2015 SENATE APPROPRIATIONS

SB 2003

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
1/13/2015
Job # 21899

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Alice K Selzer

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General and declare an emergency.

Minutes: Testimony # 1 -4.

Chairman Holmberg called the committee to order on Tuesday, January 13, 2015 at 10:00 am. All committee members were present except Senator Wanzek, who was excused. Sheila Peterson, OMB and Chris Kadrmas, Legislative Council were also present.

Wayne Stenehjem, Attorney General Testified in support of SB 2003 and provided Testimony Attached # 1 and introduced his staff. I want to discuss some of our major accomplishments. It was this committee that provided grants for law enforcement grants for oil-impacted counties and part of that statute requires that I appeared before the interim committee and this committee to explain what we did with that money, and I think when I have the opportunity to explain that you will be impressed with what we have done.

Chairman Holmberg announced the subcommittee for SB 2003 are Senator Kilzer as chairman, Senator Sorvaag, and Senator O'Connell.

Atty. General Stenehjem: I will give an overview of divisions that our office does. I will run through the 13 divisions of our office and he proceeded to share what they do. We oversee and regulate and license and audit all the charitable gaming operations in ND so those bars where they play blackjack, pull tabs, and those sorts of things, almost 1000 of those in ND during the last biennium. See page5 of testimony. We also oversee the state lottery explained on page 5 of testimony. The State local division, government division in my office is the division that gives legal services to every state agency and also issues those opinions that sometimes legislators request and of course issue the opinions on reported violations on open meetings and records law as well. (5.59) The Consumer Protection and Antitrust Division (page 6) What we are seeing in ND all across the state as development, construction, all of those things go on, a number of contractors who are coming into ND, taking very large sums of money and then doing nothing, but leaving the state of ND with that money, so we had issued cease and desist orders against those contractors. This is a serious issue and it certainly isn't fair to the licensed local contractors who go through all

the things they are suppose to but they're expected to compete with these fraudsters that come in from out of state. We also have about 32 lawyers whose job It is to provide legal services (page 6) (8.05) we defended the constitutionality of a variety of the abortion bill related statutes that were passed in 2011 and 2013, successful in one of them. There's another one that is now pending in the 8th Circuit Court of Appeals, that is being argued in St. Louis today, so that will be a case that will probably be resolved next fall. He continued with testimony on page 6.and 7.**(10.22**) (You funded the expanded 24/7 sobriety program, see chart on page 3 of testimony; DUI Offenses Convictions, we have seen a reduction in the offenses, that law has done a remarkable thing , that is a tremendous drop, thank you for that. As the session goes along, there are a couple of bills to tweak the 24/7 program, I encourage you not to go too far as this program is working well. Last session you allocated more for local law enforcement needs, see page 8 in testimony. This has been something that has worked well. This time the governor is recommending go to $20M page 9 biennium law enforcement grants. The question that might arise, what did you do with all that money? Drug trafficking, Human trafficking, street gangs, prostitution, riffle raid gear in western North Dakota are enormous concerns. He shared that over 100 officers were involved in some arrests, search warrants, and many different branches of law enforcement and over thousands of hours were put into investigations and subsequent arrests and sentencing to federal prison in regards to Coyote Charlie's, a meth distributor in Watford City. I can tell you that at least for today, Coyote Charlie's as a place for involvement in the methamphetamine trade has been virtually eliminated, and that's a good thing. And that would not have happened without the additional resources that you devoted.**(26.00**) He distributed Testimony Attached # 2 which are copies of several Press releases concerning California gangs, murders in the Bakken, sex trafficking and other heinous crimes committed in North Dakota, particularly in the Oil Patch area. There is a very serious problem with human trafficking and with drug activity and what concerns me the most are the recent crime report shows that drug cases in North Dakota are up 19.5% from 2013 to 2014, but that only tells a part of the story. Because what we are really seeing is that the complexity and the seriousness of the cases that we do see are becoming more and more serious. It used to be that people would bring small amounts of drugs up through 5 or 6 middle men until they finally reach North Dakota, now we are increasingly seeing that large amounts of meth and other drugs are coming directly up here without stopping with the middle men. That's why we are seeing the multiple pounds of meth like we saw at Coyote Charlie's. The people that are bringing them up bring them up in excessive amounts and almost they are heavily armed, which is a real danger for law enforcement. **(29.00)** The message I want to give you is that with the resources that you provided for us last time at BCI we've been able to make some substantial and noticeable difference and these efforts are going on now. It is important that we have the local law enforcement grants because that puts cops locally out on the street. It is additionally important that we have the BCI agents the governor has recommended in his budget and it's also important that the federal government continue the efforts they have made to put more FBI and DDA officers out in western North Dakota because we all need to work together. **(29.48)**

Senator Robinson : We appreciate the work you and your office are doing. You are limited to what you can share, in the Coyote Charlie situation, the number of felons that were arrested, you referenced some were sent to federal prison, how long a sentence are they looking at? Are these people going to be out of the public eye for a long time?

Atty. General Stenehjem: The people who are bringing in large amounts that I've been talking about, some of those high level dealers are subject under federal law to minimum mandatory sentencing. These are bad guys, and we were happy to work with our US Attorney, we have a very good relationship with him, because we do often like to take those cases on the federal level because they have those minimum mandatory sentences and other the federal system there is no parole.

V.Chairman Bowman: (30.56) What percentage of the trafficking personnel are illegal that shouldn't be here to begin with?

Atty. General Stenehjem: That is hard to say because we can only tell from the ones we arrest. We can work well with border patrol and ICE, because when we do see these folks come in they will actually come and take them and either deport them or do what they have to do. We have a good relationship with those federal agencies so that does help.

Senator Mathern: The Coyote Charlie story is very dramatic, what is it though that happened that something so large could have developed before we shut it down? Are we not funding things that are preventative in nature or doing things that are preventive. There is wholesale destruction of lives that have happened in the process of that organization having come to the level it has come to. What can we do about that?

Atty. General Stenehjem: Those are great points, what happened, the explosion in population in Western ND, a lot of people with a lot of money, no other more constructive places to spend that money, once you get addicted, then suppliers have a ready supply of cliental. We also see that because of all the things going on, local law enforcement and our agents too were finding that they were being increasingly swamped with just the day to day things, whether it be the burglaries, even the traffic offenses, all of those kinds of things and never had the luxury of being proactive, they could only be reactive and deal with problems that already had arisen rather then get the kind of information that we need to cut these folks off at the head rather than trying to worry about the people on the lower level. All of those things contributed to what we are seeing, that is why it was critical that you appropriated the funds the last time so we could get a handle on that. I want to say that local revenues have been very responsive. They have authorized the hiring of additional local law enforcement agencies. I don't know the answer to it, maybe the broader question is what do we do about demand reduction; we need to be educating people about the dangers of these kinds of substances because they are simply killers. That's something that you as lawmakers and us as executive branch need to continue to address because that really is the critical component.**(34.28)**

Senator Carlisle: Wasn't' there a zoning issue in McKenzie County? They didn't have any zoning requirements, right?

Atty. General Stenehjem: Some were lacking and that caused the issue that we are seeing here. I'm not really able to say. I want to just outline what the governor has provided for us in our budget and that we urge you to approve. I've asked for two additional BCI agents to deal with human trafficking and internet crimes against children. They will probably be stationed in Williston. In addition, 7 additional BCI agents, two for Watford City, two for Dickinson, one in Williston, one to Southwest North Dakota and another one to

Southeast North Dakota, an additional criminal attorney because local prosecutors are asking us to increasingly come in and assist in prosecuting some of these serious sex offenses and drug cases, an additional Criminal Intelligence Analysts positon, an additional position in the sex offender registration section and a forensic scientist at the crime lab. Pages 12 through 24 in Testimony # 1. **(36.06)** He then talked about the internet crimes against children. **(45.37)**

Senator Robinson: Can you talk about the number of convictions in the last 24 months? We appreciate the work that you are doing.

Atty. General Stenehjem: Lots of convictions. They are in the paper every day.

Special Agent Steve Harstad, NDBCI, I don't think I have arrest numbers, we probably do 40 to 50 computer forensic exams on full computer, cell phones - 120 in a year, we also added the capability to do cell phones to the narcotics task forces. All of the major agencies in the state now have the capability to do cell phones. We are probably seeing less cell phones at BCI then we had. As far as the computer forensics, each examiner is doing 40 to 50 cases per year, and we have 4 examiners.

Senator Sorvaag: On those numbers, what is the average time then per computer? It obviously is a very intense process.

Special Agent Harstad: Correct. Depending on the case, we've had one case with 30 Tara bites of data, it depends, at least a week on each case.

Atty. General Stenehjem: I want to talk about the crime lab. He shared stories about the use of DNA to arrest and convict these criminals committing these sex crimes. (see chart in on page 26 in Testimony #1. He continued on with concealed weapons licenses, and he stated we are caught up with weapons permits. I do have a report from the Crime Lab. I get a report every week. The governor has put in another forensic scientist at the Crime Lab to work on the DNA issue. (58.35) he continued on with the budget, page 37, the oil impact grants that is included in our budget. He includes a part of that in his surge Bill, that's $1M, it is not in Senator Wardner's Bill, and I would ask that you pay attention to that, because our point for that for funding to take what the governor recommended for us, put it in the surge Bill or Jumpstart, so that we can set the process of hiring these folks right now rather than wait until July. I want to mention the Law Enforcement Grant. We use that funding for training, we also work on things like swat teams. I want to talk to you about the BCI salaries. **(1.00.52)** If you want to come to work at BCI you have to have a minimum of 5 years experience. And the pay that we offer for those 5 year applicants is $48,240.00. In Montrail County they get $58,000 for 5 years of experience. (see charts on pages 10 & 11 in Testimony #1. He commented that the salaries they offer is quite a bit less, and the fact that BCI in western North Dakota is holding this all together and he is proud of what they do, but we need to be sure we are attracting the very, very best. That is an issue our subcommittee is goiong to have to tackle as well. **(1.02.36)**

Senator Heckaman: I look at the number of number of positions that you are adding right now, I see there are some temporaries you've listed, how many temporaries you have and how many open positions that you haven't been able to fill right now?

Kathy Roll, Financial Administrator for Attorney General's Office. We have two tempory Intelligence analysts that the governor approved to fund full-time. We don't have any temporary agents. We have one temporary forensic scientist that's being funded right now. Are you asking the number of open positions in terms of agents? We have about 5 or 6 out of 213 that aren't filled. .

Senator Robinson: A related question , how competitive we are in terms of recoupment and retention? Are we receiving in your office, especially in energy country, any dollars for supplemental housing, supplemental salaries and is that helping? You mentioned $48,000 and other salaries in other areas, are we able to make up some of those differences in some of those dollars.

Ms. Roll: For those agents located in the western oil-impacted areas, we pay an additional $500 a month to address inflation, housing,

Senator Robinson: Is it difficult to find folks out there?

Dallas Carlson, Director of BCI: a good example of that last session you gave us addition funds for an agent in Dickinson, we just filled that position now. We got turned down 3 times, you have to live in Dickinson, we were turned down 4 times, we give $500 for housing, so do these other agencies also give housing. Dickinson has a $500.00 sign on bonus for theirs.

Atty. General Stenehjem: (1.06.07) I work with these agents in BCI each and every day, I could not be prouder of the kind of folks that are dedicated to the work of law enforcement. We can't pay them enough for the work that they do and the incredible burden that they bear. I want Rob Fontenet to share what is happening. But for now I need to address some areas in our budget. He then addressed the Tobacco Agreement (see pages 5, 36-39 in Testimony #1. the state of ND, signatory to tobacco agreement, my office is in charge of enforcing that. A number of the big companies, agreed into the settlement, part of that agreement, for those who did not agree, they have to make an escrow payment, it is our responsibility to make sure we do that, we get law suits , so those companies refuse those payments, we just got done, we went into a lengthy 5 or 6 year process to prove we were doing what we were supposed to do and that was for 2003, and we did, that has cost us money. We had to go to the emergency, commission. Iit seems to us the wise thing the $200,000 through the master settlement agreement be devoted to my office for the purpose of enforcing the terms of the master settlement agreement. An amendment will be prepared. I can't remember the what the total was for the settlement arbitration, it was a couple $100,00 and we protected $23M for 2003. I thought It was a worthwhile insurance policy to pay but we need to have a source of funding to make sure that we can continue to do that. (1.09.50) Two other things, the cost of meth and other things are going up and the amounts for us to go in on our buy funds to actually try to buy from these confidential informants and other sources is going up. Dallas visit with subcommittee, I think that money comes from the lottery fund. And finally, the Criminal Justice Information Sharing System (CJIS) funding and FTE's to this office. (page 37) (1.11.49)

Senator Heckaman Did you mention fire marshal or what your funding is for that?

Atty. General Stenehjem: No, the fire marshal conducts investigations, suspicious fires, and fire safety inspections, also an increasing number we are seeing in arsons in the state. She was informed that budget remains about the same.

Senator Heckaman On page 41, top narcotic consumers, is that by arrest cases?

Atty. General Stenehjem: That is the crime lab analysis. Total number of cases, narcotic cases submitted to the crime lab.

V. Chairman Krebsbach: We were given this other DNA sheet, what is that for? She was told it is a replacement for a different sheet in your testimony because there was an error. Testimony Attached # 3.

Senator Gary Lee: On the green sheets, $1M for new lottery game. Is that going forward?

Atty. General Stenehjem: They plan to go forward with that game.

Rob Fontenet with BCI special Agent, RE: human trafficking and organized crime. Shared an operation they did in Williston and Dickinson and the results and commented regarding all this has been a horrible eye opening experience. He said that 90% of women who are being prostituted are being trafficked by a pimp. It was an educational experience and some of the stories we have heard are just horrific. **(1.16.37 - 1.23.33)**

Chairman Holmberg: Anyone else wishing to comment today. If not we will close the hearing on SB 2003. The subcommittee is Senator Kilzer, Chairman; Senator Sorvaag and Senator O'Connell. They will be in touch with you all.

Testimony submitted after the hearing was closed:

Mike Reitan, Chief of Police of West Fargo Police Department submitted Testimony Attached # 4, asking for the support of the legislators for SB 2003, specifically regarding the monitoring of information sharing system between law enforcement agencies and how this has been a great tool for law enforcement.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
1/15/2015
Job # 22050

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature Alice Delzer

Explanation or reason for introduction of bill/resolution:

A Subcommittee Hearing for the Attorney General

Minutes: Testimony attached #1 - 6

Chairman Kilzer called the subcommittee hearing to order in the Senate Conference room on 01-15-15. Senator O'Connell and Senator Sorvaag, Chris Kadrmas, Legislative Council Becky Keller, OMB were also present. He welcomed the Attorney General, Wayne Stenehjem, Kathy Roll, Tom Trenbeath from the Attorney General's office and asked that the record show that 3 members of the subcommittee are present, Comments were made by Chairman Kilzer regarding the Attorney General and his expertise that will help this committee accomplish it's task. He stated he would like to expand on the information from testimony # 1 in the Attorney General's Appropriation Hearing, particularly the six tweaks from the Attorney General. Both Senator O'Connell and Senator Sorvaag expressed their appreciation to serve on this subcommittee.

Mr. Stenehjem: Stated he would be happy to expand on any information, that he had met with the Governor and was very happy with the budget. He then addressed the Criminal Investigator's Salaries, stating that his office cannot compete with the private sector. He commented he is very proud of his BCI agents and they are doing an excellent job. He then addressed the need for more funds available for the control buys, which is the funds used by the investigators to actually buy the drugs as an undercover agent, in order to arrest and convict the criminals. The amount we are suggesting is $200,000 for the biennium. Most of that money comes from the lottery, the price is going up and we need more to work with.

Senator Kilzer: Do you recover all of the money from the control buy or flash buy? He was told not often, but some.

Senator Sorvaag: the purpose of it is to move up the latter and build that relationship, and that's why you are not able to recover that. He was told that is correct. (10.27)

Mr. Stenehjem: addressed the Criminal Justice Information Sharing system (CJIS) program, exclaimed what this program does and is requesting the transfer of that program and the FTE's to the Attorney General's office. It is a good program. Testimony Attached #

1- CJIS information and Testimony Attached # 2- flow chart. He suggested having Molly Brooks, the head of CJIS talk about the additional requests that they would have made, whether or not they get moved into our office, programming and one FTE. The plan was also to pick up the costs for the states' attorneys ($50.00 per user) and the police officers; ($25.00 per officer). (14.16)

Senator O'Connell: asked if we tried sharing costs before.

Mr. Trenbeath: I don't recall that that is the case. Its' always been a thorn with local authorities that they have to pay a per person access fee to actually access their own information they need. It will help in so many ways, only $25 per officer per month; it is a valuable system and they are using it. They grouse at the cost, and it doesn't help our recruiting process when we try to sign up more agencies.

Senator Kilzer There are two problems with CJIS, one is the housing in ITD, the other is the $25.00 per officer per month.

Mr. Stenehjem: the one is moving CJIS into our office, the second is a variety of additional requests for different programing - Testimony Attached # 3-2015-17 SUMMARY OF CHANGE REQUESTS TO SENATE APPROPRIATIONS. He continued to explain the requests to the subcommittee. (16.28)

Mr. Trenbeath: In that box you will note the CJIS Business Analyst FTE & Contracting is $500,00; of that approximately $200,000 is for the FTE and the rest is for contracting programing. The next two items, the Law Enforcement Record Management System (LERMS) and States' Attorney Records System (STARS), those are two of our older systems and they were developed early on in CJIS's history and now require some updating. Also included in those two numbers are the $25.00 access fees and for STARS is $50.00.

Mr. Stenehjem: They get the programing and get the local fees paid. It would be uniform.

Mr. Trenbeath: we have 60 law enforcement agencies that now subscribe to LEARMS, although there are 16 that presently subscribe, there are 3 that will subscribe immediately if we get the fees in place.

Mr. Stenehjem: Some of the smaller counties are not signed, up the bigger ones are. He continued regarding #4 on this testimony - the LAW ENFORCEMENT OIL IMPACT GRANT CHANGE REQUEST. The one thing the governor did not put into his Bill, last time our office is getting 10% of the funding for the local law enforcement grants which we use for more regional programs, mostly training. (21.00)

He then explained the Tobacco Settlement Fund and how his office did a good job working through that. He thought the Tobacco Settlement payment, the $23M we get every year ought to be the source of money to pay for the lawyers and experts that we have to have in our office to pay for this matter.

Senator Kilzer: stated he wondered why that doesn't come out of the settlement. I hope someday someone writes a book about this whole thing, starting with the 4 states, including Minnesota that settled first and then later came the master agreement and then much later, not very many years ago, what was the smaller tobacco companies and the money that is coming or was diverted to the Tobacco Prevention and Control Committee.

Mr. Stenehjem: it took us years, and we went to our own Supreme Court, every state went to their own Supreme Court to get a federal ruling so we didn't have to go through mediation, and it took years and w just now settled 2003. And now they are saying the same thing about 2004.

Senator Kilzer: is this kind of the strategy of the tobacco companies to wear you down?

Mr. Stenehjem: It's not working because we cannot afford to do otherwise to do what we have which is the fight. The ones that really have the problem are the states that sold the right to collect the money to a private market. ND did not do that. We did get in touch with the folks at Tobacco and Control and let them know we were going to try to make this request. It is a reasonable investment. It is to their advantage too because it maximizes the amount of money that we collect. I am duty bound to make sure that those companies pay everything that they are supposed to pay to us. We have done an excellent job.(25.22)

Senator Kilzer: That measure 3 did reach into that money, didn't it? Back 6 years ago? It did reach way back to the master settlement because I know it affected the Community Health Trust Fund. So maybe the Tobacco Prevention and Control committee does have an interest. That was confirmed.

Mr. Stenehjem: We have an amendment for the tobacco settlement. That is requested in our budget on page 37 of our original testimony. (yellow book) He then submitted Testimony Attached # 4: "54-27-25". Tobacco settlement trust fund- Interest on fund- Uses. More discussion was held regarding the tobacco settlement and stated we did prevail. (28.45)

Senator Kilzer had questions regarding BCI moving or the lease running out. He was told the ITD people are moving out of BCI.

Mr. Stenehjem: We are watching other bills. There are several bills asking for criminal background checks for a variety of professions and employment, as they work their way through, there is an impact on the number of people we need to process this, and we have fiscal notes on those.

Senator Kilzer: You mentioned the versions of the Surge Bill, Senator Wardner did not contain one of your very necessary things. Would you prefer to have an amendment in there that restores that?

Mr. Stenehjem: I would rather have it in whatever version of the Surge Bill that is that you passed. The governor put $1M in his Bill that will be for law enforcement purposes, hiring BCI agents, the crime lab person, and the reason for that is so that we can start advertising for BCI agents and hired now rather than have to wait and start the process in July.

Mr. Stenehjem: I can have that amendment anytime. I told the Chairman I did not intend to come in and testify on the Surge Bill or the other one that is out there concerning this. It's a pretty minor part, but will discuss it at the budget hearing, it is rather critical and we'll have an amendment as soon as I get the word which Bill it looks like is moving on, but it is rather critical because sometimes it takes awhile to hire some of these people. (32.58)

Senator O'Connell had questions about the Coal Severance Tax.

Kathy Roll: We don't receive any money from the Coal Severance Tax.

Mr. Stenehjem: extended an invitation for the Senators and their spouse to take a tour of their facilities. He stated he was very happy with what the governor recommended. He talked about they made some cuts, but commented the legislators have done a good job taking care of the crime scientist and commented further regarding the equity package and commented that the turnover in his office is very low.

Senator Kilzer closed the subcommittee hearing on SB 2003.

Further testimony provided at this hearing are as follows:

Testimony Attached # 5 - Relating to a CJIS.
Testimony Attached # 6 - REQUEST/ RECOMMENDATION COMPARISON SUMMARY

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
1/27/2015
Job # 22646

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature Rose Laning

Explanation or reason for introduction of bill/resolution:

This is a sub-committee hearing on the Office of the Attorney General.

Minutes: Attachments 1 - 5

Legislative Council - Chris Kadrmas
OMB - Nick Creamer

Senator Kilzer called the sub-committee to order on SB 2003. **Senators Sorvaag** and **O'Connell** were also present.
Attorney General Wayne Stenehjem, Tom Trenbeath and Kathy Roll were also present.

Senator Kilzer wants to cover the change requests to the department, review the new FTEs requested and the $1M appropriation on the Surge Bill.

Wayne Stenehjem: There are a variety of bills that require additional criminal background checks and may require more staffing. Need one FTE for every 2000 background checks which is special funded.
2015 Legislative Bills with an Impact on the Office of Attorney General - Attachment 1.

Tom Trenbeath: Mentioned a new federal requirement that has to do with childcare. That amounts to about 4300 background checks. So at 2000 per FTE, we would be requesting additional people.

Senator Kilzer asked if there were other changes or amendments needed to accommodate the increase, more than just per persons, like money or additional things.

Kathy Roll: There is a bill that has been introduced for the fire marshall to review plans and test insulations of fire sprinklers. That will require another FTE and some funding, however that will be paid by those we review the plans for.

Tom Trenbeath:
2015 Legislative Bills with an impact on the Office of Attorney General - Attachment 1.
These are bills that are presently active on background checks plus the federal requirement is recited at the bottom. There is no single bill that would require an FTE that we could tack on a fiscal note. That's why we're here asking that the FTE requirements for additional background checks be put into this budget bill instead.

Senator Sorvaag asked about the FTE for the sprinklers and discussion continued on the possible passage of those bills.

Tom Trenbeath: Without the medical marijuana, you're left with 1500 will probably require one FTE. If you add the federal childcare, then you're adding another FTE. The federal requirement is there now and will require one FTE.

Senator Kilzer asked to tell about the FTEs that are in the budget that are new.

Kathy Roll: Handed out 2015-17 Biennium Governor's Recommendation - New Positions Attachment 2.
Discussed the FTEs on the sheet and they were all in the Executive budget. In their request to the committee, they added an additional business analyst position that will be associated with CJIS.

Senator Kilzer asked about a forensics scientist and Kathy said that was included in the oil impact funding.
You'll show us a listing of the ones you've requested and were also in the executive budget.

Kathy Roll: Correct, except the CJIS position. That is a new position and wasn't included in the Governor's budget.

2015-2017 Summary of Change Requests to Senate Appropriations - Attachment 3

Discussed the need for equity increases and the difficulty in retaining positions.

Senator Kilzer asked how many people they're looking for.

Wayne Stenehjem: Seven that are in the Governor's budget plus the two for crimes against children.
He described that the positions need training plus 5 years' experience. The Governor provided a million dollars so they could jumpstart and get those people hired now. Even the million dollars won't help unless they get the equity increase. The offer of $48,000 with 5 years' experience isn't enough. It isn't even equal to rookies right out of the academy in some counties of ND and they won't come to work for BCI.

Senator Kilzer asked how many agents they had. (Answer - 43 agents)

Continued to discuss the BCI salary equity.

Senator O'Connell asked about drafting amendments because the salary equity is not in the bill at this time and Senator Kilzer said he should request the amendment.

Kathy Roll stated that none of the items on the Summary of Change Requests to Senate Appropriations is in their budget.

Discussed increasing the drug buy fund because the costs have gone up substantially as well as the amounts that they are buying. Wayne said they have to be prepared to buy greater amounts at a much greater price.

Senator O'Connell asked if Chris should prepare an amendment.

Chris Kadrmas, Legislative Council asked if he should do separate individual amendments. (Answer - yes)

Discussed transferring CJIS from ITD to the Office of Attorney General --

Senator Kilzer said he understands the need for it and that the feds want to deal you're your agency rather than ITD when it comes to very classified information. He spoke with Mike Ressler and sounds like there's no problem, but there is a problem?

Wayne Stenehjem: I talked to Mike Ressler and when they went over the budget for CJIS over in the House, they took it out of the ITD budget. It's homeless right now and will need to be dealt with somewhere. I think Mike has indicated on the record that he's in favor, and I know the Governor's office has, as has the Supreme Court.

Tom Trenbeath: I was present at the sub-committee meeting on ITDs budget and Sally Holewa from the Supreme Court was in attendance, and Mike was there, and the plan was to have it deleted out of that budget. The sub-committee was delighted that they took $5M out of the ITD budget with the idea that it would be inserted in ours. This is the exception on your sheet, the exception to the rule that it's not contained in the Governor's budget.

Senator Kilzer asked if they would need a new amendment.

Tom Trenbeath: It would have to be amended to be inserted into the budget.

STATE RADIO -

Kathy Roll clarified that they were talking about the Law Enforcement Records Management System. This project is requested but is not in the governor's budget. They reduced it by $150,000 because state radio includes that amount for the Motorola maintenance fees. What you see is the net of the original request.

Tom Trenbeath: The $230,000 for the LERMS (Law Enforcement Records Management System) update as well as the $330,000 for the STARS (States Attorneys Record Systems) is also one of our older systems that will be updated and expanded.
Kathy Roll handed out two attachments on CJIS and explained the general overview of the CJIS system.

CJIS - Attachment 4.
ND CJIS Programs - Attachment 5

Discussed the CJIS amendment which was a required update in LERMS and STARS.

Senator Kilzer asked if they wanted to keep using them rather than replacing them.

Tom Trenbeath: Yes we do. It's kind of a hub and spoke situation so that many facets of law enforcement can access the information from other facets of law enforcement thru a centralized hub. The major value of it is to the courts, the municipal and county law enforcement, and the state's attorneys that they would have access to the information. It's the centralization of information.

Senator Kilzer: When did it start? (Answer - 2004)

Senator Kilzer said the authorization for the 10% of $20M oil impact grant administration would be needed.

TOBACCO AMENDMENT -

Senator Kilzer said we have the amendment for the tobacco settlement and Kathy Roll added that we also have the amendment for the transfer of CJIS. We need to transfer it statutorily to our office.

Tom Trenbeath said the state collects $23M from the tobacco settlement. We're asking for an amount to defend that amount.

The committee talked about the needs of the Attorney General's office.

Chris Kadrmas reminded the committee that the tobacco vote will take a 2/3 vote of the floor and may be a hurdle.

Senator Kilzer closed the hearing on SB 2003.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/2/2015
Job # 22998

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature Kathie Oliver for Rose Laning

Explanation or reason for introduction of bill/resolution:

This is a subcommittee hearing on the Office of the Attorney General.

Minutes: Attachment 1 - 4

Legislative Council - Chris Kadrmas
OMB - Nick Creamer

Senator Kilzer called the sub-committee to order on SB 2003. **Senator Sorvaag** and **Senator O'Connell** were present also.

Senator Kilzer said he would like to have Kathy go over the new positions that were in the executive budget. Then go over the amendments that Chris had prepared.

Kathy Roll: Currently have 6 programmer analyses for this biennium only so we are requesting that is become a permanent part of our position structure in the information technology area. The next three positions are new positions so they are excluded from the current full time employees of which there are 5 so this would make it 7 full time employees assuming that it is approved. Next is the high intensity drug trafficking area attorney, that is existing and so it is included in the two current full time employees that are shown there. The next is a half time criminal attorney and that has been approved by the emergency commission so it is currently showing up in our full time employees, the one just below that is a new position and wouldn't be included in the 30.5 full time employees. Next are 7 criminal investigators and those are excluded from the 42 full time employees in addition are 2 human trafficking criminal investigators and those are also excluded from the 42.

Senator Kilzer: So the total would be 51?

Kathy Roll: That is correct. Next are the 3 intelligence analyses, currently we have 2 full time positions and two temporary positions that are funded for this biennium only, so 2 full time employees are the only approved employees that we have for the intelligence analysis. Next is the victim witness advocate and currently we have no of this type of position. Next is a grant administrative assistant and currently we have one so this would

bring it up to 2. Right now we also have 3 full time, temporary positions because the workload is so great.

Senator Kilzer: Have you added a forensic scientist?

Kathy Roll: Added one last session.

Chris Kadrmas, Legislative Council:
SB 2003 Legislative Council worksheet - Attachment 1

Senator Kilzer: Is the $1,000,000 taken out from the surge is that here?

Chris Kadrmas No. but can add to the list.

Wayne Stenehjem: The amount may be different because we are not talking about January. It may need to be adjusted just a bit.

Senator Sorvaag: That million was for some of the positions that we are talking about here so it isn't a million in addition to.

Wayne Stenehjem: Correct.

Kathy Roll: The intent was to hire them earlier, currently it's set to start in the 2015-2017.

Senator O'Connell: We wanted to get the money to you earlier but without the employees being hired right away the million doesn't do any good until you get the staff.

Wayne Stenehjem: That is right we already have the positions authorized, we have the equity as well so it wouldn't take the whole million.

Senator O'Connell: Emergency clause - I request Chris to add the emergency clause.

Chris Kadrmas: Yes.

Chris Kadrmas: At the bottom of 1st page - drug buy fund.

Senator O'Connell: Is that near enough money.

Dallas Carlson, Currently $25,000-30,000 for a pound of meth. Unfortunately a lot of that money doesn't come back but in order to get the big players and to get a handle on this we do have to spend that money?

Senator O'Connell: We have $200,000 here. Is that enough for the biennium?

Wayne Stenehjem: This is addition to the lottery.

Dallas: Will it be enough? Possibly not.

Chris Kadrmas: The next item is part of an additional request by the attorney general, a Medicaid fraud unit, along with that there was a request for three surveillance vehicles, which is on the one time funding on the second page. With the Medicaid fraud unit included four full time employees with it.

Wayne Stenehjem: At the end of the last meeting, Senator O'Connell asked that we take a look at the lower items that are not in that you might utilize to the advantage of the Senate's position at a later date. The Medicaid fraud unit is something that the House had looked at in the past. We are the only state in the union that doesn't have a Medicaid fraud unit. We've been operating on waivers of Health & Human Services. The advantage of this program is that for the first three years of existence, the federal government picks up 90% of the cost and thereafter 75% of the cost.

Senator Kilzer: Is this fraud Medicaid recipients or providers.

Wayne Stenehjem: Both.

Senator O'Connell: When you pick up someone with $100,000 cash, what do you do with cash?

Dallas Carlson: If we can tell the court that the money is not made or in the person's possession by legal means there is a civil asset that we can go through to seize the money.

Senator O'Connell: Is that within your operating budget?
Dallas Carlson: Yes, if it goes back to the sheriff's department they can get JAG (Justice Assistance Grants) grants, but there is a match and they can use that for the match.

Discussed the oil-impacted county law enforcement grants - new language needs to be updated.

Wayne Stenehjem: We use that for training on human trafficking, - broader than subdivisions.

Senator O'Connell: Do you use training grounds?

Wayne Stenehjem: Yes. We do a lot of this training we like to do in the field.

Wayne Stenehjem: One minor adjustment. The money we allocate to counties and cities is on reimbursement basis. They have to spend and then we repay. They won't make payments until July. We need something to cover the bridge.

Kathy Roll: Reasonable time period would be December 2015. We can't reimburse until the pay payroll. We can get language for that. There are a few bills that have that language on them already.

Senator Kilzer Must be fairly common.

Chris Kadrmas - Allen Knudson can help with language.

Tom Trenbeath: CJIS

Senator O'Connell presented **amendment 15.8136.01001 - Attachment 2**

Senator Kilzer: If we're transferring twice as much money to state treasurer who uses that money?

Kathy Roll: The compulsive gambling? The DHS uses most of that.

Senator Kilzer: This is probably one of their 12 divisions. We should check to make sure that they're not building up a few million dollars.

Chris Kadrmas: Can I get clarification on change for the lottery. Transfer $100,000 rather than $50,000, correct?

Wayne Stenehjem: This is quarterly.

Chris Kadrmas: It just reduces the money that goes to the general fund.

Senator Kilzer: Does that change money anywhere else in that bill.

Kathy Roll: No, it is done off budget so there is no need to change anything in the bill.

Chris Kadrmas: Can go over the CJIS transfer.

15.8136.01002 - Senator O'Connell's Proposed Amendments to SB 2003 - Attachment 3.
SB 2003 - marked up version of the bill - Attachment 3A.
This reflected all of the funding within the AG testimony. This amendment transfers the criminal justice date information sharing system (CJIS) from the Information Technology Department to the Attorney General and appropriate funding $5,346,219. Included in the appropriation is $1,250,000 of one-time funding for CJIS projects. The transfer includes 5 FTE positions from the ITD and adds 1 FTE business analyst position.

