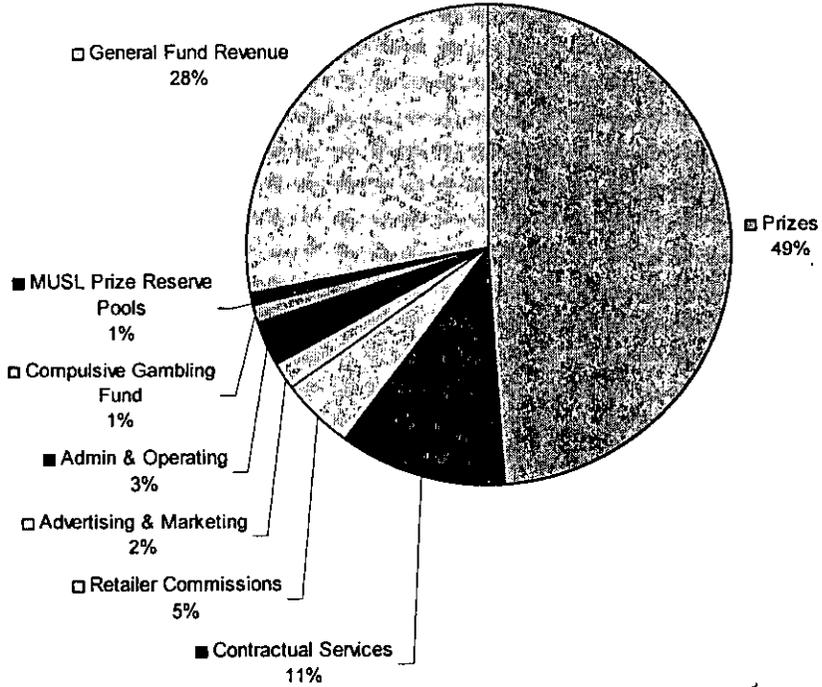
- Created and worked with a volunteer 12-member Retailer Advisory Board to serve as a front line retailer/player advisor to the Lottery on various items, including policy, point-of-sale items, Lottery web site, proposed rules and games, and marketing promotions.
- Launched a fourth game 2by2 on February 2, 2006. The Lottery's 4 games have a range of minimum jackpots of \$20,000 to \$15 million, and a range of odds of winning a prize on a \$1 play of 1:3.59 to 1:36.6.
- Strengthened the process of having retailers actively participate in Amber Alerts. The Lottery is partnering with the North Dakota Highway Patrol to participate in our state's Amber Alert program. The Lottery's equipment of 400 lottery terminals and electronic signs are used to display messages statewide, including a description of a missing child. Retailers are encouraged to provide each of their customers with a terminal issued written description of the missing child and abductor.
- Launched an offline subscription service on November 1, 2005, and an online subscription service on October 9, 2006 to provide players an easy and

convenient method to prepay and be automatically entered into draws for 13, 26, or 52 weeks for all of the Lottery's games.

- Improved the Lottery's website to make it user-friendly, interactive, and highly informative for retailers, players, and public. One feature enables players, upon registering, to be automatically emailed the winning numbers for any game after each draw.
- Conducted various creative retailer, retailer clerk, and player promotions, and effectively used point-of-sale and premium incentive items.

Addendum A

### Percent Allocation of Lottery Ticket Sales



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2007-2009 Budget Presentation  
to the House Government Operations  
Section of the Appropriations Committee

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*With the  
exception of  
these pages,  
some testimony  
given to Senate*

Office of Attorney General  
State of North Dakota

Wayne Stenehjem  
Attorney General

**2007 Engrossed Senate Bill No. 2003**  
**Office of Attorney General Appropriation**  
**Government Operations Section of House Appropriations Committee**

The Office of Attorney General represents and defends the interests of the citizens of North Dakota by executing the responsibilities charged to the North Dakota Attorney General by the North Dakota Constitution, state statutes and administrative rules, North Dakota and federal case law, and common law. The Attorney General is the chief legal counsel and advisor to state government providing legal representation to all facets of state government, including the Governor, all departments of state government, local government and all state agencies, boards, and commissions.

The Attorney General has primary authority to act on behalf of the state of North Dakota in other areas, including criminal investigations; full arrest and law enforcement authority; sex offender risk assessment and registration; evidence examination and testimony; consumer protection and antitrust; administration, regulation and enforcement of charitable gaming and Lottery activity; and fire inspections, investigations, and mitigation of hazardous materials incidents. Attorney General staff members provided a significant amount of training to North Dakota citizens, and others including law enforcement and the fire services.

The office consists of 13 divisions: Administration, Bureau of Criminal Investigation, Civil Litigation, Consumer Protection and Antitrust, Crime Laboratory, Criminal and Regulatory, Finance and Administration, Fire Marshal, Gaming, Information Technology, Lottery, Natural Resources and Indian Affairs, and State and Local Government.

<b>FUTURE CRITICAL ISSUES</b>
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**Current Staff Needed – Removed in Executive Recommendation**

**IT Network Administrator**

An IT network administrator, formerly funded by NCHIP federal funds, will be funded from the lottery operating fund due to the increased Lottery IT workload. Due to a miscommunication, this position was inadvertently omitted in the Executive Recommendation and totals \$130,822. The Senate included this position and funding.

**Finance Account Technician**

A financial account technician is currently funded 50% from the general fund and 50% from the lottery operating fund due to the increased Lottery financial workload. This position was inadvertently omitted in the Executive Recommendation and totals \$45,094 from the general fund and \$45,094 from special funds. The Senate included this position and funding.

## **National Criminal History Improvement Program Staff**

The federal National Criminal History Improvement Program (NCHIP) has experienced significant cuts. These funds have been critical to the office's efforts to improve the state's criminal records database, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner. To ensure the state's criminal records database records continue to be up to date and accurate, the 2 BCI FTE's currently funded through NCHIP need to continue so individuals with a criminal record are not given the clearance to work in a teaching or care-giving profession simply because of a data entry backlog. This request totals \$164,159, of which \$39,588 is from the general fund and \$124,571 is from special funds, which the Senate included.

## **Criminal Justice Information Project (CJIS) FTE's**

Currently, 2 IT FTE's who work on the CJIS project are included in this office's budget. The Executive Recommendation includes \$261,916 in special funds for these FTE's in this office's budget and the FTE's and a general fund appropriation for the same amount in ITD's budget. ITD currently pays this office for the salary costs associated with these FTE's. The Senate transferred the general fund monies from ITD to this office for these FTE's.

It is critical for these FTE's and their responsibilities to remain in this office. These FTE's work with BCI to represent law enforcement interests in making information available and useful by the criminal justice community. In addition, by statute, BCI is the central repository for confidential information used by CJIS.

## **Equity Adjustments**

### **Forensic Scientists**

The Crime Laboratory forensic scientist's salaries within the laboratory must become competitive within the region. These agencies all have starting salaries for new scientists exceeding \$3,000 per month, compared to the Crime Lab's starting salary of only \$2,305 per month. Recently, the North Dakota Human Resource Management Services released a report indicating out of the approximately 100 job classifications surveyed, the Forensic Scientist series was **nearly 60% below** the market equity for salaries. In addition to substantially lower salaries, the forensic scientist series is comparably lower than the average chemist's salary and classification in the state (a comparable job category).

Due to significantly lower forensic scientist salaries, the Lab has serious retention and recruitment issues. The Lab is unable to hire employees with forensic experience. Employees without this experience have a 6 to 24 month learning curve. Experienced staff must not only monitor the work of the new employees, but also handle the significantly increasing workload. This situation has exacerbated processing casework

delays and has a serious negative impact on employee morale which in turn causes employees to look for work elsewhere.

### **BCI Agents**

Recruitment and retention of Bureau of Criminal Investigation (BCI) agents continues to be a significant challenge. The office goal is to hire seasoned officers with several years' experience, which allows them to be an immediate resource to law enforcement across the state. However, present salary levels make it difficult to recruit qualified applicants. At this time we are having trouble competing with the Federal government, the larger cities in the state and some of the counties. In particular, we struggle to compete with local law enforcement agencies that are starting rookie officers, with less experience, at a higher wage. Currently BCI agents start at \$2,800 per month and are required to have at least 5 years of experience. Examples of entry-level salaries for local agencies include:

- Fargo PD patrol officer - no experience \$3,370
- Fargo PD detective – entry level investigator \$3,517
- Richland County deputy - no experience \$2,896
- Bismarck PD patrol officer – no experience \$3,200
- Grand Forks PD patrol officer – no experience \$2,921
- Moorhead MN PD patrol officer – no experience \$3,279

On the other side of the issue, we are losing experienced agents to entities that offer higher salaries. Thus, some agents, after gaining valuable training and experience with BCI, leave for greener fields, including federal law enforcement, where higher wages, an earlier retirement, and a higher retirement multiplier are offered. Local law enforcement depends on our staff to be experienced in many areas of criminal justice. We are relied upon to bring expert personnel resources and services to the field. New officers with no experience and limited education are able to begin their law enforcement careers with many local law enforcement agencies at salaries higher than we can offer to a new agent who must have a minimum of 5 years experience and a four-year degree. It is critical that we compensate our agents with a salary commensurate with their experience, expertise, and education so we can recruit and retain highly qualified law enforcement staff.

The requested general fund enhancement provides a minimum starting salary of \$3,200 per month to a new agent and for an equitable increase in agent salaries across the board. These increased salaries will allow us to do a better job of bringing the experience and resources expected by local law enforcement in North Dakota to the field.

### **Attorneys and Paralegals**

Section 14 of 2005 House Bill No. 1003 required the Office of Management and Budget to conduct an equity review of all attorney and paralegal salaries employed as full-time

employees with all branches of state government. The director was to provide to the Governor for inclusion in the 2007-2009 biennial executive budget recommendation the funding necessary to adjust the salaries of attorneys and paralegals in a manner that makes attorney and paralegal salaries comparable and equitable throughout state government. In determining comparable positions based upon years of experience and importance of the position, the director was required to consult with the Attorney General.

Human Resource Management Services conducted a salary survey of all full-time attorneys and paralegals as of January 1, 2006. The survey reflected a wide disparity between salaries not only within the executive branch, but also between branches of government. Since 62 of the 87 attorneys identified in the survey are not classified employees, using normal salary classification and grade analysis was not possible.

In order to have a basis for developing an equity plan, attorneys were placed within 5 major categories: Executive, Legislative, Supreme Court, Higher Education and Workforce Safety Insurance. For purposes of developing a comparison, a schedule was established within each category by segregating the attorneys into several groups based upon total years of legal experience and/or management responsibility. Within each group the average years of experience and average salary were calculated. From these averages, an equity adjustment recommendation was developed for the attorneys and paralegals in this office. In general the adjustment was based upon salaries paid by Legislative Council and the Supreme Court.

**The Senate added \$496,885 in equity adjustments, of which \$475,043 is from the general fund, for Crime Lab forensic scientists, BCI agents and assistant attorneys general.**

### **Information Technology (IT) Staff**

This office's IT staff salaries are significantly below the average for IT staff across state government. It is impossible to compete with the private sector for these highly skilled positions. Within ITD, staff can be more specialized; in this office staff must be skilled in more than one area to handle the agency's requirements. These skills are highly desired in the marketplace and make it very difficult to find candidates for public sector positions. In order to retain the IT staff, the division needs to offer competitive salaries. It is critical that adequate IT resources be available to meet the requirements for this office's public safety responsibilities in a timely and efficient manner. In order to adequately support the applications within this office, it is critical to maintain highly trained and skilled IT staff. It is absolutely critical in the criminal justice area to be able to respond quickly to change and to adequately secure the data retained by this office. This \$69,728 request (\$61,967 general fund and \$7,761 special funds) will bring the salaries of these positions more in line with other statewide IT staff salaries.

The office has 13 divisions with very different business requirements. It takes time to understand the business areas of this office which cover legal, criminal justice,

charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, financial, and the Crime Lab. The business knowledge gained by the IT staff is very valuable and hard to replace. Therefore, it is critical that we retain staff. To learn the IT environment as well as the business side of the office can take a new IT employee 2 years. The Lottery and the Crime Lab were added to the office without any additional IT staff, and these 2 additions have brought a tremendous amount of work for IT staff.

The office is developing more online applications for the Web. The design of the agency web pages has been done in the past by our network staff. But, with the increased complexity of these pages, this is putting a strain on network resources as well as a need for more advanced skills in this area.

### **Legal Administrative Assistants**

We have experienced significant difficulty in hiring administrative assistants with a legal background for our legal divisions. We advertised twice for the most recent vacancy. Some of the legal administrative staff members are paid significantly less than the average salary statewide for the same classification. The requested \$20,540 general fund increase brings the salaries of these positions to the average salary statewide.

**This office requested an additional \$496,885, of which \$475,043 is from the general fund, to provide the total equity adjustments requested for these staff members due to the significant issues in these salary areas, which the Senate included.**

### **Crime Laboratory Addition and Associated Operating Expenses**

The building/remodeling bids received for the Crime Lab exceeded the amount appropriated by the 2005 Legislative Assembly. The Executive Recommendation includes \$1.24 million from the general fund to address this issue. Assuming the proposed addition to the Crime Lab is made at the East Laboratory, which is currently shared with the Health Department, any more space after this addition will require a sprinkling system for the entire building, which would be very expensive. The Health Department is at capacity in the current building. As a result, this request is to purchase land by the Bureau of Criminal Investigation (BCI) and Fire Marshal to build a Crime Lab. This would be very beneficial to all local law enforcement since they often need to stop at the BCI or the Fire Marshal (located in north Bismarck) and then go across town to the southeast part of Bismarck to deliver criminal evidence. It would also allow the Health Department to have full access to the entire East Laboratory building. **The estimated additional cost for the north location is \$2.26 million, which includes the land purchase, site preparation and some space for future expansion. To fully fund anticipated operating expenses, \$62,599 in general fund expenses above the amount included in the Executive Recommendation are needed for the 2007-2009 biennium. The \$62,599 needed for operating expenses for the 2007-2009 biennium was included by the Senate.**

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

### Additional Operating Costs Resulting From Rate Increases

The office continues to see rate increases in State Fleet, cell phone service, dues, office supplies, central services (including printing and supplies), motor fuel, rent, postage, state employee travel rates, and other private sector costs. Adequate funding for these rate increases has not been approved in past budget cycles. If the office is to continue to provide the required services to local law enforcement agencies, fire departments, state agencies, etc., the office's budget needs to be increased to address these growing costs. The Executive Recommendation includes funding for some of these items. **The amount requested, which was excluded from the Executive Recommendation for these purposes is \$77,776 from special funds, was included by the Senate.**

### Increased Network Costs

The agency has 12 field offices for BCI and Fire Marshal staff and 5 local offices within Bismarck. These all require some form of high-speed connection with the State network backbone. With the new network and telephone system being implemented by ITD, the charges for these services are increasing significantly. PeopleSoft charges have also increased. ITD is also experiencing problems with hiring and must increase the wages they are paying their employees. Consequently, the ITD rates have increased. In order to simply maintain our current service level to our customers, the office is asking for increased funding to support these items. The Executive Recommendation omits funding for these costs. **The amount needed for this purpose is \$66,097, of which \$63,556 is from the general fund and \$2,541 is from special funds. The Senate included this request.**

### Aging and New IT Applications

The BCI Case Management system is very old, utilizes old DOS-based technology, and no longer meets the needs of the BCI. As case load has increased over the last several years, this application has not been able to meet demand without significant support from IT staff. It requires a tremendous amount of support to keep it functioning and is a critical application to BCI staff for tracking cases, criminals, victims and case assignments.

Another application requiring replacement is used for DNA cases at the Crime Lab. The Crime Lab has struggled for years with minimal computer applications, and this hindered the elimination of case backlog problems. Currently, in order to do DNA analysis the information from the instruments must be retrieved and fed into a management information application for detailed analysis. The new software will automatically do much of the splitting of evidence that is currently done manually, and will improve the time it takes to perform DNA analysis.

The Criminal Justice Information Sharing (CJIS) project is crucial to law enforcement across the state as well as this agency. This office must continue to add information and maintain current information flow from this office through the CJIS hub. In order to decrease the time between when an arrest is made and when it is available through the Criminal History application automation of the flow of fingerprint cards and arrest information from local law enforcement offices to this office must occur. The office also wants to decrease the time between when a prosecution occurs through the states attorney offices and when it is reported to the Criminal History Repository in this office. This, too, would be handled through the CJIS hub.

**The Executive Recommendation includes \$358,260 from special funds for these projects.**

### **Crime Laboratory Preventive Maintenance Contracts and Equipment Replacement**

Preventative maintenance agreements funding is included in the Executive Recommendation. This funding will ensure Crime Lab equipment is properly calibrated and running efficiently. Without maintenance contracts some instruments would become idle because only certified trained technicians can repair/calibrate the instruments, the laboratory will not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community. **The Executive Recommendation includes \$85,200 from the general fund for these expenses.**

Currently the Laboratory has over \$1.6 million in capital assets. Federal funds available for the past 10 – 15 years to replace equipment are being discontinued, yet the Laboratory is mandated to use cutting edge technology to analyze casework. **Special fund monies totaling \$170,000 are included in the Executive Recommendation to replace worn and/or obsolete equipment in order to analyze casework.** It is important to find a regular funding source for this equipment replacement.

### **Adam Walsh Act Impact – Senate Bill No. 2260**

There has also been a major increase in background checks required for Adoption and Foster care because of the Adam Walsh Act. Adoption background checks increased 450% from October to November 2006. Foster care background checks increased 106% from October to November 2006. This increase has not been factored into the office's budget since these changes are recent developments.

### **School Financing Litigation**

In late 2003 litigation was commenced against the State of North Dakota challenging the constitutionality of North Dakota's statutory system for financing public schools. In January 2006, the parties entered an Agreement to Stay Litigation which stayed the

lawsuit until the close of the 2007 legislative session. The agreement includes two conditions which must be met to end the lawsuit. The two conditions are:

- the 2007 Legislative Assembly appropriate an additional amount of state funds that results in at least a \$60 million net gain for elementary and secondary education over the amount authorized by the 2005 Legislative Assembly, and
- the 2007 Legislative Assembly pass a resolution adopting the North Dakota Commission on Education Improvement as a vehicle for proposing improvements in the system of delivering and financing public elementary and secondary education.

If not met, the school lawsuit will continue. If this occurs, it is likely the case will go to trial during the 2007-2009 biennium. The office will incur significant costs to defend the lawsuit, including discovery costs (travel, transcripts, etc.), expert witness costs (time to update previously prepared reports, possible depositions, travel and give testimony), and the costs of a three-week trial in Williston (hotel, per diem, etc.). If the lawsuit continues, the office will request a contingency appropriation to fund the lawsuit, with the authority to go to the Emergency Commission for additional funds if needed in the event the conditions are not met.

### **Loss of Federal Grant Funding**

Federal grants for law enforcement initiatives continue to significantly decline. During the 2003-2005 biennium, the Edward Byrne Memorial Grant and Local Law Enforcement Block Grant were merged into one program – The Edward Byrne Memorial Justice Assistance Grant (JAG). The program change included unprecedented reductions, which over the course of two fiscal years resulted in an overall loss of approximately 67% funding to the state of North Dakota. The 2005 Legislature recognized the negative impact this decrease would have on the state's drug enforcement efforts and partially funded salaries for 3 BCI agents who coordinate task forces. Because our task forces provide 80% of the state's narcotics efforts, we are asking the 2007 Legislature to fund the balance (previously funded from the Byrne grant) of these 3 agents' salaries. This change is reflected in the Executive Recommendation.

The National Criminal History Improvement Program (NCHIP) is also experiencing significant cuts. These funds have been critical to the office's efforts to improve the state's criminal records database, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner. To ensure the state's criminal records database records continue to be up to date and accurate, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner, the 2.0 BCI FTE's primarily funded through NCHIP need to continue so individuals with a criminal record are not given the clearance to work in a teaching or care-giving profession simply because of a data entry backlog. The Senate

included funding for these 2 FTE's as they are funded this biennium, primarily with federal funds.

### **Tobacco Proceedings – Diligent Enforcement Issue**

Tobacco companies that signed the Master Settlement Agreement (MSA), known as Participating Manufacturers (PMs), make annual settlement payments into escrow each April 15, in perpetuity. The annual base payment amount is subject to several adjustments, including the Non-Participating Manufacturer ("NPM") Adjustment. Non-Participating Manufacturers ("NPMs") are tobacco companies that have not joined the MSA. The MSA requires each Settling State (North Dakota and others) to pass a "Qualifying Statute" (N.D.C.C. ch. 51-25, Tobacco Sales Act) allowing the Settling State to collect escrow payments from the NPMs. Under the MSA, a Settling State's annual settlement payment cannot be reduced by the NPM Adjustment so long as that Settling State "diligently enforced" its Qualifying Statute.

In April 2006, several PMs withheld approximately \$775 million from the Settling States, claiming an offset for the 2003 NPM Adjustment. While North Dakota's current share of the amount withheld by the PMs is approximately \$2.75 million, it is possible for North Dakota to lose its entire payment of approximately \$28 million.

In May 2006, the North Dakota Attorney General filed a motion in Cass County District Court, requesting a ruling that North Dakota diligently enforced its Tobacco Sales Act. In July 2006 the Cass County District Court denied the PMs' motion to compel arbitration of the diligent enforcement dispute. The PMs appealed and the matter is set for hearing before the North Dakota Supreme Court on March 1, 2007.

Regardless of the outcome of the Supreme Court proceeding, the North Dakota Office of Attorney General will be required to participate in a trial-like proceeding where it will present evidence that it diligently enforced its Qualifying Statute. If the North Dakota Supreme Court affirms the Cass County District Court ruling denying the PMs' motion to compel arbitration, the proceeding will take place in district court in Fargo and will last approximately one month. If the North Dakota Supreme Court reverses the Cass County District Court ruling, North Dakota will be forced to participate in at least one, and possibly two, nationwide proceedings – one before PricewaterhouseCoopers in Texas, and another before a three-judge arbitration panel at an unknown location. These proceedings would involve all Settling States and would be much longer than a proceeding before the Cass County District Court. Each of these proceedings could last a year, or longer and will be costly. This office will need a contingent appropriation to pay the related costs for nationwide proceedings.

### **Automated Fingerprint Identification System**

The Automated Fingerprint Identification System (AFIS) is an integral component in the State's initiative to integrate criminal justice information. Serving as the central database for fingerprints collected across the state, the AFIS system opens the door for

continue to be inundated with requests to assist with investigations that vary from narcotics activity to child pornography, child abuse, child molesters, counterfeit documents such as drivers' licenses, internet auction fraud, terrorizing, extortion, and identity theft. On average, a dozen computers need to be analyzed. The current average turnaround time to analyze a computer is 4 months. In addition, to remain proactive in the fight against cybercrime, the Attorney General recently created a cybercrime task force coordinated by the BCI. BCI agents work with officers across the state in an undercover capacity to develop cases against individuals who contact and lure victims into inappropriate sexual and criminal activities. We anticipate this will result in a significant increase to this section's case load.

### AG Refund Fund Carryover

We request approval to carryover the AG Refund Fund balance available as of June 30, 2007. These monies are used to investigate, enforce, and litigate if necessary the Telephone Solicitations Act (do not call) violations. There are 2 FTE's paid from this fund for this purpose. An estimated \$20,000 from this fund was included in the Executive Recommendation turn back amount.

## LEGISLATIVE INITIATIVES

I want to let you know about several bills that will impact our office's appropriation.

- **HB 1197** requires a DNA sample to be obtained and maintained for all felony arrestees when federal funds become available. This and other bills described below will require staffing and additional space for the Crime Laboratory. If such space is added at its current location, the entire building will have to be sprinkled, which carries a significant cost.
- **HB 1313, SB 2037, SB 2062, SB 2099, and SB 2260** require this office to provide background checks to a significant number of entities. These bills will require an appropriation for additional staff and operating expenses, the bulk of which will be paid with special funds. **The Senate included \$926,820, of which \$354,820 is from the general fund, for the impact of SB 2260. SB 2260 also results in an increase of \$492,120 in general fund revenues since background check fees are deposited in the general fund.**
- **HB 1330** provides for a multijurisdictional drug task force grant fund with a continuing appropriation funded from \$125,000 per quarter transfers from the Lottery fund. This bill bridges the funding gap which resulted from the substantial reduction in Edward Byrne Memorial grants made to regional task forces throughout the state for expenses and operating costs. The Assets Forfeiture Fund can accept amounts from the multijurisdictional drug task force grant fund. An adjustment adding \$45,000 for a .5 grants and contracts officer from the

Lottery fund is needed to administer this grant program. **The \$45,000 special fund adjustment needs to be made to the Attorney General's budget.**

- **SB 2023** includes deficiency appropriations for the following:
  - An additional \$43,000 in general fund monies to reimburse counties and cities for prosecution witness fees for the remainder of the 2005-07 biennium. Historically the office's appropriation for prosecution witness fees has been insufficient to reimburse counties and cities for these expenses.
  - An additional \$21,140 in general fund monies for Litigation Fees as a result of litigation involving Racing Services Inc., Missouri River, and corporate family litigation which have resulted in higher than normal litigation costs
  - An additional \$103,030 in general fund monies needed to pay some unanticipated legal service invoices in the School Finance Litigation.
- **SB 2097** increases the 2005-2007 biennium collection amounts for 2003-2005 biennium Fire Marshal services unable to be billed until the 2005-2007 biennium due to staff shortages and PeopleSoft implementation.
- **SB 2099** transfers industrial hemp enforcement activities and fee collection from the Office of Attorney General to the Agriculture Department.
- **SB 2101** allows the Lottery to accept co-sponsorship monies from outside entities for marketing expenses and allows the Lottery to take possession of a promotional motor vehicle without taking title. It also provides for retailer record and credit check fees to be paid from the continuing appropriation since the Lottery receives the monies and then pays them out for these services (each transaction is a wash). This also makes Lottery record and credit check fees consistent with the way Gaming and Licensing background check fees are handled.
- **SB 2103** requires the Office of Attorney General to reimburse health care facilities or professionals for performing criminal sexual rape examinations. The bill includes a \$500,000 special funds appropriation for the reimbursements.
- **SB 2225** reduces the pull-tab excise tax from 4.5% to 3% of gross wagers, eliminates the bingo sales tax, and adds a bingo excise tax of 3%. Based upon the \$4.9 million revenue reduction, gaming grants, distributed based on 3% of gaming and excise taxes, will be reduced by \$117,792 in special funds.
- **SB 2340** requires the Attorney General to handle civil commitments of sexually dangerous individuals, currently handled at the local level. This will require 2.5

FTE's and associated operating expenses totaling \$436,107 from the general fund.

- **SB 2382** provides a \$350,000 general fund appropriation for two forensic agent FTE's to conduct computerized forensic examinations and investigations.