Senator Sorvaag: The 5 position transfers show up under the $4,000,000.

Senator O'Connell: It will be an enhancement - the equity for the agents.

Wayne Stenehjem: We tried to be as equitable as we could and hope it could go a long way to retain the people we want. We have to attract and retain.

Wayne Stenehjem: It takes the rules they already have and makes it them AG rules because that is where they will be.

Chris Kadrmas presented Senator O'Connell's Proposed Amendments to SB 2003 - (15.8136.01003) Attachment 4. This amendment reflects the CJIS transfer only. This requires 2/3 to pass.

Senator Kilzer: Is this the one where 45% of the proceeds go to school lands and the other 45% go to water resource trust fund.

Chris Kadrmas Any amount would be taken out before this. It would go into the trust fund, then the funds would come out and the allocations would come out then.
The amendment allows the principal and interest of the tobacco settlement trust fund to be appropriated to the AG for costs of enforcing the master settlement agreement and any disputes relating to the agreement.

Senator Kilzer: There will be emergency clause for the whole bill?

Chris Kadrmas: Yes.

Senator O'Connell: For procedural, the 2/3 vote when it goes to the floor. What will be the procedure?

Kathy Roll: Correct.

Chairman Holmberg: You still need 2/3 for the bill, but will only affect sections.

Chris Kadrmas I need confirmation that the amendment change needs to go to December.

Kathy Roll: We were intending for both this biennium and next.

There was no further discussion and Senator Kilzer closed the subcommittee hearing.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/5/2015
Job # 23271

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature PMonson for Rose Laning

Explanation or reason for introduction of bill/resolution:

This is a subcommittee hearing on the Office of the Attorney General.

Minutes: Attachment 1

Legislative Council - Chris Kadrmas
OMB - Nick Creamer
Tom Trenbeath, Kathy Roll,

Senator Kilzer called the sub-committee to order on SB 2003. Senator Sorvaag and Senator O'Connell were also present.

Chris Kadrmas, Legislative Council, handed out the Legislative Council worksheet: Senate Bill No. 2003 - Base Level Funding Changes - Attachment 1.
He explained the changes to the bill and they discussed the $20M that is in the oil and gas impact grant fund.

Tom Trenbeath reminded the committee that these funds are used for law enforcement impact training.

Senator O'Connell: What did that amount to - That 10%?

Kathy Roll: $960,000 for this biennium.

Senator Kilzer: What we have done here is described the amount and use of it. The 10% would probably come from the formula of the way the funds are to be divvied up and you'd have to go back to impact legislation to see the formula.

Tom: I'm not aware of any formula that was used in the past. The 10% was based on gross amount of grants of monies used for regional expenses.

Senator Kilzer: Is the formula for distribution in different application.

Tom: I don't recall there having been a formula for distribution in the present biennium. It was purely for the purposes and was distributed through our existing granting system based on applications. It was just a dollar amount for general purposes.

Chris: As I added the language I noticed that I probably should refer to the grants portion because that 10% should only be of that $20M and not the total. Language needs to be changed. He'll send down new copy. Section 6, 7, and 8 will need to be changed.

Tom: With respect to section 7 - We appreciate that this reflects the carry over into the following biennium of any funds that are in the pipeline. Recall that we had requested that same consideration for the existing biennium (6:47). We'd appreciate if the committee would amend that to include this present biennium.

Senator O'Connell moved to make the change.
Senator Sorvaag seconded.

Senator O'Connell asked about the increase. What is it now?

Chris Kadrmas: I only reflect the increase.

Senator Kilzer: Whoever carries the bill will have to have a prepared answer.

Chris Kadrmas: I could increase the operating expense with the knowledge that that's the purpose. .

Kathy: I think the CJIS line item is missing on the amendment.

Chris Kadrmas: It's an entirely separate amendment and would be included in the final amendment.

Kathy: The other amendment that Chris did .01002 is the correct amendment.

Chris: The final amendment will reflect all the changes - the executive recommendations as they are plus the amendments discussed.

Tom: To be clear, we would not only have the amendment or summary that you passed today but the previous numbered amendments.

Chris: Correct - all changes on the worksheet with the clarifications, the tobacco settlement amendment, the transfer of CJIS amendment.

Kathy: And it would include .01001 the lottery one.

Senator Kilzer closed the hearing on SB 2003.

Tom thanked the committee for their hard work.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/10/2015
Job # 23620

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature Emmery Grotberg for Alice Delzer

Explanation or reason for introduction of bill/resolution:

A Subcommittee hearing for Attorney General's Office

Minutes: *Attachments: #1*

Chairman Kilzer called the subcommittee to order on Tuesday, February 10, 2015 at 4:30 pm in regards to SB 2003. All subcommittee members were present: Senator Kilzer, Senator Sorvaag and Senator O'Connell. Nick Creamer and Becky Keller, OMB, and Chris Kadrmas, Legislative Council, were also present as were many of the staff from the Attorney General's office.

Chris Kadrmas, Legislative Council explained amendment # 15.8136.01004 (see attachment #1) started on page 6 with statement of purpose of amendment. The amendment was created at the request of the committee to include all of the executive budget recommendations and further requests of the committee.

Senator O'Connell: (6:15) On the base payroll changes, there's an increase in health insurance. I was under the impression that we weren't going to do anything on health insurance or is that an automatic raise?

Chris Kadrmas: The health insurance was going to carry over, it's the retirement benefits that were removed. The only adjustments that were included in salary: the base payroll stayed the same, the performance adjustment was decreased to represent the 3% and 3%; and then the retirement increase was eliminated altogether. The health insurance is the same.

Chairman Kilzer: And by staying the same, the health insurance meant that the benefits are the same--copays and deducts are the same? The premiums as they go up 15-18% will be paid by the state.

Chris Kadrmas affirmed that that was correct. He moved on move on to the Criminal Justice Information Sharing system on page 8 under note # 7 (see attachment #1). He pointed out the amount transferred from the Information Technology Department's budget

to the Attorney General's budget. He said that the next items are going to be enhancements to that program.

Kathy Roll, Finance Officer for Attorney General's Office: (9:50) The other funds were $886,000, and those were increased by $60,000. Is that the adjustment we talked about for the security profile project?. Under C where it shows other funds on page 8, the transfer that was made was $886,000. There was also a $60,000 increase for the security program which is included in the 946 on page 8 under foot note 7. The amount in the CJ line item from ITD was $886,000 in other funds. What Chris said was there was an additional $60,000 that was still in ITD's budget, so he increased that amount to include that $60,000.

Kathy Roll: Under the oil impact law enforcement grants, is there no equity for the criminal investigators? Because I thought that the committee indicated that there would be.

Chairman Kilzer: I didn't hear anything about equity adjustments that from our leadership.

Kathy Roll: That was something you did say as a committee that you wanted it in there.

Chairman Kilzer: We did want it but I don't think we're going to get it; at least at the present time.

Chris Kadrmas: The next item was an optional request provided the agency for the Medicaid fraud unit. That included 4 FTE positions: attorney auditor, investigator, and administrative assistant--this note #8 on page 8 (see attachment #1).
(13:04) The next adjustment is the funding increase for the ND lottery. This was included in the executive budget request.
Base level funding adjustments: (1) tobacco enforcement (2) Federal funds changes which also included the amendment for additional federal fund authority. (3) Various operating expense adjustments and within the adjustments is where we put the adjustment to the drug buy fund, you can't see it but it's a $200,000 increase.
(15.14) page 9 - note #11 (see attachment #1) One-time capital purchases: includes the ten undercover vehicles and then optional adjustment requested by the agency for three surveillance vehicles.

Senator O'Connell: What is the difference between undercover vehicles and surveillance vehicles?

Attorney General Wayne Stenehjem: Every agent gets a vehicle and those are not undercover vehicles. In addition to that we have some vans for surveillance that would be utilized for doing surveillance.

Chris Kadrmas: Turn to page 1. Section 3 (see attachment #1). Appropriation of $1M for early funding for hiring, which is an addition.

Senator O'Connell: So that brings changes of about roughly $10,000 on salary, correct?

Tom Trenbeath: That's so that is we can get started hiring new people. The equity as your referencing has now been deleted form the bill.

Chairman Kilzer: This is from the surge bill that has been removed?

Senator O'Connell: Shouldn't there be an emergency clause on that?

Chris Kadrmas: There is an emergency clause attached to the end of the bill. Page 2:
Section 5 - exemption - Grants to Law Enforcement agencies.
Section 6 - law enforcement grants - from the oil and gas impact grant funds.
Section 7 - Exemption - Law Enforcement Grants from section 6 gives them the carry over authority.
Section 8 - turn to page 3 of amendment - this was an amendment asked to be included in the final amendment.
Section 9 - transfers the criminal justice data information into the attorney general's agency. Covers page 3 through page 5. That language was provided by the attorney general to coincide with section 9, turn to
Page 6 - ITD department:
Section 11 on page 5 - the adjustment represents the 3 and 3 adjustment.
Above section 11 it explains the attorney general salary - 3% and 3%.
Section 11 - The tobacco settlement trust fund would allow appropriation to the attorney general for enforcing master settlement agreement. On page 8 note # 10 source of funding--that will require a 2/3 vote.

Senator Kilzer: Was the tobacco settlement fund a the 2/3 vote?

Wayne Stenehjem: The funding was an initiated measure.

Chris Kadrmas: The final sections are 12 and 13, and the emergency clauses on section 3 and 4. Section 3 is for early funding.

Senator Kilzer: Anything else? There was an amendment that I had something had here that I can't find at the moment about gaming and it had Senator Cook's name on it. Did you have that?

Kathy Roll: That's from SB 2202, the amendments adopted provides that the remaining general fund gaming tax revenues will go into a different fund that is dedicated for gamin enforcement and regulation. The amount that goes for the gaming enforcement grants is increased a little bit and is in a separate fund. If that amendment is adopted, I am assuming you are going to take the general fund amount from the gaming division appropriation.

Tom Trenbeath: There is a pending amendment to an existing bill, which is a long way from becoming a law. Our office would like to see this bill stand on its' own rather than being reference or dependent on what happens to another amended bill.

Wayne Stenehjem: I want to make sure that I understand; we talked about the discrepancy between the salaries that local police departments and sheriff offices have compared to BCIs. We had at one point $953,000 suggestion and it is your position that will not be in this bill?

Senator Kilzer: I didn't intend to take it out, is it not in there or was it affected by the four and four?

Chris Kadrmas: At the direction of Allen Knudston and the request by the Senate appropriation's chair that all equity be removed. Those items fell under the equity funding so they are not currently included in the bill.

Senator O'Connell: That has been my top priority on this committee and you indicated you wanted me to carry the bill and without that in there, it makes it difficult for me.

Kathy Roll: In the executive recommendation there was about $323,000 that was provided for equity for the criminal investigators. We asked that an additional $953,000 for a total of $1.27M be added for equity for our criminal investigators. As the amendment stands all of that money is completely out.

Chairman Kilzer: I didn't understand it that way; I thought that a few thousand might be removed as the equity.

Senator O'Connell: Is there a way that we can craft it to get it back in there. It's been my top priority to get those people back up there so they can start hiring.

Chairman Kilzer: I would like to restore this as best we can.

Senator O'Connell: I would be willing to craft an amendment to put it back in there.

Chairman Kilzer I will speak to the people that make the decision.

Wayne Stenehjem: If I could make a suggestion, the proposal had been that the $323,000 that was recommended for equity adjustments in the governors budgets be removed, you can certainly do that. We'll be in the same position, because I suspect that at some point those equity discussion might come back. With respect to the $953,000 for the BCI agents, that's a pretty critical part because without it no one will apply for the positions. Going to the House and getting this money in is not going to happen.

Chairman Kilzer: I don't know what other funds would be available for this, this is not the only agency that is going to have the same slap in the face.

Senator O'Connell: This is coming down from the PSC committee; we were able to find funding from another source so maybe the leadership can give us an idea where we can go.

Chairman Kilzer: I am not familiar enough with the other funds to know.

Senator O'Connell: Maybe we could talk to leadership and come back for another meeting?

Wayne Stenehjem: We can look around and see if there is some other source of funds that we can find so it's not from the gas and oil fund.

Kathy Roll: Has all the oil and gas fund money been used? Because that's where the total, $1.27M for the equity was going to come from.

Chris Kadrmas: I don't think there's hardly anything left in that fund.

Becky Keller, Legislative Council: When we did the executive recommendation, we put in a $119M for the impact grant fund. We actually earmarked around$118.6M of that and we rounded up to $119M in case something came about. However, we no longer know if that is going to hit it. The money that was taken out for equity is now available for the other equity, that $372,000 was impact grant fund, which would be available. If you do put more into the attorney general's office for impact grant fund, you might want to have legislative council run it by their guy who is watching that fund in case we need to increase the amounts because that $119 is set in code, right now it's at $240. If the amendment passes, ti will go to $119 and then you can't use any more than that, so you have to watch that balance to be sure it gets amended properly.

Chairman Kilzer seeing no further discussion, adjourned the meeting.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/17/2015
Job # 24007

☒ Subcommittee
☐ Conference Committee

Committee Clerk Signature Emmery Brotherg for Alice Delzer

Explanation or reason for introduction of bill/resolution:

A Subcommittee hearing for the Attorney General's Office.

Minutes: Attachments: #1

Senator Kilzer called the subcommittee together on Tuesday, February 17, 2015 at 4:00 pm in regards to SB 2003.

Present: Senator Kilzer, Senator Sorvaag, and Senator O'Connell.
Michael Johnson, Legislative Council
Becky Deichert, OMB

Senator Kilzer: We do want to talk about the #1 priority, the $953,000 item of equity for the BCI agents. The majority leadership has pronounced that the 4 and 4 will be placed at the 3 and 3, and that all equity will be removed for the present time, so that it would take that out. What remains, as I understand it is section 1 of the OMB budget which is $14.7M available for this type of need, we are in agreement on the other items. We are about ready to put together our final amendment to present to the full appropriations committee. I have had no other objections to any of the amendments we've brought so far. Our appropriations committee is aware of your 25.5 FTEs that are requested, I don't have any plans to remove any of those at the present time. Your explanation in the yellow book was satisfactory to justify those FTEs.

Senator O'Connell I was under the impression that Chris did put the amendment in for the $1M for the salaries for the BCI, that was the $953,000 equity.

Senator Kilzer: I don't think leadership would allow it because they said no equity in any bills.

Tom Trenbeath: I wonder if we are confusing the two numbers, there's $1M there for hiring positions in advance at the end of the biennium.

Senator O'Connell: To bring that $10,000 increase, I requested for an amendment.

Senator Kilzer: An increase in equity wouldn't pass.

Senator Sorvaag: One was what was taken out of the surge and the other is the equity of the pay.

Senator Kilzer: You wanted a separate one for $10,000 and then one for $1M. We need to include the segis and the lottery. Is there one besides that?

Kathy Roll: I believe that 1004 does the bulk of what you've proposed to do; if there's a separate amendment for the equity, that would be in addition to that.

Senator Kilzer: So 004 has everything?

Tom Trenbeath: I believe it does have everything, although it doesn't hur tot check twice. I wanted to advice the committee of something that has come to our attention and that's with respect to the Medicaid fraud unit that's proposed here. It appears it's a 90% federal funded thing for 3 years, and after that it's 75% funded. There is a faction within our ranks that thinks it's 90% for one year, some are reading 12 months, some are reading 12 quarters. We believe the amendment is correct.

Senator Kilzer: we had accepted that amendment previously. Are we up to date vote on amend 004 and vote on Senator O'Connell amendment? Would that get us to the finish line?

Tom Trenbeath: The 004 covers it, I'm unclear about Senator O'Connell amendment to that.

Michael Johnson, Legislative Council: Chris will be down in a moment to answer any questions.

A Roll Call vote was taken to adopt amendment 15.8136.01004. Yea: 3; Nay: 0; Absent: 0.

Chris Kadrmas, Legislative Council: (12:18) Available to go over the amendments.

Senator Kilzer: What we have done in subcommittee we have adopted .01004.

Senator O'Connell: I was bringing the salary up the $952,000. Did I ask for an amendment.?

Chris Kadrmas, Legislative Council: (12:18) I don't have a note requesting an amendment, I can put one together in addition to this one.

Senator Kilzer: I will vote no because our leadership told us to not vote for equity. This proposed amendment by Senator O'Connell will be defeated not because of its merits but because of the situation.

Senator O'Connell: I withdraw. I am on OMB's budget, so I'll be sitting there.

Senator Kilzer: Any other items?

Kathy Roll: One of you had asked if we could get you information on the buy fund, at this point we only have $150,000 appropriated.

Senator Kilzer: The price is still $25,000 a lbs.

The hearing was closed on 2003.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/19/2015
Job Number 24113
9:01 a.m.

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A Bill for Act to defray the expenses of the Attorney General

Minutes: Testimony 1-3

Chairman Holmberg: Called the committee to order on Thursday, February 19, 2015 at 9:01 am (First Hearing) in regards to SB 2003. All committee members were present except Senator Mathern. Chris Kadrmas, Legislative Council and Becky Keller, OMB were also present,

Chris Kadrmas, Legislative Council: We can start with the legal size sheet and we will discuss the changes that were made by the subcommittee. Attorney General Budget, Base level funding changes, Attachment (1). (4:04-8:32)

Senator Carlisle: On the funding of these FTEs is that any federal dollars?

Chris Kadrmas: There is a small amount of federal funding being received. I know it is less than $500,000 in the oil impact decisions. He referred to Attachment (2) and he also addressed page 5 of the amendment, Attachment 3.

Chairman Holmberg: Said that they needed to put this on hold as they have to hear another hearing that is scheduled at this time.

They returned back to this bill and a new job was assigned - Job # 24122. The vote is recorded on that job for SB 2003.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
2/19/2015
Job Number 24122
9: 36 a.m.
☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Alicia Delzer

Explanation or reason for introduction of bill/resolution:

A Bill for Act to defray the expenses of the Attorney General (Do Pass as Amended)

Minutes: Attachment # 1 -2

Chairman Holmberg reopened the hearing on SB 2003 on Thursday, February 19, 2015 At 9:36 am. All committee members were present except Senator Mathern. Chris Kadrmas, Legislative Council and Becky Keller, OMB were also present. The discussion was continued regarding the tobacco settlement. (1.12)

Chris Kadrmas, Legislative Council we had left off at the tobacco settlement. Next item is changes to the lottery. Addition of monopoly game and players club program. Page 1 of legal size document. He continued reading the information from Testimony Attached # 1 - Base Level Funding Changes. The next key item to focus on that is going to be the transfer of the criminal justice information sharing system, and that's going to be a $4,156,000 transfer, that is being transferred from ITD. They are bringing over with them 5 FTE and they are requesting one additional FTE, and the reasoning for that transfer is that they want access to the FBI database, the only way the FBI will allow them to access that database through that is if it belongs to a law enforcement agency, and so that's the trouble they are running into since ITD is not law enforcement agency they don't have access to that. (3.47)

Senator Carlisle: Where will these new FTE's be housed?

Senator O'Connell: we didn't discuss where they were going to put them in our subcommittee. We'll get an answer for that.

Chairman Holmberg: Now to the bill.

Chris Kadrmas: we will begin on page one of the amendment Section 3. Testimony Attached # 1. 15.8136.01004 - proposed amendment to SB 2003. (5.32) He explained the proposed amendment.

V.Chairman Bowman: On that grant line item they can carry the grants over but they have to use it for the original intent of the grant, is that correct?

Senator O'Connell: Basically those grants have been used but the money hasn't been put out on them yet. It's kind of a carry over to finish up the grants.

Senator Sorvaag: Sometimes it could take up to December to complete it.

Chris Kadrmas: continued on the proposed amendment to Section 8.

Senator Robinson: Is that fund being increased. He was told yes, it is being doubled.

Chris Kadrmas: continued with reading the amendment, Section # 9. This has to do with moving the database from ITD to the Attorney General's Office.

Chairman Holmberg is that the same configuration by the advisory board ? He was told yes. A county employee, State's Attorney, for example, would receive the $75 because he or she is not a full time state employee, but someone who is a state employee, will not get that $75. He was told yes.

Chris Kadrmas continued with reading the amendment.

There was further discussion regarding moving the database from ITD to the Attorney General's Office.

Senator O'Connell moved the amendment. 2nd by Senator Sorvaag.

Chairman Holmberg: All in favor say aye. It carried.

Senator O'Connell moved Do Pass as Amended 2nd by V. Chairman Krebsbach .

Senator Wanzek made comments regarding the oil impact money and the needs in his local law enforcement and that they need help also to combat the crime level that has increased but he stated he will support this bill.

Chairman Holmberg: Call the roll on Do Pass as Amended on SB 2003.

A Roll Call vote was taken. Yea: 12; Nay: 0; Absent: 1.

Senator O'Connell will carry the bill. The hearing was closed on SB 2003.

15.8136.01004
Title.02000
Fiscal No. 1

Prepared by the Legislative Council staff for
Senate Appropriations Committee
February 10, 2015

TD
2/10/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 2, after the second semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, replace "section" with "sections 53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after "general" insert ", the lottery operating fund, and the tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney

general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, replace lines 23 through 30 with:

"SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES. The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017.

SECTION 6. LAW ENFORCEMENT GRANTS. The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to

the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the

offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data

information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, replace line 7 with:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east

central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						

Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)
Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

Date: 2-17-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: ~~0.1001~~ 15.8136.01004

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell	✓	
Senator Carlisle			Senator Robinson		
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele					
Senator Wanzek					

Total (Yes) 3 No _____

Absent _____

Floor Assignment _____

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

Date: 2-17-15.
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

☑ Subcommittee

Amendment LC# or Description: O'Connell's Amendment

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Date: 2-19-15
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 15.8136.01004

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By O'Connell Seconded By Sorvaag

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg			Senator Heckaman		
Senator Bowman			Senator Mathern		
Senator Krebsbach			Senator O'Connell		
Senator Carlisle			Senator Robinson		
Senator Sorvaag					
Senator G. Lee					
Senator Kilzer					
Senator Erbele					
Senator Wanzek					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

voice vote
Carried

Date: 2-19-15
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By O'Connell Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Heckaman	✓	
Senator Bowman	✓		Senator Mathern	✓	
Senator Krebsbach	✓		Senator O'Connell	✓	
Senator Carlisle	✓		Senator Robinson	✓	
Senator Sorvaag	✓				
Senator G. Lee	✓				
Senator Kilzer	✓				
Senator Erbele	✓				
Senator Wanzek	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment O'Connell

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** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 2, after the second semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, replace "section" with "sections 53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after "general" insert ", the lottery operating fund, and the tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, replace lines 23 through 30 with:

"**SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017.

SECTION 6. LAW ENFORCEMENT GRANTS. The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

a. The chief justice of the supreme court or the chief justice's designee.

b. The director of the department of emergency services or the director's designee.

c. The director of the department of corrections and rehabilitation or the director's designee.

d. The superintendent of the state highway patrol or the superintendent's designee.

e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.

f. The chief information officer of the state or the chief information officer's designee.

g. The director of the department of transportation or the director's designee.

h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.

l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, replace line 7 with:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						

Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000

New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)
Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.

- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.

- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.

- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.

- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.

- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.

- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.

- Repeals Section 54-59-21 relating to the CJIS system in ITD.

2015 HOUSE APPROPRIATIONS

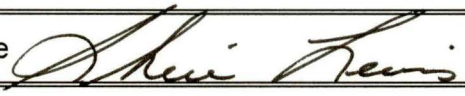
SB 2003

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
3/10/2015
Recording Job# 24564

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes: See attachments A and B.

Chairman Thoreson: Opened the hearing on SB2003.

Wayne Stenehjem, Attorney General, Office of Attorney General: Made introductions of staff. See testimony attachment A.

Chairman Thoreson: What is the fee?

Wayne Stenehjem: Two dollars a day.

Wayne Stenehjem continued with his testimony.

Chairman Thoreson: Does that use a cellular network?

Wayne Stenehjem: It uses a land line.

Chairman Thoreson: So it's stored on the device and downloaded?

Wayne Stenehjem: Correct.

Wayne Stenehjem continued with his testimony. See attachment B.

Chairman Thoreson: There are still 800 that refused to do the test?

Wayne Stenehjem: Yes. You can be convicted of both driving under the influence and failure to consent to a alcohol test. That's been litigated in the North Dakota Supreme

Court under the claim of double jeopardy and the Supreme Court upheld the statute you passed.

Representative Hogan: Is there a change in conviction pattern to arrest?

Wayne Stenehjem: The arrest pattern is the same.

Representative Kempenich: What constitutes first time and repeat offenders in that?

Wayne Stenehjem: The repeat offender is now a second conviction within 7 years.

Representative Kempenich: Are most of these numbers first time offenders?

Wayne Stenehjem: Yes. A third of the people are repeat offenders.

Representative Kempenich: I was wondering on the refusal number if they were repeat offenders?

Wayne Stenehjem: All the law enforcement have a notification that they read to the offender when they're arrested and tell them that if they don't submit to this chemical test what will happen.

Chairman Thoreson: Are we seeing a change in the blood alcohol level?

Wayne Stenehjem: .018 is the average alcohol level.

Chairman Thoreson: You hear from other agencies about this; how has it worked between other agencies since the law has changed?

Wayne Stenehjem: Local law enforcement are happy with the 24/7 program.

Representative Skarphol: What's the incarceration rate? Is the number of incarcerations up? Do you have statistics on that?

Wayne Stenehjem: I don't have those statistics. I can get those from the department of corrections.

Representative Kempenich: Where is Bismarck at in the state with the 24/7 program?

Wayne Stenehjem: Every county participates.

Representative Skarphol: Do you have statistics to indicate activity in all the counties?

Wayne Stenehjem: We can get that information to you.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: What's the time period on that?

Wayne Stenhjem: Forty-five days.

Chairman Thoreson: I'm just wondering if the turn around time is still an issue as it was in the past.

Wayne Stenehjem: We went into overtime mode, we hired temps, we even had senior citizen volunteers to help get those concealed weapons licenses out. We got the numbers down to 45 days; so we're within the statutory requirement.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: All of these are residents that are getting the licenses?

Wayne Stenehjem: Yes.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: Is that private transportation or is it coming in on pipe trucks?

Wayne Stenehjem: It's coming in every which way you can think of.

Wayne Stenehjem continued with his presentation.

Representative Vigesaa: Where do they start recruiting these children?

Wayne Stenehjem: They start recruiting wherever they can. It's not atypical to see it within the high schools.

Representative Vigesaa: I know that Fargo has a lot of ethnic groups; are they zeroing in on some of those types of people rather than the white Caucasians for the gangs?

Wayne Stenehjem: Typically yes; but not exclusively.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: When you look at what you're requiring for new FTE's; what are your chances of finding them?

Wayne Stenehjem: We are finding them. That's how we made the 22 arrests in Watford City. There are ongoing operations. We are working interstate.

Representative Kempenich: These FTE's you're looking for; are you finding them in local law enforcement?

Wayne Stenehjem: We try. They need to have five years of experience for BCI officers; so we're not hiring them out of school.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: I'm assuming you have agents that when you get into these larger situations they're following a lot of things.

Wayne Stenehjem: We had a case recently up in Grand Forks where there was a death a month or so ago. These are multi state and multi nation issues that we have to work on.

Representative Vigesaa: What is the drug trend in the rural areas in the east half?

Wayne Stenehjem: Drug activity was up 19.5% statewide; those are arrests. Those figures would hold up throughout the state. The most serious cases I've been talking about tend to be out in the western area of the state or in the more populated areas out in eastern North Dakota.

Representative Vigesaa: What is happening in the rural areas in the east?

Wayne Stenehjem: The drugs are here and they are going to unload and sell those drugs anyway that they can.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: If someone is purchasing this via an internet site, is it in states which don't have laws dealing with this?

Wayne Stenehjem: Most of these synthetics are coming from overseas. Largely they're shipped into the US and they come from southeast Asia.

Chairman Thoreson: They're still being sold under the terms of bath salts, etc?

Wayne Stenehjem: There are websites that you can go to and order them. They don't care what it says. We shut down one of the websites called "silk road". But they always pop up somewhere else.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: Is this going to go on year after year?

Wayne Stenehjem: I don't know if that's going to be something they contest year after year. What the bill does do is rather than having to go to the emergency commission as we did in the last biennium; that funding for any litigation involving the diligent enforcement will come out of the tobacco settlement fund.

Chairman Thoreson: We were found to be ok; were other states dinged?

Wayne Stenehjem: Yes.

Chairman Thoreson: So they had to pay back funds?

Wayne Stenehjmen: That's right. The more states that weren't diligently enforcing, the more they had to pay back.

Representative Skarphol: Does enforcement involve the programs the voter's authorized in regard to prevention?

Wayne Stenehjem: No.

Representative Skarphol: It has nothing to do with it? In the states that did not prevail was that a portion of the reason?

Wayne Stenehjem: No. The issue in the diligent enforcement was simply if that the states diligently enforced the requirement for payments into escrow for those companies that did not join the settlement. Part of the settlement did require that there be a cessation of advertising and sponsorship in certain events.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: How much of a break would you get with the extra person? Do you have any idea of what the time would become?

Wayne Stenehjem: Our goal is 30 days.

Chairman Thoreson: What's your average now?

Wayne Stenehjem: We're at 175 days.

Representative Kempenich: We seem to be getting people that think they're above the law. They have issues in other states and they're showing up here.

Wayne Stenehjem: They do and that shows up with our registered sex offenders. Ninety-five percent of the new registered offenders in North Dakota are from out of state.

Wayne Stenehjmen continued with his presentation.

Chairman Thoreson: Recessed the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
3/10/2015
Recording Job# 24564

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes: See attachments A, C, and D.

Chairman Thoreson: Reopened the hearing on SB2003.

Wayne Stenehjem continued with his presentation. See attachment A.

Chairman Thoreson: Any particular area you're seeing increases in?

Wayne Stenehjem: What we're increasingly seeing is cases where we're not able to help people because they're the internet type scams.

Chairman Thoreson: When it's gone it's because they ask for some type of payment by putting it into an account or buying a cash card?

Wayne Stenehjem: One of those green dot money packs or to wire money by western union or moneygram. Once those numbers are entered that money is gone; typically they're operating overseas so there's nothing we can do to help them. If they have a caller id those numbers are spoofed.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: How many of these do you think are reported?

Wayne Stenehjem: I issued cease and desist orders against 14 contracting companies within the last year; two of them yesterday. We tell people to go to the secretary of state's website. That lists who the licensed contractors are in the state.

Representative Kempenich: One of the things we've been seeing is no one is really doing due diligence beyond the state borders.

Wayne Stenehjem: That's one of the reasons we do the cease and desist orders and try to come up with every name; including the name of the operator and the name of the business. There are people who do google those names.

Representative Skarphol: How successful are you in recovering dollars from people in those instances?

Wayne Stenehjem: Very rarely.

Wayne Stenehjem continued with his presentation. See attachment C.

Chairman Thoreson: So what percentage of the time is legal services spending their time in defending us against the federal government.

Wayne Stenehjem: A lot of time. It takes a significant amount of our resources. In a lot of these EPA lawsuits we will partner up with other states; particularly in the western US. Texas has 800 lawyers on their staff and they have some that are devoted only to this kind of thing.

Chairman Thoreson: When you say we join them, do we file a brief in the case or is there any kind of compact with these states? How does that work?

Wayne Stenehjem: Common prosecution agreements with those states and very often we will be co-plaintiff.

Representative Kempenich: It seems like western states are at a continuous battle with EPA on a lot of these issues.

Wayne Stenehjem: That's very true and these are issues across party lines.

Representative Skarphol: Attorney General Pruitt out of Oklahoma filed a case and North Dakota joined it against the federal government.

Wayne Stenehjem: We have a list of all the litigation. We've joined with Oklahoma on a number of those cases.

Chairman Thoreson: Is that a copy we can get?

Wayne Stenehjem: We can get you a copy of all our EPA litigation.

Representative Skarphol: That was an EPA with Pruitt at that time?

Wayne Stenehjem: I have a whole list and I'm happy to provide it.

Representative Hogan: I'm interested in your Medicaid fraud. Is that primarily provider fraud or consumer fraud?

Wayne Stenehjem: That's not something that I asked for in my budget and it's not something the governor gave us. It is based on an idea from House representatives from a couple sessions ago and from the state auditor. North Dakota is the only state in the United States that does not have a Medicaid fraud enforcement unit. We've been operating for years on a waiver from the federal government.

Representative Hogan: I'm curious because you did a recovery of $2.5 million. If we don't have a program, that's pretty impressive.

Wayne Stenehjem: What we do is shoe horn with other states who are pursuing Medicaid fraud.

Chairman Thoreson: If you have more information on what the Senate did with that. That's something we'll want more information on.

Wayne Stenehjem: We have a lot of information on Medicaid fraud in North Dakota.

Representative Hogan: I would be curious if Medicaid fraud units are primarily in Attorney General's offices or in the human services. I know it varies from state to state.

Wayne Stenehjem: They are in the Attorney General's office.

Chairman Thoreson: Do you work with folks from the agencies?

Wayne Stenehjem: That's typical of the department of human services. Typically it's been on pharmaceuticals.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: Would you like to hand out checks to local fire departments?

Wayne Stenehjem: I did get an email from Commissioner Hamm this morning.

Wayne Stenehjem continued with his presentation.

Representative Skarphol: I want to go back to the law enforcement grants; there are 40 people involved in those grants. Is there an expectation that you believe they will continue to be funded with the same monies?

Wayne Stenehjem: The legislation that you passed said that the $16.6 million can be used for equipment training and personnel. It also said that this is one-time funding. We had a hard time telling people that we could hire people and on the other hand that there was no guarantee that those positions will be there in two years. One of the things we asked of them when they made those applications was what they're plans were to continue funding these agencies after the one-time funding was gone.

Representative Skarphol: Were you made aware of any entities put a request in for people?