**ATTORNEY GENERAL - ENGROSSED SENATE BILL NO. 2003**

**Amendment Requests to Senate Version**

**REQUESTED HOUSE CHANGES**

DESCRIPTION	SENATE BUDGET	HB 1197 DNA ALL ARRESTEES <sup>1)</sup>	HB 1330 TASKFORCE GRANTS <sup>2)</sup>	SB 2225 REDUCE GAMING GRANTS <sup>3)</sup>	SB 2209 RACING AUDIT AUTHORITY <sup>4)</sup>	SB 2260 ACCEPT FBI FUNDS <sup>5)</sup>	TOTAL AMENDMENTS	TOTAL REVISED APPROP.
Salaries & Wages	22,739,001	171,137	45,000				216,137	22,955,138
General Fund	18,289,449						0	18,289,449
Fed/Special	4,449,552	171,137	45,000				216,137	4,665,689
Operating Exp.	10,005,307	417,088				100,000	517,088	10,426,395
General Fund	4,361,890						0	4,361,890
Fed/Special	5,647,417	417,088				100,000	517,088	6,064,505
Capital Assets	6,410,956	92,000					92,000	6,502,956
General Fund	5,840,950						0	5,840,950
Fed/Special	570,006	92,000					92,000	662,006
Grants	4,197,000			(117,792)			(117,792)	4,079,208
General Fund	4,197,000			(117,792)			(117,792)	4,079,208
Litigation Fees	50,000						0	50,000
General Fund	50,000						0	50,000
Fed/Special							0	0
ND Lottery	4,048,402						0	4,048,402
General Fund							0	0
Fed/Special	4,048,402						0	4,048,402
Arrest Ref. Fugitive	10,000						0	10,000
General Fund	10,000						0	10,000
Fed/Special							0	0
Gaming Comm.	6,141						0	6,141
General Fund	6,141						0	6,141
Fed/Special							0	0
<b>TOTAL</b>	<b>47,470,807</b>	<b>680,225</b>	<b>45,000</b>	<b>(117,792)</b>	<b>0</b>	<b>100,000</b>	<b>27,208</b>	<b>48,078,240</b>
General Fund	28,558,430	0	0	0	0	0	0	28,558,430
Fed/Special	18,912,377	680,225	45,000	(117,792)	0	100,000	27,208	19,519,810
<b>Total Funds</b>	<b>47,470,807</b>	<b>680,225</b>	<b>45,000</b>	<b>(117,792)</b>	<b>0</b>	<b>100,000</b>	<b>27,208</b>	<b>48,078,240</b>
<b>FTE</b>	<b>191.8</b>	<b>2.0</b>						<b>193.8</b>

<sup>1)</sup> In the event federal funds are received, DNA will be collected from all felony arrestees.

<sup>2)</sup> House Bill No. 1330 establishes a multijurisdictional drug task force grant fund and funds a .5 grants and contracts officer position currently funded from federal Byrne monies.

<sup>3)</sup> SB 2225 reduces the tax rate on pull tabs, imposes an excise on bingo cards and removes a bingo sales tax. This will result in less formula based grant money available to cities and counties.

<sup>4)</sup> This budget was adjusted to include funding to audit Racing simulcast sites, however the bill providing the authorization to do so was not passed. This authorization is needed for the Attorney General's office to perform such audits.

<sup>5)</sup> Authority is needed to allow the Attorney General's office to collect and remit federal background check fees with the enactment of this legislation.

**ATTORNEY GENERAL - SB 2003**  
**Amendment Requests to Executive Recommendation**  
**BILLS TO PAY**

**SALARY ISSUES**

EXEC. REC.	Amend 1	Amend 2	Amend 3	Amend 4	Amend 5	Amend 6	Amend 7	Amend 8	Amend 9	Amend 10	Amend 11	Amend 12	TOTAL	TOTAL
DESCRIPTION	Lottery FSC <sup>1)</sup>	BC-FSC <sup>2)</sup>	Salary Inc. <sup>3)</sup>	Equity <sup>4)</sup>	CJS FSC <sup>5)</sup>	Crime Lab <sup>6)</sup>	Operations <sup>7)</sup>	Inflation <sup>8)</sup>	Capital Assets <sup>9)</sup>	SB 2209 <sup>10)</sup>	SB 2260 <sup>11)</sup>	SB 2240 <sup>12)</sup>	Amends	Revised Bill
Salaries & Wages	221,010	164,159	172,232	486,885	0	0	66,097	77,776	(277,716)	60,988	279,672	15,000	1,394,946	22,739,001
General Fund	45,094	39,588	172,232	475,043	261,916	0	63,556	77,776	(121,852)	0	75,148	15,000	1,273,545	18,289,449
Fed/Special	175,916	124,571	0	21,842	(261,916)	0	2,541	0	(155,864)	60,988	204,524	0	121,401	4,449,552
Operating Exp.	9,418,403					62,599	66,097	77,776	(277,716)	0	647,148	15,000	590,904	10,009,307
General Fund	4,267,439					62,599	63,556	77,776	(121,852)	0	75,148	15,000	94,451	4,361,950
Fed/Special	5,150,964					0	2,541	0	(155,864)	0	572,000	0	496,453	5,647,417
Capital Assets	2,149,731					0	0	0	0	0	0	0	0	0
General Fund	1,579,725					4,261,225	4,261,225	0	4,261,225	0	0	0	4,261,225	5,840,950
Fed/Special	570,006					0	0	0	0	0	0	0	0	570,006
Grants	4,197,000					0	0	0	0	0	0	0	0	4,197,000
General Fund	4,197,000					0	0	0	0	0	0	0	0	4,197,000
Fed/Special	0					0	0	0	0	0	0	0	0	0
Litigation Fees	50,000					0	0	0	0	0	0	0	0	50,000
General Fund	50,000					0	0	0	0	0	0	0	0	50,000
Fed/Special	0					0	0	0	0	0	0	0	0	0
ND Lottery	4,048,402					0	0	0	0	0	0	0	0	4,048,402
General Fund	4,048,402					0	0	0	0	0	0	0	0	4,048,402
Fed/Special	0					0	0	0	0	0	0	0	0	0
Arrest Ret. Fugitive	10,000					0	0	0	0	0	0	0	0	10,000
General Fund	10,000					0	0	0	0	0	0	0	0	10,000
Fed/Special	0					0	0	0	0	0	0	0	0	0
Gaming Comm.	6,141					0	0	0	0	0	0	0	0	6,141
General Fund	6,141					0	0	0	0	0	0	0	0	6,141
Fed/Special	0					0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>41,223,732</b>	<b>221,010</b>	<b>172,232</b>	<b>496,885</b>	<b>0</b>	<b>62,599</b>	<b>66,097</b>	<b>77,776</b>	<b>3,983,509</b>	<b>60,988</b>	<b>926,820</b>	<b>15,000</b>	<b>6,247,075</b>	<b>47,470,807</b>
General Fund	22,929,209	45,094	172,232	475,043	261,916	62,599	63,556	0	4,139,373	0	354,820	15,000	5,629,221	29,559,430
Fed/Special	18,294,523	175,916	0	21,842	(261,916)	0	2,541	77,776	(155,864)	60,988	572,000	0	617,854	18,912,377
<b>Total Funds</b>	<b>41,223,732</b>	<b>221,010</b>	<b>172,232</b>	<b>496,885</b>	<b>0</b>	<b>62,599</b>	<b>66,097</b>	<b>77,776</b>	<b>3,983,509</b>	<b>60,988</b>	<b>926,820</b>	<b>15,000</b>	<b>6,247,075</b>	<b>47,470,807</b>
FTE	181.3	2.0	2.0	0	0	0	0	0	0	0.5	4.0	0	8.5	189.8

<sup>1)</sup> 1.0 FTE IT network administrator is fully funded from the Lottery and 1.0 FTE account technician is 50% from the Lottery Operating fund due to the Lottery impact in these areas - existing positions. The Senate added these positions back into the budget.

<sup>2)</sup> 1.5 FTE's are funded from federal National Criminal History Improvement Project funds, and .5 FTE is funded from the general fund - existing positions. The Senate added these positions back into the budget.

<sup>3)</sup> An error occurred in the OMB Budget and Reporting System-this amendment necessary for Attorney General to provide 4% / 4% salary increases to all employees. The Senate added this amount into this budget.

<sup>4)</sup> Equity adjustments are needed to bring BCI agents, Crime Lab forensic scientists, attorneys (who are not able to participate in the equity pool), IT and legal secretary staff to bring them closer to other state employees in these positions, which the Senate included.

<sup>5)</sup> The FTE and funding for these positions is in the Attorney General's budget as special funds and in ITD as general fund. The general fund monies were transferred by the Senate to the Attorney General and the special funds were removed.

<sup>6)</sup> This amount, added by the Senate, is needed to pay bills associated with occupying the Crime Lab after completion.

<sup>7)</sup> This request, included by the Senate, is for ITD data processing, PeopleSoft user fees, and telecommunications increases.

<sup>8)</sup> This represents necessary anticipated rent, postage, printing, office supplies, and motor pool increases for Legal Services, Consumer Protection, and Gaming divisions.

<sup>9)</sup> This request, added by the Senate, includes purchasing land by the Professional North Building and other associated construction costs to relocate the Crime Lab building and addition. The current owners of the Professional North Building have offered to sell the building, which will eliminate ongoing lease payments.

<sup>10)</sup> This Senate approved special funds request provides a .5 FTE to audit Racing simulcast sites.

<sup>11)</sup> The Senate included the anticipated impact of Senate Bill No. 2260, which allows many entities to receive requested criminal history background checks and includes 4.0 FTE's.

<sup>12)</sup> General fund monies are included by the Senate to provide training to local governments regarding civil commitments of sexually dangerous individuals.

## OFFICE OF ATTORNEY GENERAL PURCHASE PROFESSIONAL NORTH BUILDING PROPOSAL

The Bureau of Criminal Investigation (BCI), Information Technology (IT), Fire Marshal, and Consumer Protection divisions currently occupy the entire Professional North building located at 4205 State Street in Bismarck. In the fall of 2006, the owners of the building made an offer to the Attorney General's office to purchase the building and land for \$348,000 (the balance of the loan taken out for the Consumer Protection addition), and 10 years' lease payments based on the current lease agreement. The owners have also offered the building at a \$1.998 million purchase price, which is the amount the Senate included in this office's budget.

The following information pertains to the building and land:

- The building has approximately 23,400 total square feet.
- The original building was constructed in 1973.
- A 10,000 square foot addition was constructed in 1978.
- A 5,000 square foot addition was constructed in 2005.
- The land on which the building is located is 1.61 acres, which is included in the purchase.
- Estimated new office building construction costs are \$150 per square foot. If this same building was built today, it would cost approximately \$3.51 million, excluding the land cost.
- The building was completely remodeled from 2003 to 2004.
- All furnaces were replaced in the past year.
- Most air conditioners' or the condensers have been recently replaced.
- According to an appraisal received on the proposed north location for the Crime Lab, the land is valued at about \$12 per square foot. Based on the 70,000 square feet the building is located on, the value of the Professional North Building land is approximately \$840,000.

The lease agreement includes biennial lease payments as follows (the lease agreement is through the 2011-13 biennium; 3% increases are added for the 2013-15 and 2015-17 biennia):

- \$430,716 for the 2007-09 biennium,
- \$441,236 for the 2009-11 biennium,
- \$455,786 for the 2011-13 biennium
- \$469,460 for the 2013-15 biennium, and
- \$483,543 for the 2015-17 biennium.

At the end of these lease payments, and payment of the \$348,000 mentioned above, the building and the land on which it sits would be owned by the state. The estimated biennial operating costs for the building are \$153,000, which the state would begin to pay as of July 1, 2007.

The ongoing costs to the state will be for operations and to handle building repairs and upgrades as needed.

PLANS FOR FUNDING THE PURCHASE OF THE BCI/FIRE MARSHAL/ CONSUMER PROTECTION BUILDING AND  
FOR FUNDING THE NORTH CRIME LAB WITH ADDITIONAL SPACE

**PLAN A - CONTINUE LEASING AT BCI AND BUILD NORTH CRIME LAB**

	2007-09	2009-11	2011-13	2013-15	2015-17	TOTAL
BCI LEASE PAYMENTS	430,716	441,236	455,786	469,460	483,543	2,280,741
BIENNIAL INCREASES	5%	5%	5%	5%	5%	THESE LEASE PAYMENTS WOULD CONTINUE
BUILD NORTH CRIME LAB	2,263,225					2,263,225
TOTAL ESTIMATED COSTS	2,693,941	441,236	455,786	469,460	483,543	4,543,966

**PLAN B - PURCHASE BCI BUILDING AND BUILD NORTH CRIME LAB**

BCI BUILDING	1,720,284	\$348,000 TO PAYOFF CURRENT MORTGAGE, \$1.65 MILLION PURCHASE PRICE LESS 2007-09 LEASE PAYMENTS, AFTER DEDUCTING ANTICIPATED BUILDING OPERATING EXPENSES				
BUILD NORTH CRIME LAB	2,263,225					
TOTAL ESTIMATED COSTS	<u>3,983,509</u>					
GENERAL FUND	4,139,373					
FEDERAL FUNDS	(155,864)					
TOTAL	<u>3,983,509</u>					

**GENERAL FUND DIFFERENCE BETWEEN THE TWO PLANS COSTS**

PLAN A	4,543,966
PLAN B	4,139,373
<b>GENERAL FUND SAVINGS</b>	<b>404,593</b>

**ESTIMATED COSTS OF CRIME LAB BUILDING AT ORIGINAL SITE AND NORTH SITE**

<u>ORIGINAL SITE COSTS</u>	REVISED EST. - 9/25/06	LESS EST. CARRYOVER	AMOUNT TO REQUEST	AMOUNT SPENT
ORIGINAL 2005-07 APPROPRIATION	3,651,491	(3,280,722)		370,769
REVISED ESTIMATED CONSTRUCTION COSTS	4,250,000		4,250,000	
ADDITIONAL CONSTRUCTION COST	598,509		598,509	

ADDITIONAL CONSTRUCTION ASSOCIATED COSTS

CONSTRUCTION BIDDING	22,312		22,312	
NORMAL CONSTRUCTION OBSERVATION	89,250		89,250	
CONSTRUCTION SUPERVISION	41,000		41,000	
CAPITAL ASSETS PART OF BUILDING	121,000		121,000	
TOTAL ESTIMATED COST - ORIGINAL SITE	4,523,562		4,523,562	

ORIGINAL CRIME LAB BUILDING APPROPRIATION	3,651,491
AMOUNT SPENT AS OF 9/25/06	370,769
AMOUNT REMAINING AS OF 9/25/06	3,280,722

AMOUNT IN EXEC. REC. 1,243,000

NORTH SITE COSTS

ESTIMATED LAND COST	1,008,600	ADDITIONAL COST
SCHEMATIC DESIGN	28,150	ADDITIONAL COST
DESIGN DEVELOPMENT	38,150	ADDITIONAL COST
CONSTRUCTION DOCUMENTS	115,000	ADDITIONAL COST
BIDDING	22,925	ADDITIONAL COST
NORMAL CONSTRUCTION OBSERVATION	90,400	ADDITIONAL COST
ADDITIONAL CONSTRUCTION & SUPERVISION	936,000	ADDITIONAL COST
SURVEYING & PLATTING	15,000	ADDITIONAL COST
SOIL TESTING & PRINTING	9,000	ADDITIONAL COST
TOTAL ESTIMATED ADDITIONAL COST AT NORTH SITE	2,263,225	

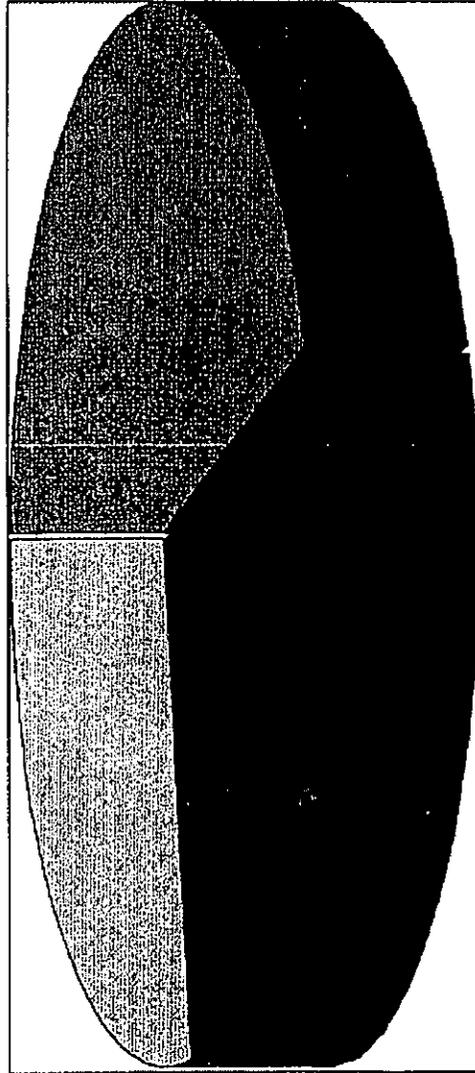
<b>TOTAL ADDITIONAL COST EXISTING &amp; NORTH SITE</b>	<b>7,157,716</b>
--	------------------

**TOTAL PROJECT COST - RELOCATION** **7,157,716**

Office of Attorney General  
2005-2007 Biennium Appropriation  
By Funding Source  
Total \$43,797,557

Other Funds  
28%

General Fund  
44%



Federal Funds  
28%



Wayne Stenehjem  
ATTORNEY GENERAL

STATE OF NORTH DAKOTA  
OFFICE OF ATTORNEY GENERAL

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*2003*

Memorandum

To: Chairman Carlson, Representatives Carlisle, Glassheim, Kempenich,  
Kroeber, Skarphol, Thoreson, and Williams

From: *Roll*  
Kathy Roll, Office of Attorney General

Re: Items requested during SB 2003 Attorney General budget hearing

Date: February 28, 2007

During the Attorney General's budget hearing the following items were requested and are included with this memo:

- ❖ A comparison of Highway Patrol and Attorney General law enforcement position salaries
- ❖ The salary equity distribution between Attorney General divisions
- ❖ Employee turnover rate
- ❖ Vacant positions listing
- ❖ Special funds, balances, and purposes of the funds
- ❖ Lottery appropriation detail

If you have any questions, please contact me at 328-3622.

**NOVEMBER 2006 COMPARISON OF HIGHWAY PATROL SALARIES VS. BCI AGENTS**

**HIGHWAY PATROL**

HIGHWAY PATROL OFFICER I	GRADE	GRADE	<u>BCI</u>
HIGHWAY PATROL OFFICER II	9	-	NO EQUIVALENT
HIGHWAY PATROL SERGEANT	12	11	CRIMINAL INVESTIGATOR I
HIGHWAY PATROL DISTRICT COMMANDER	13	12	CRIMINAL INVESTIGATOR II
HIGHWAY PATROL FIELD OPERATIONS COMMANDER	14	14	CRIMINAL INVESTIGATOR III
	16	15	CHIEF AGENT

**AVERAGE SALARIES**

				<b>MONTHLY</b>	<b>ANNUAL</b>
				<b>DIFFERENCE</b>	<b>DIFFERENCE</b>
				<b>HP V. BCI</b>	<b>HP V. BCI</b>
HIGHWAY PATROL OFFICER I	\$ 2,863	\$ -	NO EQUIVALENT	\$ 2,863	
HIGHWAY PATROL OFFICER II	\$ 3,513	\$ 3,035	CRIMINAL INVESTIGATOR I	\$ 479	\$ 5,744
HIGHWAY PATROL SERGEANT	\$ 4,148	\$ 3,169	CRIMINAL INVESTIGATOR II	\$ 979	\$ 11,750
HIGHWAY PATROL DISTRICT COMMANDER	\$ 4,900	\$ 3,935	CRIMINAL INVESTIGATOR III	\$ 965	\$ 11,576
HIGHWAY PATROL FIELD OPERATIONS COMMANDER	\$ 5,566	\$ 5,021	CHIEF AGENT	\$ 546	\$ 6,546

## PROPOSED DISTRIBUTION OF SALARY EQUITY MONIES BY DIVISION FOR THE 2007-09 BIENNIUM

	<u>GF</u>	<u>FF</u>	<u>OF</u>	<u>TOTAL</u>
FINANCE & ADMINISTRATION	20,540			20,540
INFORMATION TECHNOLOGY	61,964		7,764	69,728
AG ADMINISTRATION	6,446			6,446
CIVIL LITIGATION	101,678			101,678
CRIMINAL/REGULATORY	38,650			38,650
STATE & LOCAL GOVT.	101,841			101,841
NATURAL RESOURCES	67,562			67,562
BCI	549,154			549,154
CRIME LAB	158,884			158,884
CONSUMER PROTECTION	25,388		11,014	36,402
TOTAL	1,132,107	-	18,778	1,150,885

OFFICE OF ATTORNEY EMPLOYEE TURNOVER STATISTICS

AVERAGE YEARS OF SERVICE	5.5
AVERAGE % TURNOVER	24%
% LEFT FOR BETTER OFFER	74%
AVG. SALARY	\$ 2,782

EMPLOYEE TURNOVER FY2004	4%
EMPLOYEE TURNOVER FY2005	11%
EMPLOYEE TURNOVER FY2006	5%
EMPLOYEE TURNOVER FY2007	4%
TURNOVER FOR 3 1/2 YRS.	24%



## SPECIAL FUNDS BALANCES, ADJUSTMENTS AND PURPOSE OF FUND

	<u>BALANCE AS OF 2/28/07</u>	<u>ESTIMATED 6/30/07 BALANCE</u>
<b>ASSET FORFEITURE FUND</b>		
LESS:		
NARCOTIC ACTIVITIES	\$ 70,604	\$ 5,369
	\$ (65,235)	
<b>AG REFUND FUND</b>	\$ 1,472,866	\$ 25,537
LESS:		
CONSUMER REFUNDS	\$ (385,549)	
INDIAN GAMING	\$ (134,922)	
CONSUMER PROTECTION EXPENSES	\$ (331,359)	
2007-09 DO NOT CALL ENFORCEMENT	\$ (345,500)	
2007-09 APPROPRIATED AMOUNTS	\$ (250,000)	
<b>LOTTERY OPERATING FUND</b>	\$ 4,621,771	\$ (0)
ESTIMATED REVENUES REMAINDER OF 05-07	\$ 2,052,812	
LESS:		
COMPULSIVE GAMBLING PREVENTION TRANSFER	\$ (100,000)	
LOTTERY APPROPRIATION	\$ (1,624,583)	
GENERAL FUND TRANSFER	\$ (4,700,000)	
1ST QUARTER 2007-09 BIENNIUM MULTIJURISDICTIONAL TASK FORCE GRANTS	\$ (125,000)	
2 MONTHS LOTTERY OPERATING COSTS	\$ (125,000)	
<b>SPECIAL OPERATIONS REIMBURSEMENT FUND</b>	\$ 34,922	\$ 34,922
<b>AG OPERATING FUND</b>		
ESTIMATED REVENUES REMAINDER OF 05-07	\$ 1,833,331	\$ 338,597
LESS AMOUNTS REMAINING:	\$ 316,552	
LEGAL SERVICES EXPENSES	\$ (1,224,419)	
FIRE MARSHAL EXPENSES	\$ 49,515	
DRUG & ALCOHOL COMMISSION	\$ (1,809)	

CONCEALED WEAPON PERMIT EXPENSES \$ (987)  
 GAMING EXPENSES \$ (19,525)  
 CJS IS IT STAFF REIMBURSEMENT \$ (101,301)  
 ADMINISTRATIVE ASSISTANT \$ (10,000)  
 INDUSTRIAL HEMP LICENSE FEES \$ (500)  
 2007-09 ONE TIME IT PROJECTS \$ (502,260)

GAMING & EXCISE TAX GRANTS FUND \$ 65,967 \$ (0)  
 ESTIMATED REVENUES REMAINDER OF 05-07 \$ 140,580  
 LESS: GRANTS TO CITIES & COUNTIES \$ (206,547)

**ATTORNEY GENERAL SPECIAL FUND PURPOSES**

**ASSET FORFEITURE FUND**

Because it is impossible to predict the receipt and expenditure of asset forfeiture funds within a defined time period, it is essential that these funds remain a continuing appropriation. The use of asset forfeiture as a continuing appropriation is critical to our office's ability to provide an adequate law enforcement response to situations as they arise. The level of revenue is always uncertain, as it depends entirely on what cases the office becomes involved with. In addition, expenses are very uncertain because that also depends entirely on whatever major cases the office becomes involved in. A major case can often result in unanticipated equipment needs, collection of evidence costs, and a host of other unknown costs. As a result, the use of asset forfeiture as a continuing appropriation helps the office pay for these unanticipated costs and provide necessary law enforcement services across the state. The continuing appropriation is reflected in NDCC Section 54-12-14. **There are no anticipated revenues at this point for the remainder of the biennium.**

**AG REFUND FUND**

The Consumer Protection & Antitrust Division requires a continuing appropriation of the moneys or funds deposited pursuant to N.D.C.C. § 54-12-18. A portion of these funds are used to pay costs, expenses, and salaries incurred in the operation of the Consumer Protection & Antitrust Division. These funds are currently funding salaries and operational expenses for Do Not Call legislation enforcement. These funds also provide additional investigation and litigation resources for the division in pursuing injunctive or other relief in public interest cases involving either complex matters or circumstances in which defendants lack resources to reimburse the state or pay investigation, litigation or public notice costs, etc. These funds also supplement the division's ability to provide important consumer fraud education, training, or programs in areas such as numerous and costly scams targeted at the elderly, identity theft, etc. These funds provide needed resources, on an as needed basis, to carry out the division's mission of protecting the public and obtaining restitution, etc. for victims, and otherwise would have to be replaced by general fund dollars. This fund is also used by the Gaming Division for background investigation charges and Indian Gaming expenses and reimbursements. **There are no anticipated revenues at this point for the remainder of the biennium.**

**LOTTERY OPERATING FUND**

The Lottery Operating Fund is established by North Dakota Century Code (N.D.C.C.) § 53-12.1-09. The Office of Attorney General administers the fund. This fund is established within the state treasury to account for

all revenues from the sale of lottery tickets, interest income, and application, license, credit check, and record check fees collected. The monies within this fund are used for administrative (appropriated) and operating expenses of the North Dakota Lottery, and transferred to the compulsive gambling prevention and treatment fund, Multi-State Lottery Association for the Lottery's share of games' prize reserve pools, and state general fund (continuing appropriation). It is essential for the North Dakota Lottery to maintain the continuing appropriation of the Lottery Operating Fund to provide for payments for prizes, retailer commissions, game group dues of the Multi-State Lottery Association, and fees of the online gaming system vendor. All of these payments are variable expenses and are based directly and incrementally on the volume of sales of lottery tickets which is impossible to accurately predict.

#### **SPECIAL OPERATIONS REIMBURSEMENT FUND**

The vast majority of local law enforcement agencies do not have the personnel, operating, or equipment resources necessary to train and equip a local tactical team. Because of the expense involved in establishing and maintaining a team, there are only six certified teams in the state. These teams are called upon by local law enforcement agencies.

A special fund was created during the 2003 legislative session to provide support in crisis situations to local law enforcement outside of their jurisdiction for support. These teams must travel quite a distance to provide this support, resulting in large personnel, operating, and equipment costs. Limited resources make it difficult, if not impossible, for small local agencies to reimburse the tactical teams. Because of the increase seen in armed and violent offenders, which is primarily a result of methamphetamine use, local law enforcement agencies contribute money to this special fund used to reimburse tactical teams for their expenses when they provide support outside of their jurisdiction. These funds are also currently used to leverage federal funds made available for the same purpose.

It is critical that this fund remain a continuing appropriation for several reasons. First, it is impossible to plan ahead for these situations. Law enforcement cannot possibly predict when the next hostage or crisis situation will arise. Second, the appropriation is 100% funded by local law enforcement and is there to help ensure that the costs of a crisis response will be covered. As such, it should remain available to law enforcement as a continuing appropriation to ensure tactical teams can afford to provide services outside of their jurisdiction. The continuing appropriation is contained in NDCC Section 54-12-23.

**There are no anticipated revenues at this point for the remainder of the biennium.**

#### **AG OPERATING FUND**

Revenues billed for legal services to state agencies and Fire Marshal services to political subdivisions are deposited in this fund. ITD reimburses this office for 2 Information Technology employees who work on the Criminal Justice Information System. Of the \$25 concealed weapons permit fee, \$15 is deposited in this fund to pay for the associated concealed weapons permit expenses. Gaming revenues and expenses for gaming publications and gaming stamps are reflected in this fund. The industrial hemp license fees will be transferred to the Agriculture Department after SB 2099 is signed by the Secretary of State. It is critical to maintain several months' billings as a balance to mitigate lower than estimated billing revenues.

#### **GAMING & EXCISE TAX GRANTS FUND**

Revenues for this fund come from 3% of the gaming and pull-tab excise tax revenues. These amounts are appropriated for grants to cities and counties based on their share of amounts wagered and are distributed quarterly.

Agency Name: OFFICE OF THE ATTORNEY GENERAL  
 Program: LOTTERY  
 Reporting Level: 00-125-800-00-00-00-00000000

1 Object/Revenue Description	2 2005-07 Biennium Appropriation	3 2007-09 Posted Budget Changes	4 2007-09 Manual Budget Changes	5 2007-09 Total Budget Changes	6 2007-09 Budget Recommendation	7 Change from 2005-2007
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FUNDING SOURCES

SPECIAL FUNDING SOURCES

LOTTERY FUND 292	0	0	0	0	0	0
TOTAL SPECIAL FUNDS	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

74 NORTH DAKOTA LOTTERY

SALARIES - PERMANENT	923,392	0	0	0	971,640	48,248
SALARIES - OTHER	0	0	0	0	0	0
TEMPORARY SALARIES	30,000	68,226	0	68,226	68,226	38,226
FRINGE BENEFITS	303,938	6,823	0	6,823	334,437	30,499
TRAVEL	146,000	0	0	0	146,000	0
SUPPLY/MATERIAL-PROFESSIONAL	4,050	0	0	0	4,050	0
FOOD AND CLOTHING	538	0	0	0	538	0
BLDG. GROUND, MAINTENANCE	1,563	0	0	0	1,563	0
MISCELLANEOUS SUPPLIES	12,250	0	0	0	12,250	0
OFFICE SUPPLIES	14,500	0	0	0	14,500	0
POSTAGE	30,000	0	0	0	30,000	0
PRINTING	158,000	0	0	0	158,000	0
IT EQUIP UNDER \$5,000	4,000	0	0	0	4,000	0
OTHER EQUIP UNDER \$5,000	15,000	0	0	0	15,000	0
OFFICE EQUIP & FURN SUPPLIES	21,920	0	0	0	21,920	0
INSURANCE	4,000	0	0	0	4,000	0
RENTALS/LEASES-EQUIP & OTHER	5,000	0	0	0	5,000	0
RENTALS/LEASES - BLDG/LAND	65,000	0	0	0	65,000	0
REPAIRS	2,000	0	0	0	2,000	0
SALARY INCREASE	0	0	0	0	0	0
BENEFIT INCREASE	0	0	0	0	0	0
IT - DATA PROCESSING	45,000	0	0	0	45,000	9,943
IT-COMMUNICATIONS	30,000	0	0	0	30,000	0
IT CONTRACTUAL SERVICES AND RE	500	0	1,718	1,718	31,718	1,718
PROFESSIONAL DEVELOPMENT	35,000	0	0	0	500	0
					35,000	0

Agency Name: OFFICE OF THE ATTORNEY GENERAL  
 Program: LOTTERY  
 Reporting Level: 00-125-800-00-00-00-00000000

1 Object/Revenue Description	2 2005-07 Biennium Appropriation	3 2007-09 Posted Budget Changes	4 2007-09 Manual Budget Changes	5 2007-09 Total Budget Changes	6 2007-09 Budget Recommendation	7 Change from 2005-2007
621000	1,800,386	0	(38,226)	(38,226)	1,862,170	(38,226)
623000	147,144	0	0	0	147,144	0
<b>TOTAL</b>	<b>3,899,191</b>	<b>75,049</b>	<b>(36,508)</b>	<b>38,541</b>	<b>4,048,402</b>	<b>149,211</b>
<b>FUNDING SOURCES</b>						
<b>SPECIAL FUNDING SOURCES</b>						
LOTTERY FUND 292	3,899,191	75,049	(36,508)	38,541	4,048,402	149,211
<b>TOTAL SPECIAL FUNDS</b>	<b>3,899,191</b>	<b>75,049</b>	<b>(36,508)</b>	<b>38,541</b>	<b>4,048,402</b>	<b>149,211</b>
<b>TOTAL EXPENDITURES</b>	<b>3,899,191</b>	<b>75,049</b>	<b>(36,508)</b>	<b>38,541</b>	<b>4,048,402</b>	<b>149,211</b>
<b>FUNDING SOURCES</b>						
<b>SPECIAL FUNDING SOURCES</b>						
LOTTERY FUND 292	3,899,191	75,049	(36,508)	38,541	4,048,402	149,211
<b>TOTAL SPECIAL FUNDS</b>	<b>3,899,191</b>	<b>75,049</b>	<b>(36,508)</b>	<b>38,541</b>	<b>4,048,402</b>	<b>149,211</b>
<b>TOTAL FUNDING SOURCES</b>	<b>3,899,191</b>	<b>75,049</b>	<b>(36,508)</b>	<b>38,541</b>	<b>4,048,402</b>	<b>149,211</b>
FTE COUNTS	11.00	0.00	0.00	0.00	11.00	0.00



Wayne Stenehjem  
ATTORNEY GENERAL

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Memorandum

To: Chairman Carlson, Representatives Carlisle, Glassheim, Kempenich,  
Kroeber, Skarphol, Thoreson, and Williams

From: Kathy Roll, Office of Attorney General

Re: Items requested during SB 2003 Attorney General budget meeting

Date: March 8, 2007

During the Attorney General's budget meeting the following items were requested and are included with this memo:

- ❖ Answers to questions about Criminal Justice Information Sharing (CJIS) budget
- ❖ Statewide legal services salaries and years of experience
- ❖ Taxes paid for the Professional North Building
- ❖ General fund monies replacing federal Byrne funds during the 2005-07 biennium, as approved by the legislature.
- ❖ Capital Electric taxes on land by Professional North Building
- ❖ Estimated biennial operating costs for the Professional North Building

If you have any questions, please contact me at 328-3622.

## QUESTIONS REGARDING THE OFFICE OF ATTORNEY GENERAL 2007-09 BIENNIUM

**What is budgeted in the Office of Attorney General's 2007-09 biennium budget for CJIS?**  
(Criminal Justice Information Sharing)

The office budget for CJIS contains 2 FTE's and \$261,916 in general fund salaries. The \$150,000 in other funds for CJIS interfaces is to develop the interfaces from the CJIS hub into this office's systems relating to prosecution and disposition information from states attorneys.

No other monies are budgeted for CJIS purposes. It is possible, if a CJIS project qualifies under the National Criminal History Improvement Project, federal funds could potentially be used to improve criminal history records (criminal histories maintained by BCI) New projects that will improve criminal history records need to be explained to and approved by Bureau of Justice Statistics either through application or grant adjustments.

We have not received new NCHIP funds for two years and the funds we have will run out next biennium.

**What amount of taxes are paid for the Professional Building North (BCI building)?**

For calendar years 2004 and 2005, the total taxes paid were \$22,940. For calendar year 2006, the taxes paid were \$11,990.

**What amount of Byrne federal funds were covered by general fund monies for the 2005-07 biennium?**

The total amount of general fund monies covering Byrne federal funds expenses for this biennium is \$662,556.

**What amount of taxes are currently paid on the Capital Electric land included by the Senate build the new Crime Lab?**

The prorated share of land taxes for the land for the north Crime Lab was \$514 for this past year.

**What are the estimated biennial operating expenses related to the Professional North Building (BCI)?**

Utilities (Gas, Water, Sewer, and Garbage)	83,582
Janitorial & Supplies	29,111
Snow removal / yard care / extermination	10,881
Insurance	9,154
Normal maintenance and repairs	20,172
Total	152,900

2006 COMBINED ATTORNEY SURVEY RESPONSES

Attorney Study Information Request

Agency/ Institution	Job Class Code &/or Title	Years of Experience		Does this employee direct the work of others?		Other Legal Duties				Annual Salary &/p	Comments	
		All Legal (Att/Par)		Professional Staff		Legal Research and Writing	General Counsel	Legislative Work	Litigation			
		State Legal (7/1/05)	# of Support Staff	# of Support Staff	# of Support Staff							
1 Work Comp	NC9022 General Counsel	5.5	5								91,008 a	
1 Work Comp	NC9021 Staff Counsel	4.0									77,124 a	
3 Work Comp	NC9021 Staff Counsel	2.4									70,536 a	
4 Work Comp	NC9022 Staff Counsel	6.8									70,536 a	
1 Job Service	CL4360 APPEALS REFEREE	*** 5.25									43,152	* These individuals perform legal duties, and possess attorney credentials; however, they were not hired as attorneys and the credentials are not required of their positions. a NDSU response only included salary.
1 NDSU Comm. On	n/a General Counsel										105,371 a	
Legal Council	Attorney II	5.0	10**								47,000 a	** no criminal law experience
4 for Indigents	NC9002 APPOINTED-NOT CLASSIFIED	38.8	20								103,584 a	
6 State Courts	CL0713 ATTORNEY III	35.3	2								66,852 a	
3 Tax	22 Attorney General AG9011 ASST ATTY GEN-NOT CLASSIFIED	12.5	6								67,080 a	
3 OAH	CL0753 ADMINISTRATIVE LAW JUDGE	10.3	3								57,789 a	
1 PSC	CL0713 ATTORNEY III	17.3	1								70,437 a	See PSC Comments below
Comm. On												
Legal Council	Attorney II	34.0	2 B								51,000 a	
9 for Indigents	NC9021 OTHER-NOT CLS-OF/CLADMIN	33.5	18								99,840 a	See Leg Council comments below
2 Leg. Council	NC9022 OTHER-NOT CLS-PROF	12.8	1								67,596 a	
2 Insurance	NC9005 OTHER - NOT CLASSIFIED	5.2									70,000 a	
1 Governor	4 Attorney General AG9012 ASST ATTY GEN-ADMIN	20.5	4								79,260 a	
4 Attorney General	CL0405 DIR OF ECONOMIC ASST-DHS	30.6	6								72,960 a	
5 DHS	NC9002 ASST ATTY GEN-NOT CLASSIFIED	29.4	8								75,948 a	
2 Attorney General	NC9002 APPOINTED-NOT CLASSIFIED	24.9	8								72,696 a	
31 PSC	NC9002 APPOINTED-NOT CLASSIFIED	24.9	8								73,632 a	See PSC Comments below
1 OAH	NC9001 ELECTED - NOT CLASSIFIED	5.0	121								77,655 a	
29 Attorney General	NC9001 General Counsel	18.0	2 B								100,903 a	
1 University Syst.	n/a											
Comm. On												
Legal Council	Attorney II	28.0	8								80,000 a	as of April 1, 2006 (except for state legal serv)
2 for Indigents	NC9002 APPOINTED-NOT CLASSIFIED	0.2	8 B								80,624 a	
21 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	13.1	5								89,616 a	
9 Leg. Council	CL9022 OTHER-NOT CLS-PROF	24.7	4								65,868 a	
24 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	24.9	5								70,608 a	
9 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	22.7	5								82,884 a	
28 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	15.0	5								54,499 a	
6 Attorney General	AG9012 ASST ATTY GEN-ADMIN	19.8	3								83,340 a	
2 OAH	CL0753 ADMINISTRATIVE LAW JUDGE	24.5	52								65,820 a	
30 Attorney General	NC9003 DEPUTY - NOT CLASSIFIED	5.0	120								50,112 a	
8 Leg. Council	CL9022 OTHER-NOT CLS-PROF	16.4	3								66,756 a	
1 Protect. & Advoc	CL0712 ATTORNEY III	9.7	4								60,612 a	
33 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	13.8	10								79,248 a	
11 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	8.8	4								72,828 a	
5 Leg. Council	NC9022 OTHER-NOT CLS-PROF	20.3	4								60,624 a	
14 Attorney General	AG9012 ASST ATTY GEN-ADMIN	19.9	10								56,160 a	
20 Attorney General	AG9011 ASST ATTY GEN-NOT CLASSIFIED	0.3	2								70,920 a	** include temps for legislative sessions
4 DHS	CL0712 ATTORNEY II	17.5	1								64,356 a	
1 Leg. Council	NC9022 OTHER-NOT CLS-PROF	12.3	2									
7 State Courts	NC9005 Staff Counsel- Judicial Conduct Commission	18.0	2 B								60,000 a	
Comm. On		17.3	2								58,044 a	
Legal Council	Attorney II											
7 for Indigents	5 Attorney General AG9011 ASST ATTY GEN-NOT CLASSIFIED	13.3	2									



Agency/ Institution	Job Class Code &/or Title	Years of Experience			Does this employee direct the work of others?				Other Legal Duties				Annual Salary	Comments
		State Legal Service (1/1/06)	All Legal (Any/Para)	Experience	# of Support Professional Staff	# of Support Staff	Legal Research and Writing	General Counsel	Legislative Work	Litigation	Annual Salary			
												State Legal Service (1/1/06)		
11 State Courts	NC9005 Staff Attorney, Central Legal	1.2	1.0										49,500 a	
6 State Courts	NC9005 Director, Central Legal Staff	25.4	0.0		4	2	X						76,684 a	
2 State Courts	NC9005 Staff Attorney, Central Legal	23.4	0.0				X						72,516 a	
4 State Courts	NC9005 Staff Attorney, State Court Administrator	19.3	0.0				X						66,876 a	
<b>PARALEGALS</b>														
1 Work Comp	NC9025 Paralegal	18.3	yes										47,364 p	
5 Work Comp	NC9025 Paralegal	13.7	yes										46,992 p	
8 Work Comp	NC9025 Paralegal	3.5	yes										32,832 p	
1 Water Comm.	CL0703 PARALEGAL	27.9	27.9				X						34,320 p	
15 Attorney General	CL0703 PARALEGAL	11.4	19.0				X		X				33,912 p	
12 Attorney General	CL0703 PARALEGAL	16.0	17.0				X		X				35,220 p	
18 Attorney General	CL0703 PARALEGAL	5.3	14.0				X		X				27,672 p	
34 Attorney General	CL0703 PARALEGAL	0.3	12.4				X		X				29,508 p	
4 UND	Legal Assistant (paralegal)	9.3	9.3				X						34,263 p	
9 Work Comp	NC9025 Paralegal	7.8	4.8										27,160 p	
2 Work Comp	NC9025 Paralegal	10.8	3.5										45,744 p	
5 UND	Legal Assistant (paralegal)	1.3	1.3				X						33,173 p	
3 UND	Legal Assistant (paralegal)	1.0	1.0				X						34,732 p	
<b>Legislative Council Comments:</b>														
1.	Because under NDCC Section 54-12-01 the attorney general is the official primarily responsible for instituting, prosecuting, appearing, and defending all actions and proceedings in favor of or against the state, except for exceptional circumstances, only assistant attorneys general engage in litigation and thus could have litigation as a legal duty. In addition, traditional litigation presents a conflict of interest for legislative branch attorneys because litigation may involve advocating a specific statutory interpretation or application contrary to intent or statements expressed by individual legislators in public or to the nonpartisan Legislative Council staff.													
2.	and government functions; summarizing complex legal issues in a manner to assist committees in determining solutions to problems or concerns; contracting and working with third party consultants; orienting and training legislators regarding their legal and constitutional responsibilities; conducting ethics seminars for legislators; conducting general training and instruction for legislators and legislative staff; providing legal advice to state agencies regarding bill drafting and administrative rules drafting; reviewing and editing all bills drafted by state agencies and others outside the legislative branch for content, relationship to existing law, and potential constitutional issues; and making presentations to state agencies and other groups regarding the legislative process.													
3.	Recognition should be given to Publication Legal Duties - The review of engrossed measures to ensure compliance with constitutional and procedural requirements; the review of enrolled measures to ensure compliance with constitutional, statutory, and procedural requirements; the preparation of legislation for publication; and the preparation and codification of state agency rules and regulations for publication.													

# PRELIMINARY PLAT

## CAPITAL ELECTRIC HEADQUARTERS ADDITION

TO THE CITY OF BISMARCK, NORTH DAKOTA  
 AUDITORS LOT 1 AND THAT PART OF THE NW 1/4 BEING THE PROPERTY OCCUPIED BY  
 THE PROFESSIONAL NORTH OFFICE BUILDING (200'X350')  
 LOCATED IN PART OF THE NW ONE QUARTER OF  
 SECTION 22--T19N--R80W  
 BURLEIGH COUNTY, NORTH DAKOTA  
 AREA = 19.243 ACRES OR 836,219 SQUARE FEET  
 PRESENT ZONING RT  
 PROPOSED ZONING=PUD & CG

- LEGEND**
- EXISTING PROPERTY CORNER
  - SET PROPERTY CORNER (CAP 13025)
  - ✕ EXISTING PROPERTY CORNER (CHISEL X)
  - ✕ SET PROPERTY CORNER (CHISEL X)
  - PROPERTY CORNER TO BE SET
  - BARRIED ELECTRIC CABLE
  - BURIED TV CABLE
  - WATER LINE
  - SANITARY SEWER
  - CHANGING FENCE
  - WOOD FENCE
  - WOODEN WIRE FENCE
  - DRAINAGE DITCH
  - DECIDUOUS TREE
  - EVERGREEN TREE
  - LIGHT POLE
  - SPRINKLER
  - TELEPHONE PEDESTAL
  - 24" MOUNTABLE CURB
  - ▨ RIFMAP SLOPE PROTECTION
  - ▨ EXISTING BUILDING
  - ▨ PROPOSED BUILDING

### LOCATION MAP

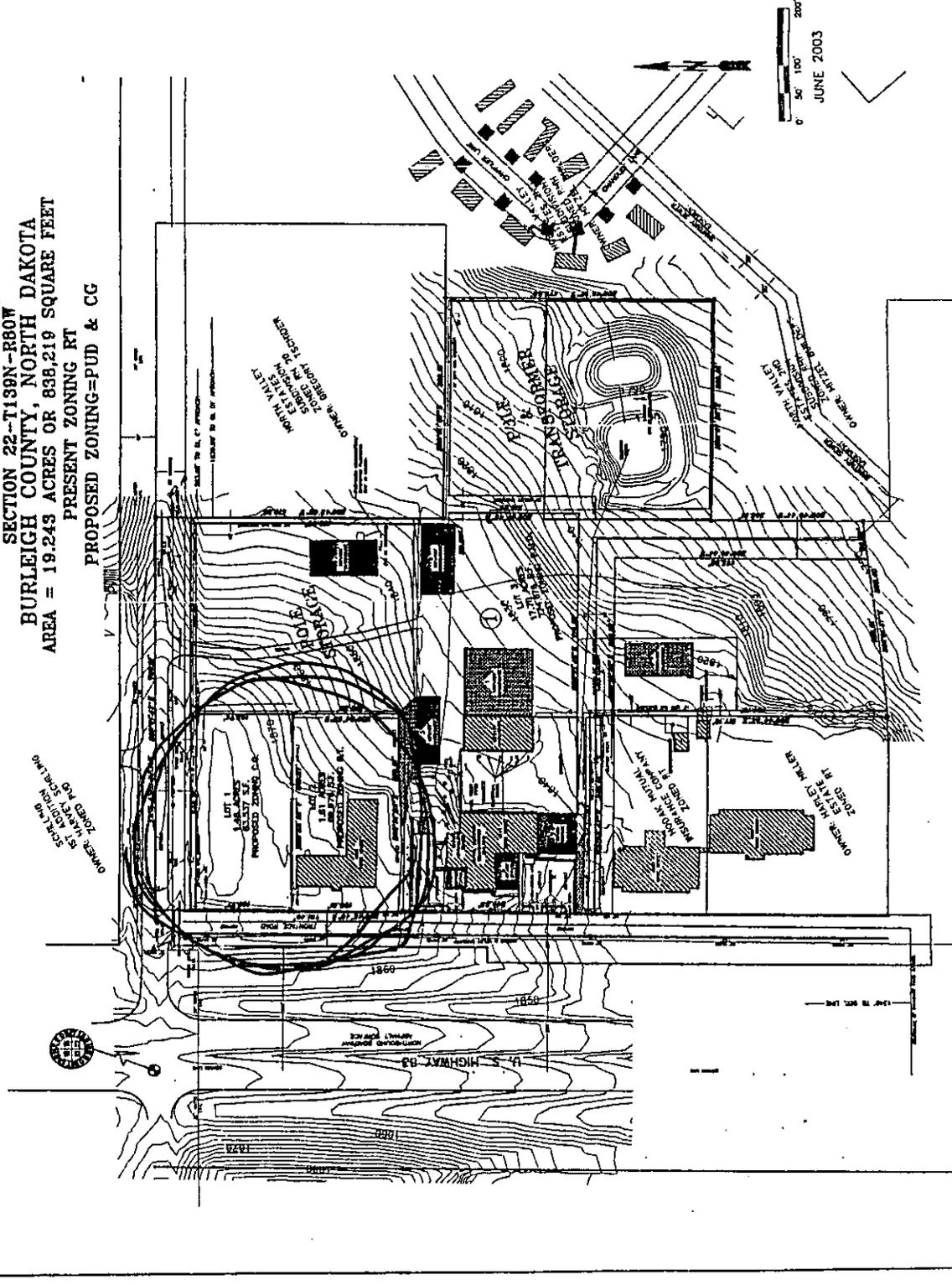
N.T.S.



OWNER/ DEVELOPER: CAPITAL ELECTRIC COOPERATIVE, INC.  
 CAPITAL ELECTRIC COOPERATIVE, INC.  
 411 STATE STREET  
 BOX 730  
 BISMARCK, ND 58502

SURVEYOR: ULTEIG ENGINEERS, INC.  
 ALAN W. ERICKSON, RLS 1202  
 1417 BASIN AVENUE  
 BISMARCK, ND 58504

NO.	DATE	DESCRIPTION
1	11-15-02	LOCATION OF LOT 3
2	11-15-02	PLANNING STAFF COMMENTS
3	11-27-02	PLANNING STAFF COMMENTS
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DATE: JUNE 2003  
 SHEET: 1 OF 1

Sub 2003  
1-30-07

ITEMS REQUESTED FROM SENATE APPROPRIATIONS FOR SB 2003  
OFFICE OF ATTORNEY GENERAL BUDGET  
COMPARISON BETWEEN OPTIONAL ADJUSTMENTS REQUESTED AND 2007-09 BIENNIUM EXECUTIVE RECOMMENDATION

INCLUDED IN EXEC. REC.  
YES NO PARTIAL

SALARY ISSUES

	GF	FE	OF	TOTAL	
IT - NETWORK ADMINISTRATOR FUNDING CHG. 1.0 FTE			130,822	130,822	LOTTERY OP. FD
F&A - EXISTING STAFF FUNDING SOURCE CHANGE - 1.0 FTE	45,094		45,094	90,188	LOTTERY OP. FD
BCI NCHIP - 2.0 FTE	39,588	124,571		164,159	ENOUGH NCHIP & BYRNE TO COVER

Revised to  
include .5 FTE  
from GF as is  
currently paid

SALARY INCREASE ISSUE ON BARS

CJIS IT STAFF - FTE'S & AUTHORITY STILL IN AG BUDGET	172,232			172,232	GF REQUEST
ADDITIONAL LEGAL, BCI AGENTS, IT STAFF, LEGAL SECRETARIES, & CRIME LAB EQUITY	475,043		21,842	496,885	SF REQUEST GF/SF REQUEST

BILLS WE MUST PAY

CRIME LAB BUILDING PROJECT EST. EXPS.	62,599			62,599	217,000 GF REQUEST
ITD DP & PEOPLESOFT USER FEE INCREASES, TELECOMMUNICATIONS	63,556		2,541	66,097	110,000 GF REQUEST
LEGAL SERVICES, CPAT, GAMING - RENT, POSTAGE, PRINTING, OFFICE SUPPLIES, MOTOR POOL			77,776		AG OPERAT/\$26,700 REF. F X SF REQUEST

**DIFFERENCE WITHOUT CRIME LAB NORTH 858,112 124,571 278,075 1,260,758**

CRIME LAB BUILDING - NORTH LOCATION

2,263,225

Revised to  
include site  
preparation costs

TOTAL REQUESTS

3,121,337 124,571 278,075 3,523,983

OTHER ITEMS NEEDED

LOTTERY - CONTINGENT APPROP. FOR 2 FTE'S & ASSOCIATED EXPENSES - S/A 2005-07 BIENNIUM

AG REFUND FUND CARRYOVER

SUPPORTS 2.5 FTES

BCI, FM, IT, CPAT BUILDING PURCHASE 501,000

<u>RELATED LEGISLATION</u>	<u>BILL NO.</u>	<u>GF</u>	<u>FF</u>	<u>OF</u>	<u>TOTAL</u>	<u>FTE'S</u>
DNA FOR ALL FELONY ARRESTEES	HB 1197					
REGISTER/CERTIFY TOBACCO COMP.	HB 1251	443,214			443,214	2.5 AAG, PARALEGAL, .5 ADMIN. ASST.
MULTIJURISDICTIONAL DRUG TASK FORCE GRANTS	HB 1330	45,000			45,000	0.5 EXISTING GRNTS./CONT. OFFICER
REMOVE EXEMPTION FROM ADMINISTRATIVE PRACTICES - CRIME LAB & SEX OFFENDERS	HB 1479	195,000			195,000	HEARINGS, NOTICES
REIMB. COST OF FORENSIC MED. EXAMS FOR ALLEGED SEXUAL ASSAULT VICTIMS	SB 2103	500,000			500,000	
SEX OFFENDER REGISTRATION KIOSKS	SB 2161	1,046,080			1,046,080	1 IT NETWORK
REQUIRES CHEMICAL TESTING FOR DRIVER IN SERIOUS ACCIDENT	SB 2165	7,300			7,300	
REQUIRES THE A.G. TO AUDIT RACING SITES	SB 2209	60,988	60,987		121,975	1 AUDITOR
COMPREHENSIVE BACKGROUND CHECKS	SB 2260	354,820		572,000	926,820	4 IDENTIFICATION TECHS. SF - FBI CHECKS
LIQUOR LICENSE VIOLATION HEARINGS	SB 2261					LESS THAN \$5,000
NO PROMOTION OF LOTTERY	SB 2334			(2,246,040)	(2,246,040)	(3)
CIVIL COMMITMENTS FOR SEXUALLY DANGEROUS INDIVIDUALS	SB2340	436,107			436,107	2.5 AAG, PARALEGAL, .5 ADMIN. ASST.
CRIMINAL COMPUTER INVESTIGATIONS & EXAM:	SB 2382	350,000			350,000	2 CRIMINAL INVESTIGATORS
TOTAL COSTS - OTHER LEGISLATION		3,438,509		(1,613,053)	1,825,456	
TOTAL COST WITHOUT LOTTERY PROMOTION		3,438,509		632,987	4,071,496	

EFFECTIVE DATE - 8/1/09  
FORENSIC SCIENTIST,  
751,564 2 ADMIN. ASST.