Wayne Stenehjem: When we asked them and they put in their grant requests, we asked them what their plans were after their time was gone. They all came in with plans largely to fund these people elsewhere.

Representative Skarphol: You don't believe there's an expectation that those same positions would be funded in this grant round?

Wayne Stenehjem: I can't tell you what it is they expected. I can only tell you what it is they said they would do.

Representative Skarphol: That's a dilemma that we face because as what was brought forward to the session, the formula changed that was being recommended for the political subdivisions. There was an expectation that they would cover these costs and that we wouldn't be asked in some other way to fund them. I'm trying to come up in my mind on how we strike that balance.

Wayne Stenehjem: I think that's a perfectly reasonable approach and I thought about that same thing. I think I need to ask this legislature for direction on what you prefer we do.

Representative Boehning: With the amount of money that you gave in grants; is there any correlation in the amount of money that they're paid for some of these positions out west? The wages in the western part of the state are quite a bit higher. Does that include anything else but wages for the people in the west?

Wayne Stenehjem: I understand that the funding for the local law enforcement only funded some of those positions. These are averages for all of the people. They aren't hiring people with the assistance of this grant at a salary level that is greater than what they're hiring everybody else. You can't have those kind of disparities within the same organization. The local fringe benefits are comparable to what is offered.

Representative Boehning: I'm assuming with this grant money that they're able to take some of their other funding and giving higher wages?

Wayne Stenehjem: I don't have any evidence that that was what happened.

Representative Skarphol: In the list that you have here, you awarded some money for vehicles and housing assistance. Do you get any sense that they're in good enough shape vehicle wise? Do you think the requests are going to change?

Wayne Stenehjem: I think the requests are going to change; especially when you mentioned vehicles. When we started out with this, we provided a vehicle to just about everyone who didn't have a vehicle. They're bringing more people on and those are one-time expenditures.

Representative Kempenich: Are you still buying the used cars also?

Wayne Stenehjem continued with his presentation. See attachment D.

Chairman Thoreson: Do you audit the individual sites or do you audit the organization sponsoring those sites?

Wayne Stenehjem: We can do both; and sometimes because of the lack of staffing we have, we might only audit one game. So we'll go to an organization that does bingo, pull tabs; but are only able to do bingo.

Wayne Stenehjem continued with his presentation.

Representative Boehning: What's the penalty?

Wayne Stenehjem: It's a class B misdemeanor; which is 30 days in prison. You have a bill where I think you added an emergency clause to make it a class A misdemeanor which is a maximum penalty of 1 year in jail.

Representative Boehning: What are the judges doing? Are they sentencing for the full 30 days or are they giving them 2 days and 20 days suspended?

Wayne Stenehjem: Yes. They are typically not sentencing them to the full 30 days. I hope by increasing the penalty it will increase the perception on the behalf of the judges that these are not victimless crimes. Ninety-five percent or more of people engaged in prostitution have pimps; they're victims of human trafficking.

Representative Boehning: It's all over the place and if they just spend two days in jail; about 1/3 are from out of state.

Wayne Stenehjem: I mentioned that these are cases that we like to take federally because there are much more serious minimum mandatory federal sentences.

Representative Kempenich: This seems to be something that's coming into the state. Are you talking computer access? There has to be a word of mouth type thing for these people.

Wayne Stenehjem: Backpage.com is the name of the website.

Chairman Thoreson: I'm looking at the webpage as we speak. It tells you what's on there but doesn't condone any of these acts.

Wayne Stenehjem: We've tried to work with backpage.com; they're owned by Village Boys. We're trying to get them to do what Craig's list did and take those escort service sites off.

Chairman Thoreson: We had a discussion about this about a year ago. There was a letter circulated about some possible legislation which I had opined on. It was focused on Back page specifically. If Back Page fixes it, something will pop up the next day.

Wayne Stenehjem: That's what they say. The fact of the matter is that they're making millions.

Representative Kempenich: They don't just guess at this stuff.

Wayne Stenehjem: These folks are typically brought in from out of state and they rotate them around.

Wayne Stenehjem continued with his presentation.

Representative Kempenich: Do you handle the forensic scientists also?

Wayne Stenehjem: The medical examiner is not part of our office. The crime lab is federally recognized and accredited.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: There is language in the bill that sets up the structure and then there's a repealer at the end of the bill that takes out language currently in the Century Code. Is that correct?

Wayne Stenehjem: Correct.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: Those are the ones Representative Kempenich was asking about?

Wayne Stenehjem: Correct.

Chairman Thoreson: Are you looking for more space?

Wayne Stenehjem: We are; typically, we pay rent. We think we can get a good deal for them.

Wayne Stenehjem continued with his presentation.

Chairman Thoreson: That's on page 34 of the testimony?

Wayne Stenehjem: That's correct.

Chairman Thoreson: There's a feasibility study for adding on to the crime lab?

Wayne Stenehjem: That's correct.

Chairman Thoreson: How long have we been in that location?

Wayne Stenehjmen: Six or seven.

Chairman Thoreson: You're running out of room over there. Is that correct?

Wayne Stenehjem: Yes.

Representative Hogan: I'm interested in SB2199. Has your organization been involved in treatment and support? Why you rather than either the department of health or human services?

Wayne Stenehjem: Are you talking about Senator Dever's bill? It's to provide contract services for victims of human trafficking. He came in and said it would be in the department of human services.

Representative Boehning: Most of the new positions are being funded by other funds. What are the other funds?

Wayne Stenehjem: That's the oil and gas impact fund.

Representative Kempenich: Can we get a list of your special funds?

Chairman Thoreson: We'll also need the spend down.

Representative Skarphol: On the list of employees can you provide the funding source for those people?

Chairman Thoreson: How many vacancies do you have now?

Wayne Stenehjem: Less than five.

Chairman Thoreson: Are you seeing a lot of turnover?

Wayne Stenehjem: We're not seeing a lot of turnover once we attract them.

Wayne Stenehjem continued with his presentation.

Representative Skarphol: On the space issue, how much room do you have for a remodel or addition? Give us the background on the BCI building.

Wayne Stenehjem: BCI is located in a building just south of north Walmart.

Representative Skarphol: Is there room on the property to add on or are you looking at a complete relocation?

Wayne Stenehjem: BCI is a building we lease. We do own the crime lab. Part of that $30,000.00 study is to determine if we can add on to the crime lab. The space issue at BCI is the most critical.

Representative Skarphol: How much additional space are you anticipating that you need?

Tom Treanbeath, Chief Deputy, ND Office of Attorney General: That building now houses our IT department as well as BCI. It used to house four divisions and moved divisions out of there as BCI continued to grow. We're at the point that we're looking for a space to move IT.

Representative Kempenich: Are the people that own that building willing to add on? Are you looking at alternate locations?

Wayne Stenehjem: I think all those options are on the table

Representative Skarphol: Does it still have the same owner?

Wayne Stenehjem: No.

Representative Skarphol: When do you renegotiate the lease?

Wayne Stenehjem: 2021.

Representative Skarphol: What's the status of the freedom of information lawsuit?

Wayne Stenehjem: We'll get that information to you.

Representative Kempenich: Is there more activity after DUI law change? Is that part of your backlog?

Hope Olson, Director, ND Crime Lab: We're seeing more of our analysts on a weekly basis going to court. We're trying to encourage IVAN; but that has to be accepted by the judge and defense attorney. Our turn around time for blood alcohol testing is around five days. For drug screening and toxicology it's 17 days.

Tom Trenbeath: Some districts want our scientists in town for a week; not knowing when that person is set to testify.

Hope Olson: Williams county has started subpoenaing analysts for two weeks at a time to catch up on their court cases. That causes some conflicts for scheduling.

Chairman Thoreson: Just Williams county?

Hope Olson: Just Williams county. We honor our subpoenas first come first serve.

Chairman Thoreson: So a person could be out of service for a two week period?

Hope Olson: You can't travel, take vacation, sick leave; you can't schedule things ahead.

Vice Chairman Brandenburg: Last session we talked about that and it intrigued me that you're tying up your time driving on the road. Is there some legislation that we can do to stop that?

Wayne Stenehjem: It might be possible to say that they must first consider an "IVAN" appearance in court on certain issues.

Vice Chairman Brandenburg: We have to have a balance.

Wayne Stenehjem: I can't accuse every defense attorney of doing this; but there are those that are happy to do it this way when their only hope is that the individual from the crime lab might not be able to come up and testify at the trial.

Representative Skarphol: Would it be possible to put in place some type of threshold that says in a district court that if you're more than 60 days out as far as scheduling things you would have to be willing to utilize technology to provide the option?

Wayne Stenehjem: I think any of these things are worth exploring.

Chairman Thoreson: You've offered this to the courts that you're available via interactive video? Has the reception been uniformly supportive or unsupportive? Have you been seeing pockets of resistance?

Hope Olson: We offer up "IVAN" almost every single time. Our analysts would rather be in the lab working rather than on the road.

Chairman Thoreson: They have to be there if asked.

Hope Olson: It's because the judge and the defense attorney has to agree to the "IVAN" system.

Chairman Thoreson: So both parties have to agree.

Representative Skarphol: Why do they have to both agree? Why can't we as a legislature dictate?

Wayne Stenehjem: It boils down to separation of powers that the courts have the authority to control the operation of things in the courtroom.

Representative Skarphol: It's the district court that we're talking about. Do they have the capability to do this with ease? Is it somewhat of an imposition for them to have to do it?

Wayne Stenehjem: That I don't know.

Representative Skarphol: If that becomes the issue, maybe, it's easily resolved by just ensuring that they have that capability.

Chairman Thoreson: It's not that hard. I'm guessing they all have this capability or could reasonably access something.

Representative Skarphol: Some of it might boil down to the personal capability as opposed to the technical capability.

Representative Kempenich: I'm sure it's a strategy on both parts.

Wayne Stenehjem: Toxicology tests aren't that complicated and doesn't take very long to testify; but you have to be there.

Representative Boehning: Is there a way that we can charge for services?

Wayne Stenehjem: I think there is a court case that said you can't do that.

Representative Boehning: Can we charge the courts?

Wayne Stenehjem: We will look at that question.

Representative Skarphol: $140 million was appropriated for the land department for impact funding; they charged $1 million for administrative purposes; you want 10% of $20 million. I'm curious why it's more expensive for the attorney general's office than the land department.

Wayne Stenehjem: This is not administrative expenses; it's related to the things that the grants are for. The purpose of that is to do something that the local people that apply for these grants don't do. The purpose of that 10% grant is to look at us doing something that would be utilized on a regional basis.

Representative Skarphol: Would you provide us with a list of how that money was utilized? We have a shooting range out at the new grounds that the highway patrol has; I'm not sure why you have to provide them with other revenues for shooting or training. We're trying to figure out where we're doubling up; if we are.

Wayne Stenehjem: That was the reason for the 10% so we didn't have local agencies that were doubling up. I think that information for what we did with the funding is in my testimony on page 12.

Representative Skarphol: The administrative dollars were $960,000.00 the last time?

Wayne Stenehjem: Yes.

Representative Skarphol: You're anticipating doubling that need?

Wayne Stenehjem: Yes.

Representative Skarphol: I would ask that council would take a look at other areas of the budget that are funding similar things so that we're not missing things. They have firearms; are we buying firearms for someone else?

Representative Kempenich: We had a lengthy talk about the radios when we had DOT and highway patrol in here. We're trying to get our communication system on the same page.

Wayne Stenehjem: Yes.

Representative Skarphol: Would you delineate for us where we're replacing federal funds?

Wayne Stenehjem: Yes.

Chris Kadrmas, Fiscal Analyst, ND Legislative Council: To answer Representative Skarphol's question; the agencies as regarding doubling up of law enforcement type equipment, the attorney general as far as I'm aware of that any type of grant that would provide law enforcement grants so they could purchase equipment. Each agency would be purchasing the equipment for their full time employees.

Representative Kempenich: With the local political subdivisions do you make sure that everyone is on the same page?

Wayne Stenehjem: That's why last session it was my idea to use the drug and violent crime committee.

Representative Kempenich: Most of the time when it gets to that level they're not going to have specific opinion unless it's really blatant that it doesn't look like it's going to work.

Wayne Stenehjem: People were pretty satisfied with the process; but, we did hear from some people.

Representative Boehning: We're putting CGIS over for $5.4 million; what's the extra $1.25 million in the budget for one-time funding?

Wayne Stenehjem: That's the additional FTE and the two programs for LERMS and STARS.

Chairman Thoreson: Closed the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
3/19/2015
Recording Job# 25088

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes: See attachment A.

Chairman Thoreson: Opened the discussion on SB2003.

Wayne Stenejhem, Attorney General, ND Office of Attorney General: Made introductions.

Kathy Roll, Budget Analyst, ND Office of Attorney General: See attachment A.

Vice Chairman Brandenburg: I'm trying to match it up with this FTE sheet. Which ones would that be?

Kathy Roll: It would be second from the bottom. It would be the two intelligence analysts.

Kathy Roll continued with her presentation.

Chairman Thoreson: Are those vans loaded with equipment for surveillance or is that just for the vehicles?

Kathy Roll: Yes. They are loaded with equipment.

Dallas Carlson, Director, Bureau of Criminal Investigations: We would buy those surveillance from a company. They would be a van type vehicle and they are fully equipped with recording devices and cameras.

Chairman Thoreson: You already have some of these in other areas now?

Dallas Carlson: We do.

Representative Skarphol: How dependent is the need for these vans and getting all of the FTE's you've requested?

Dallas Carlson: In putting together cases over the years we may have spoiled some of the prosecutors in a way. The prosecutor's office wanted both an audio and video recorded drug purchase if possible. We also use these vehicles for more than drug surveillance; we may have some burglary surveillances we do. The vehicles are made to blend in with the area.

Representative Skarphol: If you don't get the 35 FTE's that are in your budget, what's the effect on the need for these vans? On a priority list of employees, we're going to be doing some prioritizing. I don't believe you're going to get 35 FTE's when all is said and done.

Dallas Carlson: The FTE's would take priority over these vehicles.

Chairman Thoreson: Are these vehicles in most cases for drug related crimes or is it a variety.

Dallas Carlson: The majority would be for drug investigations.

Representative Hogan: How many surveillance vehicles do you currently have? This is adding to the fleet. Correct?

Dallas Carlson: Correct. We currently have four; Williams county purchased their own for the task force in Williston.

Representative Glassheim: Are any of these three new areas new positions? So if you don't get those three positions, then you don't need a van for that place?

Dallas Carlson: Watford City is going to be new positions; that would be a new office. We currently have an office in Jamestown and Devil's Lake; they don't have this equipment.

Kathy Roll continued with her presentation.

Vice Chairman Brandenburg: These are alcohol and drug machines?

Kathy Roll: Just drugs.

Kathy Roll continued with her presentation.

Representative Skarphol: I'm curious about the actual physical control change. Is that just because they decided to use it less frequently?

Wayne Stenehjem: APC and DUI are treated pretty much the same under our DUI statutes.

Kathy Roll continued with her presentation.

Representative Hogan: Currently are there any adolescents referred to this program?

Wayne Stenehjem: Minors who are guilty of driving with any alcohol have to enroll in the 24/7 program; there are five of those.

Representative Hogan: It's just a continuation of current practice. It's not a major modification?

Wayne Stenehjem: It's not a change from current law; except that, under the bill as passed, there is no minimum period of time that a minor under the age of 18 has to be on the 24/7 program. The bill was amended in the House and passed; there is now a minimum requirement of eight weeks and a maximum of nine months.

Representative Hogan: It was only five in the first year.

Wayne Stenehjem: I think there's five right now.

Chairman Thoreson: What does PBT stand for?

Wayne Stenehjem: Preliminary breath test.

Representative Boehning: I'm looking at the amount of participants. Are they enforcing the DUI more?

Duane Stanley, Special Agent, Bureau of Criminal Investigation: Burleigh county was in the pilot program so their numbers are greater.

Representative Skarphol: I'm amazed at the failed rate comparison between Burleigh and Cass counties. When you get to Burleigh county re-offended; it's an amazing number of 1,239. In Cass county the failed rate is 31% vs 16% as a state average.

Wayne Stenehjem: The total failed are not people that failed in the program; but, who went in on one occasion over the course of the year and blew a hot test. For most of them, they're back in the program. If they fail once, they're taken to jail.

Chairman Thoreson: After failing one time?

Wayne Stenehjem: If they fail one time, they're taken to jail and come before the judge and state why they should be back in the program.

Representative Skarphol: You have 4,457 no shows in Cass county. Tell us what that means.

Wayne Stenehjem: That means that if they don't show up that a bench warrant is issued and they are arrested and they are brought before the judge with the same consequences.

Representative Skarphol: When we were given statistics about the department of corrections, Cass county's statistics were way lower than Burleigh county's. This would seem to be contradictory to all that.

Wayne Stenehjem: I can't discuss what happened in Cass county.

Vice Chairman Brandenburg: We have young people that make mistakes and have to be on the 24/7 program. Do they have to wear that 24/7 all the time? Is there some flexibility there?

Wayne Stenehjem: The requirement for minors being on the 24/7 program is only for driving under the influence or consuming any alcohol for under 21 years of age.

Chairman Thoreson: You said the number of highway fatalities are down 40%; are we compiling statistics also on other accidents that do not result in a fatality that are alcohol related.

Wayne Stenehjem: Yes. We have alcohol related crashes and alcohol related fatalities.

Chairman Thoreson: Both are showing a reduction?

Wayne Stenehjem: Yes.

Vice Chairman Brandenburg: It gives me a little more comfort that they can go in and do the test and not have to wear the bracelet.

Representative Vigesaa: The counties with zero; are there counties that don't participate?

Wayne Stenehjem: They all participate they just don't have any offenders.

Representative Vigesaa: When you see the numbers of the other counties; I'm surprised that there wouldn't be any in some counties.

Wayne Stenehjem: I don't think that there's never been any. Every county has had some and the rural areas will typically have relatively few.

Chairman Thoreson: Who falls under the category department of corrections?

Wayne Stenehjem: The department of corrections is the state department of corrections.

Chairman Thoreson: They have people in the program through them.

Wayne Stenehjem: Who are perhaps in the transition center or have been released on probation.

Chairman Thoreson: They're not in a facility at this time?

Wayne Stenehjem: No and would be subject to the terms of the 24/7 program.

Representative Hogan: Is there a difference between the two mechanisms that going into the sheriff's office twice a day or the wristband? Could that account for some of the differences in numbers?

Wayne Stenehjem: The no shows are going to be people who are required to come in and blow into the tube in the morning and the evening. The bracelets monitor continuously. The issue with those folks is that they tend to tamper with them.

Representative Hogan: Are there differences in the utilization patterns of the two mechanisms?

Duane Stanley: Cass county has more people on the bracelets than Burleigh county. They have 163 on the bracelets where Burleigh county has 128.

Representative Hogan: And yet they have a high no show rate also.

Duane Stanley: Typically with the bracelet that information is monitored daily; but it's usually downloaded weekly. Each county can set that up depending on each individual participant.

Vice Chairman Brandenburg: For younger people under 18, how long of a period do they have to wear it?

Duane Stanley: The statistics on juveniles; the average is about 23 days and the highest was 186. The shortest a person was on was just for a day.

Representative Skarphol: The difference in consequences for a reading on a bracelet vs a no show; do they both go to jail? If so, for how long?

Duane Stanley: The consequences are the same in the guidelines. It may vary with the way it's administered from county to county.

Representative Boehning: With those bracelets you're able to go out of town; as long as you have the capability of uploading your data?

Duane Stanley: Yes. You can go anywhere in the nation as long as you have money in your account and you download.

Chairman Thoreson: What account is that?

Duane Stanley: The bracelet is $5.00/per day and they have to have money in their account.

Chairman Thoreson: So you prepay that and you travel and you just have to find somewhere to download. If I remember correctly you have to go to a land line somewhere and communicate back. Is that right?

Duane Stanley: There are three different methods. You can do a cellular download, wireless download or you can come into the county and do a direct connect.

Chairman Thoreson: Are there people actually doing that?

Duane Stanley: Yes.

Chairman Thoreson: If I'm in Florida, as long as I have a way of transmitting back, it's going to get the information?

Duane Stanley: Nobody recommends that; but, yes, if you have the ability to call in it can be done.

Chairman Thoreson: You don't have the ability to remove it?

Duane Stanley: You could cut if off.

Chairman Thoreson: Let's say you're following the rules. What does TSA do with something like that if you try to get on an airplane? That would set off some warning bells.

Duane Stanley: I believe it would. I honestly don't know.

Representative Skarphol: As a theoretical question, you go to California and have a couple of drinks and you're in violation. The consequences I would assume come to bear when you return. Are there GPS devices on these so they know where you're at?

Duane Stanley: There are GPS devices on SCRAM bracelets. We do not have them on this specific model.

Representative Skarphol: What happens to the guy that violated out of state?

Duane Stanley: When he comes back he would be dealing with the consequences.

Chairman Thoreson: When that data is analyzed is there a warrant put out for them?

Duane Stanley: Yes there is.

Wayne Stenehjem: With the exception with the cost of the lease of the SCRAM bracelets is the offender pays for everything. The law enforcement center gets to keep the money. With the SCRAM bracelet the law enforcement center gets $25.00 when they hook them up and $25.00 when they disconnect; then it costs $5.00/per day and that $5.00 goes to the SCRAM company.

Chairman Thoreson: Those are reusable?

Wayne Stenehjem: Yes.

Chairman Thoreson: What's the life cycle of one of those? What's the failure rate?

Duane Stanley: For the six months that I've been with the program; they recall devices yearly. I've never seen one breakdown with the technology inside. People will cut them off.

Chairman Thoreson: I was just wondering if you were seeing any issues.

Duane Stanley: Not at all.

Kathy Roll continued with her presentation.

Chairman Thoreson: When you say 31 attendees; is that communicated?

Kathy Roll: That's correct.

Kathy Roll continued with her presentation.

Chairman Thoreson: Under the human trafficking trainings, it says students explored the identification and worldwide impact of human trafficking. There's an educational component with students. Is that correct?

Kathy Roll: The students were the attendees.

Representative Boehning: On this canine decoy training, are we training the canines or is the officers getting trained on how not to get bit by a canine?

Dallas Carlson: The two canine trainings were requested by us from agencies out west to coordinate, organize, and get the instructors. It's for the handler and the canine.

Kathy Roll continued with her presentation.

Chairman Thoreson: We would have to adopt that act for this to work?

Kathy Roll: That's correct.

Chairman Thoreson: Is there any legislation or any language that we have out there right now? Would we need to amend it to some things so we could get this rolling if we choose to go forward with it?

Kathy Roll: It's my understand that since we don't have the false claim act, we would have to institute that before we could apply.

Chairman Thoreson: Was there thought given to getting a bill or some kind of language in place so that we could jump into it if need be?

Kathy Roll: We do have copies.

Vice Chairman Brandenburg: I see there's four Medicaid fraud unit investigators so this would tie together with this?

Kathy Roll: That's correct.

Vice Chairman Brandenburg: You're looking for four of them.

Kathy Roll: That's correct.

Vice Chairman Brandenburg: The fines go back to the general fund?

Kathy Roll: In South Dakota's case they pay back the Medicaid share that the state has paid and the rest of the money goes into the general fund.

Representative Hogan: There was a Medicaid fraud program in the early 1990's. I think for four to six years the state did have a Medicaid fraud program.

Wayne Stenehjem: I am not aware that North Dakota ever had a Medicaid fraud unit.

Representative Hogan: Is there any history of false claims acts in the state?

Wayne Stenehjem: I'm not aware of false claims in the state of North Dakota. There is a backdoor way that North Dakota participates in some of these Medicaid fraud cases. We've been operating on a waiver for a number of years; this was not in my budget request.

Chairman Thoreson: This was a Senate addition to your budget and that's why you would not have had any other legislation for an act?

Wayne Stenehjem: That's correct. This was based on a bill that Representative Dosch sponsored in 2009 to do this; but it didn't survive the legislative process.

Representative Skarphol: Do you think this is a result of the fact that the federal government's investing a fairly substantial amount of money in the new MMIS program? Would it not give you more abilities to detect that fraud?

Wayne Stenehjem: This would more than pay for itself.

Representative Vigesaa: The 75/25 split; is that going to remain level at that or is there a 50/50 coming down the road?

Wayne Stenehjem: Under current law it's 90% paid by the federal government and then after two years 75% is paid by the federal government.

Vice Chairman Brandenburg: I'm looking at South Dakota's numbers in 2010-2012. It looks like they get a lot of money back.

Wayne Stenehjem: I think that's probably fair to say.

Chairman Thoreson: In the other states that have this are they house in the attorney general's office in those states or does it go to different state agencies?

Wayne Stenehjem: I think every one of them is in the attorney general's office.

Representative Boehning: What would be the minimum number of employees you could get by with?

Wayne Stenehjem: Four was the number we suggested when the Senate started proceeding with it.

Representative Hogan: Welfare fraud is being prosecuted by a county state's attorney.

Chairman Thoreson: Do other states have fraud control in other areas?

Wayne Stenehjem: Medicaid fraud is a federal program.

Chairman Thoreson: Do they have any other programs that they are pushing?

Wayne Stenehjem: I would assume so.

Kathy Roll continued with her presentation.

Chairman Thoreson: Recessed the hearing.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
3/19/2015
Recording Job# 25138

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes: See attachments A, B and C Handout D

Chairman Thorson: Reopened the discussion.

Kathy Roll continued with her presentation. See attachment A.

Representative Hogan: These seem like these are pretty recent vacancies. The only one you had a significant problem with is the fire marshall?

Kathy Roll: That's correct.

Representative Kempenich: You have a program analyst that's been open for awhile.

Kathy Roll: That's filled.

Representative Kempenich: It looks like you filled most of your investigators.

Kathy Roll: That's correct. It took us well over a year to fill one of them in Dickinson.

Representative Vigesaa: You mentioned that you didn't have anyone to fit the deputy fire marshal's requirements. Who typically applies for that position?

Kathy Roll: It's a number of people. A lot of times we receive applicants from people who are retiring from another fire service of some type or retiring from the federal government and will apply for those.

Representative Kempenich: You had the criminal investigator; how come one is $50,000.00 less than the other two?

Kathy Roll: Likely the people who left had more experience than the lower salaried person.

Kathy Roll continued with her presentation.

Representative Boehning: In the estimated Indian gaming revenues for 2013-2015 is $32,000.00 and 2015-2017 is $400.00.

Kathy Roll: We're almost at the end of the biennium so that's the balance as of March 12, 2015. We're only showing what's remaining for this biennium.

Kathy Roll continued with her presentation.

Representative Kempenich: Does the county turn that in or if the case goes federal does the federal government get ahold of that then? How does that all work?

Kathy Roll: It depends on who was involved in the case; we get some portion of what was seized if our office is involved. If there's a vehicle and law enforcement is involved, we will let them have the vehicle.

Representative Kempenich: The district attorney doesn't have any reimbursement if you do get the drugs.

Kathy Roll continued with her presentation.

Representative Skarphol: Let's go back to the refund fund; it appears you have salaries coming out of there for administrative assistants. Is that correct?

Kathy Roll: That's correct.

Representative Skarphol: Are these FTE's that are authorized or are they just temporaries that you're paying for out of that fund?

Kathy Roll: They are FTE's that the legislature has authorized.

Representative Skarphol: A portion of their salary's coming out of that fund or is it all of it?

Kathy Roll: In some cases it's portioned and in some cases it's all of it.

Representative Skarphol: Is that true with all fund?

Kathy Roll: That's not true of all funds.

Representative Skarphol: There are funds in which there are salaries being paid if they're not authorized FTE's?

Kathy Roll: There are a couple of positions that are off budget. Originally they were budgeted and then a decision made that they didn't need to be budgeted any more. There are a couple people that are off budget.

Representative Skarphol: Is that all of the off budget employees you have then?

Kathy Roll: That's correct.

Representative Skarphol: They're funded by?

Kathy Roll: They are funded by the refund fund.

Kathy Roll continued with her presentation.

Representative Skarphol: You have a line that says IT operating expenses for $157,000.00 in this biennium and also in the refund fund you have IT operating expenses. Are they incorporated into the total IT dollars reflected on this document?

Kathy Roll: That's correct

Kathy Roll continued with her presentation.

Vice Chairman Brandenburg: On the cigarettes is this a registration fee that each cigarette company pays?

Kathy Roll: That's correct.

Representative Kempenich: Going back to the refund fund; the attorney's salaries for 300,299.00 is that part of those pay packages last session?

Kathy Roll: Yes that was the equity money that approved by the legislature last session.

Representative Hogan: Have you got most of your salaries into the proper scale so you don't have internal equity problems now? Are you in pretty good shape?

Kathy Roll: We're not. We're one of the agencies that is the lowest in pay. If you look at the original legislative green sheet you'd see that we asked for about $1.2 million in equity.

Representative Hogan: Targeted equity?

Kathy Roll: That's correct. We asked for about $200,000.00 for a gaming auditor that we didn't receive.

Vice Chairman Brandenburg: Where's the equity on the green sheet?

Kathy Roll: Number two on the green sheet.

Kathy Roll continued with her presentation.

Vice Chairman Brandenburg: How far down are the human trafficking ones?

Kathy Roll: It's the third bullet point.

Representative Kempenich: Human trafficking; most of this is coming from out of the state, how much are we catching?

Dallas Carlson, Director, Bureau of Criminal Investigation: It's human trafficking plus it's internet crime against children or cyber crime. The bigger picture is the internet crimes against children. We have numerous cases the victim and the suspect are both from North Dakota.

Representative Skarphol: I'm assuming this list of FTE's was put together before the announcement that the FBI is going to be putting an office in Williston. I'm going to suggest to you that it would be important for you to provide us with the same list with priority numbers on the ones that you need.

Wayne Stenhjem: We can have that discussion. That's something that we do want you to have.

Representative Skarphol: Also with regard to the movement of attorneys from higher education to your office; it might be good for you to provide us with the language you think you need in the budget to authorize them.

Wayne Stenhjem: As that moves forward, one of the concerns that we're going to have to deal with is that the attorneys in higher education are higher paid than the attorneys that we have in our office.

Representative Skarphol: I believe the House's intent was to remove the attorneys from higher education and you hire who you wish. We don't know what the Senate will do with the bill.

Kathy Roll continued with her presentation.

Representative Kempenich: How much of your federal funds are disappearing?

Kathy Roll: We do have a just a small handful of people that are still on federal funds and those are mostly criminal investigators. We have an intelligence analyst also that's mostly on federal funds.

Representative Kempenich: You have about $1.2 million of federal funds for equipment; but most of them have brackets around them.

Kathy Roll: That's correct.

Vice Chairman Brandenburg: Those two FTE's are the ones that you pointed out to me at the top of the page. There's federal funding on this sheet.

Kathy Roll continued with her presentation.

Representative Kempenich: The county state's attorney; some of them in the larger cities are doing their own cases. Do they roll that up to you or does it go to the federal government? How do they work that? Do they have to hire attorneys?

Wayne Stenhjem: We have the attorney's in the criminal regulation division who have been available to assistant local state's attorneys. Sometimes they contact us and ask for assistance. We provide assistance on a regular basis.

Representative Kempenich: It is getting concerning even in our area.

Wayne Stenhjem: It is difficult to get somebody who run for and wants to serve as a state's attorney. It's especially difficult in western North Dakota.

Kathy Roll continued with her presentation.

Representative Boehning: Who would be doing that? Would that be the facilities management office or would we hire outside staff?

Kathy Roll: I'm not sure about that. I would think it would be someone with some architectural assessment skills.

Representative Boehning: On the concealed weapons administrative assistants; you said you have three and would you add two more? Would two of those three become full time?

Kathy Roll: The latter.

Representative Boehning: Where is the funding coming from now?

Kathy Roll: That is from the concealed weapon license fees.

Representative Boehning: Now is the operating expense that $48,000.00; how's that being paid for now that it's put into here?

Kathy Roll: There would be additional operating expenses with hiring full time employees. We pay for some of the rent from those expenses; there would also be insurance that we would need to pay, travel and training.

Representative Boehning: If they're already temporary, the only thing we'd have to do is put them on salary wouldn't we? What's the difference in cost if we keep them at temporary?

Kathy Roll: The salary and benefits; but, there are also additional costs that right now are being funded the AG operating fund where we have numbers available.

Dallas Carlson: The temporary are trained up to the point where we have the full time staff. There would be some training through the FBI.

Representative Boehning: How many full time do we have doing this job currently?

Dallas Carlson: There are three full-time FTE's.

Kathy Roll continued with her presentation.

Representative Boehning: The CGIS upgrade for the records management in LERMS; was that in the supreme court budget or is this an upgrade?

Kathy Roll: The STARS and LERMS were not included in the governor's recommendation. CGIS is being transferred from ITD.

Representative Boehning: Is any of this in the previous budget being carried over or is this all new?

Kathy Roll: The STARS, LERMS, business analyst and the consultant are all new.

Kathy Roll continued with her presentation.

Vice Chairman Brandenburg: The FTE's funded by the oil and gas impact; I got 18.5. Is that correct?

Kathy Roll: It's 19.5.

Vice Chairman Brandenburg: There are refund positions funded by the refund fund; how many of those are there?

Kathy Roll: The operating expenses for the programmer analyst position are from the refund fund. The gaming staff person a portion of that is from the refund fund and the rest is some general fund.

Vice Chairman Brandenburg: Can you put together a list to show where these FTE's are coming from?

Kathy Roll: There aren't whole FTE's listed on this sheet.

Representative Kempenich: The concealed weapons FTE's are special funds.

Kathy Roll: That's correct.

Representative Kempenich: In the DOT highway plan safety money there was added in the budget about $451,000.00 and there's another $300,000.00 that was added also?

Kathy Roll: We received that federal fund authority for this biennium; those monies were delayed and we anticipate we'll see them in the next biennium.

Representative Kempenich: The $451,000.00 is that part of this money or is it on top of what the governor put into the budget?

Kathy Roll: This is in addition. We had included it in the 2013-2015 budget and now we found out it would be delayed. It's in addition to the 2015-2017 monies.

Representative Kempenich: You have another one here and it looks like it's a new program; it's residential substance abuse treatment.