436-001  
2009-0003

## ANALYSIS OF 2007-09 BIENNIUM INCREASES IN OPERATING EXPENSES

	EXEC. REC.		GENERAL FUND	FEDERAL FUNDS	SPECIAL FUNDS	TOTAL
	2005-07 BUDGET	2007-09 BUDGET DIFFERENCE				
<b><u>IT CONTRACTUAL SERVICES AND REPAIRS</u></b>	242,577	584,056	341,479			-
FEDERAL FUNDS REDUCTION		(92,806)		(92,806)		(92,806)
INTERNAL BUDGET CHANGES TO MATCH IT CAPTURE PLAN		4,285	Funding source not applicable			4,285
CRIMINAL JUSTICE INFORMATION SYSTEM INTERFACES - CHANGE OFFICE SYSTEMS TO ACCEPT INFORMATION FROM CJIS HUB	150,000			150,000		150,000
BCI CASE MANAGEMENT SYSTEM REWRITE	180,000			180,000		180,000
AGENCY DOCUMENT STORAGE	50,000			50,000		50,000
CRIME LAB TOXICOLOGY APPLICATION	50,000			50,000		50,000
						<u>341,479</u>
<b><u>OPERATING FEES AND SERVICES</u></b>	639,656	957,558	317,902			317,902
BCI - PURCHASE CARD TRANSACTIONS, RESEARCH FEES, WORKERS COMP PAYMENTS, FILM PROCESSING, UNDERCOVER BUY FUNDS	345,661	(22,759)		345,661		345,661
CRIME LAB - FEDERAL FUNDS CHANGE				(22,759)		(22,759)
FIRE MARSHAL - LOSS OF WEAPONS OF MASS DESTRUCTION FUNDS		(5,000)		(5,000)		(5,000)
						<u>317,902</u>
<b><u>PROFESSIONAL SERVICES</u></b>	1,212,759	1,771,889	559,130			(25,640)
IT - FEDERAL FUNDS REDUCTIONS				(25,640)		(25,640)
BCI - TECHNOLOGY SERVICE CHANGES INCLUDING AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM, CRIMINAL JUSTICE INFORMATION SYSTEM	491,389			491,389		491,389
CRIME LAB - DNA CAPACITY AND FORENSIC CASEWORK REDUCTION CONTRACTUAL SERVICES	107,881			107,881		107,881
FIRE MARSHAL - LOSS OF WEAPONS OF MASS DESTRUCTION FUNDS	(14,500)			(14,500)		(14,500)
						<u>559,130</u>

## SENATE BILL NO. 2003 - PROPOSED BUDGET ADJUSTMENTS - ATTORNEY GENERAL

	General Fund
Senate version - Engrossed Senate Bill No. 2003	\$28,558,430
Proposed House adjustments:	
1. Remove funding added by the Senate for purchasing land and constructing a new crime lab building adjacent to the BCI building in north Bismarck	(\$2,263,225)
2. Remove funding included in the executive budget for additional costs of the crime lab renovation project	(1,242,840)
3. Remove funding added by the Senate to purchase the Professional North Building which houses BCI	(1,998,000)
4. Add funding to purchase the Professional North Building pursuant to a contract for deed over five bienniums (\$348,000 one-time payment and \$430,716 for 2007-09 biennium lease-purchase payments)	778,716
5. Reduce salary equity funding added by the Senate to provide a total of \$850,885, of which \$818,122 is from the general fund	(300,000)
Total proposed House adjustments	(\$5,025,349)
Proposed House version - Senate Bill No. 2003	\$23,533,081
Executive recommendation	22,929,209
Increase (decrease)/executive recommendation	\$603,872

2 FT

**ATTORNEY GENERAL - ENGROSSED SENATE BILL NO. 2003**  
 Amendment Requests to Senate Version  
 REQUESTED HOUSE CHANGES

DESCRIPTION	SENATE BUDGET	DNA ALL ARRESTEES <sup>1)</sup>	HB 1197 TASKFORCE GRANTS <sup>2)</sup>	HB 1330 TASKFORCE GRANTS <sup>2)</sup>	AG REFUND FUND RACING AUDIT CARRYOVER <sup>4)</sup>	AG REFUND FUND RACING AUDIT CARRYOVER <sup>4)</sup>	SB 2225 REDUCE GAMING GRANTS <sup>3)</sup>	SB 2225 REDUCE GAMING GRANTS <sup>3)</sup>	SB 2209 ACCEPT FBI AMENDMENTS FUNDS <sup>6)</sup>	SB 2209 ACCEPT FBI AMENDMENTS FUNDS <sup>6)</sup>	TOTAL REVISED APPROP.	TOTAL REVISED APPROP.
Salaries & Wages	22,739,001	171,137	45,000								22,955,138	22,955,138
General Fund	18,289,449										18,289,449	18,289,449
Fed/Special	4,449,552	171,137	45,000								4,685,689	4,685,689
<b>Operating Exp.</b>	<b>10,009,307</b>	<b>417,088</b>									<b>10,426,395</b>	<b>10,426,395</b>
General Fund	4,361,890										4,361,890	4,361,890
Fed/Special	5,647,417	417,088									6,064,505	6,064,505
<b>Capital Assets</b>	<b>6,410,956</b>	<b>92,000</b>									<b>6,502,956</b>	<b>6,502,956</b>
General Fund	5,840,950										5,840,950	5,840,950
Fed/Special	570,006	92,000									662,006	662,006
<b>Grants</b>	<b>4,197,000</b>					(117,792)					<b>4,079,208</b>	<b>4,079,208</b>
General Fund											0	0
Fed/Special	4,197,000					(117,792)					4,079,208	4,079,208
<b>Litigation Fees</b>	<b>50,000</b>										<b>50,000</b>	<b>50,000</b>
General Fund	50,000										50,000	50,000
Fed/Special											0	0
<b>ND Lottery</b>	<b>4,048,402</b>										<b>4,048,402</b>	<b>4,048,402</b>
General Fund											0	0
Fed/Special	4,048,402										4,048,402	4,048,402
<b>Arrest Ret. Fugitive</b>	<b>10,000</b>										<b>10,000</b>	<b>10,000</b>
General Fund	10,000										10,000	10,000
Fed/Special											0	0
<b>Gaming Comm.</b>	<b>6,141</b>										<b>6,141</b>	<b>6,141</b>
General Fund	6,141										6,141	6,141
Fed/Special											0	0
<b>TOTAL</b>	<b>47,470,807</b>	<b>680,225</b>	<b>45,000</b>	<b>(117,792)</b>		<b>607,433</b>					<b>48,078,240</b>	<b>48,078,240</b>
General Fund	28,558,430	0	0	0		0					28,558,430	28,558,430
Fed/Special	10,912,377	680,225	45,000	(117,792)		607,433					19,519,810	19,519,810
<b>Total Funds</b>	<b>47,470,807</b>	<b>680,225</b>	<b>45,000</b>	<b>(117,792)</b>		<b>607,433</b>					<b>48,078,240</b>	<b>48,078,240</b>
FTE	191.8	2.0									193.8	193.8

1) In the event federal funds are received, dna will be collected from all felony arrestees.

2) House Bill No. 1330 establishes a multi-jurisdictional drug task force grant fund and funds a .5 grants and contracts officer position currently funded from federal Byrne monies.

3) SB 2225 reduces the tax rate on pull tabs, imposes an excise on bingo cards and removes a bingo sales tax. This will result in less formula based grant money available to cities and counties.

4) Carryover of the AG Refund Fund is needed to fund the do not call expenses.

5) This budget was adjusted to include funding to audit Racing simulcast sites, however the bill providing the authorization to do so was not passed. This authorization is needed for the Attorney General's office to perform such audits.

6) Authority is needed to allow the Attorney General's office to collect and remit federal background check fees with the enactment of this legislation.

**SPECIAL FUNDS BALANCES, ADJUSTMENTS AND PURPOSE OF FUND  
UPDATED AS OF MARCH 31, 2007**

	<u>BALANCE AS OF 3/31/07</u>	<u>ESTIMATED 6/30/07 BALANCE</u>	
<b>ASSET FORFEITURE FUND BALANCE</b>	\$ 65,772	\$ 3,860	
LESS:			
NARCOTIC ACTIVITIES	\$ (61,912)		
<b>AG REFUND FUND BALANCE</b>	\$ 1,462,691	\$ 198,591	UPDATED WITH MARCH 2007 INFORMATION
LESS:			
CONSUMER REFUNDS	\$ (245,539)		
INDIAN GAMING	\$ (116,982)		
CONSUMER PROTECTION EXPENSES	\$ (306,079)		
2007-09 DO NOT CALL ENFORCEMENT	\$ (345,500)		
2007-09 APPROPRIATED AMOUNTS	\$ (250,000)		APPROP. STAFF SALARIES & OPERATING
<b>LOTTERY OPERATING FUND BALANCE</b>	\$ 5,377,638	\$ (0)	
ESTIMATED REVENUES REMAINDER OF 05-07	\$ 2,052,812		
LESS:			
COMPULSIVE GAMBLING PREVENTION TRANSFER	\$ (100,000)		
LOTTERY APPROPRIATION	\$ (1,709,187)		
GENERAL FUND TRANSFER	\$ (5,390,638)		
1ST QUARTER 2007-09 BIENNIIUM MULTIJURISDICTIONAL TASK FORCE GRANTS	\$ (105,625)		
2 MONTHS LOTTERY OPERATING COSTS	\$ (125,000)		
<b>SPECIAL OPERATIONS REIMBURSEMENT FUND BALANCE</b>	\$ 35,383	\$ 35,383	
<b>AG OPERATING FUND</b>			
ESTIMATED REVENUES REMAINDER OF 05-07	\$ 2,240,881	\$ 558,743	
LESS AMOUNTS REMAINING:	\$ 237,414		
LEGAL SERVICES EXPENSES	\$ (1,214,071)		
FIRE MARSHAL EXPENSES	\$ (57,353)		

<b>Date</b>	<b>Attorney General Refund Fund Fund Balance</b>
July 2005	\$1,326,833
August 2005	\$1,432,717
September 2005	\$1,431,530
October 2005	\$1,405,015
November 2005	\$1,479,115
December 2005	\$1,449,982
January 2006	\$1,440,635
February 2006	\$1,249,176
March 2006	\$1,448,049
April 2006	\$1,450,894
May 2006	\$1,418,960
June 2006	\$1,410,125
July 2006	\$1,434,278
August 2006	\$1,449,196
September 2006	\$1,448,895
October 2006	\$1,445,934
November 2006	\$1,459,053
December 2006	\$1,483,361
January 2007	\$1,478,209
February 2007	\$1,457,525
March 2007	\$1,450,398

12500 - Attorney Generals Office

Fund: 250 ATTORNEY GENERAL REFUND FUND

*Appropriated Expenditures*

**Revenues**

420200	Liquor - Retail	0.00	(200.00)
420355	Tran. Merchants-Cash In Lieu O	0.00	97,000.00
420430	Background Checks	6,642.34	98,481.63
441015	Fines-Forfeitures-Esheat	5,500.00	248,033.15
463021	Misc. Sales And Services	(2,437.43)	120,570.80
463029	Sale Of Publications	0.00	96.00
473135	Void Warrant - Prior Biennium	18.00	18.00
<b>Total</b>	<b>Revenue</b>	<b>9,722.91</b>	<b>653,953.58</b>

**Expenditures**

511005	Salaries Full Time	8,957.92	221,345.78
511020	Paid Annual Leave	0.00	958.10
513005	Temporary Salaries	97.50	2,002.00
514005	Overtime	80.04	1,361.65
516015	Employee Assist Program	3.54	102.71
516055	Health Insurance	1,102.34	34,227.94
516075	Basic Life Insurance	0.70	20.27
516165	Section 125 Adm Fee	33.75	784.62
516170	Social Security	666.16	16,507.81
516175	State Retirement	816.96	20,186.83
516205	Unemployment Insurance	24.50	358.56
516210	Workers Comp Premium	0.00	516.06
521015	In State - Lodging	220.75	1,421.45
521020	In State - Meals	115.00	711.90
521030	In State - Vehicle Mileage	0.00	823.54
521035	Meals Taxable	27.50	475.50
521045	Motor/Aircraft Pool	398.82	5,196.86
521065	Other Transportation & Misc Ex	137.00	751.48
521070	Out of State-Air Transportatio	644.60	6,865.90
521075	Out of State - Lodging	441.18	5,663.25
521080	Out of State - Meals	240.00	2,904.50
521085	Out of State-Other Comm Transp	0.00	292.00
531020	Software/Licenses Under \$5,000	0.00	249.98
532125	Resource Materials	137.00	477.77
534040	Fuel & Oil - Vehicle	0.00	19.55
535015	Equip Under \$750	0.00	1,916.76
535085	Supplies Not Classified	0.00	319.84
536005	Central Supply	3.40	614.14
536015	Office Supplies	0.00	4,836.10

**Fund Account Report**

For Month Ending: 03/31/07

**Biennium To Date**

Current Month

0.00	(200.00)
0.00	97,000.00
6,642.34	98,481.63
5,500.00	248,033.15
(2,437.43)	120,570.80
0.00	96.00
18.00	18.00
<b>9,722.91</b>	<b>653,953.58</b>

8,957.92	221,345.78
0.00	958.10
97.50	2,002.00
80.04	1,361.65
3.54	102.71
1,102.34	34,227.94
0.70	20.27
33.75	784.62
666.16	16,507.81
816.96	20,186.83
24.50	358.56
0.00	516.06
220.75	1,421.45
115.00	711.90
0.00	823.54
27.50	475.50
398.82	5,196.86
137.00	751.48
644.60	6,865.90
441.18	5,663.25
240.00	2,904.50
0.00	292.00
0.00	249.98
137.00	477.77
0.00	19.55
0.00	1,916.76
0.00	319.84
3.40	614.14
0.00	4,836.10

12500 - Attorney Generals Office

Fund Account Report  
For Month Ending 03/31/07

NDS4140AA\_2007B  
Biennium 05-07

Fund: 250 ATTORNEY GENERAL REFUND FUND

	Current Month	Biennium To Date
541010 Mailing Services	0.00	198.52
541015 Postage And P.O. Box Rental	9.08	9,004.10
542005 Central Duplicating - Printing	0.00	282.74
542010 Copier Supplies	0.00	3,135.03
542015 Copies (Copy Machine)	3.00	611.21
542035 Printing From Others (Non Ctrl)	7.25	5,175.60
551005 Computer Equip under \$5,000	0.00	4,686.00
552085 Other Equipment-Under \$5000	0.00	1,852.69
571010 Fidelity Insurance	0.00	50.00
571015 Liability Insurance	0.00	235.80
571025 Property Insurance	0.00	31.11
581010 Copier Rental	5.27	9.30
582060 Rent Of Building Space	0.00	89,903.50
591065 Repair Equipment-Other	0.00	135.00
591110 Repairs Not Classified	0.00	134.84
591120 Service Contract-Office Equip	3.75	992.46
601005 Data Processing Service	30.00	591.00
602005 Cellular Phones	189.64	1,478.47
602060 Telephone & Telegraph - Non IT	31.80	33.80
602065 Telephone ITD	35.55	572.30
611010 Dues & Memberships	0.00	1,058.00
611020 Professional Development	480.00	3,755.42
621020 Advertising Services	0.00	1,955.00
621060 Awards, Rewards, Prizes	0.00	25.00
621280 Legal Transcripts	0.00	1,888.32
621285 Licenses & Taxes	0.00	397.00
621310 Miscellaneous Refunds	0.00	45.00
621325 Other Operating Fees	1,798.37	32,446.31
621415 Research Fees	0.00	405.94
621420 Sheriff's Witness Fees & Expens	50.00	50.00
623015 Artistic & Design Service	0.00	12.00
623105 Legal - Administrative Hearing	438.17	800.15
623175 Professionals Not Classified	21.00	3,064.25
<b>Total</b>	<b>17,251.54</b>	<b>146,928.71</b>

CONFERENCE COMMITTEE - ENGROSSED SENATE BILL NO. 2003 AMENDMENTS

DESCRIPTION	2007 ENGROSSED SENATE BILL NO. 2003	EQUITY ADJUSTMENTS <sup>1)</sup>	CRIME LAB BUILDING & OPERATING <sup>2)</sup>	CJIS POSITIONS <sup>3)</sup>	AG REFUND FUND CARRYOVER <sup>4)</sup>	CHECKS - EMERGENCY CLAUSE <sup>5)</sup>	RACING AUDITOR <sup>6)</sup>	COMPLETE EQUITY SECTION <sup>7)</sup>	AMENDMENTS	TOTAL	FINAL SB 2003
Salaries & Wages	21,774,960	417,885							485,388		22,209,360
General Fund	17,804,208	396,043		(261,916)		16,515	60,988		150,642		17,954,850
Federal/Special	3,970,752	21,842		261,916		16,515	60,988		344,746		4,254,510
Operating Expenses	10,197,042		279,599			95,483			375,082		10,572,124
General Fund	4,274,361		279,599			36,083			315,682		4,590,043
Federal/Special	5,922,681					59,400			59,400		5,982,081
Capital Assets	2,169,731		400,000						400,000		2,569,731
General Fund	1,599,725		400,000						400,000		1,999,725
Federal/Special	570,006								0		570,006
Grants	4,197,000								0		4,197,000
General Fund	0								0		0
Federal/Special	4,197,000								0		4,197,000
Litigation Fees	50,000								0		50,000
General Fund	50,000								0		50,000
Federal/Special	0								0		0
ND Lottery	3,930,589								0		3,930,589
General Fund	0								0		0
Federal/Special	3,930,589								0		3,930,589
Arrest & Return of Fugitives	10,000								0		10,000
General Fund	10,000								0		10,000
Federal/Special	0								0		0
Gaming Commission	6,141								0		6,141
General Fund	6,141								0		6,141
Fed/Special	0								0		0
<b>TOTAL</b>	<b>42,335,463</b>	<b>417,885</b>	<b>679,599</b>	<b>0</b>	<b>0</b>	<b>111,988</b>	<b>60,988</b>	<b>1,270,470</b>	<b>1,270,470</b>	<b>43,544,945</b>	
General Fund	23,744,435	396,043	679,599	(261,916)	0	52,598	0	866,324	866,324	24,610,759	
Federal/Special	18,591,028	21,842	0	261,916	0	59,400	60,988	404,146	404,146	18,934,186	
<b>Total Funds</b>	<b>42,335,463</b>	<b>417,885</b>	<b>679,599</b>	<b>0</b>	<b>0</b>	<b>111,988</b>	<b>60,988</b>	<b>1,270,470</b>	<b>1,270,470</b>	<b>43,544,945</b>	
FTE	185.0			2.0			0.5		187.0		

<sup>1)</sup> Funding is added to provide for equity adjustments for BCJ agents, Crime Lab forensic scientists, paralegals, attorneys, information technology staff and select legal secretaries.

<sup>2)</sup> Crime Lab operating expenses are increased by \$279,599 from the general fund to provide nine month's expenses related to the new Crime Lab.

In addition, \$400,000 from the general fund is added to provide sufficient funding to build the new Crime Lab.

<sup>3)</sup> Two existing criminal justice information sharing (CJIS) FTEs are restored.

<sup>4)</sup> Carryover of the AG Refund Fund is needed to fund the do not call expenses.

<sup>5)</sup> In order to implement the emergency clause contained in SB 2260 authority is needed to allow the Attorney General's office to hire 2 FTEs, pay related operating expenses, and to collect and remit federal background check fees with the enactment of this legislation.

<sup>6)</sup> Funding from the racing promotion fund is added for a .5FTE auditor position to audit and investigate simulcast racing sites in accordance with provisions of House Bill No. 1126.

<sup>7)</sup> A new section is added precluding the Human Resource Management Services Division of the Office of Management and Budget from considering the additional salary equity funding provided in the Act in its calculation of the Office of Attorney General's share of the statewide salary equity pool.

DOJ/DHS 1999-2006 Jurisdictional Distribution of Federal Grant Dollars  
 (\$50,959,242.09)

County	Total CBRNE Equipment Purchase	Total Interoperable Communication Purchase	Admin	Training	Planning	Exercise	Total 1999-2005	2006 CBRNE Equipment Allocation	2006 Interoperable Communication Allocation	2006 Admin	2006 Training Allocation	2006 Planning Allocation	2006 Exercise Allocation	Total 2006	Grand Total
Adams	\$ 49,559.04	\$ 98,884.40	\$ 782.82	\$ 5,385.00	\$ 8,714.00	\$ 1,018.00	\$ 165,742.26	\$ 46,531.40	\$ 15,762.31	\$ -	\$ 3,359.30	\$ 3,138.92	\$ 178.15	\$ 68,970.09	\$ 234,712.35
Barnes	\$ 220,258.01	\$ 554,487.69	\$ -	\$ 46,138.00	\$ 10,000.00	\$ 13,678.39	\$ 852,542.10	\$ 60,063.28	\$ 52,505.02	\$ -	\$ 24,018.00	\$ 5,401.40	\$ 3,117.58	\$ 145,106.28	\$ 997,648.38
Benson	\$ 61,065.02	\$ 140,473.27	\$ -	\$ 15,216.27	\$ 23,148.34	\$ 3,214.48	\$ 234,192.37	\$ 27,078.16	\$ 135,515.65	\$ -	\$ -	\$ 3,203.34	\$ 1,781.48	\$ 171,432.89	\$ 405,632.26
Billings	\$ 84,311.00	\$ 311,568.56	\$ 1,077.00	\$ 20,942.18	\$ 17,826.36	\$ 7,510.40	\$ 163,423.49	\$ 24,018.68	\$ 24,333.13	\$ -	\$ 13,577.18	\$ 2,718.81	\$ 5,010.40	\$ 69,658.19	\$ 233,081.69
Boileneau	\$ 131,671.29	\$ 331,382.65	\$ 13,828.65	\$ 34,934.68	\$ 20,201.53	\$ 6,511.56	\$ 538,528.89	\$ 61,928.62	\$ 14,574.13	\$ -	\$ 14,724.84	\$ 4,261.53	\$ 2,783.56	\$ 98,273.78	\$ 636,802.67
Bowman	\$ 133,037.85	\$ 37,991.14	\$ -	\$ 8,888.20	\$ 13,288.84	\$ 5,082.10	\$ 199,098.13	\$ 27,487.86	\$ 83,658.88	\$ -	\$ 3,471.28	\$ 3,268.84	\$ 2,082.10	\$ 119,999.95	\$ 319,096.08
Burke	\$ 127,783.35	\$ 103,684.25	\$ 5,925.18	\$ 21,435.55	\$ 15,420.44	\$ 4,058.13	\$ 278,286.90	\$ 47,197.98	\$ 5,609.66	\$ -	\$ 7,838.37	\$ 3,052.44	\$ 1,670.13	\$ 65,588.58	\$ 343,855.48
Burleigh	\$ 4,080,725.43	\$ 2,372,024.46	\$ -	\$ 11,542.22	\$ 49,804.31	\$ 42,359.00	\$ 6,656,255.41	\$ 334,823.06	\$ 135,987.13	\$ -	\$ 17,132.44	\$ 19,604.31	\$ 12,559.00	\$ 519,959.93	\$ 7,176,161.34
Cass/Fargo	\$ 1,408,513.46	\$ 3,937,318.47	\$ 20,763.00	\$ 355,089.50	\$ 176,141.57	\$ 80,344.43	\$ 5,978,170.43	\$ 413,995.26	\$ 154,463.52	\$ -	\$ 24,715.50	\$ 32,841.57	\$ 5,344.43	\$ 631,360.27	\$ 6,609,530.70
Cavalier	\$ 215,298.86	\$ 180,217.69	\$ 6,741.06	\$ 35,465.86	\$ 21,899.37	\$ 5,333.13	\$ 476,956.00	\$ 58,513.49	\$ 38,768.59	\$ -	\$ 19,875.86	\$ 3,690.37	\$ 1,670.13	\$ 122,516.46	\$ 599,474.46
Dickey	\$ 66,556.95	\$ 151,400.65	\$ 4,906.91	\$ 16,909.86	\$ 19,579.31	\$ 3,519.75	\$ 282,873.44	\$ 51,194.31	\$ 374.53	\$ -	\$ 7,670.40	\$ 3,918.54	\$ 578.98	\$ 63,736.77	\$ 326,610.21
Divide	\$ 147,232.00	\$ 158,418.00	\$ 6,396.00	\$ 22,304.04	\$ 30,369.54	\$ 4,028.37	\$ 368,837.95	\$ 47,258.41	\$ 15,375.65	\$ -	\$ 10,450.04	\$ 3,062.54	\$ 445.37	\$ 89,787.33	\$ 458,625.27
Dunn	\$ 69,116.93	\$ 80,189.48	\$ 3,040.00	\$ 16,049.30	\$ 13,190.94	\$ 2,374.42	\$ 183,901.07	\$ 27,231.43	\$ 20,972.10	\$ -	\$ 8,286.28	\$ 3,255.96	\$ 1,113.42	\$ 60,859.19	\$ 244,760.26
Eddy	\$ 90,043.52	\$ 99,718.27	\$ 934.00	\$ 13,660.37	\$ 14,506.15	\$ 2,118.74	\$ 220,861.05	\$ 26,132.02	\$ 15,927.85	\$ -	\$ 7,838.37	\$ 3,072.15	\$ 860.74	\$ 53,906.13	\$ 274,887.17
Emmons	\$ 73,132.49	\$ 129,460.85	\$ 4,284.74	\$ 20,369.36	\$ 13,805.17	\$ 5,151.95	\$ 245,204.56	\$ 36,592.76	\$ 13,257.65	\$ -	\$ 12,709.36	\$ 3,567.17	\$ -4,662.95	\$ 69,689.89	\$ 314,894.45
Foster	\$ 137,311.00	\$ 149,254.49	\$ 5,527.00	\$ 25,895.26	\$ 20,691.23	\$ 3,463.42	\$ 341,182.40	\$ 48,249.78	\$ 43,474.38	\$ -	\$ 13,157.26	\$ 3,426.23	\$ 1,113.42	\$ 109,421.08	\$ 450,603.48
Golden Valley	\$ 107,421.14	\$ 53,142.84	\$ 4,261.07	\$ 19,091.52	\$ 12,674.08	\$ 2,191.42	\$ 198,782.07	\$ 25,545.47	\$ 35,769.54	\$ -	\$ 10,777.76	\$ 2,974.08	\$ 1,113.42	\$ 76,180.27	\$ 274,962.34
Grand Forks	\$ 3,187,000.93	\$ 828,753.72	\$ -	\$ 249,706.24	\$ 101,654.03	\$ 61,915.98	\$ 4,429,030.80	\$ 329,949.40	\$ 196,243.19	\$ -	\$ 84,894.02	\$ 18,789.46	\$ 19,253.31	\$ 649,129.37	\$ 5,078,162.27
Grant	\$ 77,411.82	\$ 120,828.16	\$ 3,360.00	\$ 22,550.91	\$ 12,915.03	\$ 4,454.27	\$ 241,520.10	\$ 26,896.89	\$ 47,077.52	\$ -	\$ 14,836.81	\$ 3,200.03	\$ 3,340.27	\$ 95,351.63	\$ 336,871.82
Griggs	\$ 91,685.15	\$ 44,352.89	\$ 3,808.00	\$ 17,138.87	\$ 14,377.11	\$ 9,281.48	\$ 181,033.56	\$ 26,788.68	\$ 13,625.00	\$ -	\$ 6,898.54	\$ 3,178.59	\$ 1,781.48	\$ 52,352.29	\$ 233,386.86
Hettinger	\$ 88,748.46	\$ 74,534.29	\$ 4,577.93	\$ 13,545.74	\$ 17,700.98	\$ 3,828.16	\$ 202,935.57	\$ 26,711.20	\$ 22,920.27	\$ -	\$ 4,658.23	\$ 3,168.98	\$ 2,004.16	\$ 59,462.85	\$ 262,398.41
Kidder	\$ 104,207.46	\$ 67,051.47	\$ 4,823.32	\$ 20,793.44	\$ 13,014.35	\$ 3,444.16	\$ 213,134.20	\$ 34,267.20	\$ 42,953.35	\$ -	\$ 11,477.81	\$ 3,178.35	\$ 2,004.16	\$ 93,800.68	\$ 307,014.88
LaMoure	\$ 45,562.70	\$ 208,191.42	\$ 1,681.00	\$ 16,833.60	\$ 15,038.34	\$ 3,688.13	\$ 290,995.20	\$ 37,138.05	\$ 34,330.88	\$ -	\$ 6,718.80	\$ 3,658.34	\$ 1,670.13	\$ 83,516.00	\$ 307,511.21
Logan	\$ 102,433.51	\$ 65,923.68	\$ 3,180.31	\$ 19,031.31	\$ 20,228.51	\$ 5,206.83	\$ 216,004.25	\$ 26,111.39	\$ 50,130.10	\$ -	\$ 8,062.32	\$ 3,975.21	\$ 2,783.56	\$ 46,354.37	\$ 346,303.27
McHenry	\$ 5,700.00	\$ 253,330.43	\$ 4,959.38	\$ 15,367.32	\$ 17,559.21	\$ 5,032.56	\$ 300,148.80	\$ 31,533.27	\$ -	\$ -	\$ 17,356.39	\$ 3,335.31	\$ 2,004.16	\$ 83,477.13	\$ 335,010.39
McIntosh	\$ 101,094.07	\$ 98,482.40	\$ 5,205.60	\$ 24,125.45	\$ 21,703.69	\$ 4,758.13	\$ 354,159.35	\$ 37,058.46	\$ 46,995.78	\$ -	\$ 8,398.25	\$ 3,645.03	\$ 1,670.13	\$ 97,767.67	\$ 451,927.03
McKenzie	\$ 132,845.45	\$ 167,226.63	\$ 3,500.00	\$ 24,125.45	\$ 17,833.08	\$ 4,197.66	\$ 251,533.26	\$ 35,205.97	\$ 78,095.64	\$ -	\$ 6,214.71	\$ 4,577.42	\$ 2,228.85	\$ 133,690.71	\$ 523,525.28
McLean	\$ 71,584.16	\$ 286,687.43	\$ -	\$ 12,102.71	\$ 14,586.63	\$ 4,913.64	\$ 388,834.67	\$ 42,635.09	\$ 77,274.34	\$ -	\$ 14,556.97	\$ 4,498.82	\$ 2,228.85	\$ 140,721.95	\$ 568,430.72
Mercer	\$ 216,707.49	\$ 148,498.43	\$ -	\$ 38,298.19	\$ 18,846.82	\$ 5,357.85	\$ 427,708.78	\$ 42,164.97	\$ 77,274.34	\$ -	\$ 15,678.74	\$ 8,734.73	\$ 1,113.42	\$ 224,001.06	\$ 1,281,572.28
Morton	\$ 328,824.03	\$ 627,403.38	\$ -	\$ 46,885.74	\$ 26,417.64	\$ 8,040.42	\$ 1,037,571.21	\$ 80,000.01	\$ 119,478.15	\$ -	\$ 15,878.74	\$ 8,734.73	\$ 1,113.42	\$ 224,001.06	\$ 1,281,572.28
Mountain	\$ 204,735.04	\$ 55,297.94	\$ 6,929.06	\$ 15,158.59	\$ 31,403.83	\$ 2,821.05	\$ 316,345.52	\$ 35,736.52	\$ 7,615.77	\$ -	\$ 3,359.30	\$ 3,424.01	\$ 668.05	\$ 50,803.66	\$ 367,148.17
Nelson	\$ 95,134.99	\$ 63,907.12	\$ -	\$ 23,187.80	\$ 16,598.22	\$ 3,499.16	\$ 222,289.29	\$ 26,184.94	\$ 47,339.55	\$ -	\$ 16,331.06	\$ 3,415.39	\$ 2,004.16	\$ 60,384.41	\$ 319,570.13
Oliver	\$ 48,914.00	\$ 66,775.77	\$ 3,136.43	\$ 9,752.98	\$ 25,381.82	\$ 1,436.37	\$ 155,397.37	\$ 25,753.27	\$ 26,641.89	\$ -	\$ 4,535.06	\$ 3,008.82	\$ 445.37	\$ 60,384.41	\$ 215,781.78
Pamba	\$ 275,769.72	\$ 345,610.67	\$ 9,077.60	\$ 31,072.25	\$ 30,375.45	\$ 9,844.69	\$ 701,750.38	\$ 76,545.81	\$ 68,334.05	\$ -	\$ 13,213.25	\$ 4,615.37	\$ 4,453.69	\$ 167,182.27	\$ 868,912.65
Pierce	\$ 133,432.28	\$ 84,052.07	\$ 3,790.03	\$ 13,072.71	\$ 21,134.47	\$ 6,305.69	\$ 261,787.31	\$ 37,099.73	\$ 49,692.07	\$ -	\$ 1,119.77	\$ 3,651.93	\$ 4,453.69	\$ 96,017.20	\$ 357,804.51
Ramsay	\$ 442,306.46	\$ 354,008.65	\$ 3,614.00	\$ 26,783.72	\$ 27,038.10	\$ 5,895.79	\$ 859,656.72	\$ 135,492.13	\$ 148,257.35	\$ -	\$ 5,710.81	\$ 5,473.10	\$ 1,558.78	\$ 206,492.18	\$ 1,156,148.90
Ransom	\$ 94,943.00	\$ 189,457.32	\$ 7,888.99	\$ 27,962.90	\$ 19,544.15	\$ 6,014.16	\$ 345,810.52	\$ 38,890.32	\$ 10,315.59	\$ -	\$ 14,892.80	\$ 3,951.31	\$ 2,004.16	\$ 70,054.29	\$ 415,864.81
Renville	\$ 106,337.00	\$ 147,359.54	\$ 6,980.00	\$ 19,020.65	\$ 15,302.11	\$ 3,534.77	\$ 288,534.07	\$ 47,740.32	\$ 16,122.91	\$ -	\$ 6,494.65	\$ 3,143.11	\$ 1,224.77	\$ 74,725.75	\$ 373,259.82
Richland	\$ 178,083.60	\$ 244,748.11	\$ -	\$ 52,605.62	\$ 33,620.76	\$ 8,940.39	\$ 917,998.68	\$ 62,234.35	\$ 53,160.87	\$ -	\$ 24,074.89	\$ 6,934.76	\$ 1,603.33	\$ 155,008.30	\$ 1,073,006.78
Rolette	\$ 501,189.30	\$ 233,465.54	\$ 10,313.41	\$ 24,617.39	\$ 41,526.48	\$ 8,454.56	\$ 819,900.68	\$ 82,975.97	\$ 57,214.64	\$ -	\$ 2,911.39	\$ 4,436.48	\$ 2,783.56	\$ 130,322.04	\$ 950,222.73
Sargent	\$ 85,806.05	\$ 133,740.94	\$ 5,110.52	\$ 23,573.38	\$ 17,891.37	\$ 5,454.99	\$ 271,377.25	\$ 29,144.34	\$ 40,060.00	\$ -	\$ 13,941.10	\$ 3,575.80	\$ 2,404.99	\$ 89,126.23	\$ 360,503.48

**DOJ/DHS 1999-2006 Jurisdictional Distribution of Federal Grant Dollars  
(\$50,959,242.09)**

County	Total CBRNE Equipment Purchase	Total Interoperable Communication Purchase	Admin	Training	Planning	Exercise	Total 1999-2005	2006 CBRNE Equipment Purchase	2006 Interoperable Communication Purchase	2006 Training	2006 Planning	2006 Exercise	Total 2006	Grand Total
Sherridan	\$ 95,866.90	\$ 44,062.78	\$ 3,269.48	\$ 20,503.79	\$ 12,686.35	\$ 7,584.06	\$ 163,973.96	\$ 25,230.09	\$ 56,628.65	\$ 14,461.79	\$ 2,921.35	\$ 4,899.06	\$ 104,140.95	\$ 288,114.31
Sioux	\$ 132,855.75	\$ 42,568.00	\$ -	\$ 17,055.54	\$ 13,529.11	\$ 1,822.40	\$ 207,830.80	\$ 24,199.95	\$ 4,494.35	\$ 6,998.54	\$ 2,749.11	\$ 779.40	\$ 39,221.35	\$ 247,052.15
Slope	\$ 77,666.79	\$ 20,708.00	\$ 439.00	\$ 4,636.36	\$ 8,688.99	\$ 983.50	\$ 113,322.64	\$ 23,840.36	\$ 2,247.17	\$ 3,078.36	\$ 2,688.99	\$ 456.50	\$ 32,312.38	\$ 145,635.03
Stark	\$ 738,282.23	\$ 478,551.00	\$ 5,000.00	\$ 127,691.08	\$ 82,381.10	\$ 13,281.69	\$ 1,446,187.10	\$ 151,069.55	\$ 137,881.19	\$ 9,238.08	\$ 8,077.58	\$ 4,453.69	\$ 310,720.09	\$ 1,756,907.19
Steele	\$ 96,496.88	\$ 96,290.32	\$ 1,373.40	\$ 11,462.07	\$ 13,911.38	\$ 1,981.74	\$ 181,494.56	\$ 26,037.70	\$ 18,779.05	\$ 4,479.07	\$ 3,056.38	\$ 890.74	\$ 53,242.94	\$ 234,737.52
Stutsman	\$ 764,870.72	\$ 454,960.62	\$ 9,754.00	\$ 58,111.03	\$ 47,131.20	\$ 11,525.95	\$ 1,346,353.52	\$ 149,996.67	\$ 124,952.18	\$ 19,092.03	\$ 7,898.20	\$ 3,562.95	\$ 305,502.03	\$ 1,651,855.54
Towner	\$ 94,300.05	\$ 195,677.67	\$ -	\$ 24,981.79	\$ 16,761.65	\$ 4,836.16	\$ 336,557.92	\$ 42,702.88	\$ 134,167.72	\$ 8,998.54	\$ 4,588.76	\$ 2,226.85	\$ 190,684.76	\$ 577,964.15
Trail	\$ 194,350.99	\$ 390,141.39	\$ 5,101.60	\$ 10,545.54	\$ 18,479.76	\$ 2,226.85	\$ 387,279.40	\$ 60,968.15	\$ 177,409.39	\$ -	\$ 5,552.69	\$ 2,226.85	\$ 271,519.80	\$ 945,037.65
Walsh	\$ 1,393,969.03	\$ 1,923,214.03	\$ 26,237.00	\$ 414,236.22	\$ 175,978.46	\$ 19,800.69	\$ 3,953,365.43	\$ 319,170.48	\$ 200,000.00	\$ 40,195.08	\$ 16,987.26	\$ 4,453.69	\$ 580,810.51	\$ 4,534,175.94
Ward	\$ 45,298.40	\$ 159,890.31	\$ 1,454.00	\$ 17,358.08	\$ 14,412.15	\$ 2,747.08	\$ 241,160.01	\$ 37,729.02	\$ 22,065.70	\$ 9,238.08	\$ 3,757.15	\$ 1,002.08	\$ 73,792.02	\$ 314,952.03
Wells	\$ 696,723.49	\$ 375,258.86	\$ 6,394.18	\$ 35,008.50	\$ 32,687.63	\$ 7,416.11	\$ 1,063,488.76	\$ 146,832.55	\$ 137,781.87	\$ 8,958.14	\$ 7,369.17	\$ 1,336.11	\$ 302,277.83	\$ 1,365,766.60
Spirit Lake SA	\$ 244,418.87	\$ 84,999.20	\$ 2,483.89	\$ 17,457.55	\$ 21,592.80	\$ 12,004.16	\$ 382,988.27	\$ 29,246.03	\$ 23,431.64	\$ -	\$ 3,562.80	\$ 2,004.16	\$ 70,032.19	\$ 452,988.46
Standing Rock	\$ 150,667.93	\$ 66,380.66	\$ -	\$ 11,757.55	\$ 3,247.34	\$ 1,113.42	\$ 293,166.91	\$ 27,179.85	\$ -	\$ 11,757.55	\$ 3,247.34	\$ 2,004.16	\$ 43,298.17	\$ 276,465.07
Three Affiliates	\$ 178,504.92	\$ 92,465.50	\$ -	\$ 12,757.55	\$ 13,957.47	\$ 2,004.16	\$ 299,689.61	\$ 31,427.17	\$ 66,006.79	\$ -	\$ 3,957.47	\$ 2,004.16	\$ 115,153.15	\$ 414,842.76
Turtle Mountain	\$ 74,264.13	\$ 14,984.90	\$ -	\$ 6,398.25	\$ 13,932.83	\$ 4,453.69	\$ 116,033.81	\$ 31,279.79	\$ 119,475.87	\$ -	\$ 8,398.25	\$ 4,453.69	\$ 187,540.44	\$ 283,574.25
<b>Totals</b>	\$ 19,007,369.70	\$ 18,505,445.52	\$ 236,179.38	\$ 2,415,991.72	\$ 1,599,542.66	\$ 480,310.05	\$ 42,237,819.04	\$ 5,000,625.08	\$ 3,343,311.00	\$ 6,724,377.00	\$ 6,553,000,740.00	\$ 6,423,370.00	\$ 6,423,370.00	\$ 50,661,641.02

COMPARISON OF REQUESTED EQUITY INCREASES & \$10 MILLION EQUITY POOL DISTRIBUTION

	YEARS OF EXPERIENCE	CURRENT % OF SALARY MIDPOINT	% OF SALARY MIDPOINT W/ EQUITY POOL	% OF SALARY MIDPOINT - EQUITY POOL & GOV. EQUITY	% OF SALARY MIDPOINT W/ EQUITY REQUESTED & EQUITY POOL
<u>FINANCE &amp; ADMIN.</u> AVERAGE COMPA-RATIO	7	80%	83%	83%	94%
<u>INFO. TECH.</u> AVERAGE COMPA-RATIO	10.3	85%	87%	87%	93%
<u>BCI</u> AVERAGE COMPA-RATIO	10.1	78%	82%	88%	93%
<u>CRIME LAB</u> AVERAGE COMPA-RATIO	6.8	73%	78%	81%	87%
<u>PARALEGAL</u> AVERAGE COMPA-RATIO	15.0	78%	81%	90%	95%

in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2005.

**SECTION 12. LEGISLATIVE INTENT - FUNDING PRIORITY.** It is the intent of the fifty-ninth legislative assembly that the attorney general prioritize the attorney general's funding appropriated by the legislative assembly for the biennium beginning July 1, 2005, and ending June 30, 2007, to continue, to the extent possible, the drug enforcement activities that were previously paid for from federal Byrne grant funds.

**SECTION 13. MEDICARE AND MEDICAID FRAUD ABUSE.** The attorney general shall consider, in consultation with the United States department of justice, the feasibility of naming the state of North Dakota as a plaintiff in medicare and medicaid fraud abuse cases being considered by the United States department of justice for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 14. SALARY REVIEW AND RECOMMENDATION.** During the 2005-06 interim, the director of the office of management and budget shall conduct an equity review of the salaries of all attorneys and paralegals employed as full-time employees with all branches of government within the state of North Dakota, including attorneys and paralegals employed by the state board of higher education and workforce safety and insurance. The director shall provide to the governor for inclusion in the 2007-09 biennial executive budget recommendation the funding necessary to adjust the salaries of attorneys and paralegals in a manner that makes attorney and paralegal salaries comparable and equitable throughout state government. In determining comparable positions based upon years of experience and importance of position, the director shall consult with the attorney general.

**SECTION 15. AMENDMENT.** Subsection 1 of section 53-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

1. A North Dakota racing commission is established in the office of the attorney general. The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the racing commission. Payment for such services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the governor. Of the members appointed by the governor, one must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term and may be reappointed. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.

**SECTION 16. 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 ~~seventy-one thousand seventy-two dollars through December 31, 2001, seventy-three thousand two hundred four dollars through June 30, 2002~~ seventy-six thousand two hundred four ~~eight~~ eight dollars through June 30, ~~2002~~ 2006, and ~~seventy-four thousand six hundred sixty-eight~~ seventy-four thousand six hundred eighty-eight ~~eighty-four~~ eighty-four dollars thereafter.

**SECTION 17. EMERGENCY.** Section 11 of this Act is declared to be an emergency measure.

## COMPARISON OF AVERAGE SALARIES OF OFFICE OF ATTORNEY GENERAL COMPARED WITH OTHER STATE AGENCIES - 2006

DIFFERENCE - STATEWIDE AVERAGE ATTORNEY SALARIES COMPARED TO AGENCY AVERAGE SALARIES

YEARS OF EXPERIENCE	DEPARTMENT OF HUMAN SERVICES	LEGISLATIVE COUNCIL	SUPREME COURT	WORKFORCE SAFETY	TAX	HIGHER EDUCATION	ATTORNEY GENERAL	INDIGENT DEFENSE	QAH	INSURANCE	PSC	DOT	SECURITIES	GOVERNOR	PROTECTION & ADVOCACY	NUMBER OF ATTORNEYS
1-3 YEARS			(563)	20,473			(6,705)	(3,063)								6
4-10 YEARS			1,378	17,158			(4,815)	(1,260)	(7,326)	(11,828)			(7,326)		(16,201)	17
11-15 YEARS	1,843	145			4,435	(1,246)	(4,344)	(725)								15
16-20 YEARS	(4,240)	10,520	676		(5,524)	28,918	(796)	(400)								10
21-25 YEARS		5,111	6,149				(3,739)		(12,927)							7
25+ YEARS		19,258			(3,506)	35,013	(2,692)		(12,569)	(2,762)	(115)					13
MANAGEMENT		21,382	(7,593)			14,780	(2,775)	(331)	(6,699)		100			(10,331)	(30,219)	19

**Attorney Study  
Information Request**

Agency/ Institution	Job Class Code &/or Title	Years of Experience		Annual Salary
		State Legal Service (1/1/06)	All Legal (Atty/Para) Experience	
12500	ASST ATTY GEN-ADMIN	14.1	14.2	72,828
12500	ASST ATTY GEN-NOT CLASSFD	14.2	14.2	55,956
16000	OTHER-NOT CLS-PROF	10.7	14.2	54,720
12700	ATTORNEY III	14.4	14.0	62,160
18800	DEPUTY - NOT CLASSIFIED	0.1	14.0	57,000
12500	ASST ATTY GEN-NOT CLASSFD	14.2	13.6	55,956
16000	OTHER-NOT CLS-PROF	12.1	13.5	59,700
12500	ASST ATTY GEN-NOT CLASSFD	2.1	13.3	49,920
12500	ASST ATTY GEN-NOT CLASSFD	9.5	12.5	52,608
32500	HUMAN SVC PRGM ADMIN V	12.4	12.4	55,032
38000	APPEALS REFEREE	20.2	11.9	42,696
32500	DIR, LEGAL ADV UNIT-DHS	6.2	11.9	59,568
16000	OTHER-NOT CLS-PROF	11.2	11.7	56,040
12500	ASST ATTY GEN-NOT CLASSFD	7.8	11.0	48,984
36000	ATTORNEY II	8.5	11.0	37,224
36000	ATTORNEY II	10.5	10.5	44,292
36000	ATTORNEY II	7.3	10.5	43,056
41400	ATTORNEY II	10.0	10.4	46,934
40100	OTHER-NOT CLS-PROF	2.8	10.3	42,432
18800	Attorney II	5.0	10 **	47,000
12500	ASST ATTY GEN-NOT CLASSFD	3.2	9.3	46,752
14000	ADMINISTRATIVE LAW JUDGE	0.0	8.5	54,000
12500	ASST ATTY GEN-NOT CLASSFD	1.7	8.3	51,912
48500	Legal Manager	12.3	8.3	47,004
32500	ATTORNEY II	7.2	7.2	53,040
18800	Attorney II		7.0	60,000
18800	Attorney II		7.0	52,500
48500	Staff Counsel	6.8	6.8	70,536
12500	ASST ATTY GEN-NOT CLASSFD	6.2	6.3	44,892
12500	ASST ATTY GEN-NOT CLASSFD	4.1	6.0	54,684
48500	General Counsel	5.5	5.5	91,008
38000	APPEALS REFEREE	*** 5.25	*** 5.25	43,152
18000	Chief Deputy Clerk of Supreme Court	13.5	5.0	56,652
18000	Staff Attorney, Joint Procedures Committee	5.2	5.0	54,624
18800	Attorney II	3.0	5.0	52,500
48500	Staff Counsel	4.0	4.0	77,124
12500	ASST ATTY GEN-NOT CLASSFD	0.6	3.3	40,800
40800	PUBLIC UTILITY ANALYST	1.3	3.3	44,928
48500	Staff Counsel	2.4	2.4	70,536
38000	JS PROGRAM ADMINISTRATOR III	2.0	2.0	48,120
12500	ASST ATTY GEN-NOT CLASSFD	1.6	1.6	52,464
18000	Clerk of Supreme Court	17.9	1.5	69,792
18800	Attorney II	1.3	1.5	47,000

**Attorney Study  
Information Request**

Agency/ Institution	Job Class Code &/or Title	Years of Experience		Annual Salary
		State Legal Service (1/1/06)	All Legal (Atty/Para) Experience	
NDSU	General Counsel	*	*	105,371
	16000 APPOINTED-NOT CLASSIFIED	38.8	40.8	103,584
	12700 ATTORNEY III	35.3	38.0	66,852
	12500 ASST ATTY GEN-NOT CLASSFD	12.5	37.5	67,080
	14000 ADMINISTRATIVE LAW JUDGE	10.3	34.8	57,789
	40800 ATTORNEY III	17.3	34.3	70,437
	18800 Attorney II		34.0	51,000
	16000 OTHER-NOT CLS-OFCL/ADMIN	33.6	33.9	99,840
	40100 OTHER-NOT CLS-PROF	12.8	32.5	67,596
	10100 OTHER - NOT CLASSIFIED	5.2	32.0	70,000
	12500 ASST ATTY GEN-ADMIN	20.5	31.4	79,260
	32500 DIR OF ECONOMIC ASST-DHS	30.6	30.6	72,960
	12500 ASST ATTY GEN-NOT CLASSFD	29.4	29.8	75,948
	40800 APPOINTED-NOT CLASSIFIED	24.9	29.5	72,696
	14000 APPOINTED-NOT CLASSIFIED	24.9	28.5	73,632
	12500 ELECTED - NOT CLASSIFIED	5.0	28.3	77,655
U-Sys	General Counsel	18.0	28.0	100,903
	18800 APPOINTED-NOT CLASSIFIED	0.2	28.0	80,000
	12500 ASST ATTY GEN-NOT CLASSFD	13.1	28.0	60,624
	16000 OTHER-NOT CLS-PROF	24.7	27.7	89,616
	12500 ASST ATTY GEN-NOT CLASSFD	24.9	27.3	65,868
	12500 ASST ATTY GEN-NOT CLASSFD	22.7	26.3	70,608
	12500 ASST ATTY GEN-NOT CLASSFD	15.0	26.3	65,868
	18000 Director, Central Legal Staff	25.4	25.4	75,684
	12500 ASST ATTY GEN-ADMIN	19.8	25.3	82,884
	14000 ADMINISTRATIVE LAW JUDGE	24.5	24.5	54,496
	12500 DEPUTY - NOT CLASSIFIED	5.0	24.3	83,340
	16000 OTHER-NOT CLS-PROF	16.4	24.0	65,820
	18000 Staff Attorney, Central Legal	23.4	23.4	72,516
	36000 ATTORNEY III	9.7	22.6	50,112
	12500 ASST ATTY GEN-NOT CLASSFD	13.8	22.3	66,756
	12500 ASST ATTY GEN-NOT CLASSFD	8.8	22.3	60,612
	16000 OTHER-NOT CLS-PROF	20.3	21.7	79,248
	12500 ASST ATTY GEN-ADMIN	19.9	20.3	72,828
	12500 ASST ATTY GEN-NOT CLASSFD	13.8	20.3	60,624
	32500 ATTORNEY II	0.3	20.2	56,160
	16000 OTHER-NOT CLS-PROF	17.5	19.5	70,920
	18000 Staff Attorney, State Court Administrator	19.3	19.3	66,876
	18000 Staff Counsel- Judicial Conduct Commission	12.3	19.0	64,356
	18800 Attorney II		18.0	60,000
	12500 ASST ATTY GEN-NOT CLASSFD	13.3	17.3	58,044
	12700 ATTORNEY III	9.1	17.0	54,876
UND	General Counsel	16.5	16.5	89,318
	12500 ASST ATTY GEN-ADMIN	11.3	16.3	74,196
	12500 ASST ATTY GEN-NOT CLASSFD	16.1	16.3	60,144
	18000 Staff Attorney- Judicial Conduct Commission	4.9	16.0	51,996
UND	Associate General Counsel	11.0	15.0	56,479

**Attorney Study  
Information Request**

Agency/ Institution	Job Class Code &/or Title	Years of Experience		Annual Salary
		State Legal Service (1/1/06)	All Legal (Atty/Para) Experience	
	12500 ASST ATTY GEN-NOT CLASSFD	1.2	1.3	41,916
	18000 Staff Attorney, Central Legal	1.2	1.2	49,500
	18000 Staff Attorney, Central Legal	23.4	1.0	72,516
	18000 Staff Attorney, Central Legal	0.3	0.3	49,500
	77000 PARALEGAL	27.9	27.9	34,320
	12500 PARALEGAL	11.4	19.0	33,912
	48500 Paralegal	18.3	18.3	47,364
	12500 PARALEGAL	16.0	17.0	35,220
	12500 PARALEGAL	5.3	14.0	27,672
	48500 Paralegal	13.7	13.7	46,992
	12500 PARALEGAL	0.3	12.4	29,508
UND	Legal Assistant (paralegal)	9.3	9.3	34,263
	48500 Paralegal	7.8	4.8	27,160
	48500 Paralegal	10.8	3.5	45,744
	48500 Paralegal	3.5	3.5	32,832
UND	Legal Assistant (paralegal)	1.3	1.3	33,173
UND	Legal Assistant (paralegal)	1.0	1.0	34,732

COMPARISON OF AVERAGE SALARIES OF OFFICE OF ATTORNEY GENERAL COMPARED WITH OTHER STATE AGENCIES - 2006

DIFFERENCE - STATEWIDE AVERAGE ATTORNEY SALARIES COMPARED TO AGENCY AVERAGE SALARIES

YEARS OF EXPERIENCE	DEPARTMENT OF HUMAN SERVICES	LEGISLATIVE COUNCIL	SUPREME COURT	WORKFORCE SAFETY	TAX	HIGHER EDUCATION	ATTORNEY GENERAL	INDIGENT DEFENSE	DOI	OAH
1-3 YEARS	-	-	463	21,499	-	-	(7,680)	(2,038)	-	-
4-10 YEARS	(1,073)	-	1,045	16,825	-	-	(5,148)	(1,593)	(11,537)	-
11-15 YEARS	2,357	4,757	-	-	7,217	1,536	(1,562)	2,057	-	-
16-20 YEARS	(3,071)	-	1,845	-	(4,355)	30,087	373	769	-	-
21-25 YEARS	-	5,959	10,753	-	-	-	(2,891)	-	10,753	(12,079)
25+ YEARS	-	18,442	-	-	(4,322)	34,197	(3,508)	-	-	(13,385)
MANAGEMENT	(1,786)	49,423	5,397	38,324	(1,460)	79,483	(3,891)	0	(1,017)	(7,815)
							<b>(24,307)</b>	<b>(804)</b>	<b>(1,801)</b>	<b>(33,279)</b>

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## COMPARISON OF REQUESTED EQUITY INCREASES AND \$10 MILLION EQUITY POOL DISTRIBUTION FOR SELECTED ATTORNEY GENERAL EMPLOYEE GROUPS

	Years of Experience	Current Percentage of Salary Midpoint	Percentage of Salary Midpoint With Equity Pool	Percentage of Salary Midpoint - Equity Pool and Governor's Equity	Percentage of Salary Midpoint - Equity Pool and Additional Equity - House	Percentage of Salary Midpoint - Proposal	Percentage of Salary Midpoint With Equity Requested and Equity Pool - Senate
<b>Finance and administration</b>							
Average compa-ratio	7	80%	83%	83%	83%	90%	94%
<b>Information Technology</b>							
Average compa-ratio	10.3	85%	87%	87%	87%	90%	93%
<b>Bureau of Criminal Investigation</b>							
Average compa-ratio	10.1	78%	82%	88%	88%	90%	93%
<b>Crime Laboratory</b>							
Average compa-ratio	6.8	73%	78%	81%	91%	90%	87%
<b>Paralegal</b>							
Average compa-ratio	15	78%	81%	90%	90%	90%	95%
<b>Other employees</b>							
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Funding</b>							
Estimated share of \$10 million equity pool			\$374,703	\$374,703	\$374,703	\$374,703	\$374,703
Additional Governor's equity				654,000	654,000	654,000	654,000
Additional Senate equity							496,885
Additional House equity					79,000	161,966	
Additional amount needed for 90 percent proposal							
<b>Total</b>			\$374,703	\$1,028,703	\$1,107,703	\$1,190,669	\$1,525,588
<b>General fund</b>			\$299,765	\$942,844	\$1,021,844	\$1,104,810	\$1,417,887
<b>Other funds</b>			74,938	85,859	85,859	85,859	107,701
<b>Total</b>			\$374,703	\$1,028,703	\$1,107,703	\$1,190,669	\$1,525,588