Kathy Roll: We received those federal funds for a number of years. Those monies used to go to the department of corrections. They decided not to accept them.

Vice Chairman Brandenburg: I see a number of positions dealing with the sex offenders. Which ones are going to get the most value for our money? There are probably three or four positions dealing with sex offenders.

Wayne Stenehjem: It would be beneficial to hear from our employees that are dealing with the sex offender issue in North Dakota.

Representative Hogan: We haven't had a major discussion about litigation funds that we've looked at from other smaller departments and merging them all. Have we had that discussion with you?

Wayne Stenehjem: No.

Representative Glassheim: A lot of these are pulling from oil impact funds; we may need that for other things. Can we have an amount of what's in it or what goes into it?

Representative Kempenich: That grant impact accumulates; there's not a set amount right now.

Wayne Stenhjem: That is a continuation of a program that you established two years ago; it was $16.9 million. Just about all that money has been spent or committed.

Representative Kempenich: It's a fund that gets accumulated as we go forward again. It's not a general fund; we appropriate the money but it isn't all there at one time.

Representative Glassheim: Does this come out of the extraction tax money? Are we expecting the amounts to be lower?

Sheila Sandness, Fiscal Analyst, ND Legislative Council: You're looking for the oil and impact grant funding?

Representative Glasshem: What anticipated totals will we have to deal with?

Representative Kempenich: This is in the governor's budget; the $24 million is what's being requested.

Representative Glassheim: The $24 million for salary positions?

Representative Kempenich: No it's the oil impact grant funding; it covers more than just salaries.

Representative Kempenich: What was in the formula bill was $140 million and if we add this on top; we're going to wind up being $164 million.

Representative Glassheim: I understood Representative Skarphol to say there were 35 new positions; but I only see 24 requested. What are we talking about?

Representative Kempenich: We added 6 positions from higher education and 4 from CGIS.

Representative Glassheim: Those are not new dollars.

Representative Kempenich: No.

Kathy Roll continued with her presentation. See attachments B and C.

Representative Skarphol: Some of us are recommending the money come out of the water resources trust fund.

Kathy Roll: Then this issue would be taken care of.

Kathy Roll continued with her presentation.

Vice Chairman Brandenburg: There are a total of 12 live bodies?

Kathy Roll: That sounds about right.

Vice Chairman Brandenburg: We talked on the crime lab and to help Hope out. I have an amendment that I think would really work well.

Wayne Stenehjem: I had a hallway discussion with the Chief Justice and he said he wasn't aware of the issue.

Representative Skarphol: You had some terminology that would work in our minds. It would differentiate between those that should be there and those who wouldn't need to be there. Can you remind me what that terminology was?

Hope Olson, Director, Crime Lab: I discussed this issue with Tom Trenbeath and our legal representative Lauri Michaelson. You were referring to if we could possibly have a threshold for when someone could testify through IVAN. It's on the legal portion of the agency.

Representative Skarphol: Can you give us your perspective on that type of threshold being created in order to prevent your employees from having to go sit in a courthouse?

Wayne Stenehjem: We need to have the courts involved also to make this work.

Chairman Thoreson: Is that something you want to initiate with the courts or do we need to do that here?

Wayne Stenehjem: I think you should do that here.

Representative Skarphol: Does it sound like a logical way of accomplishing some of what needs to be accomplished?

Wayne Stenehjem: It needs to do with separation of powers and the court's authority to adopt rules and procedure.

Representative Skarphol: Is there any reason that we can't as a legislature make some minimal expectations of the courts?

Wayne Stenehjem: I think it would be useful to make that effort.

Representative Kempenich: It's going to be whether we want to pass something through.

Vice Chairman Brandenburg: I was thinking that if they want to request these the counties could pay for the cost.

Wayne Stenehjem: I don't know if it's a question of the cost of the IVAN System. I think it's more of an issue of the courts.

Chairman Thoreson: Closed the discussion.

Handout D submitter later, not discussed in meeting.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
4/8/2015
Recording Job# 25922

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes: See attachments A through C

Chairman Thoreson: Opened the discussion on SB2003.

Representative Skarphol: How much is in the refund fund and how much is remaining in section 5 for the grants to law enforcement in the 2013 session laws?

Kathy Roll, Financial Administrator, ND Office of Attorney General: The analysis that the committee requested showed about $4.98 million that would be rolled over into the next biennium for the AG refund fund. I think it's $3 million or $4 million in the grants.

Representative Skarphol: Is that obligated?

Kathy Roll: Yes it is.

Representative Skarphol: These budgets were prepared when oil was much higher than it is today. I will make a motion to remove section 3.

Vice Chairman Brandenburg: Seconded the motion.

Voice vote made and carried.

Representative Skarphol: Made a motion to remove all language in section 6 except for the last sentence that begins on line 26. The grant money that the attorney general is going to receive is going to come out of the energy impact fund. The authorization for and the number of FTE's will come out of the conference committee and the funding source will be determined in the conference committee. I believe it will be general funded but I don't

believe that there will be 19.5 on the green sheet; there's going to be some number different than that. I think the conferees will decide.

Representative Boehning: Seconded the motion.

Representative Kempenich: Are we going to have to put the language into the impact money?

Representative Skarphol: Which language do you want?

Representative Kempenich: On line 18 you're setting up how it works.

Representative Skarphol: My opinion is that the attorney general will get the grant money in the energy impact fund and we'll utilize it in the fashion he deems appropriate.

Chairman Thoreson: You're effort is to make it a cleaner process where the money will be available and if the attorney general sees that there's an issue, he would have the authority to move forward and fix the issue?

Representative Skarphol: It does remove his ability to retain 10% for defraying expenses.

Voice vote made and carried.

Representative Skarphol: On page 7 of the bill on lines 18, 19, and 20. It indicates that the attorney general would have the ability to take all of the tobacco money and use it. I don't think we want to give that flexibility to anyone. The formula described further down does indicate how that money is to be distributed. If we want to give him some portion; but not be at liberty to take it all. I'm making a motion to remove that language and leave it like current law.

Representative Boehning: Seconded the motion.

Voice vote made and carried.

Representative Skarphol: Based on our actions I'm assuming we still have the CGIS people that were added in the Senate and the transfer. We also have the four Medicaid fraud auditors. Virtually all the other FTE's have been removed. Is that correct?

Adam Mathiak, Fiscal Analyst, Legislative Council: That's correct. Your intent with the removal of the language in section 6 was also to remove the funding associated with it?

Representative Skarphol: Yes.

Adam Mathiak: You would be removing all those FTE positions that were funded through the oil and gas impact grant fund. That would be correct.

Representative Skarphol: The money would also get removed from section one as a result of that action; would it not?

Adam Mathiak: Yes.

Representative Boehning: Made a motion to adjust the health insurance.

Representative Hogan: Seconded the motion.

Voice vote made and carried.

Representative Boehning: Made a motion to remove $30,000.00 from the building feasibility study.

Vice Chairman Brandenburg: Seconded the motion.

Chairman Thoreson: What was that money for?

Kathy Roll: That money was designated for exploring the crime lab space. There have been several positions that have been added since that building was built and we're out of room.

Voice vote made and carried.

Vice Chairman Brandenburg: See attachment A.

Vice Chairman Brandenburg: Made a motion to move amendment 02002.

Representative Kempenich: Seconded the motion.

Voice vote made and carried.

Representative Skarphol: See attachment B.

Representative Skarphol: Made a motion to move amendment 02006.

Representative Kempenich: Seconded the motion.

Representative Glassheim: Are these the six that have been taken away from the university system?

Representative Skarphol: I think they removed 8.6 and this would add 6.

Representative Glassheim: This leaves no attorneys with the university system.

Representative Skarphol: That action took place in HB1003. This only adds 6 to the attorney general's office. The conference committee on HB1003 will have to resolve the issue if there's any left in higher education.

Chairman Thoreson: With the action that took place with HB1003; if we were not to adopt this there would be no attorneys at all. Correct?

Representative Skarphol: That's correct.

Representative Skarphol continued explaining his amendment.

Tom Trenbeath, Chief Deputy Attorney, ND Office of Attorney General: I think you're correct. With the overstruck language, the higher education would be in the same situation as most other agencies with the exception of the ones that are set forth with respect to getting legal services. They would have to obtain legal services through the attorney general's office. When an issue comes up that we don't have the specialty to handle, they would request a special assistant attorney general be appointed for those purposes.

Adam Mathiak: I can just confirm that on the green sheet for higher education and it shows 8.6 positions that were removed.

Representative Glassheim: Could we have some explanation of what section 4 means?

Tom Trenbeath: It's clear that the intent is that the attorneys that work with the attorney general's office are clothed with the authority necessary under federal law to view things that ordinary citizens would be denied.

Representative Skarphol: There are varying opinions with the legality of this but any attorney should be able to handle FERPA issues. They should know what is or is not private.

Representative Glassheim: This gives all the attorneys the right to redact.

Representative Skarphol: There's going to be the expectation that it's done right.

Representative Boehning: Are we sure now with the 41 FTE's that there will only be 35?

Adam Mathiak: There can only be one amendment associated with the bill; so by adopting these other amendments, we'll integrate all the components that you as the committee adopt. The language that would relate to the salaries and wages; we'd pull in the appropriated amounts that are associated with these 6 FTE positions. Your other actions to remove the oil and gas impact grant funding and those positions would also be reflected. It will all be combined into one amendment.

Voice vote made and carried.

Representative Vigesaa: On the Senate side they added the Medicaid fraud unit with 4 FTE's. I'm making a motion to remove the 4 FTE's and the funding for the Medicaid fraud unit and have that conversation in conference committee.

Representative Boehning: Seconded the motion.

Representative Hogan: I'm concerned about that. When we get to conference committee the Medicaid fraud unit will be in competition with all the other law enforcement positions

ahead. The consequences of not doing this Medicaid fraud unit are significant on the Medicaid program. I would hope that we could keep these positions; even if it was 2.

Chairman Thoreson: Are we still operating under a waiver right now?

Tom Trenbeath: Yes.

Representative Skarphol: My understanding was that the waiver is going away. What exactly are the consequences?

Tom Trenbeath: We have received communication that the waiver will not be renewed. Whether that happens and under what time frame, I can't tell you. I can't tell you what happens if we don't comply with that; unless there's some sort of a federal intervention.

Representative Skarphol: Does that require that we have a Medicaid fraud unit when that waiver disappears?

Tom Trenbeath: It would require that. If that would happen sometime after the session was over; it would be realistic to presume that the waiver would continue until the next session.

Representative Skarphol: What do you envision these four people doing? Are they going to be investigators, attorney's, auditors?

Tom Trenbeath: I think all three of those classifications would be appropriate.

Representative Skarphol: The requirement would be that it be in the attorney general's office?

Tom Trenbeath: I can't tell you that that's a requirement. It ordinarily is across the country.

Representative Hogan: The funding for this is how much federal and how much state?

Tom Trenbeath: It depends on who you speak with. My opinion is that it starts high and decreases; I think that you get to keep 90% of your recoveries for the first three years and then it drops to 75%.

Representative Hogan: In some ways Medicaid fraud can become an income producer. The administrative costs for the cost of the salaries are typically 90% and then you get to keep the recoveries also.

Tom Trenbeath: It can be.

Representative Boehning: How many employees do you have doing this currently?

Tom Trenbeath: We don't do any Medicaid fraud recovery at all.

Representative Hogan: This is two types of fraud. One type is consumer fraud where somebody applies to get eligibility. The bigger source of fraud in Medicaid is provider fraud; where a provider bills services not provided and there are big settlements in this. North Dakota hasn't been collecting on that.

Representative Skarphol: Adam were you involved in the discussion in the Senate when they did this?

Adam Mathiak: This isn't my assigned budget so no I was not.

Representative Skarphol: If it does generate revenue, does the revenue go to the general fund?

Tom Trenbeath: The revenue would go wherever the legislature directs it; but, by default it would be the general fund.

Voice vote made and carried.

Representative Boehning: On the last line item the increased federal funding for highway traffic safety equipment. What is that for?

Kathy Roll: That money is money we receive from the highway traffic safety administration; it's federal funds. We were to receive that money this biennium; but, the funding didn't come through in time. We're asking for it for next biennium. That's going to be used for a piece of equipment that detects drugs from urine and blood; and also a piece of equipment that separates DNA fragments into genetic profiles.

Representative Boehning: That will all be placed in the crime lab.

Kathy Roll: That's correct.

Chairman Thoreson: It wasn't included in the executive budget recommendation because you didn't think it was going to be coming this soon.

Kathy Roll: We thought it was going to be coming earlier.

Chairman Thoreson: The Senate put it in because of the timing.

Kathy Roll: That's correct.

Representative Skarphol: Do you have an average amount that you need operating expenses for each employee or does it vary depending the employee what you feel you need to have?

Kathy Roll: It varies by employee. We provided that information to you that showed by position how many operating dollars per position were needed.

Representative Skarphol: Made a motion to remove the funding for the employees that we removed.

Representative Boehning: Seconded the motion.

Voice vote made and carried.

Representative Skarphol: See attachment C.

Representative Skarphol: Made a motion to move amendment 02001.

Vice Chairman Brandenburg: Seconded the motion.

Voice vote made and carried.

Representative Vigesaa: Made a motion a motion to reduce the 10 undercover vehicles to six. Then take the three surveillance vehicles and change it to two and that would remove $100,000.00.

Representative Skarphol: Seconded the motion.

Voice vote made and carried.

Representative Skarphol: Made a motion for a "Do Pass as Amended."

Representative Boehning: Seconded the motion.

Roll call vote: 6 Yeas 2 Nays 0 Absent.

Representative Skarphol carried the bill.

Chairman Thoreson: Closed the discussion.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Government Operations Division
Medora Room, State Capitol

SB2003
4/9/2015
Recording Job# 25988

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.

Minutes:

"Click to enter attachment information."

Chairman Thoreson: Opened the discussion on SB2003.

Adam Mathiak, Fiscal Analyst, ND Legislative Council: Explained the language of lines 16 through 18 on page 7 of the bill.

Representative Skarphol: That would be number 5 on the amendment?

Adam Mathiak: That's correct.

Representative Skarphol: That should be restored in conference? It was inadvertently removed by the action of that language change.

Adam Mathiak: It just depended on what you wanted to do. It could be sorted out in conference committee.

Chairman Thoreson: On page 4 of the amendment it's item number 5 it's funding for tobacco enforcement. Is that correct?

Adam Mathiak: Yes.

Chairman Thoreson: Closed the discussion.

2015 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2003
4/10/2015
26032

☐ Subcommittee
☐ Conference Committee

Explanation or reason for introduction of bill/resolution:

Relating to the salary of the attorney general, the lottery operating fund, and the tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system; and to declare an emergency

Minutes:

Chairman Jeff Delzer: SB 2003 the Attorney Generals budget.

Representative Skarphol: Spoke on 15.8136.02007. On page 2, section 5 is an amendment to attempt to address the issue of our people who work at the crime lab having to spend time traveling and staying in various areas in the state away from their place of employment and where they really are accomplishing something by putting a little pressure on the district courts to ensure that it is really necessary for them to be there. The Supreme Court has now ruled that you cannot deny a defendant the opportunity to look the person in the eye that is testifying. Section 6 is an attempt to address the issue of the request for the Attorney Generals opinions and the length of time it takes to get them. This would give the Attorney General 30 days to acknowledge the receipt of the request and 60 days to respond to it. Section 9 subsection 4 is a result of the actions taken on by the EE subsection on the higher education budget. This adds the Assistant and Special Assistant Attorney Generals to represent the State Board of Higher Education and ensures that they are recognized as experts in FERPA (Family Educational Rights and Privacy Act). Page 4 subsection 1 the changes to health insurance premiums, subsection 2 adds six FTE's to address the Attorney Generals representing the State Board of Higher Education, subsection 3 goes through the removal of what was a section in the Attorney Generals budget which had a 24,947,354 dollar appropriation. It was 20,000 dollars in grant money and 19.5 FTEs in an effort to have a good discussion on which FTEs were absolutely necessary we removed them all and we think the conference committee with have that discussion probably at some length.

Chairman Jeff Delzer: It seems to me that in 1176 they went down to 10 million dollars for grant money?

Representative Skarphol: That is correct. In 1176 there is 10 million dollars grant money designated for law enforcement grants in the Attorney General's office that that we viewed as the money he would get for those law enforcement grants and we did take 750,000 dollars of that to give to human trafficking. Subsection 4 we removed the four Medicaid fraud individuals, because we want to have a discussion as to just exactly what is needed. As it says there is an attorney, an auditor, investigator and administrative assistant. There may be some potential there for some savings.

Chairman Jeff Delzer: A couple of years ago we had a legislative study on that and I don't know if you received a copy on the outcome of that or not.

Representative Skarphol: No, but we are the only state in the nation that has had a waiver and the Attorney General's office is predicting that that waiver is going to go away and when it does we are going to be expected to have a Medicaid fraud unit. In the case of South Dakota it did generate revenue and it was significant but it declines because as you expose fraud it begins to decline. Subsection 5 had some pretty broad language with regard to the Attorney Generals ability to access the tobacco funds. We felt it went far beyond where it should so we removed all but the last line in the section. Subsection 6 removed funding for a building feasibility study. They wanted 30,000 dollars to study the expansion the crime lab. Subsection 7 we reduced the onetime capital purchases to provide six of the ten undercover vehicles. Subsection 8 we left two out of the three surveillance vehicles. The total dollar change 25,610,000 dollars is that right Allen?

Allen Knutson: That's estimated income. 24,885,971 dollars is the total dollar change.

Representative Skarphol: That would be the substance of our amendment and I move amendment .02007.

Representative Boehning: Seconded

Representative Guiggisberg: In committee discussion was the reason you pulled the feasibility study because you don't think we need to study or we don't need the expansion of the building?

Representative Skarphol: We didn't think we needed to study the expansion of a building that we have no intention of building at this time.

Chairman Jeff Delzer: The tobacco settlement fund; did we remove that section of the bill that would give them authority to use all of the trust fund money?

Representative Skarphol: We removed everything in that section except the last sentence.

Representative Thoreson: If you go to the engrossed bill I believe it is starting on page 7 line 18.

Representative Skarphol: It is section 6 of the bill. We removed everything from line 14, starting with the law enforcement grants line item, through line 26. The only thing left is

"the Attorney General shall report to the budget section and to the appropriations committee of the 65th legislative assembly on the use of this onetime funding including the impact the grant funding has had on crime related activities."

Chairman Jeff Delzer: Section 11 on the engrossed bill is the one I am wondering about. It allows them to access the settlement funds for their legal fees and dealing with the tobacco settlement. I want to make sure that we took that out.

Representative Skarphol: We took out the new language in that section, 18 through 20. We were told that as a result of that we removed 200,000 dollars from his budget for the tobacco settlement. We are going to have to have a discussion about that money going back in in conference as well.

Knutson: If you look at the bottom of page 3 of the amendments, it says page 7 remove lines 7 through 30, that is taking out that tobacco settlement section.

Chairman Jeff Delzer: The issue of having litigation money for it there is one thing and we probably need to make sure there is some of that because they have come to the emergency commission a couple times and asked for some. We certainly don't want to open it up though so that it is just wide open there should always be a knowledge of what it is and we want to keep some sort of legislative insight as to what is going on there.

Motion to Adopt Amendment .02007
Motion made by Representative Skarphol.
Seconded by Representative Boehning.
Voice vote.
Motion carries.

Representative Skarphol: I move a Do Pass As Amended.

Representative Boehning: Second

Representative Bellew: The criminal justice information sharing, is that a new computer system?

Representative Skarphol: That was transferred from the ITT budget to the Attorney General's office because federal requires that to be under a law enforcement entity and ITT did qualify as such.

Representative Bellew: North Dakota lottery is 1.48 million dollar increase, is that for employees?

Representative Skarphol: That is the creation of a new game. The compact that we signed on gaming requires the gaming division to occasionally adopt new games.

Chairman Jeff Delzer: As I understand this allows them to use some of the lottery money to run that and to do that?

Representative Skarphol: If you are looking at the one that says provide funding for changes to the North Dakota lottery that is to create a new game.

Chairman Jeff Delzer: On the engrossed bill section 8, transfer of proceeds. This deals with operating fund going from 5,100 dollars to the state treasure from the compulsive gaming prevention and treatment fund. Did you guys have any discussion on that?

Representative Skaprhol: We did not discuss that necessarily.

Chairman Jeff Delzer: I would imagine that goes to DHS for compulsive gaming and I am wondering if DHS had an increase in compulsive gaming?

Representative Hogan: We did have discussion in hearing about that that is the contract for gambling assistance for the LSS. They manage all the gambling intervention services and I think that is where this contract comes from.

Chairman Jeff Delzer: Where is the money coming from? This is doubling the money and I don't know that we are against it I just want to know where it is coming from. I think it comes out of the lottery fund but I'm not sure.

Representative Skarphol: It says "except for monies in the lottery fund appropriated by the legislative."

Chairman Jeff Delzer: On the same token must have an effect on the bottom line of the general fund, because it goes there it's not going to go to the general fund. So that does cost the bottom line of the general fund another 200,000 dollars because it is quarterly. That is a pretty big amount do we have any kind of idea of what cost benefit analysis we are getting from Lutheran Social Services.

Representative Skarphol: We didn't discuss that aspect of it at all that I recall.

Chairman Jeff Delzer: We can go ahead and pass this but I would ask that you check in to that before the conference committee if you could and have a discussion about it. We do have money in DHS for compulsive gaming as well, do we not? Where does that money go?

Representative Pollert: We were actually going to pull 195,000 dollars of it but it was a transfer so it was actually even.

Chairman Jeff Delzer: We need to check into that.

Motion for a Do Pass As Amended.
Motion made by Representative Skarphol.
Seconded by Representative Boehing.
Total yes 19. No 4. Absent 0.
Motion Carries.
Floor assignment Representative Skarphol.

15.8136.02002
Title.

Prepared by the Legislative Council staff for
Representative Brandenburg
March 16, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, after "enact" insert "a new section to chapter 27-05 and"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses and to"

Page 4, after line 2, insert:

"**SECTION 8.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness."

Renumber accordingly

15.8136.02006
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Skarphol
March 25, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 4, after the first comma insert "54-12-08,"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general,"

Page 1, replace line 16 with:

"Salaries and wages	$34,806,462	$6,989,279	$41,795,741"

Page 1, replace line 18 with:

"Operating expenses	26,994,056	(1,023,961)	25,970,095"

Page 2, replace lines 5 through 8 with:

"Total all funds	$72,657,978	$36,381,698	$109,039,676
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$11,240,505	$48,516,033
Full-time equivalent positions	212.50	41.50	254.00"

Page 6, after line 30, insert:

"**SECTION 10. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$34,806,462	$40,303,241	$1,492,500	$41,795,741
Operating expenses	26,994,056	25,858,095	112,000	25,970,095
Capital assets	2,165,077	2,879,187		2,879,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507		24,815,507
Criminal justice information sharing		5,406,219		5,406,219
Total all funds	$72,657,978	$107,435,176	$1,604,500	$109,039,676
Less estimated income	35,382,450	60,523,643	0	60,523,643
General fund	$37,275,528	$46,911,533	$1,604,500	$48,516,033
FTE	212.50	248.00	6.00	254.00

Department No. 125 - Attorney General - Detail of House Changes

	Adds Funding for Higher Education Attorneys[1]	Total House Changes
Salaries and wages	$1,492,500	$1,492,500
Operating expenses	112,000	112,000
Capital assets		
Grants		
Litigation fees		
Abortion litigation fees		
Medical examinations		
North Dakota lottery		
Arrest and return of fugitives		
Gaming commission		
Accrued leave payments		
Law enforcement grants		
Criminal justice information sharing		
Total all funds	$1,604,500	$1,604,500
Less estimated income	0	0
General fund	$1,604,500	$1,604,500
FTE	6.00	6.00

[1] Adds funding for 6 attorney FTE positions to provide legal services to the Board of Higher Education and its institutions.

15.8136.02001
Title.

Prepared by the Legislative Council staff for
Representative Skarphol
March 5, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, replace "a" with "two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "attorney general opinions and"

Page 5, after line 6, insert:

"**SECTION 9.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Renumber accordingly

HB 4-10-15 1B6

15.8136.02007
Title.03000

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations Division Committee
April 9, 2015

Fiscal No. 2

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after the "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, to attorney general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08, and"

Page 1, line 4, remove ", and 54-27-25"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general, and"

Page 1, line 5, remove ", and the"

Page 1, line 6, remove "tobacco settlement trust fund"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$5,947,335	$40,753,797
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,444,463)	25,549,593
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$9,891,227	$82,549,205
Less estimated income	35,382,450	(468,838)	34,913,612
Total general fund	$37,275,528	$10,360,065	$47,635,593
Full-time equivalent positions	212.50	18.00	230.50"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,582,000
Total special funds	0	133,333
Total general fund	$376,100	$1,448,667"

Page 2, remove lines 25 through 30

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness.

SECTION 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 9. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys

to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 7, remove lines 7 through 30

Page 8, remove lines 1 through 18

Page 8, line 20, replace "Sections" with "Section"

Page 8, line 20, remove "and section 4"

Page 8, line 20, replace "are" with "is"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

Base	Senate	House	House

	Budget	Version	Changes	Version
Salaries and wages	$34,806,462	$40,303,241	$450,556	$40,753,797
Operating expenses	26,994,056	25,858,095	(308,502)	25,549,593
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507	(24,815,507)	
Criminal justice information sharing		5,406,219	(4,518)	5,401,701
Total all funds	$72,657,978	$107,435,176	($24,885,971)	$82,549,205
Less estimated income	35,382,450	60,523,643	(25,610,031)	34,913,612
General fund	$37,275,528	$46,911,533	$724,060	$47,635,593
FTE	212.50	248.00	(17.50)	230.50

Department No. 125 - Attorney General - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases[1]	Adds Funding for Higher Education Legal Staff[2]	Removes Funding for Oil Impact Law Enforcement Grants[3]	Removes Funding for Medicaid Fraud Unit[4]	Removes Funding for Tobacco Enforcement[5]	Removes Funding for Building Feasibility Study[6]
Salaries and wages	($180,687)	$1,487,982	($131,847)	($724,892)		
Operating expenses		112,000		(190,502)	(200,000)	(30,000)
Capital assets				(20,000)		
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants			(24,815,507)			
Criminal justice information sharing	(4,518)					
Total all funds	($185,205)	$1,599,982	($24,947,354)	($935,394)	($200,000)	($30,000)
Less estimated income	(15,201)	0	(24,456,308)	(841,855)	(200,000)	(30,000)
General fund	($170,004)	$1,599,982	($491,046)	($93,539)	$0	$0
FTE	0.00	6.00	(19.50)	(4.00)	0.00	0.00

	Reduces One-Time Funding for Undercover Vehicles[7]	Reduces One-Time Funding for Surveillance Vehicles[8]	Total House Changes
Salaries and wages			$450,556
Operating expenses			(308,502)
Capital assets	(88,000)	(100,000)	(208,000)
Grants			
Litigation fees			
Abortion litigation fees			
Medical examinations			
North Dakota lottery			
Arrest and return of fugitives			
Gaming commission			
Accrued leave payments			
Law enforcement grants			(24,815,507)
Criminal justice information sharing			(4,518)
	($88,000)	($100,000)	($24,885,971)

Total all funds Less estimated income	0	(66,667)	(25,610,031)
General fund	($88,000)	($33,333)	$724,060
FTE	0.00	0.00	(17.50)

[1] Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of $1,130.22 per month.

[2] Funding is added from the general fund for 6 FTE positions, related salary increases and health insurance increases ($1,487,982) and related operating expenses ($112,000) for providing legal services to the North Dakota University System.

[3] The funding shown below is removed for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

	FTE	General Fund	Other Funds	Total
New criminal investigators	(5.00)		($1,388,830)	($1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	($270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance			(220,710)	(220,710)
Total	(19.50)	($270,336)	($24,677,018)	($24,947,354)

[4] Funding for a Medicaid fraud unit is removed as shown below:

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	($72,489)	($652,403)	($724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	($93,539)	($841,855)	($935,394)

[5] Funding has been removed for tobacco enforcement and Section 12 has been removed, which amended Section 54-27-25 to allow tobacco settlement funding to be appropriated to the Attorney General for tobacco enforcement.

[6] Funding is removed from other funds for a building feasibility study.

[7] Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover vehicles approved by the Senate.

[8] Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate.

This amendment also:

- Removes a section to appropriate $1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Removes a section which provided an exemption from Section 54-44.1-11 for the amount

appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.

- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education.
- Removes the appropriation of $1 million from the general fund to the Attorney General from the emergency clause.

Date: April 8, 2015
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Skarphol Seconded By Rep Brandenburg

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To remove section 3. Motion carried

Date: April 8, 2015
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Skaptol Seconded By Rep Boehning

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To remove all language from section 6 except for the last sentence that begins on line 26.
motion carried.

Date: April 8, 2015
Roll Call Vote #: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Sharp Seconded By Rep Boehning

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Page 7 of Bill remove lines 18, 19, 20 - Motion carried

Date: April 8, 2015
Roll Call Vote #: 4

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Boehning Seconded By Rep Hogan

Representatives	Yes	No	Representatives	Yes	No
VOICE			VOTE		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Adjust health insurance - motion carried

Date: April 8, 2015
Roll Call Vote #: 5

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Boehning Seconded By Rep Brandenburg

Representatives	Yes	No	Representatives	Yes	No
VOICE VOTE			VOICE VOTE		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To restore $30,000.00 from building feasibility study.
Motion carried

Date: April 8, 2015
Roll Call Vote #: 6

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: 15.8136.02002

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Brandenburg Seconded By Rep Kempenich

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Motion Carried

Date: April 8, 2015
Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: 15.8136.02006

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Skarphol Seconded By Rep Kempenich

Representatives	Yes	No	Representatives	Yes	No
VOICE			VOTE		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

motion carried

Date: April 8, 2015
Roll Call Vote #: 8

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Vigesaa Seconded By Rep Boehning

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Remove 4 FTE's from medicaid fraud unit & funding - Motion carried

Date: April 8, 2015
Roll Call Vote #: 9

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Skaphol Seconded By Rep Boehning

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Remove funding for removed employees -
Motion Carried

Date: April 8, 2015
Roll Call Vote #: 10

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: 15.8136.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Sharphol Seconded By Rep Brandenburg

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

motion carried

Date: April 8, 2015
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Vigesaa Seconded By Rep Skaphol

Representatives	Yes	No	Representatives	Yes	No

VOICE VOTE

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

To reduce 10 undercover vehicles to 6 and remove $100,000.00 motion Carried.

Date: 4/8/2015
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB2003

House Appropriations - Government Operations Divison Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative Skarphol Seconded By Representative Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman Thoreson	x		Representative Hogan		x
Vice Chairman Brandenburg	x		Representative Glassheim		x
Representative Kempenich	x				
Representative Vigesaa	x				
Representative Boehning	x				
Representative Skarphol	x				

Total (Yes) 6 No 2

Absent 0

Floor Assignment Representative Skarphol

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

Date: 4/10/15

Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003

House: **Appropriations Committee**

☐ Subcommittee

Amendment LC# or Description: 15.8136.02007

Recommendation: ☑ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By: Skarphol Seconded By: Boehning

Representatives	Yes	No	Absent
Chairman Jeff Delzer			
Vice Chairman Keith Kempenich			
Representative Bellew			
Representative Brandenburg			
Representative Boehning			
Representative Dosch			
Representative Kreidt			
Representative Martinson			
Representative Monson			
Representative Nelson			
Representative Pollert			
Representative Sanford			
Representative Schmidt			
Representative Silbernagel			
Representative Skarphol			
Representative Streyle			
Representative Thoreson			
Representative Vigesaa			
Representative Boe			
Representative Glassheim			
Representative Guggisberg			
Representative Hogan			
Representative Holman			
TOTALS			

Voice Vote
Motion Carries

Floor Assignment: _____

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

Date: 4/10/15

Roll Call Vote #: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003

House: **Appropriations Committee**

☐ Subcommittee

Amendment LC# or Description: 15.8137.02007

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☑ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By: Skarphol Seconded By: Boehning

Representatives	Yes	No	Absent
Chairman Jeff Delzer		✓	
Vice Chairman Keith Kempenich	✓		
Representative Bellew	✓		
Representative Brandenburg	✓		
Representative Boehning	✓		
Representative Dosch		✓	
Representative Kreidt	✓		
Representative Martinson	✓		
Representative Monson	✓		
Representative Nelson	✓		
Representative Pollert	✓		
Representative Sanford	✓		
Representative Schmidt	✓		
Representative Silbernagel	✓		
Representative Skarphol	✓		
Representative Streyle	✓		
Representative Thoreson	✓		
Representative Vigesaa	✓		
Representative Boe	✓		
Representative Glassheim	✓		
Representative Guggisberg		✓	
Representative Hogan		✓	
Representative Holman	✓		
TOTALS	19	4	0

Floor Assignment: Skarphol

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

REPORT OF STANDING COMMITTEE

SB 2003, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after the "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, to attorney general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08, and"

Page 1, line 4, remove ", and 54-27-25"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general, and"

Page 1, line 5, remove ", and the"

Page 1, line 6, remove "tobacco settlement trust fund"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$5,947,335	$40,753,797
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,444,463)	25,549,593
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$9,891,227	$82,549,205
Less estimated income	35,382,450	(468,838)	34,913,612
Total general fund	$37,275,528	$10,360,065	$47,635,593
Full-time equivalent positions	212.50	18.00	230.50"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,582,000
Total special funds	0	133,333
Total general fund	$376,100	$1,448,667"

Page 2, remove lines 25 through 30

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness.

SECTION 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 9. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the

entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 7, remove lines 7 through 30

Page 8, remove lines 1 through 18

Page 8, line 20, replace "Sections" with "Section"

Page 8, line 20, remove "and section 4"

Page 8, line 20, replace "are" with "is"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$34,806,462	$40,303,241	$450,556	$40,753,797
Operating expenses	26,994,056	25,858,095	(308,502)	25,549,593
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507	(24,815,507)	
Criminal justice information sharing		5,406,219	(4,518)	5,401,701

Total all funds	$72,657,978	$107,435,176	($24,885,971)	$82,549,205
Less estimated income	35,382,450	60,523,643	(25,610,031)	34,913,612
General fund	$37,275,528	$46,911,533	$724,060	$47,635,593
FTE	212.50	248.00	(17.50)	230.50

Department No. 125 - Attorney General - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases[1]	Adds Funding for Higher Education Legal Staff[2]	Removes Funding for Oil Impact Law Enforcement Grants[3]	Removes Funding for Medicaid Fraud Unit[4]	Removes Funding for Tobacco Enforcement[5]	Removes Funding for Building Feasibility Study[6]
Salaries and wages	($180,687)	$1,487,982	($131,847)	($724,892)		
Operating expenses		112,000		(190,502)	(200,000)	(30,000)
Capital assets				(20,000)		
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants			(24,815,507)			
Criminal justice information sharing	(4,518)					
Total all funds	($185,205)	$1,599,982	($24,947,354)	($935,394)	($200,000)	($30,000)
Less estimated income	(15,201)	0	(24,456,308)	(841,855)	(200,000)	(30,000)
General fund	($170,004)	$1,599,982	($491,046)	($93,539)	$0	$0
FTE	0.00	6.00	(19.50)	(4.00)	0.00	0.00

	Reduces One-Time Funding for Undercover Vehicles[7]	Reduces One-Time Funding for Surveillance Vehicles[8]	Total House Changes
Salaries and wages			$450,556
Operating expenses			(308,502)
Capital assets	(88,000)	(100,000)	(208,000)
Grants			
Litigation fees			
Abortion litigation fees			
Medical examinations			
North Dakota lottery			
Arrest and return of fugitives			
Gaming commission			
Accrued leave payments			
Law enforcement grants			(24,815,507)
Criminal justice information sharing			(4,518)
Total all funds	($88,000)	($100,000)	($24,885,971)
Less estimated income	0	(66,667)	(25,610,031)
General fund	($88,000)	($33,333)	$724,060
FTE	0.00	0.00	(17.50)

[1] Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of $1,130.22 per month.

[2] Funding is added from the general fund for 6 FTE positions, related salary increases and health insurance increases ($1,487,982) and related operating expenses ($112,000) for providing legal services to the North Dakota University System.

[3] The funding shown below is removed for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

FTE	General Fund	Other Funds	Total

New criminal investigators	(5.00)		($1,388,830)	($1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	($270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance			(220,710)	(220,710)
Total	(19.50)	($270,336)	($24,677,018)	($24,947,354)

[4] Funding for a Medicaid fraud unit is removed as shown below:

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	($72,489)	($652,403)	($724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	($93,539)	($841,855)	($935,394)

[5] Funding has been removed for tobacco enforcement and Section 12 has been removed, which amended Section 54-27-25 to allow tobacco settlement funding to be appropriated to the Attorney General for tobacco enforcement.

[6] Funding is removed from other funds for a building feasibility study.

[7] Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover vehicles approved by the Senate.

[8] Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate.

This amendment also:

- Removes a section to appropriate $1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Removes a section which provided an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education.
- Removes the appropriation of $1 million from the general fund to the Attorney General from the emergency clause.

2015 CONFERENCE COMMITTEE

SB 2003

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/20/2015
Job # 26272

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Rose Laning

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General

Minutes: Attachment 1 - 5

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich (substituting for Boehning), Hogan

Senator Kilzer called the conference committee to order on SB 2003 and asked House to explain changes.

Chris Kadrmas, Legislative Council handed out the Base Level Funding Changes - Attachment 1

Rep. Skarphol: worked off amendment .02007 to walk through House Changes. (Attachment 2), I had asked the Attorney General to put up a prioritization list of the employees they request.
Page 2 - section 5: the Crime lab folks have to go to district court to testify. Leave them in crime lab to do what they are supposed to do. This section requires that district courts pay for the costs of having someone sit and wait to testify. We know that the Supreme Court has made a ruling for those folks to be available on video conference to testify - to save time away from employment.
Section 6 - issues regarding the length of time it takes to get opinions from AG - this section requires that the Atty. Gen. Acknowledge receipt of the request within 30 days and offer an opinion within 60 days.
Section 9 - page 3 subsection 4 - we are moving the attorneys out of higher education into AG office. This language would ensure they are recognized as Family Educational Rights and Privacy Act experts.
Page 4 - the dollar differences #1 health insurance changes in every budget

#2 added 6 attorneys that had been moved from higher ed. to AG office. They may need extra FTEs in that area.
#3 removes funding for oil impact law enforcement grants. It was $24M that we removed along with the FTEs. Law enforcement grants are provided for in the 1176, there is $9M left in there. Removed the Medicaid fraud unit because there has to be a discussion on it
#5 removed $200K for tobacco enforcement as a result of language that was removed
#6 removed $30K for feasibility study for a building we're not building.
#7 removed 4 of 10 undercover vehicles and 1 of 3 surveillance vans because we don't anticipate fully staffing all aspects that were requested
That summarizes all except one section, the tobacco language...

Senator Kilzer: in the transfer of attorneys from higher ed. to the AG's office.
One had to do with IP. Is that included with the 6?

Skarphol: on this particular sheet house removed the employees associated with the $24M. We kept: 1 program analyst, 2 legal staff, 1gaming staff, and 2 concealed weapons. It's the House's opinion that those 2 legal staff could be transferred to that higher ed. Group and 1 of them could be the IP attorney, to give him a total of 8 people. When the house removed the attorneys from the higher ed. budget they removed 8.6 and the AG said his need would be somewhat similar.

Senator Kilzer: 8.6 attorneys were taken out of higher ed. and 6 were put into AG office.

Rep. Skarphol: we feel it's important to get the IP attorney. Another action is the CJIS program that was in ITD and moved to AG because the federal government requires it be housed in a law enforcement agency. Three people working in CJIS were in ITD - 2 were in AG office paid for with special funds. That is 5 people of the CJIS team transferred to AG, I additional employee was added for a total of 6 in AG office. With the transfer of 6 attorneys and 6 CJIS, there are 12 in AG's office. We had left the 6 on this sheet that makes 18. The ones we removed were 19.5 plus 4. We have a request for 23.5 more. I understand the AG wishes, we don't get all we wish for.

Senator Kilzer: of the 23 out and 18 in are some reassigned to other duties?

Rep. Skarphol: 6 attorneys will stay, 6 CJIS will stay --- the other 6 are open to discussion as to their duties based on the AG priority list. Could we have the AG give us the list so we can discuss it from his perspective?

Wayne Stenehjem: Office of AG 2015-17 Biennium Position Prioritization - Attachment 3.
This is the priority list, some doesn't relate directly to FTE, that is the salary adjustments that we outlined for appropriations committees for our BCI agents and the gaming staff and that is what you see in blue at the top.
The white box are already in our office and their funding expired, 6.5 FTEs
The next white box are the FTEs that were in both houses budget, the listing in the peach box ,15, are law enforcement and are listed as a priority.
The next box with 2 positions is the criminal history ID techs., relate to all the criminal background checks that all legislation you have passed would require.
The green is the Medicaid fraud unit that the Senate passed and the House took out.

Skarphol: with regard to these employee numbers, the salmon colored box - Human trafficking - Cyber-crime, do you have anybody in a similar position in your office?

Wayne Stenehjem: Yes, we have others in internet crimes against children and human trafficking; these are 2 additional FTEs that would be assigned to the Williston and western ND area to deal with internet crimes against children and human trafficking.

Skarphol could we get another document with the current staff in these categories so we can see what it means, if it is going to double or triple it up.

Wayne: Yes , the Watford City, Williston, Dickinson, SE Criminal investigators are all new BCI agents in addition to the 42 that we have right now. The criminal intelligence analyst in addition to the 2 we have. The DNA forensic scientist in addition to the ones we already have.

Senator Kilzer do the 18 forensic scientists you have do the all do DNA analysis?

Wayne: no, some are toxicologists, trace, etc...

Skarphol: we want to have all that information.

Wayne: the criminal regulatory attorney is for additional prosecution assistance in western ND which state's attorneys have been asking for. A grants administrative assistant and a BCI word processing

Senator Kilzer the ones in peach were requested but left out by the House

Skarphol the 4 in the green box were left out.

Wayne - the criminal regulatory attorneys assist in prosecution of serious and difficult cases like homicide, drug cases, human trafficking, sex offenses, especially in rural smaller counties. They need an expert to help or take these cases for the local state's attorney... We have 2 in our office.

Rep. Kempenich: at what level does the US attorney gets involve in them?

Wayne Stenehjem: It is hard to tell, they have a protocol of the kind of cases they will take, when it rises to a certain level and certain amounts (in drug cases).

Skarphol the FBI is going to put some staffing in western ND. It would lighten your workload. Have you taken that into consideration in this request?

Wayne: Yes, I have another chart to show you, it shows what has happened with state assistance, local effort on law enforcement. Since 2008 law enforcement numbers have increased by 82%, with our staff increase by 13%. We are trying to get the numbers from federal agencies to see what they have done. We have to increase funding for public

safety. The higher ed. had 8 lawyers - House sent 6 to my office. The paralegals are not lawyers. I would assume that higher ed. had them already.

Rep. Hogan: In child care and fingerprints.... Did you access federal administrative reimbursement for those activities? funding?

Wayne: Yes, we're always looking

Senator Kilzer asked Legislative Council to put together list of bills (that are still alive) that have funding for these law enforcement FTEs, particularly the surge bill or similar, anything to do with this budget.

Kathy Roll, AG Office, handed out 2015 Legislative Bills with an impact on the Office of AG - Attachment 4.
2015-17 Biennium Budget Information - Attachment 5

Skarphol: one additional request: to check with higher ed. on staffing that was provided for those attorneys for auxiliary services.

Meeting adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/21/2015
Job # 26315

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Eva Liebelt for Rose Laning

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General

Minutes: Attachment 1 - 2

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Boehning (substitution - Brandenburg), Hogan

Legislative Council handed out NDUS - Legal and Internal Audit - Attachment 1
Kathy Roll, Attorney General's Office, handed out 2015-17 Biennium Budget Information - Updated Amounts 4/20/15 - Attachment 2

Senator Kilzer: Called the conference committee to order on SB 2003.

Kathy Roll, Attorney General's Office: Explained the FTE schedule on Attachment 2. It's an updated schedule.

Chris Kadrmas, Legislative Council: In regards to support staff or auxiliary staff that was associated with the attorneys, (Attachment 1). Those are the support staff that the attorneys utilize. (5:47-7:19)

Rep. Skarphol: With regard to the administrative assistants and the contract employee, that money was not removed from the budget?

Chris Kadrmas: It was not as I am aware of. I received this just this morning. This is from the higher education budget. It describes on the first page what was removed on the legal side and the internal audit side.

Kathy Roll: I was told that two of the administrative assistants were cut from the higher education budget.

Rep. Skarphol: They could have been.

Senator Kilzer: I'm totally new to this process of transfer of attorneys. Is there anything else policy wise that we need to know?

Wayne Stenehjem, North Dakota Attorney General: The University system has 8, the House approved it at but the one additional lawyer that does intellectual property would be added so it would go from 8 to 7.

Rep. Skarphol: We will probably make adjustments in that situation.

Senator Kilzer: The main issue is FTEs. I have not gone over all the numbers yet but did I hear that there was a prioritized list of restoration from the agency?

Rep. Skarphol: We were provided with a document that did provide a priority listing as furnished by the Attorney General.

Kathy Roll: That is correct and that excludes the transfer of the university systems employees.

Rep. Skarphol: With the transfer of CJIS, there was an addition of one FTE. If the priority is an investigator as opposed that CJIS employee, we are willing to go there. We'll give you the tools you need, to do the job there just needs to be some middle ground found that is acceptable on both sides of aisle.

Senator Kilzer: Talk about the listing of prioritization.

Kathy Roll: She said they did have vacancies and they have 38 working in this job description.

Rep. Skarphol: The money you have here is strictly for criminal investigators and currently you have 38 and you are asking for 2 more?

Kathy Roll: In terms of criminal investigators we are asking for a total of nine.

Rep. Skarphol: The net result would be 47 if you got what you wanted.

Kathy Roll: That is correct and the money is just for the criminal investigators

Rep. Skarphol: Asked about the funding source.

Kathy Roll: It is 85% general fund and 15% AG fund.

Chris Kadrmas: Said the budget status summary as of 4-17-15 was $48 million.

Kathy Roll: Addressed the positions that they are requesting and answered questions about the positions, FTE's. (16:55-28:16)

Rep. Hogan: Regarding the Medicaid fraud program would the money go to the department of human services or would it be allocated to your department?

Wayne Stenehjem: There is a percentage of the money that is collected when you find an example of Medicaid fraud that the state gets to keep. I am not sure what the balance between human services and the general fund would be.

Rep. Hogan: Typically welfare fraud programs have paid for themselves and in the collections you get back from federal payments they become very self-sufficient.

Senator Kilzer: Asked if Medicaid fraud much different than Medicare fraud?

Kathy Roll: The largest suits are from provider fraud.

Wayne Stenehjem: We run the risk of feds saying we're not letting you by with the waivers. We do participate from time to time in multi-state operations of this nature and do get a little bit back and most goes back to DHS. They continued to discuss Medicaid fraud and the money that is returned to the state. (30:15-35:34)

Rep. Skarphol: Said that he needs to get more information from Legislative Council. We're amenable to some number of these employees. We inadvertently take out $200,000 that was tobacco settlement money and that will go back.

Senator Kilzer: Is the stimulus funding all gone and the people who worked for three or four years gone?

Kathy Roll: The positions that were funded by ARA were converted to be funded from the general fund.

Senator Kilzer: Anything else before we adjourn? We will be adjourned.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/22/2015
Job # 26368

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Rose Dening

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General

Minutes: Attachment 1 - 2

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Senator Kilzer: The main item seems to be FTEs, there were a large number proposed and large number removed. The situation in the west seems to be a big question - if needs are met. One thing I'm fuzzy about - situation of other bills and are there FTEs in the SURGE bill, in HB 1176 or any other bills? So this is really a standalone bill as the agencies only hope for being able to meet the needs that are before them. I was impressed with the figures that since the year 2008 when the boom began that local political subdivisions and their law enforcement units have increased dramatically, almost doubled in some cases, the increase in personnel in this budget is under 20% and points out the needs but you have to realize that local political subdivisions, be it the county, town, or township level, depends upon the state and law enforcement people and those out in the field. I've heard comments from House side that they've done some deep cuts. Lack of much increase, not there have been increases but not as much as desired.

Rep. Skarphol - Chris has something for us.
Attorney General Budget #125 SB 2003, HB 1269 - Attachment 1.
Attorney General Budget #125 - House Bill # 1003, 1302, 1358 - Attachment 2)
We've had discussion about where we're willing to go. In the last go around of law enforcement grants there were provisions for the Attorney General to keep 10% of money for grants. In our discussions, preliminarily, we feel that there is $900,000 remaining in the law enforcement grant category for the AG to use for personnel.

Chris Kadrmas, Legislative Council: If I can direct your attention to the top of the two documents the difference between the two is for the 2011-2013 biennium and the other one is the 2013-2015 biennium and these come out of the after action documents that we publish, what it does is show you the increases in the FTEs that were provided for both biennium. If you look at the 2011-2013 it was increase of 1.5 FTEs and those pertain to concealed weapons and some changes to law that revolved around mental illness. If you look at the 2013-2015 document there was an increase of 9.5 and those pertained to a programmer analyst, one was an assistant attorney general for the department of trust lands, one was an administrative assistant for sex offender registry, half FTE for admin assistant regarding concealed weapons and the changes from law, two criminal investigators for the western area, one criminal investigator for organized crime, one administrative assistant in the western area, one administrative assistant for uniform crime reporting and one forensic scientist for synthetic drugs. If you look at page D-12 of the document there will be a little bit more detail. There were FTEs that were funded by federal stimulus funds and they were funded through other sources.

Senator Kilzer: These are the FTE increases during each of the last two biennium and the amount of money, both general and special funds, is department wide?

Chris Kadrmas: Yes across the entire department.

Rep. Skarphol: This is the result of that request.

Senator Kilzer: Most of the requested increases relate to law enforcement. Are these separated?

Chris Kadrmas: The only increases were the investigators in 2013-2015 biennium.

Senator Kilzer: None in the previous biennium

Chris Kadrmas: No, only administrative assistants.

Senator Kilzer: Wasn't there stimulus money for additional personnel?

Chris Kadrmas: On the 3rd page - D 12. There were 7 FTE positions that were funded as to the break out, I don't know if they were law enforcement positions. For the 2013-2015, the funding sources changed the positions, the positions weren't added.

Kathy Roll, Financial Administrator, Attorney General's Office: The stimulus FTEs that were added were legislature approved; I believe that there were two forensic scientists, a couple administrative, 2 or 3 criminal investigators. We had money that carried into 2013.

Rep. Skarphol. We don't need to dwell on these documents. This is just information on our discussion going forward. We consider going to $2,500,000 general fund dollars to fund positions. I'd like the AG to show us what they'd fund with this money. What would you fund? I think southwest North Dakota get a BCI agent. We need to assure the emergency.

Senator Kilzer: Were you aware of the $900,000 that was in the bill.

Rep. Skarphol: This is a recent discussion we have been having about where we are going to find the money for the officers that the attorney general use for his office and rest into various political subdivisions.

Senator Kilzer: Where is the $2,500,000 now?

Rep. Skarphol: As compared to the $4,400,000 that would be put into personnel from our perspective as compared to the $4,400,000 we took out. We would like to see what that would buy us and what the AG's opinion is on what the most imperative needs for his agency are.

Senator Sorvaag: Are you including the higher ed attorneys?

Senator O'Connell: My figures - what's difference between House and Senate.

Rep. Skarphol: We have a couple more meetings at least and would like to see what that would buy.

Rep. Kempenich: You have that colored sheet. The priority list is on there. How far down the priority list.

Senator Kilzer: Is there money in 1176.

Rep. Skarphol: Not for employees, but what we are offering is that the AG could use the $9,000,000 for personnel for his own office. The intent of the House is that he doesn't have to give the whole amount to political subs. We are getting close to bewitching hour. I do have an amendment that I would like to hand out and have you think about it for the next meeting.

There was no further discussion and Senator Kilzer closed the conference committee meeting on SB 2003.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/23/2015
Job # 26386

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Eva Liebelt

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General

Minutes: Attachment 1 - 2

Legislative Council - Chris Kadrmas
OMB - Becky Keller
Conferees: Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Kathy Roll handed out Office of Attorney General 2015-17 Biennium Position Prioritization, Revised 4/23/15 - Attachment 1.

Senator Kilzer: Called the conference committee to order on SB 2003.
Said they talked about the differences in the two proposals and Representative Skarphol talked about an idea he had. I wanted to hear the response from the department regarding the proposal.

Wayne Stenehjem: Said they were asked to indicate what they would do if provided with $3.4M additional from the House position which would be $900,000 from the local oil impact grants and $2.5M from the general fund. He addressed the attachment 1. (:48-3:15)

Representative Hogan: Medicaid fraud is not on there.

Wayne Stenehjem: No our position is to make a study out of that and if the feds come in we can say we're working on it. If you want to go that route that eliminates 4 FTEs. (3:21-4:05)

Senator Kilzer: Said when he is looking at the chart, if it is the peach colored area and the dark area that goes through there.

Wayne Stenehjem: Said that they would be able to fund above that line and the special funded are indicated in the green area. He continued to answer questions about the handout. (4:18-6:26)

Kathy Roll: In the yellow box, the CJIS analyst is already in the House version of SB 2003, as is the four positions in the green self-funded box. (6:27-7:02)

Senator Kilzer: This 32.5 in the older version is no longer accurate then? How many should it be because the House did include them?

Kathy Roll: Comparing the two charts. She said that 13.5 would be out excluding the Medicare fraud unit. She continued to answer questions in regard to the handout and what was left in and what was taken out.

Senator Sorvaag: The only ones not included at this time would be 8-13 in the peach box and the gaming auditor and the criminal history technician. The rest are in the whole process somewhere already.

Chris Kadrmas: Both the Senate and House versions included the FTE for gaming staff, which I was to believe was the auditor. So would you want to continue that position?

Wayne Stenehjem: We do because we asked for them in the first place and the Governor and Senate approved them but they are below the line.

Senator Kilzer: So as it left the House the general fund money had been pulled out but the FTE is still there?

Chris Kadrmas: No the FTE was carried over as was funding.

Representative Skarphol: He addressed what they asked to be left in and addressed what the handout was showing. He also stated that he had agreement with the House leadership to fund those positions above the line. As far as he is concerned there is a deal on them. (11:39-14:05)

Senator Kilzer: Asked if he was talking about the line that goes through the peach area.

Representative Skarphol: Everything above leadership has agreed to. We understand then that the yellow and the green are in. The ones to talk about are in the bottom half of the peach box. (14:06-14:30)

Wayne Stenehjem: You also need to address the criminal history identification technicians.

Representative Skarphol: The DNA forensics scientist. Does the Senate feel that's a higher priority? (14:50-15:42)

Senator Kilzer: To the staff, how many DNA scientists do you have now?

Wayne Stenehjem: When it comes to the backlog it is the most serious area. The average wait for DNA case is 180 days. Every prosecutor and every court wants information sooner than that. It takes a couple three weeks per case.

Kathy Roll: There are 6 DNA scientists at the crime lab and this would be 7.

Representative Hogan: If we don't authorize the childcare background check positions what would happen with that process?

Wayne Stenehjem: It takes so long to process. The numbers that have been added are too many for our current staff.

Senator Kilzer: Asked if in any of the positions charged fees for the services and if any are self-sustaining.

Kathy Roll: For the criminal history checks we do charge and those funds go into the general fund and in terms of the forensic scientist that work is paid by the state.

Representative Skarphol: Is the revenue received that goes to the general fund sufficient to cover the cost of those two FTEs?

Kathy Roll: It is. She talked about the agencies that had provisions in their budgets to pay for that and which ones are covered by the general fund. (21:26-22:35)

Senator Kilzer: Said that they have come across this in other budgets and when services are demanded by law, they charge a fee now but it's ¼ of the actual cost. He said he thinks that more of those services should be borne by the agency or individual that benefits from it.

Representative Skarphol: If you had a choice what would you take?

Wayne Stenehjem: The additional requirements of the additional background checks were not something I had asked for, what I asked for were the items in the salmon box. Legislature is demanding things we need to do and if they are law, we have to do it.

Senator Sorvaag: You're asking for two and if you got one would that be workable?

Wayne Stenehjem: Our experience showed one ID tech can do 4000 background checks and you added 8,100 and that would take two.

Representative Skarphol: Restating where they are at the moment. (28:07-29:31)

Wayne Stenehjem: Said that there were a couple of areas where they would be getting money back. (29:32-31:05)

Senator O'Connell: Said that these positions are extremely important positions and that they need to have a boost. He doesn't see how they retain anybody with those salaries. It is a matter of safety.

Representative Skarphol: I floated this notion and got some pushback. In discussion, nearly every agency has salary roll-up money. We would authorize up to $1M but as you accumulate salary roll-up that has to offset.

Representative Skarphol: Shared what they were willing to do for discussion.

Wayne Stenehjem: Said he wants to do right by his agents who are working hard doing whatever they need to do. (34:11-34:26)

Representative Skarphol: You don't have any roll-up to amount to anything in this biennium right? In the event that they can't fill the position they would use roll-up?

Kathy Roll: Correct.

Senator O'Connell: That is where I was coming from to put a couple in there that don't get filled.

Representative Skarphol: You mentioned the study, are you going to get language that is needed? Emergency clauses we need to make sure we have that on the attorneys for higher education.

Senator Sorvaag: Said the emergency clause would be needed on the BCI agents and asked if that was the intent?

Wayne Stenehjem: We can start that process once we know what the numbers are.

Representative Hogan: Said she was passionate about Medicaid fraud. She said she was wondering if she could secure the entire non-federal share for welfare fraud if they could implement the program. (36:51-37:22)

Senator Kilzer: Is it a federal match?

Representative Hogan: It's a 90-10 match. If the money was available we could do pilot project for 2 years.

Representative Skarphol: Said he liked the idea but to do it in a fashion, that whatever general fund dollars are generated, are set aside to be used by the next legislative session for the continued funding of the program.

Wayne Stenehjem: Said the one caution he would have, is that they are missing the false claims act in North Dakota. You would have to be able to enforce a law and we don't have that law. They continued to discuss the idea. He said it would be wise to get the medical community on board first.

Representative Hogan: Perhaps we should draft language about a study with implementation kinds of issues. With language to implement in the 2nd year if we have a comprehensive plan with all the systems involved and if non general funds can be found as matching.

Wayne Stenehjem: I'd need a false claims law to enforce.

Representative Kempenich: I think we are looking at the next session. You could put emergency clause on it if you wanted to get it running during the course of the next session. We won't get any support mid-stream.

Representative Skarphol: Can we have that study so the medical community has to be part of it?

Wayne Stenehjem: If you have interim committee and you look at establishing the unit and enacting a false claims act, you don't have to ask the medical community to come in and give their thoughts.

Representative Skarphol: We do want them to come in with a good attitude. If MMIS shows fraud to a significant level they ought to have vested interest in being part of the solution. How do we accomplish that?

Representative Kempenich: You mentioned Medicaid fraud and that is part process. That will bring them in.

Senator Kilzer: This is not new to the medical community. Medicare has had this for a long time. For the most part larger clinics and other providers are interested in doing it right.

Representative Skarphol: Are you able to draft the language?

Chris Kadrmas: The AG is reassuring him that would be best.

Representative Skarphol: One other issue is the attorneys for the higher education division. He said they didn't have anything for the support staff for the attorneys so they put something together.

Wayne Stenehjem: There are 8 lawyers in the NDUS system, the current status of the legislation is that six lawyers will be transferred to the AG office. He understood they are willing to add one back in. (49:24-49:59) 2015 House Bill 1003 - NDUS information 4/21/15 - Attachment 2

Kathy Roll: She went over attachment 2. (50:12-50:59)

Wayne Stenehjem: This is less then is being spent on higher education now.

Representative Kempenich: As of this morning everything is moved from higher education.
The IP attorney moved and he was told all the legal stuff had been moved.

Wayne Stenehjem: My understanding is that they eliminated it from the higher education budget and they are expecting this committee to pick that up.

Representative Skarphol: Said maybe they could have one of your senators confer with Senator Holmberg and find out what they did do.

Senator Kilzer: Senator Sorvaag will verify those things. Our time is up.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/24/2015
Job # 26404

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Carrie Wiring

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General.

Minutes: Attachments 1 - 5

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Senator Kilzer called the conference committee to order on SB 2003.

Senator David Hogue, District 34: Handed out amendment 15.8136.02010 - Attachment 1 and the State/Three Affiliated Tribes Agreement - Attachment 2. After our three hour debate on the floor over the oil extraction tax rate and how that would impact our agreement with the Three Affiliated Tribes and I did not think that was the best place to introduce this subject. I want to introduce it and make this conference committee aware of the issue. It is a critically important issue to the state of North Dakota. I think it is something that we have been glossing over and overlooking for a long time. It relates to the compact between the state of North Dakota and the Three Affiliated Tribes. The reason for that agreement is that we don't double regulate this industry. We have one set of taxes and we have one set of regulations and then we share in the tax revenue. We split it 50/50 with the tribe. That is the way that agreement is supposed to work. The only exception for that is what I have highlighted for you in numbered paragraph 9 of the agreement which says that the tribe can impose a $100,000 per well fee on each new well that is spudded within the reservation. That is the lone exception to this concept that we are not going to double regulate or tax and we are going to allow this industry to efficiently develop the play on the reservation. (Refers to Tribune Article in attachment #2) There was discussion that they wanted $10 million per mile for this easement to run this pipeline. I have talked to the Attorney General and apparently it was not $10 million but it was a lot of money. The tribe rejected that. They wanted to put a tariff and they want to tax every gallon/cubic foot that

runs through the pipeline in direct contravention of the agreement we have with the tribe. I copied the article because the timing of this violation was just exquisite. It came up at an Industrial Commission meeting last Tuesday. It squarely puts the spotlight on an ongoing problem which is that they are not living by agreement. They look for opportunities to impose taxes, tariffs, and regulations that will bring them increased revenue wherever they can. So far, I think our Industrial Commission has been pretty hands off with that, but I don't think it will always be that way. I spoke to the Deputy Attorney General and the Attorney General that are both here and the Attorney General said that in this particular case, a case that is referenced in the newspaper, it worked out for the best because the company found a work-around. I submit that we need to equip our Attorney General with the resources because I don't think this problem will go away. I think there will come a point in time where we want to address this squarely and the agreement provides that we address it in the federal district court for the western district in North Dakota. That time will come. That is the reason I am offering that amendment for your consideration.

Senator Kilzer: Why do you feel this would be best place to put this amendment rather than going back to the people who made the agreement or in some other budget?

Senator Hogue: Traditionally, when we need to equip the state with resources to litigate an issue, we have done it with the Attorney General's budget. Yesterday when Senator Triplett was talking about the agreement - maybe it could have gone on HB 1476 but 1476 had so many other issues I just didn't think that was the best way to go. I think the Attorney General's budget is the place for this.

Representative Kempenich: I am not against it. The people sitting here went through last session and they know what the battles were. We went through SB 2226 this go around and some days I get frustrated with what goes on but truthfully I am not against it.

Representative Skarphol: If we put it on this budget today and there is further discussion that takes place, they can always take it off on OMB if the leadership decides it is not the right thing to do. It is a case of whether we want to put it on here or leave it for them to put on in their discussions on OMB.

Senator Kilzer: I think this is an item that we can think about over the weekend. Representative Skarphol do you have up to date figures for us?

Representative Skarphol: I did ask Kathy Roll, Becky, Chris to take a look at the FTE issue. I keep getting asked by our leadership where we are at with the FTEs? I think they have some information for us.

Kathy Roll: See Attachment 3 for the Office of AG 2015-17 Biennium Position Prioritization - revised 4/24/15 10:00 AM. (Explained the attachment.)

(11:29)Senator Kilzer: Is there a quick reference to compare these in the various budgets?

Representative Skarphol: I believe that Becky has something on that.

Becky Keller: See Attachment 4. (Explained the attachment.)

(13:40)Senator Kilzer: So, the only FTE's that are out are the one gaming FTE and the four fraud unit people. Is that correct?

Becky Keller: That's what it looks like to me.

Representative Skarphol: Every time we meet about these FTE's we get a different handout and it makes it more confusing every time. I wish we would stick with one of them and work off of that one. I would like us to constantly reference this one if we could. When I look at the line that's yellow, we legislatively mandated those five. That is not something that was optional. If you drop down to the nine number for the legal transfer, we legislatively mandated that and we legislatively mandated the two so they are kind of off the table. We have passed bills saying that is going to happen. They are really somewhat irrelevant in the conversation other than that we need to make sure that the money followed the employees. In the CJIS project there were two people in the Attorney General's office and three in ITD. So really the five number is a bit deceiving other than there are going to be five FTEs in the Attorney General's office. Three of them are new from ITD but all five of them need to be paid for. We need reassurance that the money came out of ITD appropriately.

Senator Kilzer: The next thing probably is the money. Can you tell us anything about that?

Representative Skarphol: Based on the latest analysis from the Attorney General's office, I think she referenced a figure of $5 million.

Senator Sorvaag: I think it stated we're at $5.3 million. I don't see it totaled on sheet but that was what was stated.

Representative Skarphol: I think you made an assessment later that we're going to have to let this work over the weekend. That is what I need to do. I need to think about it. I passed out the amendment for the Medicaid fraud study (Amendment 15.8136.02011 - Attachment 5) I guess we are pretty much in agreement that is the path we want to go down. Do you need a motion to approve the study?

Senator Kilzer: That would be fine.

Representative Skarphol: Moved amendment 15.8136.02011.

Representative Kempenich: Seconded.

A Roll Call vote was taken. Yeas: 6 Nays: 0 Absent: 0

Motion Carried.

Senator Kilzer: We will think over the weekend on the rest of this. Adjourned the meeting.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003
4/27/2015
Job # 26422

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Carrie Wininger

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General.

Minutes: Attachments 1 - 2

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Senator Kilzer called the conference committee to order on SB 2003. All committee members were present. I would like to talk about the amendment by Senator Hogue appropriating $300,000 to the Attorney General to get compliance. I have reviewed that and I'm not in favor of adding this to the bill and so I would ask for a roll call vote for a do not pass for Senator Hogue's amendment.

Representative Skarphol: I don't necessarily disagree with you. I think we should have a little more time to evaluate that. If the leaders want to do it, they can do it on the OMB budget in the end.

Representative Kempenich: The problem is that there have been a lot of liberties taken up there outside of the compact. They did get the $100,000 per site. I will support it just because, but it should have been in the bill earlier so it could be discussed.

Senator Kilzer: The motion is for a do not pass on accepting this.

A Roll Call Vote Was Taken: 4 yeas, 2 nays, 0 absent.

Senator Kilzer: Senator Hogue Amendment will not be considered. (Returned to the appropriation.)

Representative Skarphol: I asked Chris to put together document that would be easier for us to work from. (See Attachment 1). Half way down on the left side there is a number that is $3.682 million. I believe that is reflective of the salaries for the positions that we have been trying to work our way through. Most anything below that is something that was mandated by other actions. With the CJIS move I have a comment on the business analyst position that fell in to place between ITD and Attorney General's office in my mind. If there were a desire to take that one out and add something in I would be willing to discuss it. And then we have the issue of salary adjustment dollars to still resolve.

Senator Sorvaag: Under existing CJIS employees, I thought we were going to stay with the 5 but it shows that the conference committee is now at 3.

Representative Skarphol: The reason for that is that there are already two in the Attorney General's office so we are actually only adding 3. That's a reflective number there.

Senator Kilzer: I'd like the agency's reaction to this if possible; on the $3.682 million.