**ESTIMATED COSTS OF CRIME LAB BUILDING AT ORIGINAL SITE AND NORTH SITE**

<u>ORIGINAL SITE COSTS</u>	REVISED EST. 9/25/06	LESS EST. CARRYOVER	REQUEST	AMOUNT SPENT
ORIGINAL 2005-07 APPROPRIATION	3,651,491	(3,280,722)		370,769
REVISED ESTIMATED CONSTRUCTION COSTS	4,250,000		4,250,000	
ADDITIONAL CONSTRUCTION COST	598,509		598,509	
ADDITIONAL CONSTRUCTION ASSOCIATED COSTS				
CONSTRUCTION BIDDING	22,312		22,312	
NORMAL CONSTRUCTION OBSERVATION	89,250		89,250	
CONSTRUCTION SUPERVISION	41,000		41,000	
CAPITAL ASSETS PART OF BUILDING	121,000		121,000	
TOTAL ESTIMATED COST - ORIGINAL SITE	4,523,562		4,523,562	

ORIGINAL CRIME LAB BUILDING APPROPRIATION	3,651,491
AMOUNT SPENT AS OF 9/25/06	370,769
AMOUNT REMAINING AS OF 9/25/06	3,280,722

**NORTH SITE COSTS**

ESTIMATED LAND COST	1,008,600	ADDITIONAL COST
SCHEMATIC DESIGN	28,150	ADDITIONAL COST
DESIGN DEVELOPMENT	38,150	ADDITIONAL COST
CONSTRUCTION DOCUMENTS	115,000	ADDITIONAL COST
BIDDING	22,925	ADDITIONAL COST
NORMAL CONSTRUCTION OBSERVATION	90,400	ADDITIONAL COST
ADDITIONAL CONSTRUCTION & SUPERVISION	936,000	ADDITIONAL COST
SURVEYING & PLATTING	15,000	ADDITIONAL COST
SOIL TESTING & PRINTING	9,000	ADDITIONAL COST
TOTAL ESTIMATED ADDITIONAL COST AT NORTH SITE	2,263,225	

<b>TOTAL ADDITIONAL COST EXISTING &amp; NORTH SITE</b>	<b>6,786,787</b>
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**TOTAL PROJECT COST - RELOCATION 6,786,787**

**PRELIMINARY COST ESTIMATE**

North Dakota State Crime Laboratory  
Bismarck, North Dakota  
State of North Dakota Office of Attorney General

JPL Architects  
2219 East Main Avenue, Suite A  
Bismarck North Dakota 58501  
(701) 222-1565

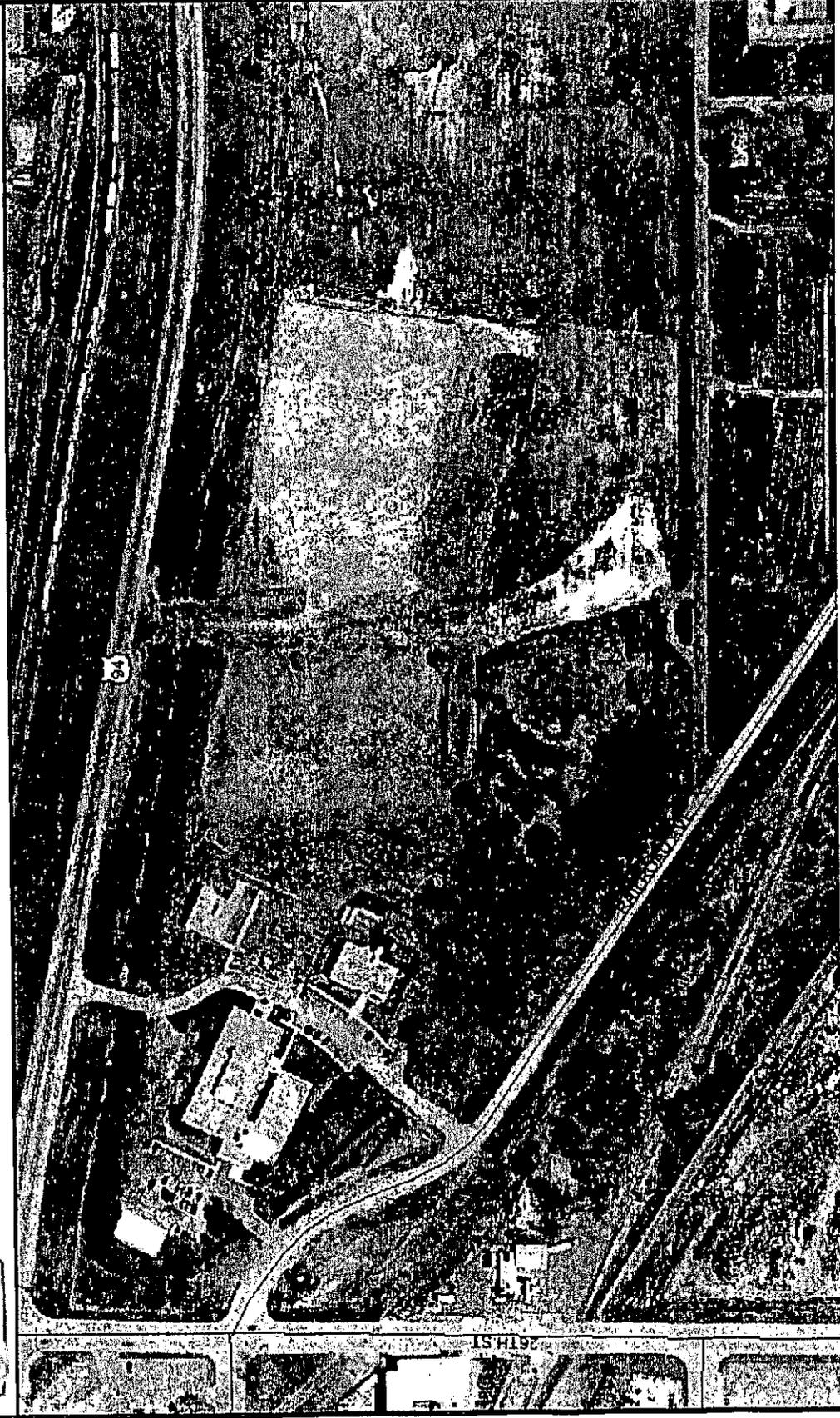
March 15, 2007

	<u>QTY/s.f.</u>	<u>COST/s.f.</u>	<u>COST</u>
SITWORK			\$130,000.00
ADDITIONAL REQUIRED PARKING			\$77,500.00
MAIN FLOOR BUILDING	16000	\$210.00	\$3,360,000.00
MECHANICAL ROOM	2500	\$200.00	\$500,000.00
FIREARMS TANK ROOM	500	\$200.00	\$100,000.00
BASEMENT STORAGE	6,000	\$35.00	\$210,000.00
CONTINGENCY			\$200,000.00
DESIGN FEES, TESTING, PRINTING			\$342,625.00
<b>TOTAL</b>	<b>25000</b>		<b>\$4,920,125.00</b>

SUMMARY OF 2007-09 PROJECTED ADDITIONAL OPERATING COSTS ASSOCIATED WITH  
THE NEW CRIME LAB BUILDING - NINE MONTHS' OPERATIONS AT NEW FACILITY

UTILITIES	\$ 113,652
BUILDING SUPPLIES	\$ 48,616
BUILDING SYSTEM EXPENSES	\$ 12,741 ONE-TIME
ITD - DP	\$ 25,000 ONE-TIME
MISCELLANEOUS SUPPLIES	\$ 9,895 ONE-TIME
PROFESSIONAL SERVICES - CLEANING	\$ 10,571
OTHER EQUIPMENT UNDER \$5,000	\$ 14,000 ONE-TIME
OTHER EQUIPMENT OVER \$5,000	\$ 7,000 ONE-TIME
PROFESSIONAL SERVICES -MOVING COSTS	\$ 25,000 ONE-TIME
IT EQUIPMENT UNDER \$5,000	\$ 10,800
TELECOMMUNICATIONS	\$ 2,323
TOTAL GENERAL FUND ESTIMATED COSTS	\$ 279,599

# State Lab



North Dakota has compiled this map according to conventional cartographic standards, using what is thought to be the most reliable information available. North Dakota does not guarantee freedom from errors or inaccuracies and disclaims any legal responsibility or liability for interpretations made from the map, or decisions based thereon.

HP & BCI Comparison													
Grade	Grade & Range			Highway Patrol			Bureau of Criminal Investigation			Compa-Ratio			
	Min	Mid	Max	Class	# Ee's	Yrs Svc	Avg Salary	Compa-Ratio	Class		# Ee's	Yrs Svc	Avg Salary
10	27,660	36,876	46,095	HP Officer	16	10.7	37,200	0.92					
12	34,044	45,384	56,736	HP Officer II	91	10.2	42,191	0.93	Criminal Investigator I	9	3.3	36,728	0.81
13	37,728	50,304	62,880	HP Sergeant	14	14.5	50,118	0.89	Criminal Investigator II	6	7.4	38,028	0.76
14	41,016	54,884	68,352	HP District Commander	12	20.5	58,178	1.06	Criminal Investigator III	13	15.6	45,971	0.84
15	45,288	61,716	77,148	HP Division Commander	2	25.2	64,808	1.05	Chief Investigator	3	16.6	58,384	0.85
16	46,284	68,316	85,392	HP Field Operations Commander	1	25.7	66,792	0.98					
17	51,240	71,688	91,488										
18	56,688	83,640	104,556			16.1		0.98	Director, BCI	1	30.0	80,808	0.97
											15.0		0.87

BCI & Crime Lab Salary Target

- » Use salary ranges projected for July 1, 2007
- » Attain overall Compa-Ratio for BCI & Lab of 0.96 after July 1, 2007
- » 4.0% overall General Increase on July 1, 2007
- » 0.85 - Current Compa-Ratio based on Current Salary Ranges
- » 0.80 - Projected Compa-Ratio based on July 1, 2007 Salary Ranges
- » \$452,614 base salary increases to attain 0.92 Compa-Ratio on July 1, 2007
- » \$525,032 salary & benefits (16%) costs to attain 0.92 Compa-Ratio on July 1, 2007
- » 0.92 Compa-Ratio plus 4.0% overall General Increase will bring average Compa-Ratio to 0.96

NOTE:

- » 0.96 Compa-Ratio is assumed to be an overall average.
- » Highly performing employees with extensive experience should have significantly higher Compa-Ratios.
- » Relatively new, inexperienced employees should appropriately be lower in their respective range, i.e. at a lower Compa-Ratio.



2



**Consortium of Forensic Science Organizations**

- American Academy of Forensic Sciences
- American Society of Crime Laboratory Directors
- ASCLD – Laboratory Accreditation Board
- Forensic Quality Services
- International Association for Identification
- National Association of Medical Examiners

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**TRIBUNE**  
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**State crime lab needs an infusion**

Editorial  
Great Falls Tribune  
December 18, 2006



District Judge Dirk Sandefur tore into the Montana State Crime Lab last week.

He was justifiably frustrated by the lengthy delay in getting homicide evidence processed at the lab.

Bill Unger, director of the crime lab, nurses frustrations of his own:

Just try recruiting qualified scientists when labs elsewhere pay tens of thousands a year more in salary.

He's crossing his fingers that the 2007 Montana Legislature will approve two new positions and pass a bill crafted by Rep. John Parker, D-Great Falls, bumping wages.

There's clearly a need.

In the case that had Sandefur riled, a murder trial was delayed some five months because DNA evidence on a bloody boot hadn't been processed.

Even with the delay, "I have no confidence that (by April) the crime lab will have gotten to this," he said.

He could be right. Unger said the current backlog for DNA testing is nine months. That's far shy of the one-month turnaround the lab strives for, or even the three- to four-month turnaround that is often the case.

The huge delay is the result of three of the lab's four DNA scientists leaving. The lab shut down for seven months while new workers were hired, but the cases kept pouring in.

With a required training period of nearly eight months, the lab is still getting back up to speed. Unger figures it may take until next summer to get the caseload under control.

In the meantime, he worries that once the scientists are fully trained, they'll be attractive targets for private labs dangling offers of bigger salaries.

Newer scientists at the lab earn about \$23 an hour, experienced ones make about \$25. That works out to a range of \$47,800 to \$52,000 a year, based on a 40-hour week.

(in MD: \$37,000)

Unger said a 10 or 15 percent increase would go a long way in helping retain qualified staff.

The DNA section is one of several at the crime lab. Unger is also requesting an extra staff position in both the fingerprinting and toxicology units.

He noted that families become especially distressed when the toxicology lab — which identifies causes of death — has lengthy delays that keep the family from getting a death certificate.

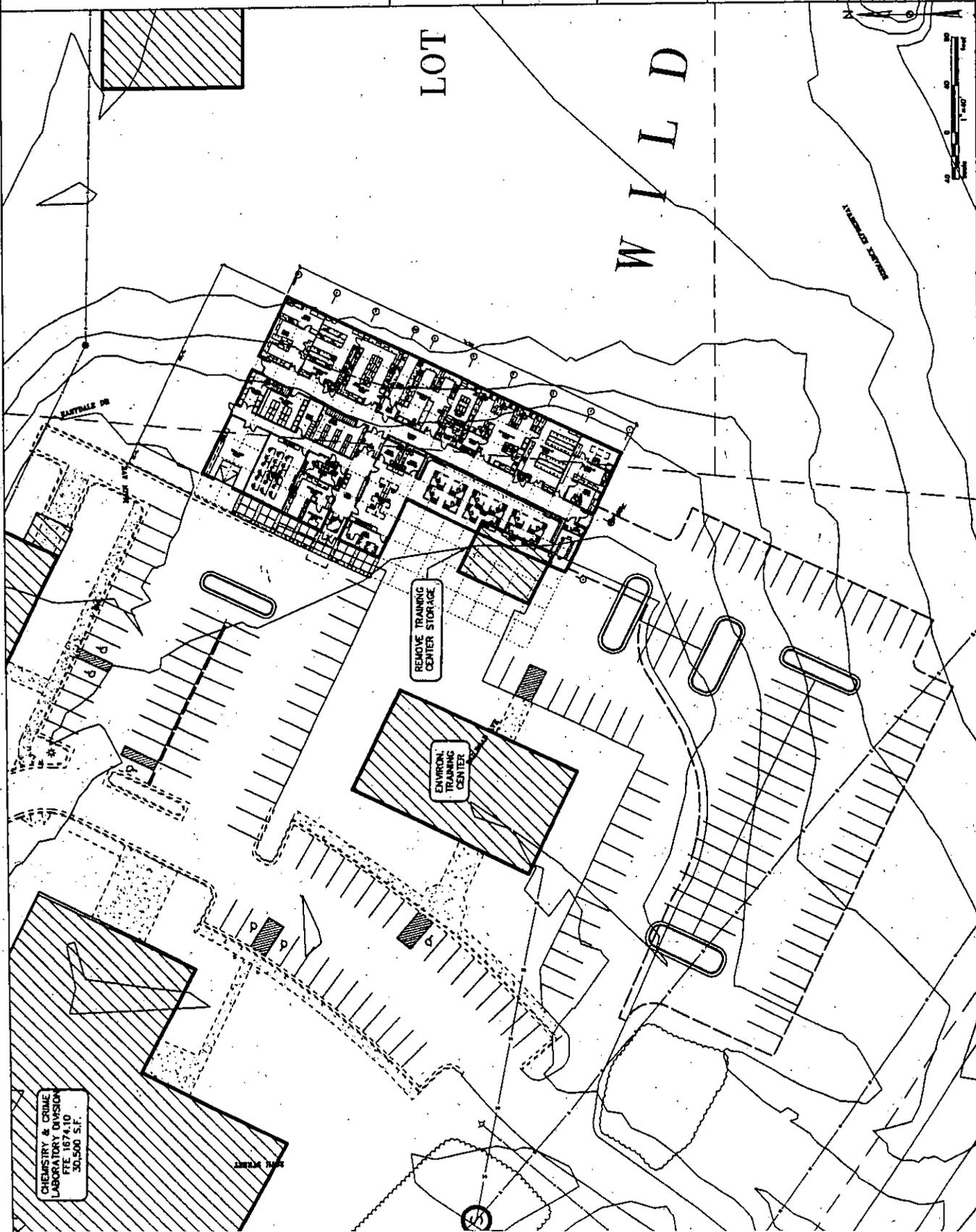
~~The crime lab's services are vital to the justice system. When it can't keep up with the demand, the system gets clogged and justice is delayed — even jeopardized.~~

The 2007 Legislature should pass Parker's bill and give the crime lab the resources it needs.

---

Consortium of Forensic Science Organizations  
2535 Pilot Knob Road :: Mendota Heights, MN 55120-1120  
651-681-8566 :: Fax 651-681-8443

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CHEMISTRY & CRIME  
LABORATORY DIVISION  
FTE 1674.10  
30,500 S.F.

LOT

W I L D

Kadri's  
Lee &  
Jackson  
Engineers, Surveyors  
and Planners

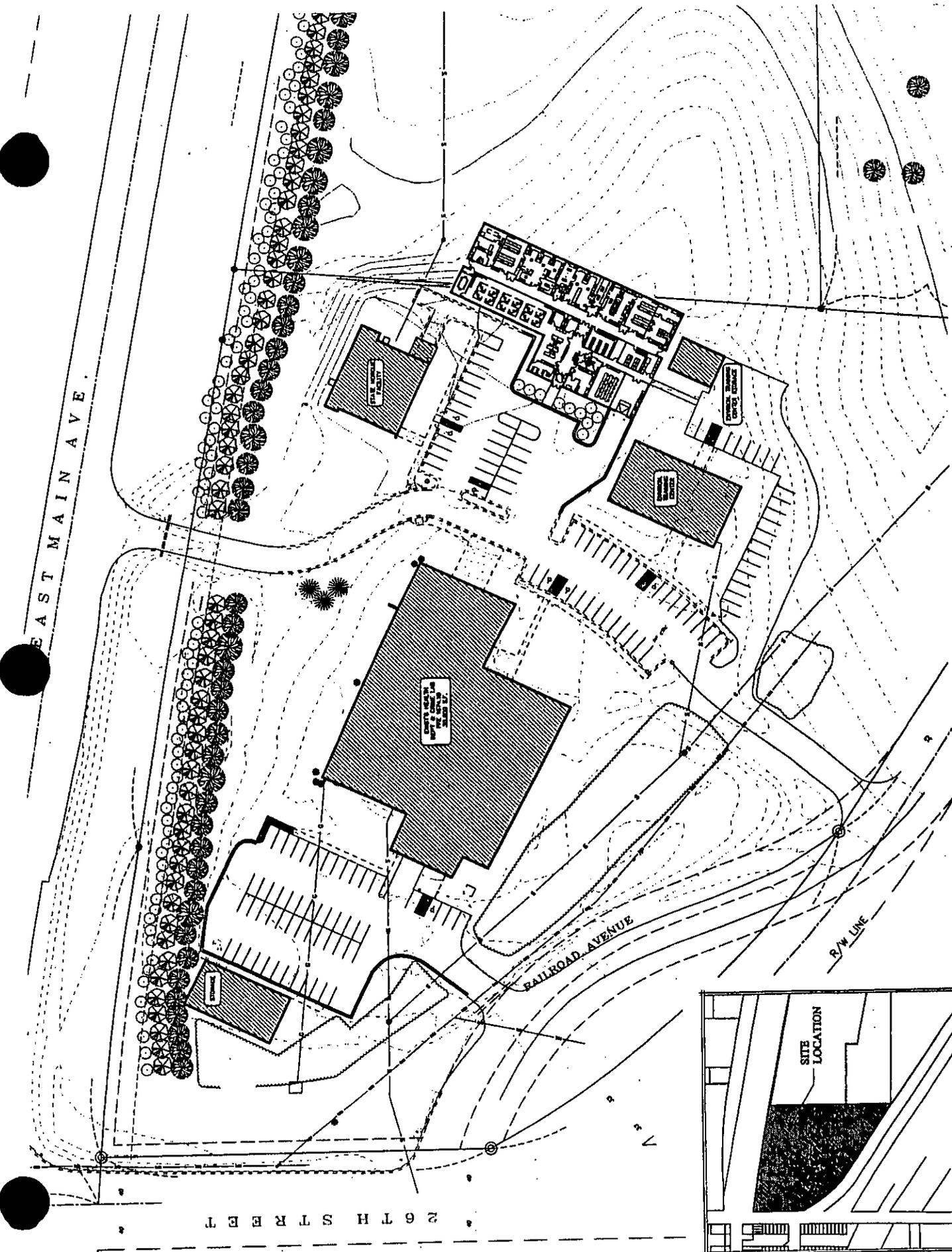
**PRELIMINARY**  
NOT FOR CONSTRUCTION  
JPL ARCHITECTS  
2007

JOSEPH FLANRUE ARCHITECTS PC  
227 WEST 10TH STREET  
BISMARCK NORTH DAKOTA 58501  
P (701) 222-1853  
F (701) 222-1878  
e: info@jflarch.com  
w: www.jflarch.com

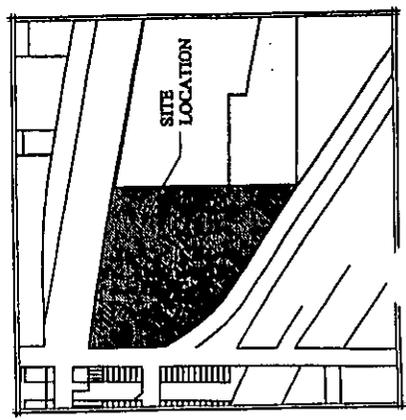
NORTH DAKOTA STATE  
CRIME LAB  
BISMARCK NORTH DAKOTA

PROJECT NUMBER: 10.1 16023294  
ISSUED: 03.08.06  
DRAWN BY: CMR  
CHECKED BY: RKB  
FILENAME: 16023294-CRIME LAB.DWG

C1.0

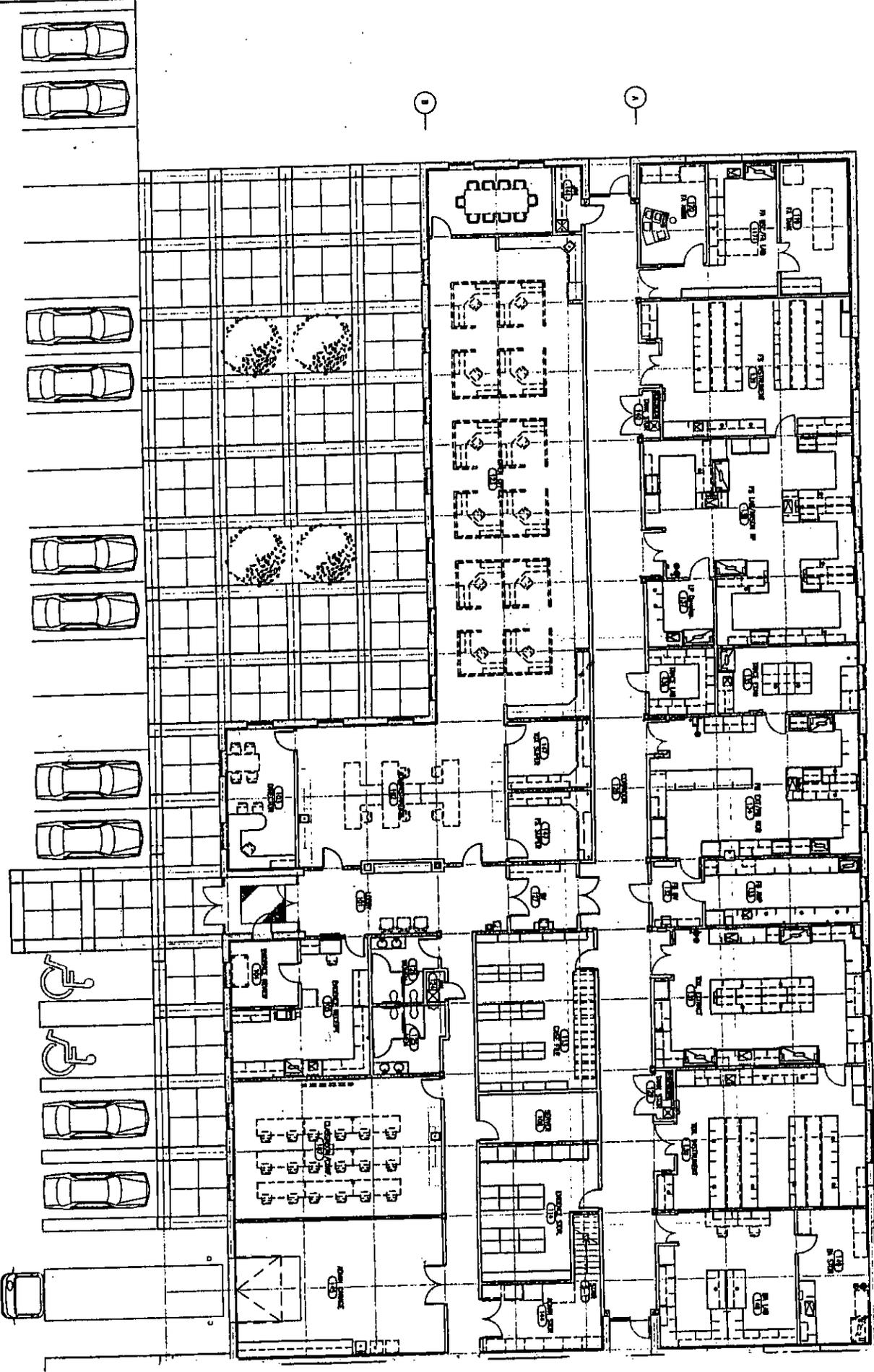


(6) EXISTING AND DEMOLITION SITE PLAN  
 1" = 40'



(6) LOC MAP  
 1" = 40'

1 FLOOR PLAN



- 1
- 2
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OPTIONS FOR FUNDING THE PURCHASE OF THE BCI/FIRE MARSHAL/ CONSUMER PROTECTION BUILDING AND FOR FUNDING THE NORTH CRIME LAB WITH EXPANSION INCLUDED - OFFICE OF ATTORNEY GENERAL

**PLAN A - CONTINUE LEASING AT BCI AND BUILD NORTH CRIME LAB**

	2007-09	2009-11	2011-13	2013-15	2015-17	2017-19	2019-21	2021-23	2023-25	2025-27	TOTAL
BCI LEASE PAYMENTS	430,716	441,236	455,786	469,460	483,543	507,720	533,106	559,761	587,750	617,137	5,086,215
BIENNIAL INCREASES	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	
BUILD NORTH CRIME LAB	2,263,225										2,263,225
TOTAL ESTIMATED COSTS	2,693,941	441,236	455,786	469,460	483,543	507,720	533,106	559,761	587,750	617,137	7,349,440 <sup>1/</sup>

<sup>1/</sup> BCI LEASE PAYMENTS WOULD CONTINUE AS LONG AS THE BUILDING IS OCCUPIED BY THIS OFFICE. ONLY LEASE PAYMENTS THROUGH 2025-27 BIENNIIUM ARE SHOWN.

**PLAN B - PURCHASE BCI BUILDING AND BUILD NORTH CRIME LAB**

BCI BUILDING	1,962,118
BUILD NORTH CRIME LAB	2,263,225
TOTAL ESTIMATED COSTS	4,225,343

**PLAN C - BOND FOR BCI BUILDING AND NORTH CRIME LAB - ESTIMATED COSTS**

	4.48% INTEREST RATE									
	2009-11	2011-13	2013-15	2015-17	2017-19	TOTAL				
BCI BUILDING & NORTH CRIME LAB	1,320,000	1,320,000	1,320,000	1,320,000	770,000	6,050,000				
TOTAL INTEREST COST FOR 10 YEARS	1,525,000									
<hr/>										
	4.55% INTEREST RATE									
	2009-11	2011-13	2013-15	2015-17	2017-19	2019-21	2021-23	2023-25	2025-27	TOTAL
BCI BUILDING & NORTH CRIME LAB	810,000	810,000	810,000	810,000	810,000	810,000	810,000	810,000	810,000	7,290,000
TOTAL INTEREST COST FOR 20 YEARS	2,765,000									

2-1-07  
Sub  
2003

**Roll, Kathy S.**

---

**From:** Trenbeath, Thomas L.  
**Sent:** Wednesday, March 28, 2007 1:18 PM  
**To:** Roll, Kathy S.  
**Subject:** RE: Crime Lab Redesign Schedule

Got it, and thanks. So we'd need approx. nine months operating?

---

**From:** Roll, Kathy S.  
**Sent:** Wednesday, March 28, 2007 12:56 PM  
**To:** Stenehjem, Wayne K.; Trenbeath, Thomas L.  
**Subject:** FW: Crime Lab Redesign Schedule

I asked Hope if we could get a projected schedule regarding the Crime Lab construction. As our budget stands now, we would build the Crime Lab and then be unable to occupy it because House Appropriations removed all the additional operating expenses related to this project.

---

**From:** Olson, Hope R.  
**Sent:** Wednesday, March 28, 2007 12:50 PM  
**To:** Roll, Kathy S.  
**Cc:** Trenbeath, Thomas L.  
**Subject:** FW: Crime Lab Redesign Schedule

---

**From:** Joseph Larrivee [<mailto:larriveejosephp1@qwest.net>]  
**Sent:** Wednesday, March 28, 2007 12:20 PM  
**To:** Olson, Hope R.  
**Cc:** 'Jason Krebsbach'  
**Subject:** Crime Lab Redesign Schedule

Hope,

Per your request is an outline of the projected schedule for the crime lab redesign scenario:

May 1 – June 29, 2007:	Redesign Documentation
July 1 – July 31, 2007:	Bidding/Contract Award
August 15, 2007:	Start Construction
October 15, 2008:	Construction Completion

Please contact me with any questions,

Joe

**JOSEPH P LARRIVEE ARCHITECTS PC**

2219 EAST MAIN AVENUE, SUITE A

BISMARCK NORTH DAKOTA 58501

p:(701) 222-1565

f: (701) 222-1570

[larriveejosephp1@qwest.net](mailto:larriveejosephp1@qwest.net)

OPTIONS FOR FUNDING THE PURCHASE OF THE BCI/FIRE MARSHAL/ CONSUMER PROTECTION BUILDING AND FOR FUNDING THE NORTH CRIME LAB WITH EXPANSION INCLUDED - OFFICE OF ATTORNEY GENERAL

**PLAN A - CONTINUE LEASING AT BCI AND BUILD NORTH CRIME LAB**

	2007-09	2009-11	2011-13	2013-15	2015-17	TOTAL
BCI LEASE PAYMENTS	430,716	441,236	455,786	469,460	483,543	2,280,741
BIENNIAL INCREASES	5%	5%	5%	5%	5%	
BUILD NORTH CRIME LAB	2,263,225					2,263,225
TOTAL ESTIMATED COSTS	2,693,941	441,236	455,786	469,460	483,543	4,543,966 <u>1/</u>

1/ BCI LEASE PAYMENTS WOULD CONTINUE AS LONG AS THE BUILDING IS OCCUPIED BY THIS OFFICE. ONLY LEASE PAYMENTS THROUGH 2015-17 BIENNIUM ARE SHOWN.

**PLAN B - PURCHASE BCI BUILDING AND BUILD NORTH CRIME LAB**

BCI BUILDING	1,998,000	\$348,000 DOWN PAYMENT,
		\$1.65 MILLION PURCHASE PRICE
BUILD NORTH CRIME LAB	2,263,225	
LESS BCI LEASE PAYMENT	(277,716)	
NET OF OPERATING COSTS	3,983,509	
TOTAL ESTIMATED COSTS	4,139,373	
GENERAL FUND	(155,864)	
FEDERAL FUNDS		

LEAST COSTLY ALTERNATIVE

**GENERAL FUND DIFFERENCE BETWEEN PLAN A & B**

PLAN A	4,543,966
PLAN B	4,139,373
GENERAL FUND SAVING:	404,593

2007-09 BIENNIUM ESTIMATED BCI BUILDING OPERATING EXPENSES \$ 153,000

**BCI/FMCPAT PAYMENTS FOR 2007-09 THROUGH 2015-17 BIENNA FROM PROFESSIONAL NORTH OFFICE BUILDING LLP AS OF 2/2/08 CONTRACT FOR DEED VS. LEASE PAYMENTS**

BIENNIUM	CONTRACT FOR DEED	LEASE PAYMENTS	DIFFERENCE
2007-09	441,238	430,716	10,522
2009-11	441,238	441,236	2
2011-13	441,238	455,786	(14,548)
2013-15	441,238	478,575	(37,338)
2015-17	441,238	502,504	(61,266)
SAVINGS	2,206,189	2,308,817	(102,628)

Conf com  
4/9/07 (1)

**BCI BUILDING FACTS**

<u>Building Timeline/Square footage</u>		
	Year	Square Footage
Original building	1973	8,400
Building addition	1978	10,000
Building addition	2005	5,000
<b>Total bulding square footage</b>		<b>23,400</b>
The building was completely remodeled from 2003 to 2004, including replacement of furnaces and air conditioners/condensers.		
Amount of land with building	1.61 acres (70,000 square feet)	
Value of land - \$12 per square foot	\$ 840,000	

<b>Current Construction Cost for Same Square Footage</b>	<b>\$ 3,510,000</b>	<u>Building &amp; Land Cost</u>
		<b>\$ 4,350,000</b>

<b>BCI/IT/FM/CPAT PAYMENTS FOR 2007-09 THROUGH 2015-17 BIENNIA FROM PROFESSIONAL NORTH OFFICE BUILDING LLP CONTRACT FOR DEED VS. LEASE PAYMENTS</b>			
<u>BIENNIUM</u>	<u>CONTRACT FOR DEED</u>	<u>LEASE PAYMENTS</u>	<u>DIFFERENCE</u>
2007-09	441,238	430,716	10,522
2009-11	441,238	441,236	2
2011-13	441,238	455,786	(14,548)
2013-15	441,238	478,575	(37,338)
2015-17	441,238	502,504	(61,266)
<b>SAVINGS</b>	<u>2,206,189</u>	2,308,817	(102,628)
Down payment	\$ 348,000		
Total Contract for deed cost	2,554,189		

<b>BCI BUILDING CASH PURCHASE</b>	
Cash Purchase	\$ 1,998,000
Less lease payments net of needed operating expenses	\$ (277,716)
Net cash price	\$ 1,720,284
GF	\$ 1,876,148
FF	\$ (155,864)
Total	\$ 1,720,284

**Estimated 2007-09 operating expenses \$ 153,000**

**Real estate taxes paid - past 2 years \$ 23,409**

**ESTIMATED COSTS OF CRIME LAB BUILDING AT ORIGINAL SITE AND NORTH SITE**

<u>ORIGINAL SITE COSTS</u>	REVISED EST. - 9/25/06	LESS EST. CARRYOVER	AMOUNT TO REQUEST	AMOUNT SPENT
ORIGINAL BUILDING REMODEL & ADDTION SQUARE FOOTAGE		18,488		
ORIGINAL 2005-07 APPROPRIATION	\$ 3,651,491	\$ (3,280,722)	\$	370,769
REVISED ESTIMATED CONSTRUCTION COSTS	\$ 4,250,000		\$ 4,250,000	
ADDITIONAL CONSTRUCTION COST	\$ 598,509		\$ 598,509	
<b><u>ADDITIONAL CONSTRUCTION ASSOCIATED COSTS - ORIGINAL CRIME LAB PLAN</u></b>				
CONSTRUCTION BIDDING	\$ 22,312		\$ 22,312	
NORMAL CONSTRUCTION OBSERVATION	\$ 89,250		\$ 89,250	
CONSTRUCTION SUPERVISION	\$ 41,000		\$ 41,000	
CAPITAL ASSETS PART OF BUILDING	\$ 121,000		\$ 121,000	
TOTAL ESTIMATED COST - ORIGINAL SITE	\$ 4,523,562		\$ 4,523,562	
				COST ORIGINAL SITE DIFFERENCE
				\$ 5,122,071 \$ 1,841,349
<b>CRIME LAB AMOUNT IN GOVERNOR'S 2007-09 BIENNIUM BUDGET</b>			\$ 1,242,840	

<u>PROPOSED NORTH CRIME LAB SITE COSTS</u>		
BUILDING SQUARE FOOTAGE	18,488	
ESTIMATED LAND COST	\$ 1,008,600	ADDITIONAL COST
SCHEMATIC DESIGN	\$ 28,150	ADDITIONAL COST
DESIGN DEVELOPMENT	\$ 38,150	ADDITIONAL COST
CONSTRUCTION DOCUMENTS	\$ 115,000	ADDITIONAL COST
BIDDING	\$ 22,925	ADDITIONAL COST
NORMAL CONSTRUCTION OBSERVATION	\$ 90,400	ADDITIONAL COST
ADDITIONAL CONSTRUCTION & SUPERVISION	\$ 936,000	ADDITIONAL COST
SURVEYING & PLATTING	\$ 15,000	ADDITIONAL COST
SOIL TESTING & PRINTING	\$ 9,000	ADDITIONAL COST
<b>TOTAL ESTIMATED ADDITIONAL COST AT NORTH SITE</b>	<b>\$ 2,263,225</b>	

TOTAL ADDITIONAL NORTH CRIME LAB CONSTRUCTION MONIES NEEDED FOR THE 2007-09 BIENNIUM \$ 3,506,065

**TOTAL ADDITIONAL COST EXISTING & NORTH SITE \$ 7,157,556**

TOTAL PROJECT COST - RELOCATION \$ 7,157,556

**ESTIMATED 2007-09 BIENNIUM OPERATING FOR NEW BUILDING - 9 MONTHS \$ 279,599**

<u>ESTIMATED CRIME LAB SOUTH COSTS</u>	
PROPOSED BUILDING SQUARE FOOTAGE	25,000
ESTIMATED COST AS OF 3/15/07	\$ 4,920,125
LESS: 2005-07 CARRYOVER	\$ (3,280,722)
LESS: GOVERNOR'S RECOMMENDATION	\$ (1,242,840)
<b>AMOUNT NEEDED TO COMPLETE PROJECT</b>	<b>\$ 396,563</b>

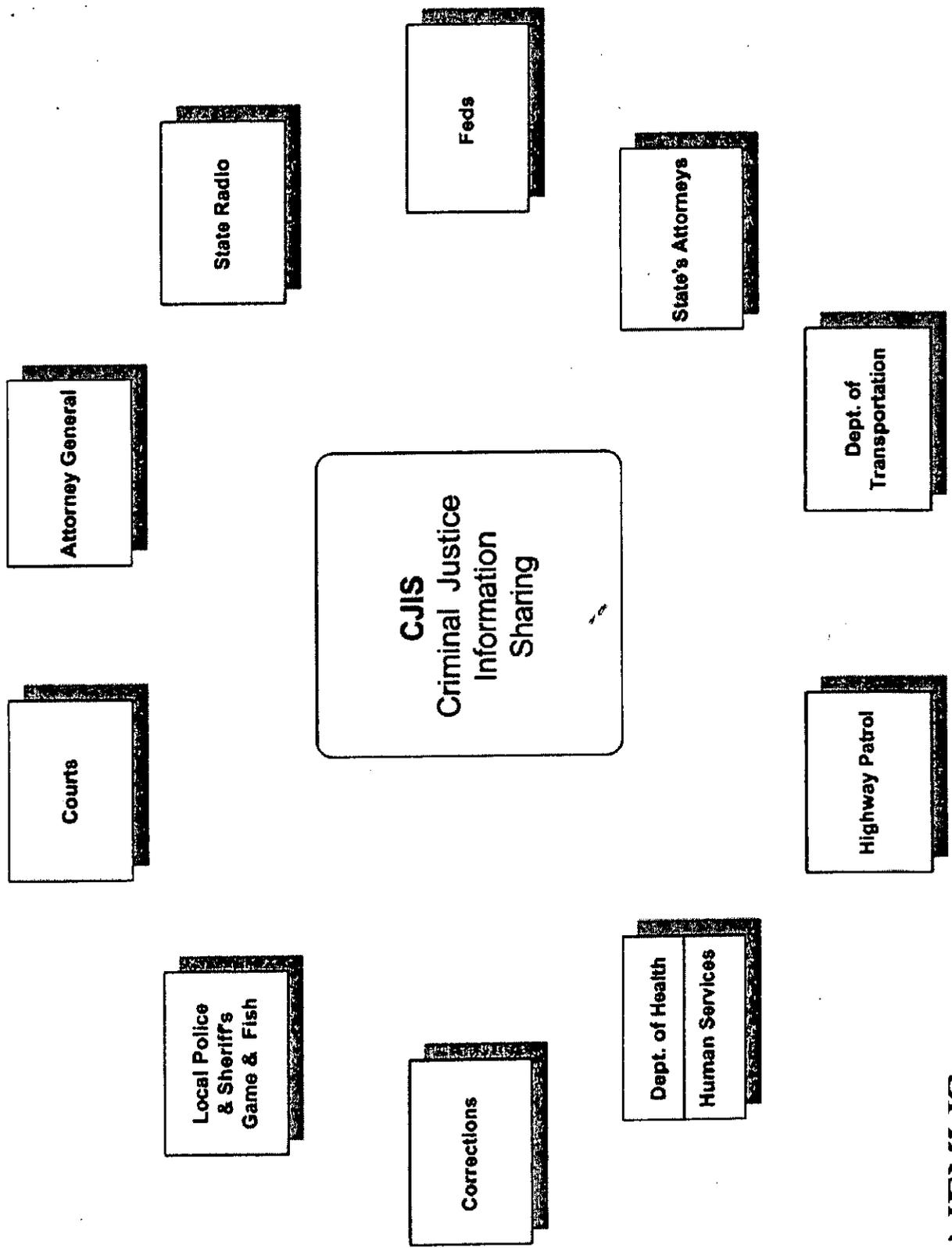
PROJECTED OPERATING EXPENSES FOR THE CURRENT AND NEW CRIME LAB BUILDINGS

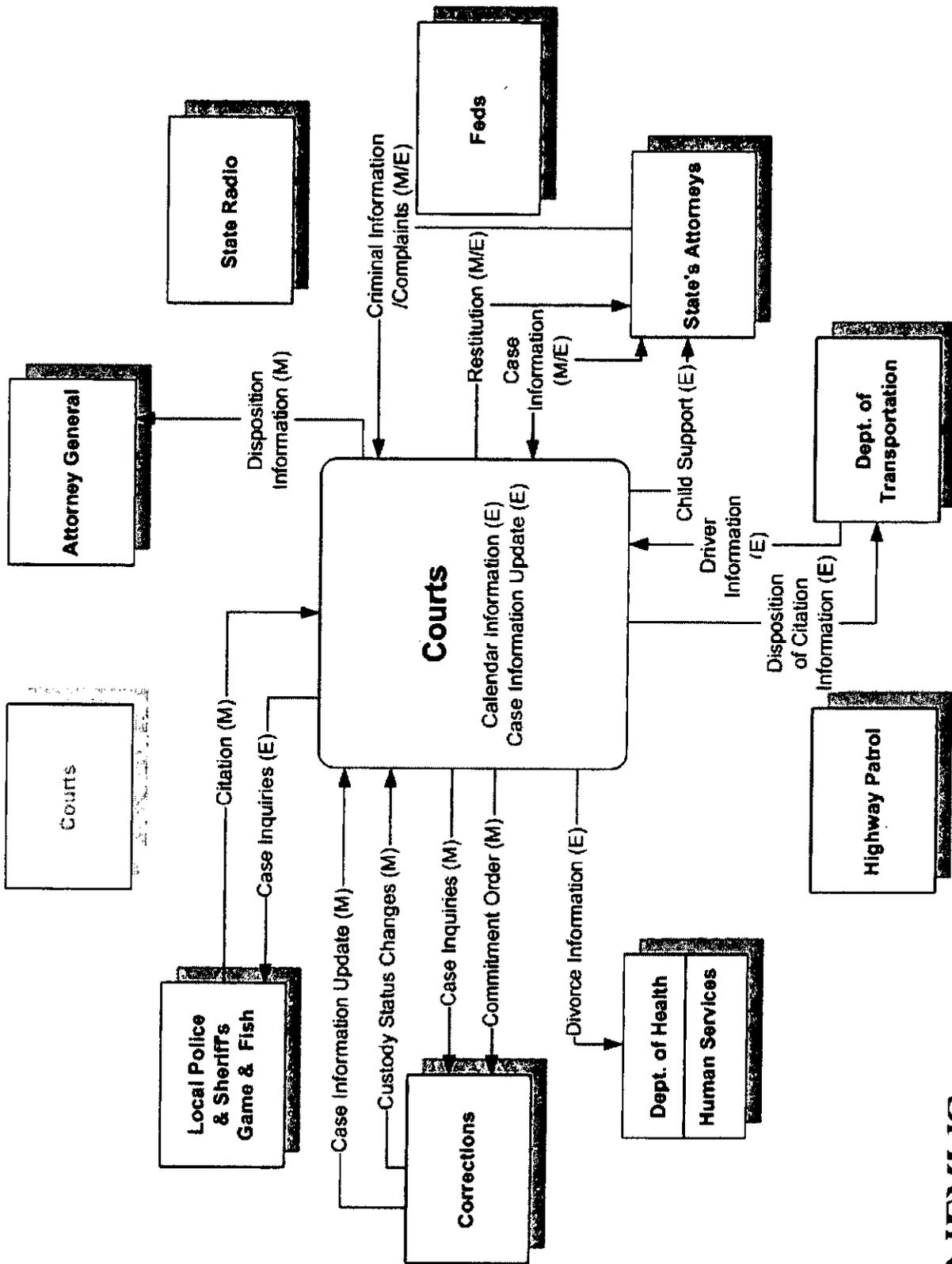
	ESTIMATED 2005-07 CRIME LAB CURRENT BUILDING COSTS	ESTIMATED 2007-09 CRIME LAB CURRENT BUILDING COSTS	PROJECTED 2007-09 NEW CRIME LAB BUILDING COSTS 9 MONTHS	PROJECTED 2009-11 NEW CRIME LAB BUILDING COSTS
UTILITIES	\$ 85,652	\$ 91,647	\$ 113,652	\$ 557,797
REPAIRS / SERVICE CONTRACTS	\$ 25,184	\$ 26,444	\$ 48,616	\$ 128,299
BUILDING SYSTEM EXPENSES *	\$ -	\$ -	\$ 12,741	\$ -
ITD - DP *	\$ -	\$ -	\$ 25,000	\$ -
BUILDING, EQUIPMENT, MAINTENANCE SUPPLIES	\$ 16,969	\$ 17,818	\$ -	\$ 18,709
MISCELLANEOUS SUPPLIES *	\$ -	\$ -	\$ 9,895	\$ -
PROFESSIONAL SERVICES - CLEANING	\$ 7,518	\$ 7,894	\$ 10,571	\$ 37,299
OTHER EQUIPMENT UNDER \$5,000 *	\$ -	\$ -	\$ 14,000	\$ -
OTHER EQUIPMENT OVER \$5,000 *	\$ -	\$ -	\$ 7,000	\$ -
PROFESSIONAL SERVICES -MOVING COSTS *	\$ -	\$ -	\$ 25,000	\$ -
IT EQUIPMENT UNDER \$5,000	\$ -	\$ -	\$ 10,800	\$ -
TELECOMMUNICATIONS	\$ 20,587	\$ 21,616	\$ 2,323	\$ 33,266
TOTAL GENERAL FUND ESTIMATED COSTS	\$ 155,910	\$ 165,419	\$ 279,599	\$ 775,370
LESS: CURRENT BUDGET AMOUNTS				\$ (155,910)
NET ESTIMATED INCREASE				\$ 619,460
* ONE-TIME COSTS			\$ 185,963	
ONGOING COSTS				\$ 93,636
ONE - TIME COSTS				

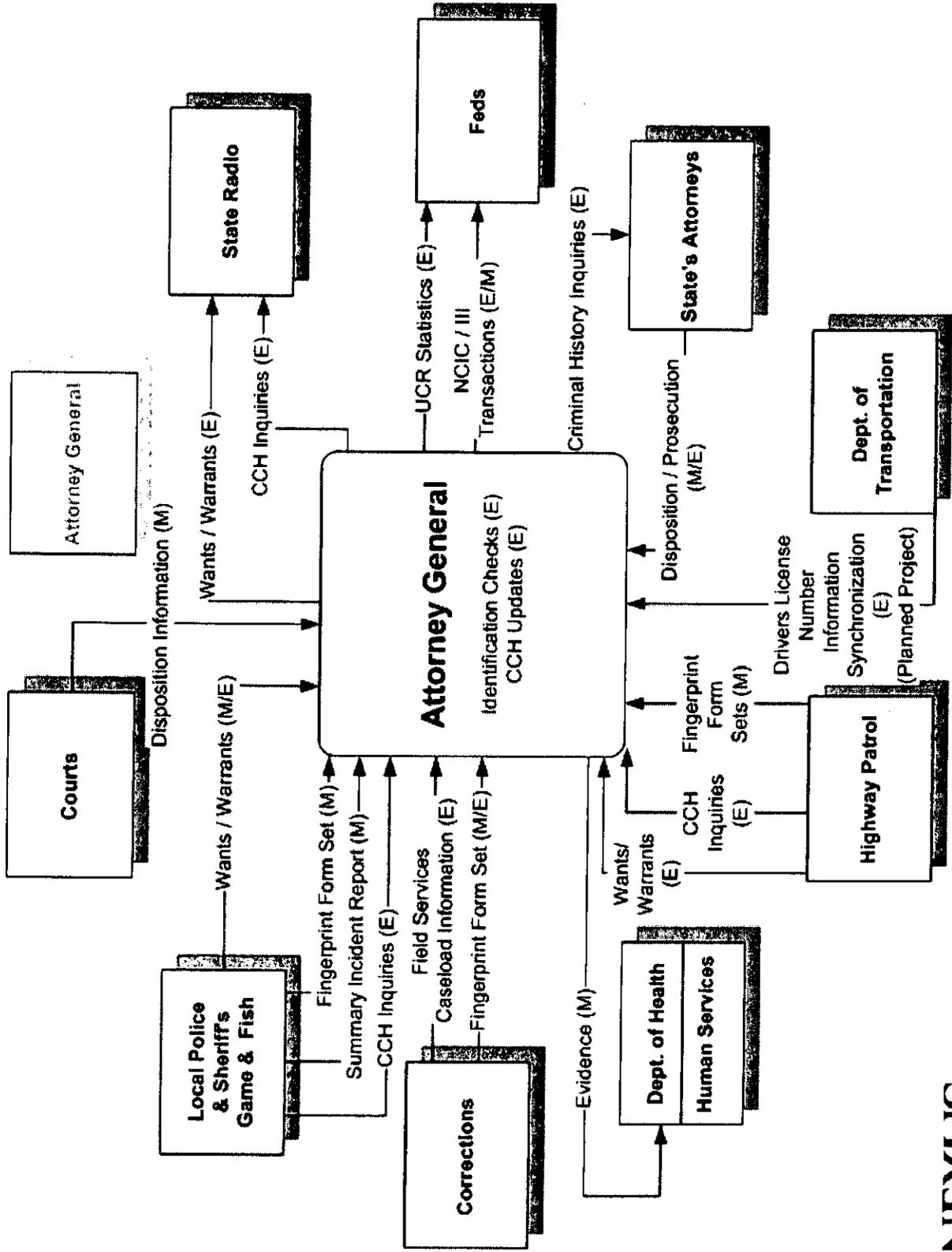
Conf Committee 10/07  
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S. Karphol