Wayne Stenehjem: I'll tell you what I'd do if I got my way. We still have an issue with some of the salmon positions that are not included; that would be the Dickinson criminal investigator and the additional SLIC position. My hope would be that we would at least add the criminal intelligence analyst. With respect to the Dickinson area, I'd be willing to give that up if you are amenable to the salary realignment. They would come up equal so that we would have a total of $1.276 million for the salary realignment, of which $260,000 would come from the unexpended oil impact grant from last biennium and then to that maximum, you would subtract any rollup that we were able to accrue. I did get some push back from the gaming division for not funding the additional position they had made. They're taking 5 - 7 years between audits and that is a real problem for them. Sometimes it is 5 years after they do an audit that they are able to come back and see if there was any compliance with the terms of the audit. Otherwise we are willing to live with the budget you have for the next two years. The victim advocate we had indicated was something that was important but that is something that I would propose that we use the funding in SB 2199 plus the potential that we have because the federal Congress did finally pass their human trafficking act. It has funding for local grants. It is only $30 million nationwide, but we think we are able to show the need for some of that funding. If we could roll those up we'll contract for services through those other programs.

Representative Skarphol: Are you willing to trade the business analyst in CJIS for that Dickinson office?

Wayne Stenehjem: I would not prefer to do that. The CJIS folks are so overwhelmed with the work that they have. The top issue at this point is the salary adjustment. That is a critical piece to the whole puzzle.

Representative Skarphol: As far as rollup, you have had opportunity to think about that since our last discussion, do you have any idea of what it may amount to?

Wayne Stenehjem: We don't because of what happens with the rollup. It depends on how soon we advertise for the new position, how soon they are able to come on board, whether

we get them tested, and get their background checks. At least for some of them there will be so rollup but how much it will be is hard to say. It is mostly logistical issues and it's hard to hire in two months.

Representative Kempenich: On the victim advocacy, you can do that now cant you?

Wayne Stenehjem: With the funding in SB 2199 and authority that we have to accept federal grants, we think we would have the authority to utilize that.

Senator O'Connell: What would be wrong with dropping that line down more? We have heard the needs and stuff out there. I do not think it would be that big of a deal to drop down one more line and do the criminal person in Dickinson.

Representative Skarphol: we do have a number in mind as an upper limit.

Senator O'Connell: We have flexibility.

Representative Skarphol: I understand that we still have some flexibility. I am just thinking in terms of the classification and salary alignment as part of it. There is also $270,000 for the gaming audit staff that is still floating.

Wayne Stenehjem: The salary realignment for gaming, we will be able to take that from Attorney General refund fund. We just had a nice settlement with some telephone companies and there's more money that the state of North Dakota will realize and that will go to the refund budget and that is $270,000. At least for this biennium it would fund the salary realignment for gaming. We never know what will be in the refund fund because it depends on the settlements.

Representative Skarphol: So we could call that a onetime.

Wayne Stenehjem: You could.

Representative Kempenich: How close are we running the gaming division?

Wayne Stenehjem: There are fees that are collected because we audit the Indian casinos and that is about 15% of the whole budget. In addition to that there are the taxes that are collected and paid by gaming entities. That is far more than what it costs to run the gaming division. It is millions.

Senator Sorvaag: I would propose to add position #10, the SLIC, and skip the Dickinson areas the Attorney General had requested and then we go the full amount on the salary enhancement. With $250,000 coming from the impact carry over. That would be $1 million more there.

Representative Skarphol: So that everyone fully understands, you are suggesting #10, giving the $270,000 for the gaming audit salary that is reflected on the bottom, and then you want to go with full $1.276 million salary adjustment? Would you be amenable to the $250,000 being a onetime and that any rollup must reduce the remaining dollar amount?

In having discussion with our chairman and he is really having issues with all of the salary adjustments that we have done for this office over the years and he asked when's it going to end. It keeps raising that bar higher and higher. Being a little judicious is not all bad.

Senator Sorvaag: I'd be comfortable with that.

Senator Kilzer: I thought about this over the weekend and that position would be satisfactory with me. That is motion in front of us. **Moved by Representative Skarphol and Seconded by Senator Sorvaag. (#10 position, the SLIC officer, the criminal intelligence analyst, the $270,000 as one-time money for gaming audit and then the full $1.276 million of which $250,000 would come from unexpended oil impact grant money, and the balance of that amount would be available but any rollup in this agency would be utilized in lieu of that to the extent possible.)**

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent.

Motion Carried.

Representative Skarphol: See Attachment 2 for a proposed amendment. It is in regards to the racing dates across the state. It is to divide the number of days available between Fargo and Belcourt. Right now, the way that it stands, all of the dates go to Belcourt and it is felt by the person who had this amendment drafted that the Fargo racing community deserves at least a little bit of the time and consideration since they have cleaned up their act according to him. I do not claim to know anything about racing. I was just asked to bring this forward.

Senator Kilzer: Was this in separate bill that was defeated?

Representative Skarphol: Not to my knowledge. I think it was a decision that was made and then it has been lying out there.

Representative Kempenich: I understand that when we went through the racing budget there was not any discussion on this and then when it came out a couple weeks ago on how racing commission put the schedule together and the Fargo track felt like they got slighted on this and they have put some effort to clean it up and the feeling was that this should be a broader discussion than what it sounded like it was.

Senator Sorvaag: This got addressed to me because the track is in my district. I am not sure. They have cleaned up their act but they have an awful lot of problems. If we're just playing games to delay a day that is inevitable to come with that racetrack anyway. I presume that we will look at the final amendments one more time. I would like to digest this. I know what this is about. The racing commission decided not to have racing in Fargo after everything had been done. This request was made to me to put on the racing commission budget and I declined to do it. The issues are big and adding one or two days of racing maybe will be fun but it doesn't' do anything to solve any problems. I don't know the answer. I wouldn't resist the amendment, but am not a big fan of it.

Senator O'Connell: I've been involved with this since day 1 when they stole the racing from Bottineau and half of them from Belcourt. I have fought them from day 1. It's going to take a bigger shovel and bigger truck to clean this one up.

Senator Kilzer: This will be indefinitely postponed. When can you show us the amendments Chris?

Chris Kadrmas, Legislative Council: I could shoot for later this afternoon. It is a large budget to get through.

Senator Kilzer: When your work is completed I'd like to schedule another.

Representative Skarphol: Section 9 that is relative to the length of time that the Attorney General has to issue and opinion. The Attorney General seems to have some discomfort with the language there.

Senator O'Connell: He wants shorter time?

Representative Skarphol: I move we take out Section 9. I'd like to make it 120 rather than 60 days.

Wayne Stenehjem: Our average time for issuing an Attorney General's opinion is 66 days. There are some that take longer. It is important to recognize that this is not something that someone comes in and off the head they tell them what they think the law is. 5 lawyers always review these opinions because they are controlling until a court rules otherwise and very often it is controlling forever because these cases rarely get to the court. It's critical for the work that we do to be given the amount of time we think we need to issue a thorough, adequate, and well researched opinion. Some people come in and add more information and that will increase the period of time that it takes. Everyone gets a notification letting them know that we received a request for an opinion and then it just takes the time that it takes to do them thoroughly.

Representative Skarphol: I don't remember getting acknowledgement of my request.

Wayne Stenehjem: I'll check that. Part of our protocol is that when we get a request it is logged into our system I get a copy put into my notebook and then a letter goes out to the person making a request. If something fell through the cracks I will certainly check.

Representative Skarphol: I handed it to your deputy October 2nd. It is nearly 210 days and I have heard nothing.

Wayne Stenehjem: I will check into that.

Senator Kilzer: How many days would you like to see?

Representative Skarphol: 180 would be good.

Chris Kadrmas: With the changes to the dollars, the House would have to recede to the Senate's amendment, and that being the case, Section 6 doesn't exist in the Senate's amendment so the whole section would have to be moved - not just the change.

Representative Skarphol: That would also include the language relative to the assistant attorney and special attorney generals?

Chris Kadrmas: That is correct.

Representative Skarphol: And also Section 5 - relative to the state crime lab expert?

Chris Kadrmas: That is correct.

Representative Skarphol: I move to recede from the House amendments and further amend to make all of the changes in the budget that we've discussed and add back Sections 5 and the language in Section 9; Section 9 with the 180 day limit rather than 60 day limit.

Senator O'Connell: Seconded.

Senator Kilzer: I don't like making these policy changes in appropriations. Is there any other discussion?

Representative Kempenich: Most of this was already there. I think the only one would be the 180 days because the Senate hasn't voted on either one of the policy parts of it or what we talked about. That's on the House side. Was that an issue of discussion - the policy?

Senator Kilzer: I don't know.

Representative Kempenich: The back part on Section 10 was basically dealing with the board of higher ed.

Representative Skarphol: Section 10 is relative to the fact that when some redaction was needed to be done to emails from the University System, it was concluded by the university system that the attorneys in Attorney General's office were not eligible under federal law to do that redaction. That section would make them eligible, which in fact they should have been all along.

Senator Kilzer: We are going to have to be upstairs for floor session so we'll have to close it and schedule it as soon as we can.

Becky Keller, OMB: What version of the amendment are you looking at?

Representative Kempenich: It's the House version.

Senator Kilzer: Adjourned the conference committee on SB 2003.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003 - 3:30 PM
4/27/2015
Job # 26434

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Doris E Peiz for Rose Laning

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General

Minutes: Attachment 1 - 2

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Senator Kilzer: called the conference committee to order on SB 2003.
This morning we were talking about the tobacco settlement portion of this bill. The Senate version had $200K for anticipated actions that might be required to make the tobacco settlement agreement to go as it is supposed to. The House took it out. Should we leave out or put it back in?

Rep. Skarphol: we would put it back in, but not with the blanket language that was there before.

Chris Kadrmas: one of language changes was brought to include the works " legislative assemble appropriated" or "legislatively appropriated", it currently states "appropriated" and the only one who can do that is the legislative assembly, so it wouldn't really restrict that per se but you can potentially put cap on the amount. It is in the Senate version - 2000 version or the marked up 1004 version. It is going to be section 11 subsection 1

Skarphol: I move to put it back in with $200,000 appropriated
Hogan seconded

A Roll Call vote was taken. Yea: 6 Nay: 0 Absent: 0

Chris Kadrmas, Legislative Council handed out Base Level Funding Changes agreed upon- it includes all the items the committee talked about and essentially approved: Attachment 1 All the FTEs on worksheet are included, with the addition of number 10, the intelligence analyst. There was a change on 1.5 attorneys, there was a reduction in federal funds that were received and an increase in general fund dollars.
Worksheet included the intellectual properties attorney in the NDUS area, it was included here so the committee was aware that it is in the AG's office and has been appropriated to them in HB 1003. Also added was special funds authority for that same position to allow the AG to use funds that are charged to universities for various legal items. CJIS - in both bills we included the transfer of 5 FTEs, which now has been reduced to a transfer of 3 because two are already in their office. There has been a reduction for those 2 FTEs in the office, in special funds authority they will now be funded thru the general fund. This also includes one new CJIS employee. Included is onetime funding for targeted equity. There is $270K for gaming audit staff, from the AGs refund fund. There is $1,276,301 for targeted equity for criminal investigators. $250,000 for carry over from previous law enforcement grants from the 13-15 biennium. $1,026,301 from the general fund. There are salary rollup dollars that reduced the general fund portion of this. A section currently requires that they will report to budget section but this will adjusted so that the AG office will report to OMB and OMB will report to budget section.

Skarphol: with regard to adjustments made on IP attorneys - the 1.5 attorneys. The difference of $83K, is that included here or not?

Chris Kadrmas: Yes, it was $27,800 roughly increase, provided by the AG office. Total $83,000 some difference, it is in the amendment.

Senator Kilzer: we could have Kathy Roll (AG office)

Kathy Roll (AG office) I made a mistake when we added the two positions together - only a portion was federal funds and I included it in general funds, of which $783 is from the general fund, a decrease of app $56K federal funds. I have Attachment 2.

Senator Kilzer: we are somewhat familiar with it, any questions?

Chris Kadrmas: with the higher education legal staff FTE- center of 1st page of document- the House provided 6 attorneys, along with 2 administrative staff. There was an adjustment in the amount of funding necessary for all positions in that entire section.

Skarphol: - one of 8 is IP attorney?

Chris Kadrmas: No, the IP attorney is authorized in HB 1003, so that is 9 positions total

Skarphol: on the same line, under other funds, $438061 that is the special funds they can charge back to the university system? Services for AG work for the university.

Kathy Roll: one of the conference committees you received a schedule showing the amount of 8 attorneys and administrative assistants for 13-15. Later on 2nd or 3rd page, it

had 13-15 with no salary increases. On schedule 2 of the attorneys were funded 70% by campus assessments, those moneys were never taken out of HB 1003.

Skarphol: are you still considering them as available funds from the campuses on a similar pattern as what they had before? Are you doing assessments against campus?

Kathy: this is so we don't have to do assessment, but have the money transferred to our budget.

Senator Sorvaag: where is the IP attorney?

Chris Kadrmas: It's in HB 1003 the attorney and the funding

Senator Kilzer: can be confusing because higher ed. is 1003 and this budget is 2003.

Chris Kadrmas: on page two, added a section that explains the target equity, the funding sources and explains the money from the general fund. The AG shall use roll up dollars. They will report to OMB, OMB to budget section, at least twice.
On page three, senate version, the information on oil impact grants was removed, sections 6 and 7. Section 5, House version, was carried regarding reimbursement for state crime lab experts. Section 6 made adjustments, section 7 Conference committee version - adjusted the 120 days, make that 180 days. Sections 8,9,10 carried over from House and Senate version into the conference committee version.

Skarphol: - could we have the AG address section 8, that is a lot of money to go into the compulsive gambling program. Did you verify the appropriateness of that increase?

Wayne: when the lottery was first established it was agreed a portion of the money would go for compulsive gambling. This is a direct pass through from gaming revenues. The amendment did not come from the AG office; all we do is write a check. The original amount was established by legislative determination.

Hogan: do you know the last time it was increased?

Wayne: it has not increased since the lottery was started.

Wayne: the money goes to Human Services, the contract other social services.

Kempenich: Doesn't do any good to report here, should be to human services.

Chris Kadrmas: last page of document. No change to section 11, the AG salaries. Section 12 was the tobacco settlement fund would not adjust; the $200K hasn't changed in either version. Section 13 repeals the Criminal Justice Data Information technologist it hasn't changed in either version. Section 14 there is a change to include Subsection 4 of section 10, related family education and privacy act. Referenced that subsection specifically in order to allow the university system attorneys to work until when it transitions to the AGs office.

Senator Kilzer: any questions?

Senator Sorvaag: we had some discussion on opinion of AG for 180 days, any action on it?

Skarphol: I'd go 180 if that's what committee prefers.

Senator Kilzer: is there a minimum or maximum, at this time neither.

Skarphol: there is an expectation. I move House recede from amendments and further amend as presented by Kris, with a180 days' timeline.
It was seconded (no name)

Roll call vote 3-3; does not pass; meeting closed.

2015 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2003 - 6:30 PM
4/27/2015
Job # 26438

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature Carrie Wilhelm for Rose Laning

Explanation or reason for introduction of bill/resolution:

A BILL for an ACT to provide an appropriation for defraying the expenses of the Attorney General.

Minutes: Attachment 1

Legislative Council - Chris Kadrmas
OMB - Becky Keller

Conferees:
Senators Kilzer, Sorvaag, O'Connell
Representatives Skarphol, Kempenich, Hogan

Senator Kilzer called the conference committee to order on SB 2003. All committee members were present. At the close of the last half hour we talked about Attorney General's opinions and their timing. The Senate had said no to 180 days, and in the interest of moving out this bill I think we'll allow the 180 days. Are there any other ideas that need to be in that section?

Representative Skarphol: There are a couple of other things that popped into the situation. One of them has to do with that money that we discussed briefly on the pass thru on the Attorney General that increases from $50,000 per quarter to $100,000 per quarter. That amendment appeared in the Senate and I would like a little bit of background on it. I asked Chris to see what he could find out about it.

Chris Kadrmas: There was no carrier of the amendment listed.

Representative Skarphol: On the House side we'd like to see that reduced somewhere at least. Maybe we can meet somewhere in the middle between $50,000 and $100,000 per quarter if the Senate is amenable to that. That is a pretty significant bump to go from $400,000 to $800,000 for contracted services. I talked to Maggie Anderson at the Department of Human Services and they knew nothing about it. They will just pass it through and they are not going to bother to re-bid it.

Senator Kilzer: Where did the change/amendment come from?

Chris Kadrmas: It came from the Senate.

Senator Kilzer: Who did it? I don't recall it.

Wayne Stenehjem: I believe it was Lisa Vick with Lutheran social services and she is the person that has worked largely with the issue of compulsive gambling. She had come in and visited with me and I made it clear that we only raise the money and then disburse the funding as the legislature directs. They apparently talked to the Senators and discussed the need for that increase and it had been some years since it had been increased. My biggest concern is to make sure that everyone understood that problem gambling is not as a result of the Powerball lottery. I do recall that when the lottery was first instituted in North Dakota it was agree that the Powerball mega millions are not the cause of it but that is the source from which they thought they would get the money that they needed. Apparently they convinced the Senate that was the appropriate amount. It didn't come out on the House side. I do know they provide reports to the Department of Human Services.

Senator Kilzer: So the request was not in your agency budget and it was added in the Senate Appropriation Committee?

Representative Skarphol: With that in mind, I would like to meet in the middle at $75,000 a quarter.

Senator O'Connell: This is "sometime" that I don't remember.

Representative Skarphol: Moved 180 days on the Attorney General's opinion and changing the other item to $75,000. Also, referencing the $438,061 that are assessments paid for by the non-research campuses for their legal costs, and this language would require that he report any fees charged to a campus in excess of campuses assessments. (Attachment 1)

Representative Hogan: (Asked if Representative Skarphol would be willing to go to $80,000 and he agreed.) **Seconded the motion.**

Senator Kilzer: Is that defined someplace? This is kind of a trigger when you exceed a certain threshold. (Asked Chris if he had the changes.)

Chris Kadrmas: Yes. We have changed the time requirement to 180 days. We changed Section 8 - the continuing appropriation from $50,000 to $80,000 in lieu of $100,000. Then we have the language on Attachment 1.

Senator Kilzer: Is the campus assessment for legal fees a defined amount of money someplace?

Representative Skarphol: It has been in the past and I am assuming since that number was used that it was anticipated to be the same in this particular situation. This is kind of a trigger that kicks in when you exceed a certain threshold. I do not remember all of the

numbers but if I am correct Minot State and Science were $39,000 each and Williston was $12,000. There were various numbers in between depending on the number of personnel on the campus - not students.

A Roll Call vote was taken. Yea: 6 Nay: 0 Absent: 0

Wayne Stenehjem: I think we have made a successful case to explain the seriousness of law enforcement. Criminal activity in North Dakota and the budget you have provided is something that is going to show that the legislature has indicated and understands the problem and is equal to the task and has decided that it is going to make public safety and law enforcement a top priority. I think your budget reflects that you have done that and I want to personally thank you very much.

Senator O'Connell: Moved that the House Recede from the House Amendments and Further Amend with prior agreed upon amendments.

Representative Kempenich: Seconded.

A Roll Call vote was taken. Yea: 6 Nay: 0 Absent: 0

Motion Carried.

Senator Kilzer: Closed the conference committee on SB 2003.

Prepared by the Legislative Council staff for
Representative Skarphol
April 23, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1434-1438 of the Senate Journal and pages 1576-1580 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 7, after the semicolon insert "to provide for a legislative management study;"

Page 8, after line 19, insert:

"**SECTION 13. LEGISLATIVE MANAGEMENT STUDY - MEDICAID FRAUD UNIT.** During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of establishing a medicaid fraud unit in the state. The study must include a review of the requirements for and the estimated costs and benefits of developing a medicaid fraud unit as well as any statutory requirements and changes necessary for the realization of the full benefit of a medicaid fraud unit. As part of the study, the legislative management shall seek input from the medical community, the department of human services, and any other relevant professions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

15.8136.02010
Title.

Prepared by the Legislative Council staff for
Senator Hogue
April 23, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 4, after line 2, insert:

"**SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $300,000, or so much of the sum as may be necessary, to the attorney general for the purpose of seeking compliance by the Three Affiliated Tribes with that portion of the agreement with the state under chapter 57-51.2 providing that "The Tribes agree to impose no additional tax or fees on any oil and gas exploration or production activity or interest within the Reservation, except for the one-time $100,000 fee . . . ", for the biennium beginning July 1, 2015, and ending June 30, 2017."

Renumber accordingly

15.8136.02013
Title.05000
Fiscal No. 2

Prepared by the Legislative Council staff for
Conference Committee
April 28, 2015

SBC 4/28/15 1 of 8

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1434-1438 of the Senate Journal and pages 1576-1580 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, attorney general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08,"

Page 1, line 5, after the second comma insert "assistant and special assistant attorneys general,"

Page 1, line 7, after the semicolon insert "to provide a report to the budget section; to provide for a legislative management study;"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$8,709,679	$43,516,141
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,002,737)	25,991,319
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Law enforcement	0	3,887,386	3,887,386
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$16,982,683	$89,640,661
Less estimated income	35,382,450	518,335	35,900,785
Total general fund	$37,275,528	$16,464,348	$53,739,876
Full-time equivalent positions	212.50	36.50	249.00"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Target equity criminal investigators	0	1,276,301
Target equity gaming audit staff	0	270,000
Computerized business projects FTE	178.100	0

Total all funds	$376,100	$3,128,301
Total special funds	0	653,333
Total general fund	$376,100	$2,474,968"

Page 2, replace lines 25 through 30 with:

"**SECTION 3. TARGETED MARKET EQUITY FUNDING - LIMITATIONS - SALARY SAVINGS - REPORT TO BUDGET SECTION.** Of the funds appropriated in the salaries and wages line item in section 1 of this Act, $270,000 is one-time funding from the attorney general refund fund for providing targeted market equity to gaming audit staff and $1,276,301 is one-time targeted market equity funding for criminal investigators, including $250,000 provided from carryover funds due to the exemption in section 5 of this Act, and up to $1,026,301 from the general fund. The attorney general may spend the general fund amount under this section only to the extent that salary savings resulting from vacant positions and employee turnover are not sufficient to provide the $1,026,301 authorized for targeted market equity from the general fund. The attorney general shall report to the office of management and budget and the office of management and budget must report to budget section in September 2015 and September 2016 regarding the amount of salary savings used to reduce funding needed from the general fund and to report on the number and duration of vacant full-time equivalent positions."

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 6.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided under sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness."

Page 4, line 27, replace "One hundred" with "Eighty"

Page 5, after line 6, insert:

"**SECTION 8.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within one hundred eighty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be

written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 10. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 8, after line 18 insert:

"SECTION 13. CAMPUS ASSESSMENTS - REPORT TO BUDGET SECTION. The attorney general shall report to the budget section by September 30, 2016, regarding any fees charged to a campus in excess of the campus assessments listed below for legal fees charged by the attorney general.

Bismarck state college	$38,377
Lake region state college	17,796
Williston state college	12,530
University of North Dakota	0
North Dakota state university	0
North Dakota state college of science	39,346
Dickinson state university	17,615
Mayville state university	16,949
Minot state university	39,709
Valley City state university	17,494
Dakota college at Bottineau	11,804
Total	$211,620

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - MEDICAID FRAUD UNIT. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of establishing a medicaid fraud unit in the state. The study must include a review of the requirements for and the estimated costs and benefits of developing a medicaid fraud unit as well as any statutory requirements and changes necessary for the realization of the full benefit of a medicaid fraud unit. As part of the study, the legislative management shall seek input from the medical community, the department of human services, and any other relevant professions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Page 8, line 20, replace "Sections 3" with "Section 4"

Page 8, line 20, after "and" insert "subsection 4 of"

Page 8, line 20, replace "4" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House

Salaries and wages	$34,806,462	$40,303,241	$3,212,900	$43,516,141	$40,753,797	$2,762,344
Operating expenses	26,994,056	25,858,095	133,224	25,991,319	25,549,593	441,726
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187	2,671,187	
Grants	2,373,947	1,762,659		1,762,659	1,762,659	
Litigation fees	50,000	50,000		50,000	50,000	
Abortion litigation fees	400,000	400,000		400,000	400,000	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota lottery	4,133,821	5,282,778		5,282,778	5,282,778	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming commission	7,368	7,490		7,490	7,490	
Accrued leave payments	1,057,247					
Law enforcement grants		24,815,507	(24,815,507)			
Criminal justice information sharing		5,406,219	(4,518)	5,401,701	5,401,701	
Law enforcement			3,887,386	3,887,386		3,887,386
Total all funds	$72,657,978	$107,435,176	($17,794,515)	$89,640,661	$82,549,205	$7,091,456
Less estimated income	35,382,450	60,523,643	(24,622,858)	35,900,785	34,913,612	987,173
General fund	$37,275,528	$46,911,533	$6,828,343	$53,739,876	$47,635,593	$6,104,283
FTE	212.50	248.00	1.00	249.00	230.50	18.50

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases[1]	Adds Funding for Higher Education Legal Staff[2]	Adds Funding for New Criminal History Identification Technicians[3]	Removes Funding for Existing Criminal Justice Information Sharing FTE[4]	Removes Funding for Oil Impact Law Enforcement Grants[5]	Adds Funding for Law Enforcement Positions[6]
Salaries and wages	($180,687)	$2,794,709	$242,892	($333,576)	($131,847)	
Operating expenses		286,082	67,644			
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants					(24,815,507)	
Criminal justice information sharing	(4,518)					
Law enforcement						3,887,386
Total all funds	($185,205)	$3,080,791	$310,536	($333,576)	($24,947,354)	$3,887,386
Less estimated income	(15,201)	438,061	0	(333,576)	(24,456,308)	162,688
General fund	($170,004)	$2,642,730	$310,536	$0	($491,046)	$3,724,698
FTE	0.00	8.00	2.00	(2.00)	(19.50)	16.50

	Removes Funding for Medicaid Fraud Unit[7]	Removes Funding for Building Feasibility Study[8]	Adds One-Time Funding for Targeted Equity[9]	Reduces One-Time Funding for Undercover Vehicles[10]	Reduces One-Time Funding for Surveillance Vehicles[11]	Total Conference Committee Changes
Salaries and wages	($724,892)		$1,546,301			$3,212,900
Operating expenses	(190,502)	(30,000)				133,224
Capital assets	(20,000)			(88,000)	(100,000)	(208,000)
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants						(24,815,507)
Criminal justice information						(4,518)

sharing						
Law enforcement						3,887,386
Total all funds	($935,394)	($30,000)	$1,546,301	($88,000)	($100,000)	($17,794,515)
Less estimated income	(841,855)	(30,000)	520,000	0	(66,667)	(24,622,858)
General fund	($93,539)	$0	$1,026,301	($88,000)	($33,333)	$6,828,343
FTE	(4.00)	0.00	0.00	0.00	0.00	1.00

[1] Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of $1,130.22 per month.

[2] Funding from the general fund is added for 8 FTE positions (6 attorneys and 2 administrative assistants), related salary and health insurance increases ($2,794,709) and related operating expenses ($286,082) for providing legal services to the North Dakota University System. The House version provided 6 attorney FTE positions related salary increases and health insurance increases ($1,487,982), and related operating expenses ($112,000) for providing legal services to the North Dakota University System.

[3] Funding from the general fund is added for 2 new criminal history identification FTE positions, related salary and health insurance increases ($242,892) and related operating expenses ($67,644). The Senate and House versions did not include these FTE positions.

[4] Funding of $333,576 of special funds is removed relating to 2 criminal justice information sharing (CJIS) FTE positions that were transferred from the Information Technology Department because the positions already existed in the Attorney General's office. These positions will now be paid from the general fund. This adjustment provides for a transfer of 3 FTE from the Information Technology Department for CJIS. The Senate and House version transferred 5 FTE positions.

[5] The funding shown below is removed for oil impact law enforcement grants, the same as the House version. The other funds include $24,164,271 from the oil and gas impact grant fund. See note 5 for conference committee adjustments.

	FTE	General Fund	Other Funds	Total
New criminal investigators	(5.00)		($1,388,830)	($1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	(270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance		(220,710)		(220,710)
Total	(19.50)	($491,046)	($24,456,308)	($24,947,354)

[6] The funding shown below is added for law enforcement positions.

	FTE	General Fund	Federal Funds	Total
New criminal investigators	8.00	$2,357,841		$2,357,841
New intelligence analysts	3.00	443,608		443,608
New assistant Attorney General	1.00	134,655	162,688	297,343
New assistant Attorney General	1.00	192,550		192,550
New administrative assistant	1.00	127,580		127,580
New grants administrative assistant	1.00	127,580		127,580
New forensic scientist	1.00	177,761		177,761
New attorney	0.50	163,123		163,123
Total	16.50	$3,724,698	$162,688	$3,887,386

[7] Funding for a Medicaid fraud unit is removed as shown below, same as House version.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	($72,489)	($652,403)	($724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	($93,539)	($841,855)	($935,394)

[8] Funding is removed from other funds for a building feasibility study, the same as the House version.

[9] Funding for targeted market equity as shown below is added. $250,000 in other funds is from carryover funds for criminal investigators and $270,000 in other funds is from the Attorney General refund fund. A section is added directing the Attorney General to reduce the general fund amounts appropriated for the 2015-17 biennium by any FTE roll-up dollars that become available during the 2015-17 biennium, and the Attorney General must report to budget section regarding those amounts.

	General Fund	Other Funds	Total
Criminal investigators	$1,026,301	$250,000	$1,276,301
Gaming audit staff		270,000	270,000
Total	$1,026,301	$520,000	$1,546,301

[10] Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover vehicles approved by the Senate, the same as the House version.

[11] Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate, the same as the House version.

This amendment also:

- Removes a section to appropriate $1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions, the same as the House version.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20 million is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas, the same as the House version.
- Removes a section which provided an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium, the same as the House version.
- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption, the same as the House version.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General, which requires notification within 30 days and the opinion to be completed in 180 days. The House version required the opinion to be completed in 60 days.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education, the same as the House version.
- Adds a section requiring the Attorney General to report to Budget Section regarding any fees charged to a campus in excess of the campus assessment for legal fees charged by the Attorney General by September 30, 2016.
- Amends Subdivision a of Section 53-12.1-09 to provide a quarterly transfer of $80,000 from the lottery operating fund to the compulsive gambling prevention and treatment fund. The Senate and House versions provided a $100,000 transfer.
- Retains the section allowing the Attorney General to spend funds, as appropriated, from the tobacco settlement trust fund. The House had removed this section.

- Adds a section for a Legislative Management study for a Medicaid fraud unit. Neither the Senate nor the House version included this study.
- The emergency clause was amended by the conference committee to include Subsection 4 of Section 54-12-08.

Date: 4/23/2015
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken

☐ **SENATE accede to House Amendments**
☐ **SENATE accede to House Amendments and further amend**
☐ **HOUSE recede from House amendments**
☐ **HOUSE recede from House amendments and amend as follows**

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Moved amendment 15.8136.02011 - a study for Medicaid fraud

Motion Made by: Rep. Skarphol Seconded by: Rep. Kempenich

Senators				Yes	No		Representatives				Yes	No
Kilzer				X			Skarphol				X	
Sorvaag				X			Kempenich				X	
onnell				X			Hogan				X	
											X	
Total Senate Vote				3			Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-27-15
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☐ **HOUSE recede from House amendments and amend as follows**

- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

DO NOT Pass on Sen. Hogue's Amendment 15.8136.02010

Motion Made by: Kilzer Seconded by: Sorvaag

Senators				Yes	No	Representatives				Yes	No
				X						X	
				X							X
					X					X	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: 4 No: 2 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-22-15
Roll Call Vote #: 2

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☐ **HOUSE recede from House amendments and amend as follows**

- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

#10 position (SLIC) #270 onetime gaming audit & balance - any rollups in lieu of extend of fever

Motion Made by: Skarphol Seconded by: Sorvaag

Senators				Yes	No	Representatives				Yes	No
				X						X	
				X						X	
				X						X	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-27-15
Roll Call Vote #: 3

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

& add back section 5 + 10 180 day rather Than 60 day limit

Motion Made by: Skarphol Seconded by: O'Connell

Senators				Yes	No	Representatives				Yes	No
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: _____ No: _____ Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

went to recess

Date: 4-27-15
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☐ **HOUSE recede from House amendments and amend as follows**

- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

put language back in + $200,000

Motion Made by: Skarphol Seconded by: Hogan

Senators				Yes	No	Representatives				Yes	No
				X						X	
				X						X	
				X						X	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: _____ No: _____ Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-27-15
Roll Call Vote #: 2

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken

- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☒ **HOUSE recede from House amendments and amend as follows**

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

w/ 180 days timeline

Motion Made by: Krabbel Seconded by: Kempenich

Senators				Yes	No	Representatives				Yes	No
					X					X	
					X					X	
					X					X	
Total Senate Vote						Total Rep. Vote					

Vote Count Yes: 3 No: 3 Absent: _____

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

failed

Date: 4-27-15 6:30pm
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☐ **HOUSE recede from House amendments and amend as follows**

- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

time requirements to 180 days, $438,000 assessments, Section 8 – $80,000/qtr gambling

Motion Made by: Skarphol Seconded by: Hogan

Senators				Yes	No	Representatives				Yes	No
Kilzer				X						X	
Sorvaag				X						X	
O'Connell				X						X	
Total Senate Vote				3		Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Date: 4-27-15 6:30pm
Roll Call Vote #: 2

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. 2003 as (re) engrossed

Senate Appropriations Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☐ **HOUSE recede from House amendments**
- ☒ **HOUSE recede from House amendments and amend as follows**
- ☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: O'Connell Seconded by: Kempenich

Senators				Yes	No	Representatives				Yes	No
Kilzer				X		Skarphol				X	
Sorvaag				X		Kempenich				X	
O'Connell				X		Hogan				X	
Total Senate Vote				3		Total Rep. Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Kilzer House Carrier Skarphol

LC Number 15.8136 . 02013 of amendment

LC Number 15.8136 . 05000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2003, as engrossed: Your conference committee (Sens. Kilzer, Sorvaag, O'Connell and Reps. Skarphol, Kempenich, Hogan) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1434-1438, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1434-1438 of the Senate Journal and pages 1576-1580 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, attorney general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08,"

Page 1, line 5, after the second comma insert "assistant and special assistant attorneys general,"

Page 1, line 7, after the semicolon insert "to provide a report to the budget section; to provide for a legislative management study;"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$8,709,679	$43,516,141
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,002,737)	25,991,319
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Law enforcement	0	3,887,386	3,887,386
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$16,982,683	$89,640,661
Less estimated income	35,382,450	518,335	35,900,785
Total general fund	$37,275,528	$16,464,348	$53,739,876
Full-time equivalent positions	212.50	36.50	249.00"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Target equity criminal investigators	0	1,276,301
Target equity gaming audit staff	0	270,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$3,128,301
Total special funds	0	653,333
Total general fund	$376,100	$2,474,968"

Page 2, replace lines 25 through 30 with:

"**SECTION 3. TARGETED MARKET EQUITY FUNDING - LIMITATIONS - SALARY SAVINGS - REPORT TO BUDGET SECTION.** Of the funds appropriated in the salaries and wages line item in section 1 of this Act, $270,000 is one-time funding from the attorney general refund fund for providing targeted market equity to gaming audit staff and $1,276,301 is one-time targeted market equity funding for criminal investigators, including $250,000 provided from carryover funds due to the exemption in section 5 of this Act, and up to $1,026,301 from the general fund. The attorney general may spend the general fund amount under this section only to the extent that salary savings resulting from vacant positions and employee turnover are not sufficient to provide the $1,026,301 authorized for targeted market equity from the general fund. The attorney general shall report to the office of management and budget and the office of management and budget must report to budget section in September 2015 and September 2016 regarding the amount of salary savings used to reduce funding needed from the general fund and to report on the number and duration of vacant full-time equivalent positions."

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 6.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided under sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness."

Page 4, line 27, replace "One hundred" with "Eighty"

Page 5, after line 6, insert:

"**SECTION 8.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within one hundred eighty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 10. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 8, after line 18 insert:

"**SECTION 13. CAMPUS ASSESSMENTS - REPORT TO BUDGET SECTION.** The attorney general shall report to the budget section by September 30,

2016, regarding any fees charged to a campus in excess of the campus assessments listed below for legal fees charged by the attorney general.

Bismarck state college	$38,377
Lake region state college	17,796
Williston state college	12,530
University of North Dakota	0
North Dakota state university	0
North Dakota state college of science	39,346
Dickinson state university	17,615
Mayville state university	16,949
Minot state university	39,709
Valley City state university	17,494
Dakota college at Bottineau	11,804
Total	$211,620

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - MEDICAID FRAUD UNIT. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of establishing a medicaid fraud unit in the state. The study must include a review of the requirements for and the estimated costs and benefits of developing a medicaid fraud unit as well as any statutory requirements and changes necessary for the realization of the full benefit of a medicaid fraud unit. As part of the study, the legislative management shall seek input from the medical community, the department of human services, and any other relevant professions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Page 8, line 20, replace "Sections 3" with "Section 4"

Page 8, line 20, after "and" insert "subsection 4 of"

Page 8, line 20, replace "4" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	$34,806,462	$40,303,241	$3,212,900	$43,516,141	$40,753,797	$2,762,344
Operating expenses	26,994,056	25,858,095	133,224	25,991,319	25,549,593	441,726
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187	2,671,187	
Grants	2,373,947	1,762,659		1,762,659	1,762,659	
Litigation fees	50,000	50,000		50,000	50,000	
Abortion litigation fees	400,000	400,000		400,000	400,000	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota lottery	4,133,821	5,282,778		5,282,778	5,282,778	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming commission	7,368	7,490		7,490	7,490	
Accrued leave payments	1,057,247					
Law enforcement grants		24,815,507	(24,815,507)			
Criminal justice information sharing		5,406,219	(4,518)	5,401,701	5,401,701	
Law enforcement			3,887,386	3,887,386		3,887,386
Total all funds	$72,657,978	$107,435,176	($17,794,515)	$89,640,661	$82,549,205	$7,091,456
Less estimated income	35,382,450	60,523,643	(24,622,858)	35,900,785	34,913,612	987,173
General fund	$37,275,528	$46,911,533	$6,828,343	$53,739,876	$47,635,593	$6,104,283
FTE	212.50	248.00	1.00	249.00	230.50	18.50

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Premium Increases[1]	Adds Funding for Higher Education Legal Staff[2]	Adds Funding for New Criminal History Identification Technicians[3]	Removes Funding for Existing Criminal Justice Information Sharing FTE[4]	Removes Funding for Oil Impact Law Enforcement Grants[5]	Adds Funding for Law Enforcement Positions[6]
Salaries and wages	($180,687)	$2,794,709	$242,892	($333,576)	($131,847)	
Operating expenses		286,082	67,644			
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants					(24,815,507)	
Criminal justice information sharing	(4,518)					
Law enforcement						3,887,386
Total all funds	($185,205)	$3,080,791	$310,536	($333,576)	($24,947,354)	$3,887,386
Less estimated income	(15,201)	438,061	0	(333,576)	(24,456,308)	162,688
General fund	($170,004)	$2,642,730	$310,536	$0	($491,046)	$3,724,698
FTE	0.00	8.00	2.00	(2.00)	(19.50)	16.50

	Removes Funding for Medicaid Fraud Unit[7]	Removes Funding for Building Feasibility Study[8]	Adds One-Time Funding for Targeted Equity[9]	Reduces One-Time Funding for Undercover Vehicles[10]	Reduces One-Time Funding for Surveillance Vehicles[11]	Total Conference Committee Changes
Salaries and wages	($724,892)		$1,546,301			$3,212,900
Operating expenses	(190,502)	(30,000)				133,224
Capital assets	(20,000)			(88,000)	(100,000)	(208,000)
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants						(24,815,507)
Criminal justice information sharing						(4,518)
Law enforcement						3,887,386
Total all funds	($935,394)	($30,000)	$1,546,301	($88,000)	($100,000)	($17,794,515)
Less estimated income	(841,855)	(30,000)	520,000	0	(66,667)	(24,622,858)
General fund	($93,539)	$0	$1,026,301	($88,000)	($33,333)	$6,828,343
FTE	(4.00)	0.00	0.00	0.00	0.00	1.00

[1] Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of $1,130.22 per month.

[2] Funding from the general fund is added for 8 FTE positions (6 attorneys and 2 administrative assistants), related salary and health insurance increases ($2,794,709) and related operating expenses ($286,082) for providing legal services to the North Dakota University System. The House version provided 6 attorney FTE positions related salary increases and health insurance increases ($1,487,982), and related operating expenses ($112,000) for providing legal services to the North Dakota University System.

[3] Funding from the general fund is added for 2 new criminal history identification FTE positions, related salary and health insurance increases ($242,892) and related operating expenses ($67,644). The Senate and House versions did not include these FTE positions.

[4] Funding of $333,576 of special funds is removed relating to 2 criminal justice information sharing (CJIS) FTE positions that were transferred from the Information Technology Department because the positions already existed in the Attorney General's office. These positions will now be paid from the general fund. This adjustment provides for a transfer of 3 FTE from the Information Technology Department for CJIS. The Senate and House version transferred 5 FTE positions.

[5] The funding shown below is removed for oil impact law enforcement grants, the same as the House version. The other funds include $24,164,271 from the oil and gas impact grant fund. See note 5 for conference committee adjustments.

	FTE	General Fund	Other Funds	Total
New criminal investigators	(5.00)		($1,388,830)	($1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	(270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance		(220,710)		(220,710)
Total	(19.50)	($491,046)	($24,456,308)	($24,947,354)

[6] The funding shown below is added for law enforcement positions.

	FTE	General Fund	Federal Funds	Total
New criminal investigators	8.00	$2,357,841		$2,357,841
New intelligence analysts	3.00	443,608		443,608
New assistant Attorney General	1.00	134,655	162,688	297,343
New assistant Attorney General	1.00	192,550		192,550
New administrative assistant	1.00	127,580		127,580
New grants administrative assistant	1.00	127,580		127,580
New forensic scientist	1.00	177,761		177,761
New attorney	0.50	163,123		163,123
Total	16.50	$3,724,698	$162,688	$3,887,386

[7] Funding for a Medicaid fraud unit is removed as shown below, same as House version.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	($72,489)	($652,403)	($724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	($93,539)	($841,855)	($935,394)

[8] Funding is removed from other funds for a building feasibility study, the same as the House version.

[9] Funding for targeted market equity as shown below is added. $250,000 in other funds is from carryover funds for criminal investigators and $270,000 in other funds is from the Attorney General refund fund. A section is added directing the Attorney General to reduce the general fund amounts appropriated for the 2015-17 biennium by any FTE roll-up dollars that become available during the 2015-17 biennium, and the Attorney General must report to budget section regarding those amounts.

	General Fund	Other Funds	Total
Criminal investigators	$1,026,301	$250,000	$1,276,301
Gaming audit staff		270,000	270,000
Total	$1,026,301	$520,000	$1,546,301

[10] Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover

vehicles approved by the Senate, the same as the House version.

[11] Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate, the same as the House version.

This amendment also:

- Removes a section to appropriate $1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions, the same as the House version.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20 million is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas, the same as the House version.
- Removes a section which provided an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium, the same as the House version.
- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption, the same as the House version.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General, which requires notification within 30 days and the opinion to be completed in 180 days. The House version required the opinion to be completed in 60 days.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education, the same as the House version.
- Adds a section requiring the Attorney General to report to Budget Section regarding any fees charged to a campus in excess of the campus assessment for legal fees charged by the Attorney General by September 30, 2016.
- Amends Subdivision a of Section 53-12.1-09 to provide a quarterly transfer of $80,000 from the lottery operating fund to the compulsive gambling prevention and treatment fund. The Senate and House versions provided a $100,000 transfer.
- Retains the section allowing the Attorney General to spend funds, as appropriated, from the tobacco settlement trust fund. The House had removed this section.
- Adds a section for a Legislative Management study for a Medicaid fraud unit. Neither the Senate nor the House version included this study.
- The emergency clause was amended by the conference committee to include Subsection 4 of Section 54-12-08.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

SB 2003

Prepared by the North Dakota Legislative Council staff for House Appropriations
March 10, 2015

Department 125 - Attorney General
Senate Bill No. 2003

Executive Budget Comparison to Prior Biennium Appropriations

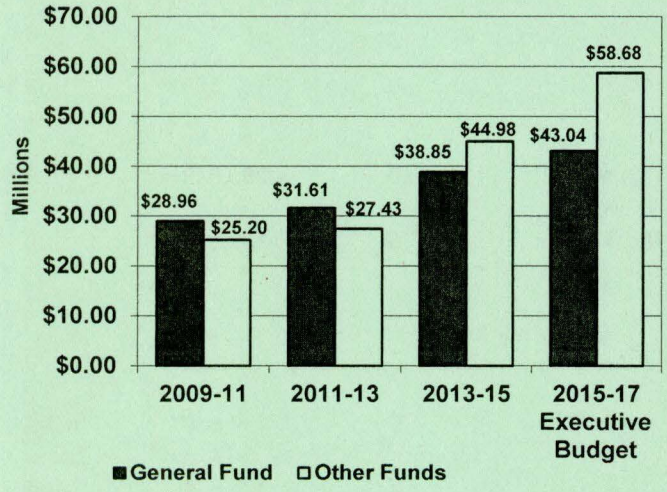
	FTE Positions	General Fund	Other Funds	Total
2015-17 Executive Budget	238.00	$43,044,137	$58,681,999	$101,726,136
2013-15 Legislative Appropriations	213.50[1]	38,851,628	44,982,450	83,834,078
Increase (Decrease)	24.50	$4,192,509	$13,699,549	$17,892,058

[1]The 2013-15 legislative appropriations include 1 FTE position authorized for only the 2013-15 biennium.

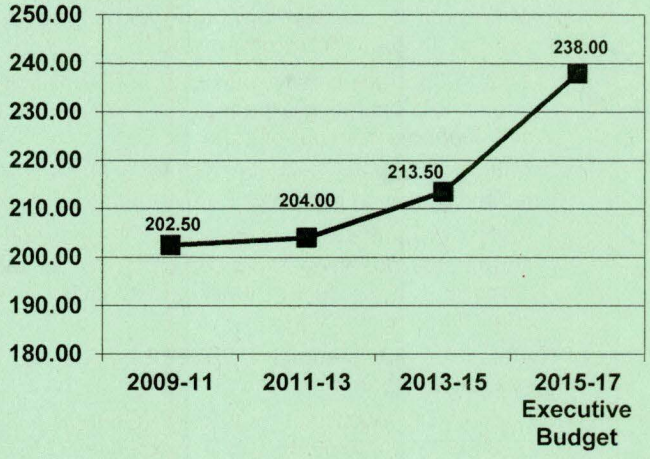
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2015-17 Executive Budget	$42,824,137	$220,000	$43,044,137
2013-15 Legislative Appropriations	37,275,528	1,576,100	38,851,628
Increase (Decrease)	$5,548,609	($1,356,100)	$4,192,509

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2015-17 Executive Budget	$43,044,137	$58,681,999	$101,726,136
2015-17 Base Level	37,275,528	35,382,450	72,657,978
Increase (Decrease)	$5,768,609	$23,299,549	$29,068,158

First House Action

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

Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
1. Provides funding for state employee salary and benefit increases, of which $2,097,330 relates to performance increases, $467,681 is for market equity adjustments, $1,036,277 is for health insurance increases, and $215,228 is for retirement contribution increases. **The Senate provided funding for performance salary increases of 2 to 4 percent per year and funding for health insurance increases, but did not include funding for market equity increases or funding for retirement contribution increases.**	$3,606,609	$209,907	$3,816,516

2. Provides special equity salary funding from the oil and gas impact grant fund of $650 per month for all Bureau of Criminal Investigation (BCI) criminal investigators ($15,600 biannually) included in the oil impact law enforcement package. **The Senate did not include the special equity salary funding.**	$0	$322,814	$322,814
3. Provides funding from the general fund and other funds, including the oil and gas impact grant fund, for 19.50 FTE positions and related expenses, $20 million oil impact law enforcement grants and other expenses included in the oil impact law enforcement package as follows:			
• Adds 2.00 criminal investigator FTE positions ($382,945) and related operating expenses ($155,721) to the Watford City area	$0	$538,666	$538,666
• Adds 1.00 FTE Assistant Attorney General ($215,390) and related operating expenses ($86,746) for oil-impacted areas	0	302,136	302,136
• Adds 2.00 criminal investigator FTE positions ($382,945) and related operating expenses, to Williston for oil-impacted areas and provides funding to support assistance to Internet Crimes Against Children affiliates ($206,646)	0	589,591	589,591
• Adds 2.00 intelligence analyst FTE positions that were previously funded through federal funds. **The Senate moved $43,897 from other operating expenses to these positions for related operating expenses to provide a total of $335,263 from other funds.**	0	291,366	291,366
• Adds 1.00 administrative assistant FTE position ($116,315) and related operating expenses ($15,875) for classification of sex offenders from out-of-state	0	132,190	132,190
• Adds 1.00 criminal investigator FTE position ($191,473) and related operating expenses ($69,100) to the Southwest area	0	260,573	260,573
• Adds 1.00 administrative assistant FTE position ($116,315) and related operating expenses ($15,875) for managing the narcotics buy fund, tracking statistics, and other administrative functions	0	132,190	132,190
• Adds 1.00 grants administrator FTE position ($116,315) and related operating expenses ($15,875)	0	132,190	132,190
• Adds 1.00 Assistant Attorney General FTE position ($181,853) and related operating expenses ($16,766)	0	198,619	198,619
• Adds 1.00 forensic scientist FTE position	0	165,554	165,554
• Adds .50 attorney FTE position ($139,357) and related operating expenses ($25,907) to assist in the criminal/regulatory legal division	0	165,264	165,264
• Adds 1.00 intelligence analyst FTE position for oil-impacted areas	0	145,683	145,683
• Adds 1.00 BCI agent I FTE position for oil-impacted areas. **The Senate moved $43,897 from other operating expenses to this position for related operating expenses to provide a total of $189,580 from other funds.**	0	145,683	145,683
• Adds 4.00 BCI agent II FTE positions for oil-impacted areas	270,336	495,555	765,891
• Adds funding for other operating expenses. **The Senate moved $87,794 to FTE positions referred to above and provided $673,254 from other funds for other operating expenses.**	0	761,048	761,048
• Provides oil impact law enforcement grants from the oil and gas impact grant fund for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties	0	20,000,000	20,000,000
Total oil impact law enforcement funding	$270,336	$24,456,308	$24,726,644

4. Restores programmer analyst FTE position ($142,278) and related expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium	$142,278	$31,314	$173,592
5. Adds 2.00 paralegal FTE positions ($270,339) and related expenses ($37,040)	$0	$307,379	$307,379
6. Adds 1.00 FTE gaming staff ($121,845) and related expenses ($21,985)	$82,907	$60,923	$143,830
7. Adds 2.00 concealed weapons administrative assistant FTE positions ($212,918) and related expenses ($48,848)	$0	$261,766	$261,766
8. Provides tobacco enforcement funding from the tobacco settlement trust fund	$0	$200,000	$200,000
9. Provides funding for changes to the North Dakota Lottery, which include $226,200 for a new Monopoly game, $88,800 for public notices, and $715,000 for the new player's club points for prizes program	$0	$1,030,000	$1,030,000
10. Provides funding for information technology contractual service and repairs	$0	$800,000	$800,000
11. Provides funding for the criminal history improvement project ($970,000) and BCI and State Crime Laboratory application enhancements ($634,000)	$0	$1,604,000	$1,604,000
12. Provides funding for information technology software and supplies	$262,332	$0	$262,332
13. Increases operating expenses. **The Senate increased operating expenses by an additional $200,000 from the general fund to provide a total increase of $1,241,794.**	$933,418	$108,376	$1,041,794
14. Reduces federal funds for BCI	$0	($1,082,479)	($1,082,479)
15. Removes completed information technology projects	$0	($4,754,908)	($4,754,908)
16. Adds **one-time funding** to purchase 10 undercover BCI vehicles	$220,000	$0	$220,000

Other Sections in Bill

Appropriation - 2013-15 biennium - Section 3 added by the Senate provides a $1 million appropriation from the general fund to the Attorney General for the remainder of the 2013-15 biennium for early hiring of FTE positions.

Continuing appropriations - Section 4 provides the Attorney General may retain the balance in the Attorney General refund fund on June 30, 2015, rather than transferring the balance to the general fund.

Exemption - Grants to law enforcement agencies - Section 5 added by the Senate provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.

Oil-impact county law enforcement grants - Section 6 provides that $20 million in grants from the oil and gas impact grant fund is for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The Senate modified this section to identify $24,487,085 of the law enforcement grants line item from the oil and gas impact grant fund of which $4,487,085 is designated for 19.5 new FTE positions and operating expenses, $20 million is to provide grants to law enforcement agencies in oil-impacted counties, of which the Attorney General may use up to 10 percent for administration of the grants.

Exemption - Law enforcement grants - Section 7 added by the Senate provides an exemption from Section 54-44.1-11 for funding appropriated in the law enforcement grants line item for the 2015-17 biennium.

Amendment - Lottery operating fund - Section 8 added by the Senate amends Section 53-12.1-09 increasing the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund. This change results in a $400,000 reduction to 2015-17 biennium general fund revenues.

Criminal justice data information sharing system - Section 9 added by the Senate creates a new section to Chapter 54-12 to transfer the criminal justice data information sharing system from the Information Technology Department to the Attorney General's office.

Salary of Attorney General - Section 10 provides for the statutory changes necessary to increase the Attorney General's salary. **The Senate provided a 3 percent increase in compensation each year of the 2015-17 biennium. The Attorney General's annual salary will be $152,436 effective July 1, 2015, and $157,009 effective July 1, 2016.**

Annual salary authorized by the 2013 Legislative Assembly:

July 1, 2013	$143,685
July 1, 2014	$147,996

Proposed annual salary recommended in the 2015-17 executive budget (4 percent annual increase):

July 1, 2015	$153,916
July 1, 2016	$160,072

Amendment - Tobacco settlement trust fund - Section 11 added by the Senate amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the Master Settlement Agreement and any disputes with the agreement.

Repeal - Section 12 added by the Senate repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.

Continuing Appropriations

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

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

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

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

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

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

Deficiency Appropriation

The executive budget recommendation includes a deficiency appropriation of $50,000 from the general fund in Senate Bill No. 2023 for prosecution witness fees.

Significant Audit Findings

The operational audit for the Attorney General's office conducted by the State Auditor's office during the 2013-14 interim identified no significant audit findings.

Major Related Legislation

Senate Bill No. 2107 - Creates Chapter 12.1-41 relating to the Uniform Act on Prevention of and Remedies for Human Trafficking, provides a penalty, and authorizes the Attorney General to grant or contract with service providers to develop or expand service programs for victims of human trafficking.

Senate Bill No. 2199 - Provides an appropriation of $1 million to the Attorney General from the general fund to implement a human trafficking victim's treatment and support services pilot project during the 2015-17 biennium.

Senate Bill No. 2202 - Provides a continuing appropriation and amends Section 53-06.1-12 reducing the gaming tax on gross proceeds exceeding $25,000 from 1 percent to .75 percent, creates the gaming regulation and enforcement fund, and changes the deposit of gaming taxes, monetary fines, and related interest and penalties collected to the gaming regulation and enforcement fund, of which 13 percent of total taxes, less refunds shall be deposited into the gaming tax allocation fund, reducing general fund revenue.

Senate Bill No. 2219 - Authorizes the Attorney General to establish the human trafficking commission to develop and coordinate a plan to provide human trafficking victims support services, collect and evaluate data on human trafficking, promote public awareness about human trafficking, and coordinate training on human trafficking prevention and victim services.

Senate Bill No. 2314 - Amends Section 53-06.1-10.1 regarding raffles is amended to allow licensed organizations that support amateur collegiate athletics to conduct a fifty-fifty raffle.

House Bill No. 1003 - Provides an appropriation of $1,604,500 to the Attorney General from the general fund to provide legal services for the State Board of Higher Education and institutions and entities under the control of the board. The Attorney General is authorized 6 FTE positions to provide legal services to the State Board of Higher Education and institutions and entities under the control of the board.

House Bill No. 1053 - Excludes the Attorney General from required use of centralized desktop support services.

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes								
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445
Salary increase - Performance		1,978,003	119,327	2,097,330		1,580,965	89,515	1,670,480
Salary increase - Market equity		445,933	21,748	467,681				0
Salary increase - Targeted equity			322,814	322,814				0
Retirement contribution increase		203,391	11,837	215,228				0
Health insurance increase		979,282	56,995	1,036,277		979,282	56,995	1,036,277
Funding for oil impact law enforcement package								
Oil impact law enforcement grants			20,000,000	20,000,000			20,000,000	20,000,000
New FTE criminal investigators	5.00		1,388,830	1,388,830	5.00		1,388,830	1,388,830
New FTE intelligence analysts	3.00		437,049	437,049	3.00		480,946	480,946
New FTE BCI agent II	4.00		765,891	765,891	4.00	270,336	495,555	765,891
New FTE BCI agent I	1.00		145,683	145,683	1.00		189,580	189,580
New FTE Assistant Attorney General - Oil-impacted areas	1.00		302,136	302,136	1.00		302,136	302,136
New FTE Assistant Attorney General	1.00		198,619	198,619	1.00		198,619	198,619
New FTE administrative assistants	2.00		264,380	264,380	2.00		264,380	264,380
New FTE grants administrator	1.00		132,190	132,190	1.00		132,190	132,190
New FTE forensic scientist	1.00		165,554	165,554	1.00		165,554	165,554
New FTE attorney - Criminal/regulatory division	0.50		165,264	165,264	0.50		165,264	165,264
Funding for other operating expense in oil-impacted areas		270,336	490,712	761,048			673,254	673,254
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			200,000	200,000
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000
Information technology contractual service and repairs			800,000	800,000			800,000	800,000
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000
Building feasibility study			30,000	30,000			30,000	30,000
Information technology software and supplies		262,332		262,332		262,332		262,332
Operating expenses increase		933,418	108,376	1,041,794		1,133,418	108,376	1,241,794
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)
Transfer criminal justice information sharing				0	6.00	3,270,219	886,000	4,156,219
Medicaid fraud unit				0	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic safety equipment				0			300,000	300,000
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	35.50	$8,066,005	$24,941,193	$33,007,198

One-time funding items								
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000		$220,000		$220,000
Three surveillance vehicles				0		100,000	200,000	300,000
Transfer criminal justice information sharing projects				0		1,250,000		1,250,000
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$1,570,000	$200,000	$1,770,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	35.50	$9,636,005	$25,141,193	$34,777,198
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	248.00	$46,911,533	$60,523,643	$107,435,176

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Appropriation - 2013-15 biennium		Section 3 appropriates $1 million from the general fund to the Attorney General for up to 10 FTE positions to assist with law enforcement activities in areas impacted by oil development for the period beginning with effective date of this Act and ending June 30, 2015.
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 4 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Exemption - Grants to law enforcement agencies		Section 5 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.
Oil-impacted county law enforcement grants	Section 4 provides that $20 million in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 6 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the Attorney General for oil-impacted areas and $20 million in grants, is for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The Attorney General may spend up to 10 percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the Attorney General's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The Attorney General shall report to the budget section annually and to the appropriations committees of the 65th Legislative Assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Exemption		Section 7 provides an exemption for the amount appropriated for law enforcement grants in the law enforcement grants line item in Section 1 of this Act is not subject to Section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

	Executive Budget Recommendation	Senate Version
Amendment to Section 53-12.1-09		Section 8 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.
Criminal justice data information sharing system		Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.
Amendment to Section 54-27-25		Section 11 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
Repeal		Section 12 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.
Emergency	Section 7 declares Section 3 to be an emergency measure.	Section 13 declares Sections 3 and 4 to be an emergency measure.

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	0.00	$0	$0	$0
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330		1,580,965	89,515	1,670,480		(397,038)	(29,812)	(426,850)
Salary increase - Market equity		445,933	21,748	467,681				0		(445,933)	(21,748)	(467,681)
Salary increase - Targeted equity			322,814	322,814				0			(322,814)	(322,814)
Retirement contribution increase		203,391	11,837	215,228				0		(203,391)	(11,837)	(215,228)
Health insurance increase		979,282	56,995	1,036,277		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package												0
Oil impact law enforcement grants			20,000,000	20,000,000			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049	3.00		480,946	480,946			43,897	43,897
New FTE BCI agent II	4.00		765,891	765,891	4.00	270,336	495,555	765,891		270,336	(270,336)	0
New FTE BCI agent I	1.00		145,683	145,683	1.00		189,580	189,580			43,897	43,897
New FTE Assistant Attorney General - Oil-impacted areas	1.00		302,136	302,136	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554	1.00		165,554	165,554				0
New FTE attorney - Criminal/regulatory division	0.50		165,264	165,264	0.50		165,264	165,264				0
Funding for other operating expense in oil-impacted areas		270,336	490,712	761,048			673,254	673,254		(270,336)	182,542	(87,794)
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000			30,000	30,000				0
Information technology software and supplies		262,332		262,332		262,332		262,332				0
Operating expenses increase		933,418	108,376	1,041,794		1,133,418	108,376	1,241,794		200,000		200,000
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)				0
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)				0
Transfer criminal justice information sharing				0	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	886,000	4,156,219
Medicaid fraud unit				0	4.00	93,539	841,855	935,394	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic safety equipment				0			300,000	300,000			300,000	300,000
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	35.50	$8,066,005	$24,941,193	$33,007,198	10.00	$2,517,396	$1,641,644	$4,159,040

One-time funding items												
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000		$220,000		$220,000	0.00	$0	$0	$0
Three surveillance vehicles				0		100,000	200,000	300,000		100,000	200,000	300,000
Transfer criminal justice information sharing projects				0		1,250,000		1,250,000		1,250,000		1,250,000
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$1,570,000	$200,000	$1,770,000	0.00	$1,350,000	$200,000	$1,550,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	35.50	$9,636,005	$25,141,193	$34,777,198	10.00	$3,867,396	$1,841,644	$5,709,040
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	248.00	$46,911,533	$60,523,643	$107,435,176	10.00	$3,867,396	$1,841,644	$5,709,040

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Appropriation - 2013-15 biennium		Section 3 appropriates $1 million from the general fund to the Attorney General for up to 10 FTE positions to assist with law enforcement activities in areas impacted by oil development for the period beginning with effective date of this Act and ending June 30, 2015.
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 4 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Exemption - Grants to law enforcement agencies		Section 5 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.
Oil-impacted county law enforcement grants	Section 4 provides that $20 million in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 6 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the Attorney General for oil-impacted areas and $20 million in grants, is for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The Attorney General may spend up to 10 percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the Attorney General's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The Attorney General shall report to the budget section annually and to the appropriations committees of the 65th Legislative Assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Exemption		Section 7 provides an exemption for the amount appropriated for law enforcement grants in the law enforcement grants line item in Section 1 of this Act is not subject to Section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.
Amendment to Section 53-12.1-09		Section 8 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.

	Executive Budget Recommendation	Senate Version
Criminal justice data information sharing system		Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.
Amendment to Section 54-27-25		Section 11 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
Repeal		Section 12 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.
Emergency	Section 7 declares Section 3 to be an emergency measure.	Section 13 declares Sections 3 and 4 to be an emergency measure.

OFFICE OF ATTORNEY BUDGET REQUESTS FOR THE 2015-17 BIENNIUM - 2015 ENGROSSED SENATE BILL NO 2003

3.