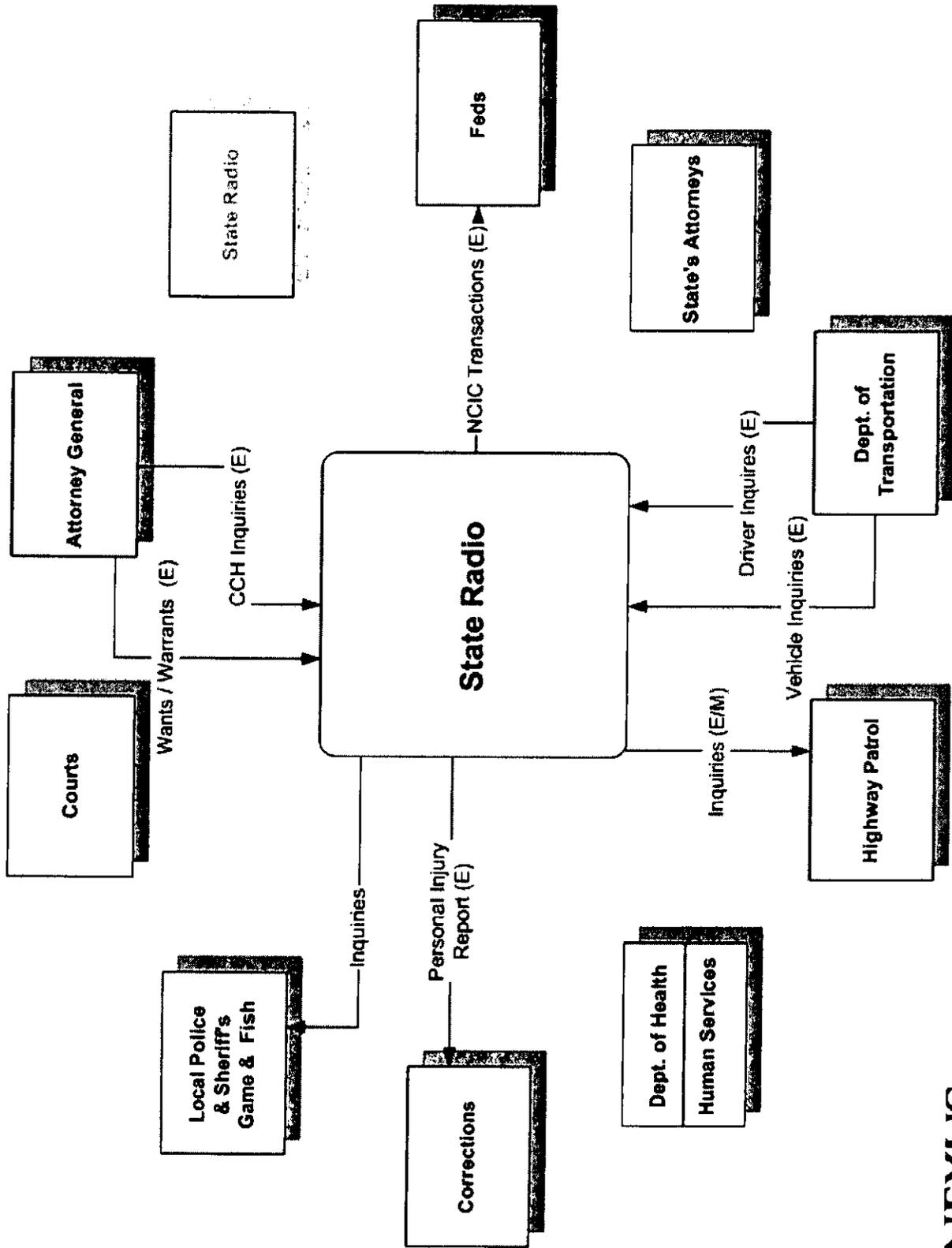
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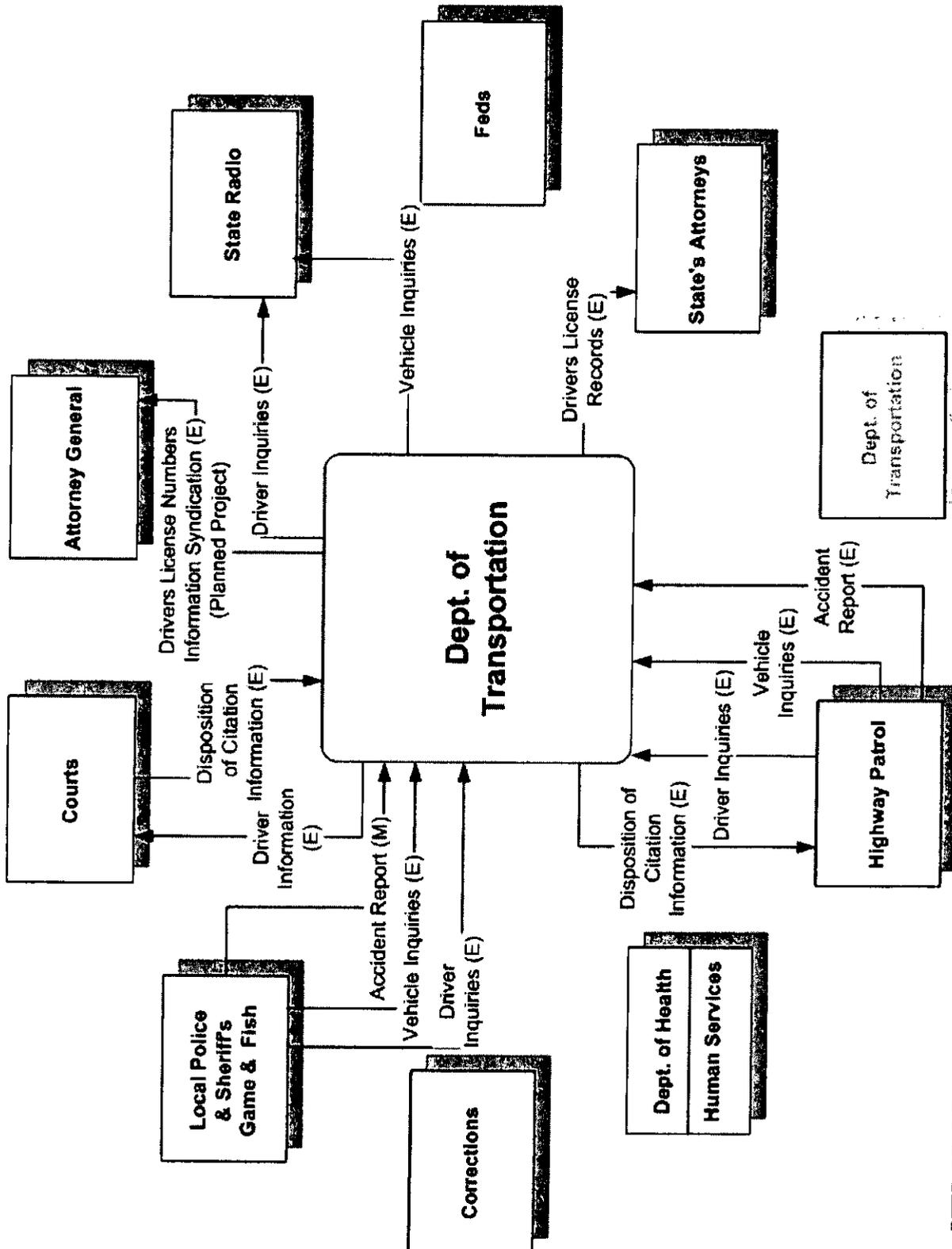




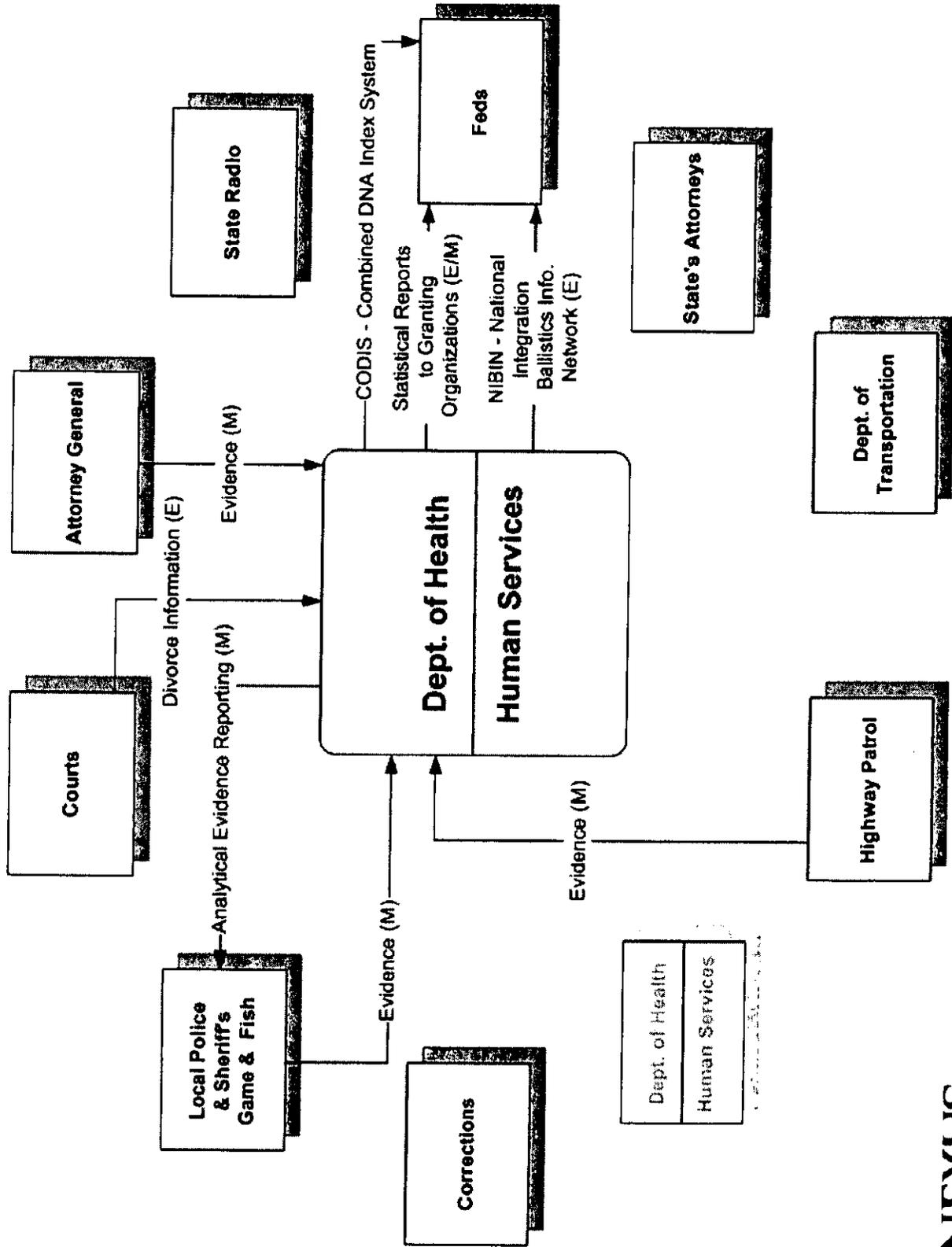


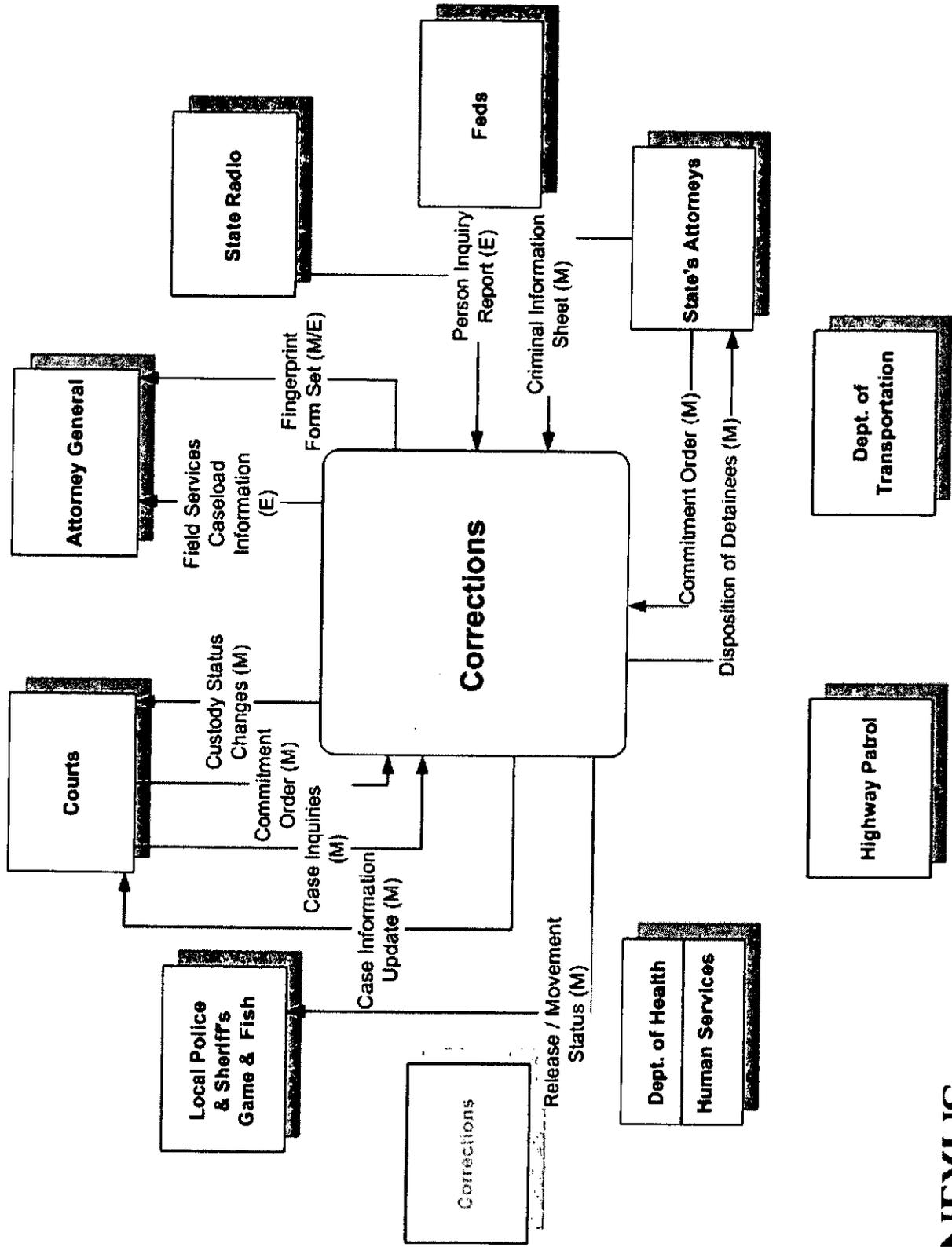


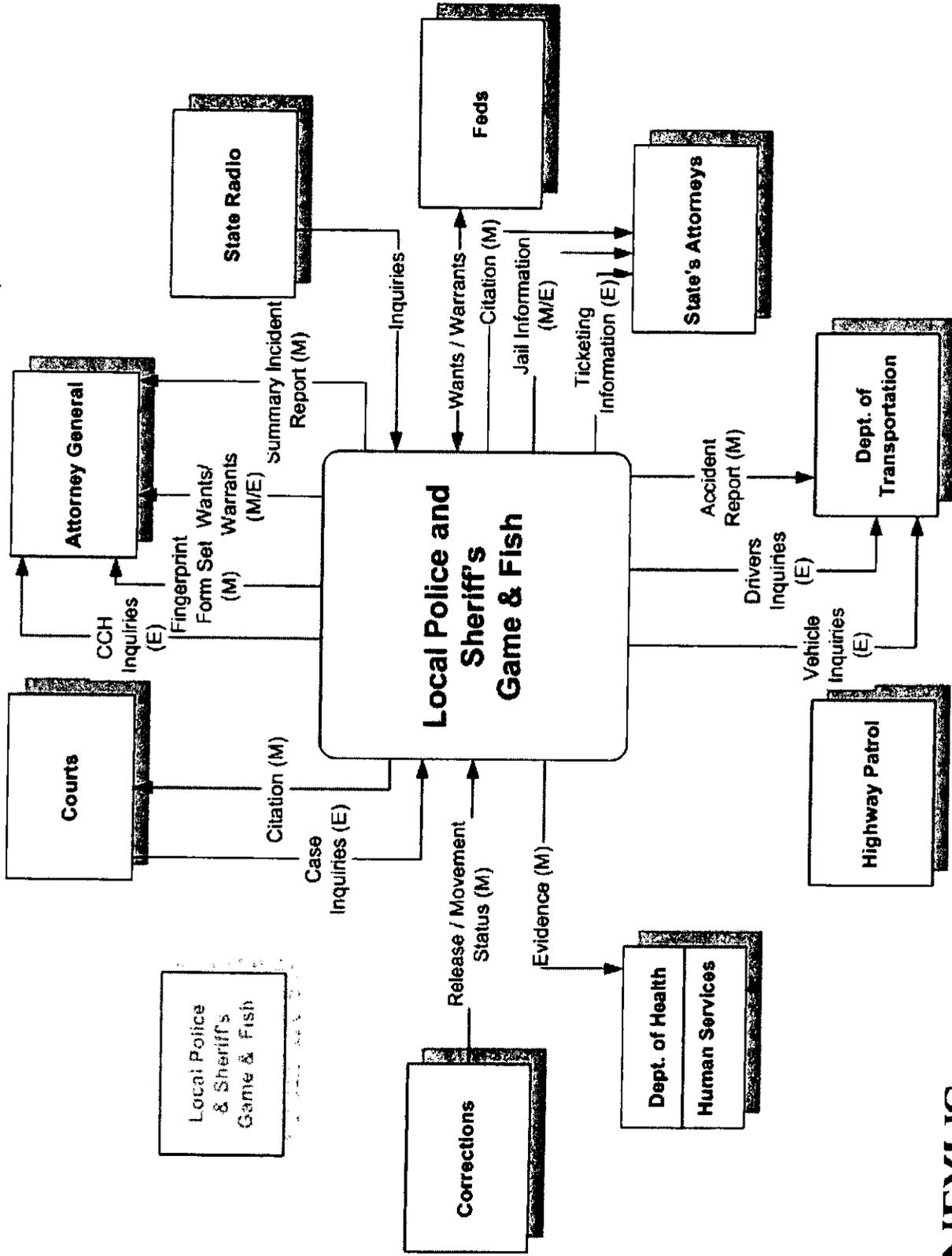












**Skarphol, Bob J.**

---

**From:** Schafer, Pam K.  
**Sent:** Friday, March 16, 2007 9:12 AM  
**To:** Skarphol, Bob J.  
**Cc:** Walz, Nancy J.; Ressler, Mike J.; Feldner, Lisa  
**Subject:** RE: CJIS

Representative Skarphol,

Here is the information you requested from Mike Ressler further explaining your second paragraph.

Thanks,

Pam

**Process for CJIS Hub Portal user approval**

CJIS requires each user to submit 2 sets of fingerprints along with a CJIS Hub Application.

Once received, the fingerprints are scanned into an application referred to as the CJIS Hub Interface. After the information is scanned into the application, the individual submits the information by clicking a button. The information is transmitted electronically to the FBI, CWIS and NCIC, utilizing the Bureau of Criminal Investigation's ORI Number. An ORI Number is required to submit to these organizations. In addition to the national scan, the individual does a master index search in the CJIS Hub, which scans the ND Criminal History file.

The information comes back electronically to the CJIS Hub Interface with hits or no hits on the fingerprints submitted.

Once this has occurred the individual processes the information to determine the granting of user access to the CJIS Hub. If hits occur this information is presented to the CJIS Executive Committee for approval.

**What is an Originating Agency Identification (ORI) Number?**

A nine character identifier assigned to an agency. Agencies must identify their ORI Number on the requisition form in order to receive fingerprint supplies. Agencies must identify their ORI Number on the requisition forms in order to receive fingerprint supplies and training aids.

---

**From:** Feldner, Lisa  
**Sent:** Thursday, March 15, 2007 4:19 PM  
**To:** Skarphol, Bob J.  
**Cc:** Walz, Nancy J.; Ressler, Mike J.; Schafer, Pam K.  
**Subject:** CJIS

Bob

3/16/2007

Attached you will find two documents which refer to the use of fingerprints. The original law dates back to 1971 as you will see. In the shorter document, it appears to say that fingerprints can't be released by anyone other than authorized FBI agencies. In the second and more recent document, it appears to say that fingerprints can be used by state and local government for employment purposes as approved by the AG's office. None of this specifically speaks to employees.

However in talking with Pam Schafer, she indicated that both a CJIS-ITD FTE and an CJIS-AG FTE do the criminal background checks which entails scanning the fingerprints. Pam says that the fingerprint scanning is actually a function of BCI but because both of these two CJIS employees did this job for BCI prior to coming to CJIS, they do it for CJIS rather than asking BCI to do it for them.

In order to get us off the hook on this, we could turn over the fingerprint scanning/background checks to BCI completely. That would free up both employees' time to do more direct CJIS work. The flip side is that we would probably be charged per background check – \$15 to BCI and \$22 to the FBI and it will probably take longer in turn-around time. Perhaps we could work out a cheaper rate with BCI on the background checks. I believe Pam is estimating we do about 240 CJIS user background checks per year.

Thanks,  
Lisa

---

Lisa Feldner, CIO  
Information Technology Department  
State of North Dakota  
600 E. Boulevard Ave.  
Bismarck, ND 58505  
701.328.3193

3/16/2007

**Skarphol, Bob J.**

---

**From:** Feldner, Lisa  
**Sent:** Friday, March 16, 2007 9:17 AM  
**To:** Skarphol, Bob J.  
**Subject:** FW: CJIS

Bob  
I don't think you got this part from Pam so I'm forwarding it.  
Lisa

---

Lisa Feldner, CIO  
Information Technology Department  
State of North Dakota  
600 E. Boulevard Ave.  
Bismarck, ND 58505  
701.328.3193

---

**From:** Schafer, Pam K.  
**Sent:** Thursday, March 15, 2007 12:08 PM  
**To:** Feldner, Lisa  
**Subject:** RE: CJIS

## Standard fee Requesting a National (FBI) Record Check

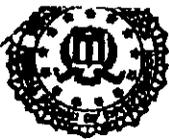
The BCI is responsible for submitting national criminal history record searches to the Federal Bureau of Investigation (FBI) for criminal justice agencies and those entities allowed by state or federal law to receive federal record check information, including: applicants for teaching licenses, foster care providers, potential adoptive parents, ITD employees, and others (see: N.D.C.C. § 12-60-24).

All FBI record searches are fingerprint based, which means that a set of fingerprints is required in order for the record check to be processed. Fingerprints must be taken by trained staff at local law enforcement agencies. The law enforcement agency may charge a separate fee for fingerprinting services.

- Fees include a \$15.00 fee for the BCI to process the fingerprint card to the FBI and the FBI charges \$22.00 to process the request. The fee to BCI must be paid at the time of the request. The BCI processes a monthly billing from the FBI for amounts payable to the FBI.
- The FBI record may not include all state criminal history information because the FBI does not collect information about certain crimes that are reportable under state law. In North Dakota, for example, arrests for some NSF check offenses are reportable on a card that only includes one fingerprint. That information cannot be submitted to the FBI because they require a 10 print arrest card.

An individual may check their own national criminal record by submitting a set of fingerprints directly to the FBI. More information is available from the FBI at (304) 625-3878 or at the FBI website at <http://www.fbi.gov/hq/cjisd/fprequest.htm>.

3/16/2007



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to  
File No.

January 20, 1972

Letter to All Fingerprint Contributors

RE: IDENTIFICATION SERVICES

\* Supplanted  
by P.L. 92-544

Dear Sir:

NON-FEDERAL APPLICANT FINGERPRINTS

+ Bureau  
Policy +

By letter to all fingerprint contributors dated July 22, 1971, you were advised of the Memorandum Opinion of United States District Judge Gerhard A. Gesell in Menard versus Mitchell which prohibited the FBI from disseminating identification records outside the Federal Government for employment, licensing, and related purposes. As a result of that decision, processing of all non-Federal applicant fingerprints was stopped. We are pleased to announce that Section 902 of Public Law 92-184 recently enacted by the Congress and approved by the President includes authorization for the use of FBI funds during fiscal year 1972 to process certain non-Federal applicant fingerprints. This legislation permits the exchange of identification records with Federally chartered or insured banking institutions and, if authorized by state statute and approved by the Attorney General of the United States (underlining supplied), with officials of state and local governments for purposes of employment and licensing.

Banking institutions may continue to submit prints directly to the FBI as in the past. The Attorney General of the United States has executed an order delegating authority under this legislation to the Director of the Federal Bureau of Investigation and has approved the following requirements for the processing of non-Federal fingerprints from state and local governmental agencies submitted for applicant and licensing purposes:

(1) A state statute must provide for fingerprinting as a requisite for the type of applicant position involved or for the type of license to be issued. Local and county ordinances, unless specifically based on applicable state statutes, do not satisfy this requirement. (Of course, no state statutory requirement need be provided concerning arrest or investigative fingerprinting and fingerprinting of employees of law enforcement agencies or correctional institutions since such fingerprinting serves a direct law enforcement purpose.)

\* (2) All applicant and licensee fingerprints must first be checked through the appropriate state identification bureau or, if no such bureau exists, through a central agency designated for such purpose within the state.

## Letter to All Fingerprint Contributors

The Attorney General of each state is being separately requested to issue instructions to appropriate state agencies and other governmental bodies throughout his state to the effect that applicant and licensee prints submitted to the FBI must meet both of the above requirements and in addition, instruct that all non-Federal applicant prints be handled through the state identification bureau or agency designated. The state bureau or agency handling the fingerprint card should forward only those prints on which no disqualifying record or substantive information is found. Disqualifying information identified with the applicant or licensee print at the state or local level, of course, obviates forwarding the prints for a national check. The cards forwarded by the state bureau will be processed and results furnished to the employing agency or regulatory body shown on the fingerprint card as the contributor. These procedures will permit the FBI to receive all such prints from a single contributor for each state and will enable controls to be established which will be compatible with computerized criminal information systems. The state bureau or central agency forwarding the prints must insure they are within the categories covered by state law. Strict compliance to these requirements is necessary for efficient and orderly processing of non-Federal applicant cards under the guidelines established by the Attorney General. Non-Federal applicant fingerprints may be submitted at any time the foregoing procedures are established.

### NARRATIVE CHARGE OF OFFENSE

Numerous fingerprint cards are returned to contributors each day requesting that the charge be listed in literal or narrative form rather than by state code citations or NCIC code. The cooperation of all Federal, state, and local contributors is needed to reduce the unnecessary handling of such cards which are returned to the contributor for completion before processing. It is essential that the nature of the charge be clearly described in narrative form in the "charge" block on the front of the fingerprint card (FD-249, Revised 4/26/71). NCIC code numbers for the charge spelled out in the "charge" block should also be listed if readily available. Penal code and other statutory citations should not be listed in the "charge" block on the front of the card but should be enumerated on the reverse side of the fingerprint card in the "statute citation" block.

PUBLIC LAW 92-544 - BACKGROUND AND CRITERIA

As you may be aware, with some exceptions not relevant herein, the FBI's authority to collect and exchange criminal history record information (CHRI) is generally predicated upon Title 28 United States Code (U.S.C.), Section 534. Prior to 1971, the FBI exchanged records with federal, state and local agencies for both criminal and noncriminal justice use; however, this practice was altered by Menard v. Mitchell, 328 F. Supp. 718 (D.D.C. 1971), in which the district court determined that "Congress never intended to or in fact did authorize dissemination of arrest records to any state or local agency for purposes of employment or licensing checks." 328 F. Supp. at 726.

The statute [28 U.S.C. § 534] read as a whole is obviously designed only to facilitate coordinated law enforcement activities between the federal and local government, that is, to assist arresting agencies, courts and correctional institutions in the apprehension, conviction and proper disposition of criminal offenders. Neither the statute nor the debates so much as mention employment, and it is beyond reason to assume that Congress intended that this confidential quasi-investigative data should be handed to anyone who under authority of local ordinance or statute was authorized to take a fingerprint from an applicant for a position in public or private employment. . . . Thus the Court finds that the Bureau is without authority to disseminate arrest records outside the Federal Government for employment, licensing or related purposes whether or not the record reflects a later conviction.

328 F. Supp. at 726-27. In response to Menard, the FBI immediately curtailed receipt of fingerprints for nonfederal licensing and employment screening.

Congress responded in December 1971 by enacting Pub. L. 92-184, 85 Stat. 627, 642 (1971), which authorized the exchange of FBI identification records with officials of federally chartered or insured banking institutions to maintain the security of those institutions, and, if authorized by state statute approved by the Attorney General, to officials of state and local governments for purposes of employment and licensing. This statute was superceded in 1972 by Pub. L. 92-544, 86 Stat. 1115 (1972), which states:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and

approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.<sup>1</sup>

Since 1972, the FBI, with the assistance of the United States Department of Justice, has determined the parameters of Pub. L. 92-544. The criteria are as follows:

- a. The statute must exist as a result of a legislative enactment;
- b. It must require the fingerprinting of applicants who are to be subjected to a national criminal history background check;
- c. It must, expressly ("submit to the FBI") or by implication ("submit for a national check"), authorize the use of FBI records for the screening of applicants;
- d. It must identify the specific category(ies) of licensees/employees falling within its purview, thereby avoiding overbreadth;
- e. It must not be against public policy; and
- f. It may not permit unauthorized receipt of the CHRI by a private entity.

Additionally, FBI policy requires that fingerprints be initially submitted to the state identification bureau (for a check of state records) and thereafter forwarded to the FBI for a "national" criminal history check.

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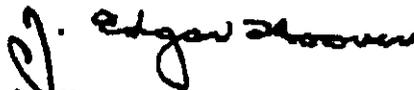
<sup>1</sup> The referenced provision in the appropriation bill admonishes that "such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies," and that restriction is incorporated into the licensing and employment provisions of Pub. L. 92-544.

Letter to All Fingerprint Contributors

ORIGINATING AGENCY NUMBERS

Each contributor has been assigned an originating agency (ORI) number which is preprinted on the fingerprint cards (FD-249, Revised 4/26/71) along with the identity and address of the contributor. Electronic scanner equipment will soon begin recording receipt of fingerprint cards by agency by utilizing the assigned ORI numbers. Accordingly, there must not be any interchange or borrowing of preprinted fingerprint cards among contributors.

Very truly yours,

  
John Edgar Hoover  
Director

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The attorney general may establish a pilot sobriety program in the counties of Burleigh, Emmons, Grant, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sheridan, and Sioux. The sobriety program involves coordination between state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing up to twice per day, for offenders charged or convicted of driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, and the department of transportation traffic safety division, may develop guidelines, policies and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring, and to establish user fees. There is created a fund to be known as the attorney general sobriety program fund. The fund consists of funds received from grants from the United States, agencies of this state, or user fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment and supplies.