NUMBERS SHOWN IN NARRATIVE ARE FROM LEGISLATIVE COUNCIL	S&W	OPERATING	EQUIPMENT	GRANTS	CJIS	LOTTERY	TOTAL	GF	FF	OF	TOTAL	
• Adds 2.00 FTE criminal investigators ($383,057) and operating expenses ($155,721) to the Watford City area	373,907	148,303	71,675				593,885			593,885	593,885	Oil & Gas Impact
• Adds 1.00 FTE Assistant Attorney General ($215,457) and operating expenses ($86,746) for oil impacted areas (High Intensity Drug Trafficking Area)	199,317	86,746	-				286,063		162,687	123,376	286,063	Oil & Gas Impact
• Adds 2.00 FTE criminal investigators ($383,058) and operating expenses, to Williston for oil impacted areas and provides funding to support assistance to Internet Crimes Against Children affiliates ($206,646)	373,907	213,493	105,200				692,600			692,600	692,600	Oil & Gas Impact
• Adds 2.00 FTE intelligence analyst positions that were previously funded through federal funds	267,980	-	-				267,980			267,980	267,980	Oil & Gas Impact
• Adds 1.00 FTE administrative assistant ($116,346) and related operating expenses ($15,875) for classification of sex offenders from out-of-state	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE criminal investigator ($191,529) and operating expenses ($69,100) to the Southwest area	186,953	50,392	32,000				269,345			269,345	269,345	Oil & Gas Impact
• Adds 1.00 FTE administrative assistant ($116,346) and related operating expenses ($15,875) for managing the narcotics buy fund, tracking statistics and other administrative functions	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE grants administrative assistant ($116,346) and related operating expenses ($15,875)	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE Assistant Attorney General ($181,912) and related operating expenses ($16,766)	167,891	25,412	-				193,303			193,303	193,303	Oil & Gas Impact
• Adds 1.00 FTE forensic scientist	152,618	25,896	-				178,514			178,514	178,514	Oil & Gas Impact
• Adds .50 FTE attorney to assist in the Criminal/Regulatory legal division	128,061	19,971	-				148,032			148,032	148,032	Oil & Gas Impact
• Adds 1.00 FTE intelligence analyst for oil impacted areas	*133,990*	43,897	-				177,887			177,887	177,887	Oil & Gas Impact
• Adds 1.00 FTE victim witness advocate position for oil impacted areas	*133,990*	43,897	-				177,887			177,887	177,887	Oil & Gas Impact
• Adds 4.00 FTE BCI agent II positions for oil impacted areas	747,813	201,568	128,000				1,077,381	270,336		807,045	1,077,381	Oil & Gas Impact
• Law enforcement grant				20,000,000			20,000,000			20,000,000	20,000,000	Oil & Gas Impact
• Law enforcement operating expenses		20,068					20,068			20,068	20,068	Oil & Gas Impact
• Tru Narc testing kits			258,700				258,700		129,350	129,350	258,700	Oil & Gas Impact
• Salary & benefit package	220,710						220,710			220,710	220,710	Oil & Gas Impact
Total oil impact law enforcement funding	3,406,514	945,265	595,575	20,000,000			24,947,354	270,336	292,037	24,384,981	24,947,354	
4. Restores FTE programmer analyst position ($142,278) and related expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium	142,278	31,314					173,592	142,278		31,314	173,592	AG Refund fund
5. Adds 2.0 paralegal positions ($270,339) and related expenses ($37,040)	270,339	37,040					307,379			307,379	307,379	AG Operating fund
6. Adds 1.0 FTE gaming staff ($121,845) and related expenses ($21,985)	121,845	21,985					143,830	82,907		60,923	143,830	AG Refund fund

OFFICE OF ATTORNEY BUDGET REQUESTS FOR THE 2015-17 BIENNIUM - 2015 ENGROSSED SENATE BILL NO 2003

	NUMBERS SHOWN IN NARRATIVE ARE FROM LEGISLATIVE COUNCIL	S&W	OPERATING	EQUIPMENT	GRANTS	CJIS	LOTTERY	TOTAL	GF	FF	OF	TOTAL	
7.	Adds 2.0 concealed weapons administrative assistant FTE positions ($212,917) and related expenses ($48,848)	212,918	48,848					261,766			261,766	261,766	AG Operating
8.	Provides tobacco enforcement funding from the tobacco settlement trust fund		200,000					200,000			200,000	200,000	Tobacco Settlement Trust fund
9.	Provides funding for changes to the North Dakota Lottery, which includes $226,200 for a new multi-state game, $88,800 for public notices, and $715,000 for the new player's club points for prizes program						1,030,000	1,030,000			1,030,000	1,030,000	Lottery Operating fund
10.	Provides funding for information technology contractual service and repairs		800,000					800,000			800,000	800,000	AG Refund fund
11.	Provides funding for the criminal history improvement project ($970,000) and BCI and State Crime Laboratory application enhancements ($634,000)		1,604,000					1,604,000			1,604,000	1,604,000	AG Refund fund
12.	Crime Lab building feasibility study		30,000					30,000			30,000	30,000	AG Refund fund
13.	Provides funding for information technology software and supplies		262,332					262,332	262,332			262,332	
14.	Operating expense increase. **The Senate increased operating expenses by an additional $200,000 from the general fund to provide a total increase of $1,241,794.**		1,241,794					1,241,794	1,133,418		108,376	1,241,794	AG Operating, AG Refund, Reduced Cigarette Ignition Propensity funds
15.	Other funds changes		(140,000)					(140,000)			(140,000)	(140,000)	
16.	Reduces federal funds for BCI - operating & grants - grant award reductions		(471,191)		(611,288)			(1,082,479)		(1,082,479)		(1,082,479)	
17.	Reduce State Crime Laboratory capital payments				(369)			(369)	(369)			(369)	
18.	Remove equipment				(163,198)			(163,198)			(163,198)	(163,198)	
19.	Removes completed information technology projects		(4,754,908)					(4,754,908)			(4,754,908)	(4,754,908)	AG Refund fund
20.	Adds **one-time funding** to purchase 10 undercover BCI vehicles				220,000			220,000	220,000			220,000	
												-	
	Senate Changes											-	
•	Transfer Criminal Justice Information Sharing (CJIS) to Attorney General					4,346,219		4,346,219	3,400,219	650,000	296,000	4,346,219	User fees
•	One-time funding for continued development of selected projects for Criminal Justice Information Sharing & consultant					250,000		250,000	250,000			250,000	
•	CJIS 1.0 FTE business analyst					250,000		250,000	250,000			250,000	
•	CJIS Law Enforcement Records Management System (LERMS) project		-			230,000		230,000	230,000			230,000	
•	CJIS States/ Attorney Records System (STARS) project		-			330,000		330,000	330,000			330,000	5,406,219
•	Law Enforcement FTE's surge funding							1,000,000	1,000,000			1,000,000	
•	Medicaid Fraud Control Unit 4.0 FTE (attorney, criminal investigator, auditor and administrative assistant and related expenses)	724,892	190,502	20,000				935,394	93,539	841,355		935,394	
•	3 Surveillance vans			300,000				300,000	100,000	200,000		300,000	
•	Crime Lab DOT highway traffic safety equipment			300,000				300,000		300,000		300,000	

#1
1-13-15
SB 2003

2015 - 2017 BUDGET

Office of Attorney General
State of North Dakota

Wayne Stenehjem
Attorney General

For the Senate Appropriations Committee

2015 ENGROSSED HOUSE BILL NO. 2003

Office of Attorney General

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 (BCI)
- Civil Litigation
- Consumer Protection and Antitrust (CPAT)
- Crime Laboratory (Crime Lab)
- Criminal and Regulatory
- Finance and Administration
- Fire Marshal
- Gaming
- Information Technology (IT)
- Lottery
- Natural Resources and Indian Affairs
- State and Local Government

SUMMARY OF OFFICE OF ATTORNEY GENERAL MAJOR ACCOMPLISHMENTS

➢ Criminal Justice Oil Impact Funds

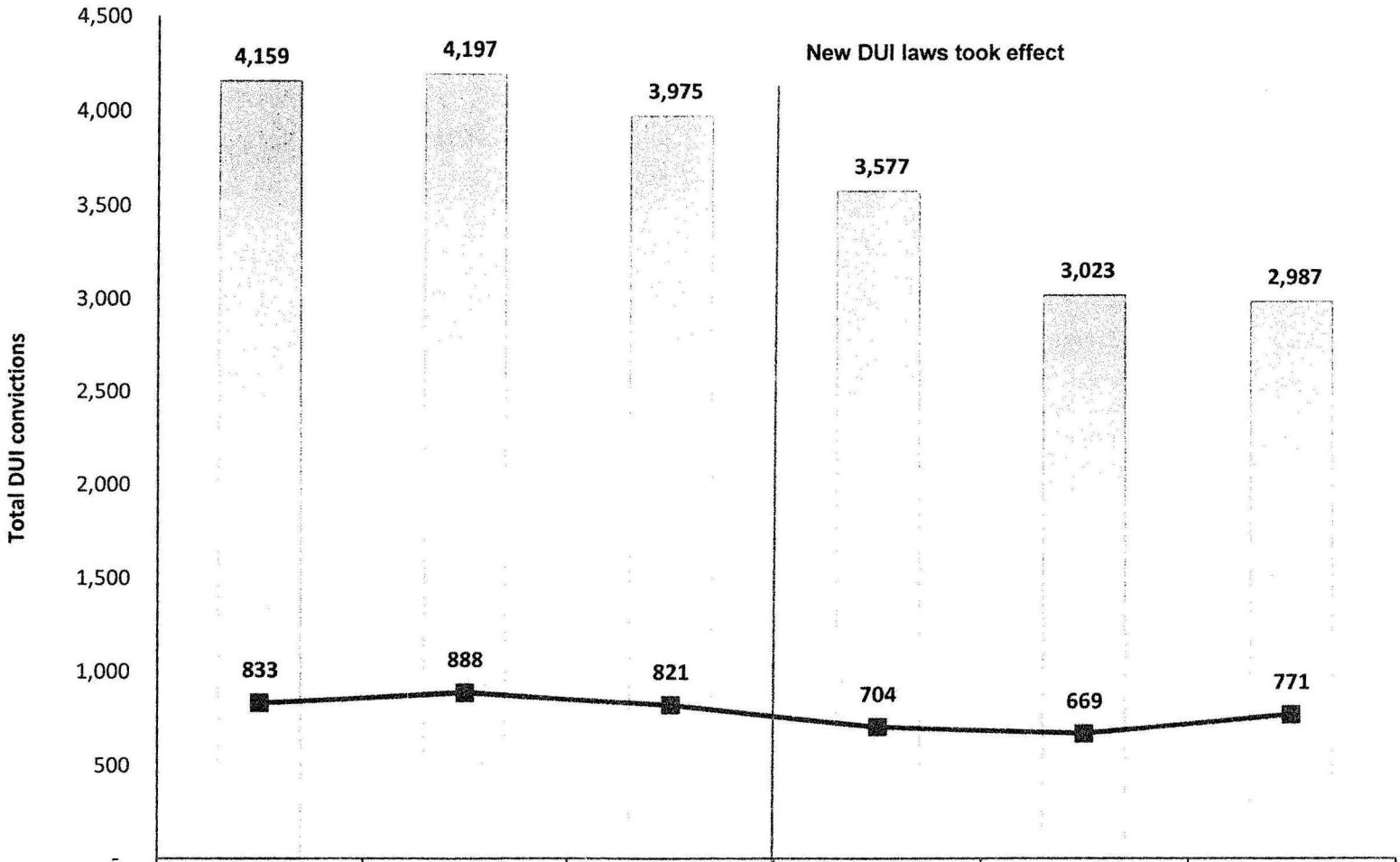
This office was tasked with awarding and managing $9.6 million aimed at improving criminal justice programs in oil impacted communities. At the request of the Land Department, the office has also been tasked with awarding and managing $7 million for sheriffs' departments in oil impacted areas. A total of 106 grants have been awarded, and agencies are well into implementing their grant programs. Funding totaling $750,000 was earmarked for development of law enforcement and custody manuals, and to date, 66 of 125 agencies have taken the opportunity to participate in this program. Administrative funds are being used to provide prosecutorial assistance to oil counties, manage the grant program, provide law enforcement training opportunities, and purchase equipment for local law enforcement that enhances the office's ability to assist with investigations in western North Dakota.

➢ 24/7 Sobriety Program

The 24-7 sobriety program is designed to remove intoxicated drivers from the road, improve their ability to succeed in their treatment choices, and provide a safer driving environment for the traveling public. Offenders participate in twice-per-day breath tests or electronic alcohol monitoring, seven days per week, for as long as the court order mandates. Participants are also required to pay a fee for the monitoring, which in turn is used to pay for breath alcohol devices, electronic monitoring devices, and other program costs.

The number of offenders added to this program as a result of new requirements set forth in 2013 legislative session has been substantial, with 4,269 total participants in December 2012, compared to 9,903 total participants in December 2014. In 2012, the program averaged 391 active participants per month; this increased to 603 average active participants in 2013 and further increased an average of 1,396 active participants per month in 2014. The program has been supported by law enforcement, the courts, and the participants, and it is proving to be a very successful alternative to detention.

DUI Offense Convictions (through December 31, 2014)



	Jan-Jun 2012	Jul-Dec 2012	Jan-Jun 2013	Jul-Dec 2013	Jan-Jun 2014	Jul-Dec 2014
Total	4,159	4,197	3,975	3,577	3,023	2,987
Refusals	833	888	821	704	669	771

➢ Concealed Weapon Licenses

Multiple program changes to this system were implemented including a change in the criminal history look back period (record check reviews looking at possible criminal acts that have occurred since the initial criminal history check), longer license length, extending the processing period, and eliminating local law enforcement approval requirements. As of December 31, 2014, 34,776 individuals held North Dakota concealed weapon licenses compared to a total of 15,579 active licenses at the end of 2011. In March 1, 2004, only 6,421 licenses were held.

➢ Methamphetamine and Other Illicit Drugs

Methamphetamine (meth) continues to be a serious drug problem challenging North Dakota law enforcement; however, the number of methamphetamine laboratory seizures in North Dakota remained relatively low at 6 in 2014, compared to 297 in 2003. The use of this drug is on the increase yet the majority of it being trafficked into the state. In the 2009-11 biennium 51% of the cases opened were drug related, and 27% of those were meth-related. Those numbers have increased, with 53% of the 2013 cases being drug related, and 38% of those cases involving meth. Other drug trafficking and use has increased as well including prescription drug abuse, cocaine and high potency marijuana.

More serious than the increase in the number of cases is the complexity of the cases that occur. Human traffickers are bringing in drugs, especially methamphetamine, into the state directly from the international cartels, in much greater quantities. Law enforcement is also reporting that almost without exception traffickers are heavily armed.

Most local agencies rely heavily on the office's BCI Division to provide its expertise in the drug enforcement area. The BCI has teamed with local law enforcement partners in establishing task forces which are having a significant impact on major trafficking organizations.

The office continues to participate as a member of the Midwest High Intensity Drug Trafficking Area (HIDTA), a regional network that includes the states of North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. This partnership provides for regional collaboration, demand reduction, and intelligence activities. The association with HIDTA has provided a tremendous boost to the efforts to combat drugs by allowing the BCI to maintain additional HIDTA staff, including two special agents and one intelligence analyst located throughout the state.

➢ Charitable Gaming

During the 2011-13 biennium, the licensed gaming organizations took wages of $584 million, raising over $43 million for charitable uses (such as student scholarships, community crime prevention projects, financial and other assistance to injured and disabled veterans), and generated $10.7 million for the state's general fund.

➢ Lottery Transfers

The Lottery Division transferred $14.3 million to the state general fund, $845,000 to the multijurisdictional drug task force grant fund and $400,000 to the compulsive gambling prevention and treatment fund for the 2011-13 biennium. For fiscal year 2014 the Lottery transferred $7.2 million to the state general fund.

➢ Statewide Law Enforcement Intelligence Center (SLIC)

The State and Local Intelligence Center (SLIC) works with agencies to provide the tools necessary to identify possible threats while managing resources. SLIC provides the state with support that leads to identifying, investigating, and prosecuting criminal activities, including drug suppliers from out-of-state sources and homeland security threats. Many crimes typically involve conspiracies, several layers of networks, and individuals who utilize the same routes and modes of transportation. The SLIC facilitates information sharing between task forces, analysts across the nation, the northern border International Border Enforcement Teams (IBET), and many local, state, and federal agencies. It is a multi-agency team consisting of the BCI, Border Patrol, Homeland Security Investigation (HSI), North Dakota Highway Patrol, North Dakota Army National Guard, and the Division of Emergency Management.

❖ Criminal History Record Information Requests

BCI processed 42,506 requests for criminal history record information in 2014. Of those, 25,778 were requests for data from the state database and 16,728 were requests for fingerprint based searches of the FBI database. In addition to an increase in the state record checks this period, the number of fingerprint based searches of the FBI database allowed under N.D.C.C. § 12-60-24 has increased by 116%.

➢ Tobacco Diligent Enforcement Arbitration

The office represented and continues to represent the state in proceedings dealing with the Master Settlement Agreement and the state's compliance with N.D.C.C. ch. 51-25, the Tobacco Sales Act, resulting in the state collecting $51,642,725 during the biennium. (Through the end of the 2011-13 Biennium the state received a total of $399,357,525 in tobacco settlement payments).

The office's participation in the diligent enforcement arbitration resulted in saving the state $23 million in the first year of arbitration. The office will also participate in the succeeding tobacco diligent enforcement arbitration processes.

❖ The Crime Lab's:

- ❖ Drug Chemistry Unit has stabilized the turn-around to fewer than 30 days by the addition of a forensic scientist to the staff.
- ❖ Toxicology Section has reduced the turn-around time to fewer than 30 days; the section has not been below 30 days since October 2011.
- ❖ Assisted the Attorney General and the Board of Pharmacy in reviewing and editing the controlled substance law to encompass the new synthetic drugs.

❖ In the 2011-13 biennium the Consumer Protection and Antitrust Division:

- ❖ Opened 1,854 consumer complaints and investigations and closed 1,946 files during the 2011-13 biennium.
- ❖ Recovered or collected $2,203,409 in consumer restitution, an increase of 62% from the previous biennium.
- ❖ Collected $9,738,537 total, including $7,523,634 in attorney's fees, investigation costs, and civil penalties, an increase of 35% from the previous biennium.
- ❖ Took legal action against 201 companies or individuals, an increase of 59% from the previous biennium.

➢ The Legal Service divisions of the office:

- Represented the Department of Human Services in 276 cases and assisted in the recovery of $2,596,366 in Medicaid fraud funds.
- Defended the constitutionality of the 2011 Legislative Session's House Bill No. 1297, the Abortion Control Act, and appealed a district court's finding of unconstitutionality to the North Dakota Supreme Court.
- Sued the United States Forest Service over public access in North Dakota's 1.2 million acres of national grasslands. The Forest Service has taken unprecedented steps to close unimproved roads and trails and restrict access in the grasslands.
- Assisted state officials to develop and implement strategies to significantly reduce pollutants from power plants, while at the same time responding to initiatives by the U.S. Environmental Protection Agency (EPA) that are too restrictive, too costly, of uncertain effectiveness, and that usurp state sovereignty and expertise. More particularly, the division (1) participated in federal lawsuits challenging the EPA's greenhouse gas regulatory regime; (2) led several other states in three different federal lawsuits against the EPA challenging EPA's improper implementation of sulfur dioxide regulations; (3) defended the state's

regional haze program and challenged EPA's rejection of parts of that program in federal court; and (4) helped draft comments in opposition to proposed EPA rules.

- Assisted the Health Department with its rulemaking, permitting, and environmental enforcement actions, and helped negotiate settlements involving air and water pollution control, asbestos abatement, radioactive materials handling and solid and hazardous waste management. Through the end of the biennium, the state received over $2.2 million in settlement payments. The settlements also resulted in remediation of affected areas and improvements in industry practices to prevent future incidents.
- In addition, the office worked with other states in filing amicus briefs in federal litigation involving energy generation issues.
- Partnered with private energy related companies to challenge the constitutionality of a Minnesota law seeking to limit the use of North Dakota generated electricity in the state of Minnesota. The office was successful in obtaining a summary judgment in North Dakota's favor from the federal district court in St. Paul. The court also awarded legal fees and costs in an amount to be determined. The judgment and order are presently on appeal to the 8th District Court of Appeal.

CURRENT AND FUTURE CRITICAL ISSUES

2013-15 Biennium Law Enforcement Grants

The $16.6 million in oil impact grant funding made available by the Legislature for the 2013-15 biennium has had a significant positive effect on North Dakota's local oil-impacted criminal justice agencies. These grant funds have been awarded to law enforcement, state's attorneys, and domestic violence prevention agencies to address criminal activity in oil-producing counties for:

1. Additional officers (26), related staff (3 state's attorney, 6 administrative, and 14.5 domestic violence and victim witness advocates),
2. Reimbursing over 4,500 hours of overtime,
3. Addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues,
4. Providing basic drug, investigative, K-9, and firearms trainings,

5. Equipping local law enforcement including 79 local law enforcement vehicles, live scan fingerprint devices, personal protection and investigative equipment,
6. Assistance with affordable housing for 44 law enforcement officers, and
7. Purchasing uniform law enforcement and custody manuals.

2013-15 Biennium Criminal Justice Oil Impact Fund $16.6 Million

GRANT FUNDING $15,640,000

- Awarded to Sub-recipients $14,053,856
  - *Emergency Round $619,631*
    - *8 Awards*
      - *Overtime, Housing, Vehicles/Equipment & Supplies*
  - *Round 1 $8,854,186*
    - *41 Awards*
      - *54 Vehicles*
      - *29 Housing Assistance Recipients*
      - *33 Positions*
  - *Round 2 $4,364,373*
    - *53 Awards*
      - *25 Vehicles*
      - *15 Housing Assistance Recipients*
      - *15.5 Positions*
  - *Award Supplements - additional LE needs $215,666*
- Uniform Law Enforcement and Custody Manuals $750,000
  - Law Enforcement Manual
    - *66 active agencies year 1*
    - *65 active agencies year 2*
  - Custody Manual
    - *10 active agencies*
- Live Scan equipment in Oil Producing Counties $761,144
- Personal Protection Equipment $75,000

ADMINISTRATIVE DOLLARS *(10% of OAG appropriation)* $960,000

- Grant Administration Expenses $275,000
- Trainings for Oil Producing Counties $110,000
  - *Firearms*
  - *Basic Drug Investigation*
  - *Basic Criminal Investigation*
  - *Human Trafficking*
  - *K-9*
- Equipment to assist Oil-Producing Counties $350,000
- Prosecutorial Assistance in Oil Counties $225,000

We are very appreciative of the additions in the Governor's budget recommendation. Below are explanations regarding the office's requests.

2015-17 BIENNIUM LAW ENFORCEMENT GRANTS

The office requests funding of $20 million for local law enforcement oil impact grants to assist in addressing criminal activity in oil-producing counties by providing funding for requests such as overtime, additional officers and staff, addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues, adequately equipping local law enforcement, and offering assistance to affordably house law enforcement staff.

This $20,000,000 oil and gas impact grant fund (other funds) request was funded in the Executive Recommendation. The office requests that 10% of this grant be allocated to the office to address funding issues for regional needs such as to purchasing manuals, regional training, personal protection equipment, investigative equipment and other needs as were approved by the 2013 legislature.

The 2015-17 biennium oil impact grant funding requested by the office of $26,171,334, of which $295,935 is from the general fund, $292,037 is from federal funds, and $25,583,362 is from the **oil and gas impact grant fund**, includes the grants above and the following concerns.

Of the amount requested above, the Governor's budget includes $25,311,097, of which $531,975 is from the general fund, $292,037 is from federal funds and $24,487,085 is from the oil and gas impact grant fund.

❖ Criminal Investigators Salary Issue

The office has historically attempted to recruit and hire experienced investigators from local agencies or other state agencies to fill criminal investigator positions. The office's hiring requirements include 5 years of law enforcement experience, a bachelor's degree and to be licensed as a peace officer.

It has been difficult to hire these individuals in the last few years due largely to the office's limited salary levels, including the starting criminal investigator salary. Because of the substantial crime increase in western North Dakota, calls for assistance, and population growth, the office has been concentrating on keeping experienced and trained investigators in western North Dakota. The office needs these experienced investigators to combat the organized and dangerous criminals in North Dakota. BCI criminal investigations have become much more sophisticated, detailed, and time consuming than in the past. For all these reasons the office needs to hire experienced investigators to serve the public and keep the public safe.

Other public law enforcement agencies expect the office's Bureau of Criminal Investigation staff to have the expertise they do not. In order to acquire investigators with the above qualifications the office must offer higher salaries than is now possible. In the chart below are examples of what the office faces when trying to recruit, hire, and retain the investigative experience the state needs.

The office's request includes funding for a $900 per month, per investigator equity increase due to the above reasons and based on local law enforcement and Highway Patrol salaries and related benefits.

North Dakota Local Law Enforcement & Highway Patrol Salaries Compared to Office of Attorney General Salaries

Agency	No Experience	5 Year Detective (Comparable to Criminal Investigator I	Sergeant (SSA) (Comparable to Criminal Investigator II	Lieutenant (CA) (Comparable to Criminal Investigator III)
WESTERN ND				
Billings CO	60,086	60,836	N/A	N/A
Bismarck PD	44,969	54,572	69,649	80,627
Burleigh CO	43,705	53,718	59,792	72,723
Dickinson PD	49,566	64,418	71,635	N/A
Dunn CO	58,513	N/A	61,046	N/A
McKenzie CO	48,000	N/A	59,732	65,166
Minot PD	43,593	54,458	63,135	73,217

Agency	No Experience	5 Year Detective (Comparable to Criminal Investigator I	Sergeant (SSA) (Comparable to Criminal Investigator II	Lieutenant (CA) (Comparable to Criminal Investigator III)
Morton CO	42,973	56,555	60,299	64,522
Mountrail CO	49,008	58,344	61,448	N/A
Stark CO	56,706	64,206	64,206	N/A
Ward CO	43,597	45,780	50,461	55,640
Williams CO	47,458	75,850	69,271	75,850
Williston PD	52,023	58,878	64,970	83,167

Average Salaries	49,246	58,874	62,970	71,364
OAG Salaries		48,240	58,520	62,378
Annual Western ND Difference		10,634	4,450	8,986

EASTERN ND

Bottineau CO	35,256	46,032	52,116	N/A
Cass CO	45,918	50,388	66,980	73,709
Fargo PD	49,400	63,392	75,178	89,354
Grand Forks CO	41,737	59,008	64,039	67,967
Jamestown PD	42,348	52,890	59,988	66,156
Richland CO	43,368	50,960	50,960	N/A
West Fargo	46,499	68,224	76,206	76,778

Average Salaries	43,504	55,842	63,638	74,793
OAG Salaries		48,240	58,520	62,378
Annual Eastern ND Difference		7,602	5,118	12,415

For local law enforcement advertising a salary range for a specific position the average of the range is shown.

State Agencies

ND HP		52,008	64,358	67,416
OAG Salaries		48,240	58,081	76,299
Annual State Employee Difference		3,768	6,277	-8,883

Benefits for the above entities are comparable or in some cases better than state benefits.

This request totals $1,276,301 from other funds for urgently needed criminal investigator salary equity adjustments for the 2015-17 biennium.

The Executive Recommendation includes $322,814 from other funds for this purpose. The office requests an additional $953,487 in other funds for investigator equity adjustments.

❖ Criminal / Narcotics Investigators

Seven new FTEs (2 in Dickinson; 2 in Watford City; 2 in Williston; 1 in Wahpeton – vacant Wahpeton field office position was moved to Williston in January 2012)

With the ever increasing demands on law enforcement in western North Dakota, the need for the office to provide field investigators in response to calls for criminal investigative assistance and proactive targeting of narcotics organizations has become paramount. These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. These investigators will be responsible for serving on a statewide task force and providing law enforcement training to officers throughout the state. It is necessary to fill these positions in order to provide local law enforcement with the resources and expertise needed throughout the state.

The Office of Attorney General finds it necessary to open a new field office in Watford City which will require two new investigators, and supplement the offices in Williston and Dickinson with additional investigators (two in Williston and two in Dickinson). These areas have been identified because of the enormous growth in criminal activity and the requests for office assistance.

In January 2012, a criminal investigator opening in Wahpeton was moved to Williston to immediately combat the increasing criminal and narcotics activity and requests for assistance from the office. Since then, the demand for services in the west has not allowed the office to consider replacing the investigator needed in Wahpeton with existing resources. That area of the state still needs office law enforcement assistance with all types of cases, as well as coordinating the Southeast Multi-County Agency (SEMCA) Drug Task Force.

Even with the increases in staff and resources from the 2013 session, the oil boom continues to greatly impact the office. The office normally assists with investigations because of its higher level of expertise in criminal matters. However, because the local law enforcement agencies are backlogged and extremely busy answering routine calls, investigators are being asked to assist with most, if not all of their investigations.

Because of increased activity and staff limitations, the office has had to:

- Work in "triage" mode.
- Choose only the most serious and dangerous crimes to investigate, as investigators' time has become much more valuable.
- Turn down cases in the last couple of years because of time and personnel limits.
- Schedule investigators on a day-to-day basis, as they are called out at all times of the day and night, which leads to investigator exhaustion.

The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including:

- Gang activity,
- Murder for hire,
- Organized crime including organized drug trafficking, and
- Human trafficking crimes.

There have been a number of unregistered sex offenders that have migrated to the state due to the economic boom. The office has teamed up with the U.S. Marshal Service to address these concerns, yet there are simply not enough staff members to address all of the issues.

The new, very mobile, transient criminal element is responsible for:

- Increased drug activity, especially methamphetamine.
- Trafficking drugs from their home state.
- Introducing new drug producing and cooking methods.

Investigative staff in western offices are mostly reactive (Minot, Dickinson, and Williston), and are frequently unable to address less serious crimes as quickly as needed due to the heavy demand for their services. The office must ensure investigators have the time and resources to be proactive in investigations, working cases using controlled narcotics buys, have time for preventative measures such as public presentations, are able to address the less serious crimes, can take time off to spend with family and get needed rest.

Thirty-seven sworn personnel opened 811 new cases in 2013.

Methamphetamine related cases investigated by the office increased to 38% of drug cases in 2013, compared to 22.5% of total drug cases in 2011, and an all-time high of 58% of drug cases in 2002.

The Executive Recommendation included funding for 7 criminal investigators and related expenses totaling $2,128,639, of which $371,882 is from the general fund, $129,350 is from federal funds and $1,627,407 is from other funds.

❖ Human Trafficking / Cyber-Crime / Computer Forensic Investigators

Due to the increasingly large volume of work related to Internet Crimes Against Children and other cyber-crime investigations, two additional positions are required. These investigators will be utilized to expand and cover the high demand for human trafficking and cyber-crime related cases in western North Dakota. These investigators will be responsible for conducting proactive and reactive cyber-crime related investigations, working with all criminal justice agencies, gathering and maintaining evidence, and working in an undercover capacity. These officers will be responsible for serving on the statewide task force and providing law enforcement training to officers throughout the state. It is necessary to fill these positions in order to provide local law enforcement with the resources and expertise needed throughout the state.

These investigators will most likely be housed in Williston. Two human trafficking and forensic computer examiners are needed due to the growth in crime, to allow the investigators to assist each other in case preparation and evidence protocols, better utilize the expensive digital forensic equipment, and complete peer review of case work.

The Internet Crimes Against Children (ICAC) Task Force program became a nationwide initiative started under the U.S. Department of Justice Office of Juvenile Justice Delinquency Prevention in 1998. By 2008, every state had a funded ICAC task force program.

This office is the lead agency for the NDICAC Task Force:

- NDICAC assists federal, state and local law enforcement agencies in educating the public and investigating cases.
- The cases include child pornography, child abuse, child molestation, human trafficking, terrorizing, extortion, internet fraud, identity theft and narcotics.
- There are 48 affiliate agencies for which the ICAC grant supplies equipment, training and NetSmartz internet safety material.
- Starting in October of 2013 NDICAC purchased training and equipment to assist Bismarck, Dickinson, Grand Forks, Minot and Williston police departments with completion of their own digital forensic investigations. Even with these major agencies handling most of their own forensic investigations, the office's cyber-crime unit continues to experience increases in requests for assistance.

In 2013 the two cyber-crime investigators in Bismarck examined 275 items (including computers, tablets, cell phones, USB devices, cameras, and other digital storage devices) containing a total of 30 terabytes of data. Through September of 2014 the two Bismarck cyber-crime investigators have examined 284 items containing a total of 32 terabytes of data.

The Executive Recommendation includes 2 FTE human trafficking/cyber-crime/computer forensic investigators and $701,749 of which $29,013 is from the general fund and $672,736 is from other funds.

❖ Intelligence Analysts – North Dakota State and Local Intelligence Center and Western North Dakota

With the ever increasing demands on law enforcement in western North Dakota, the need for sharing criminal intelligence is of the utmost importance. The North Dakota State and Local Intelligence Center (SLIC) in the office is comprised of state and federal law enforcement agencies, as well as the North Dakota National Guard Counter Drug program personnel. The mission of the North Dakota SLIC and the role of the analyst is to collect, store, analyze, and disseminate information on both real and suspected crimes, to the law enforcement community, government officials and private industry concerning dangerous drugs, fraud, organized crime, terrorism and other criminal activity for the purposes of decision making, public safety, and proactive law enforcement.

These civilian (non-sworn) intelligence analyst positions provide vital investigative support to various law enforcement agencies in North Dakota, as well as throughout the nation. Job duties of these positions include inputting data from ongoing investigations, search warrants, traffic stops, etc. into a centralized intelligence database; conducting trend analyses, statistical studies, link analyses, and case support; and providing targeting information to the various local, state, and federal law enforcement agencies.

The Office of Attorney General is requesting that two full-time temporary criminal intelligence analysts, currently paid from federal funds (ending in 2015), become full-time positions. The office also requests an additional full-time analyst position to be located in Williston. Some statistics regarding the SLIC include:

- From October 24, 2012, to October 24, 2013, the office received 1,752 requests for information from local and out-of-state law enforcement.
- From October 24, 2013, to October 24, 2014, the office received 2,052 requests, an increase of 300 requests.

Over the last year, the ND SLIC has received numerous requests for case support, especially in the Bakken area, for serious felony level cases such as:

- Homicides,
- Human trafficking cases,
- Drug trafficking cases
- Child sex exploitation cases, and
- Complex conspiracy cases

Agencies in the oil impacted areas do not have the training, expertise, programs, resources and time to analyze and make use of the information they receive from their investigation. Local law enforcement agencies have increasingly requested sophisticated case support such as:

- Geospatial information systems mapping,
- Financial investigations,
- Facial recognition,
- Social media monitoring, and
- Monitoring internet websites (Backpage.com) to identify witnesses to crimes unknown to law enforcement.

In 2014, the office and Mid-States Organized Crime Information Center (MOCIC) became a Regional Information Sharing (RIS) Systems Safe Watch Center. In order to meet the requirements set forth in the RISSafe Watch Center agreement, one office SLIC intelligence analyst needs to be assigned, as their primary duty, to monitor the watch center console for all entered operations in the state and to contact law enforcement members of conflicting operations. Another duty of the watch center is to deescalate investigations for member agencies, increasing the workload of the intelligence analysts.

- The office has seen a steady increase in the number of tactical intelligence "be on the lookout for" requests from law enforcement.
- Due to the oil impact on the state, all levels of government are requesting data in order to best utilize government resources and to justify securing future monies.
- Recent examples include:
  - North Dakota police departments/sheriff's department's yearly crime statistics,
  - Statewide drug price list,
  - Border Patrol illegal alien apprehensions,
  - Categorizing the NCIC drug categories to drugs listed in the North Dakota Century Code, and
  - A North Dakota law enforcement pay study.

The above demands have caused a workload increase for the analysts because of the constant need to monitor and tally all available statistical data requested by policymakers. The development and production of multi-fusion center related analytical products is a yearly requirement in order to obtain Department of Homeland Security grant funding for the fusion center.

The Executive Recommendation includes 3 FTE's for this request and a total of $481,071, of which $35,203 is from the general fund and $445,868 is from other funds.

❖ High Intensity Drug Trafficking Attorney Match

After Williams County received a federal high intensity drug trafficking area (HIDTA) designation in November 2013, the Midwest HIDTA executive board approved federal funding for a prosecutor to work out of the Minot and Williston offices. The Emergency Commission and Budget Section approved adding this position in the spring of 2014. The requested full-time prosecutor position will spearhead the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts. This request totals $302,203, of which $16,140 is from the general fund, $162,687 is federal funds and $123,376 is other funds to cover expenses not covered by the HIDTA grant.

The Executive Recommendation included this position and the funding for this request.

❖ 1.5 FTE Prosecutors to Assist Western North Dakota

Requests for this office's legal assistance from oil impacted counties have increased dramatically. Although the skilled and experienced prosecutors provide assistance as they are able, the staff of three gets spread pretty thin considering the area they must cover and the additional challenges of travel delays and lodging availability.

The Criminal and Regulatory Division of this office provides legal advice to the Department of Corrections and Rehabilitation, Highway Patrol, Parole and Probation, the Crime Lab and the BCI, in addition to political subdivisions. Each of these entities has added a significant number of staff in response to the increase in criminal justice system impact from the oil patch. More staff needing more information adds significantly to the Division's workload. In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to due to speedy trial constraints, and that victims of crime in oil impact counties will fail to see justice done.

The currently filled .5 attorney FTE handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion.

The 2013-15 biennium funding for the .5 attorney position was obtained by application for a grant from the law enforcement oil impact funds approved by the Land Board from the grant authorized by the legislature. The position was authorized by the Emergency Commission and by the Budget Section.

The Executive Recommendation budget included this .5 attorney position and funding totaling $167,416, of which $11,336 is from the general fund and $156,080 is from other funds.

Without the additional full-time assistant attorney general position requested, the office's Criminal and Regulatory Division has 3 attorneys to respond to all of the state's requests for prosecutorial assistance. In addition, the oil boom and resulting increase in crime has resulted in additional highway patrol officers, BCI criminal investigators, probation officers, and Crime Lab staff, all of whom rely on the office's legal advice. This new full-time attorney is the bare minimum necessary to keep up with the increased workload.

This attorney position and the associated $215,372 funding, of which $14,020 is from the general fund and $201,352 is other funds, is included in the Executive Recommendation.

❖ Victim Witness Advocate

The Office of Attorney General is requesting a full-time victim witness advocate position to be located in western North Dakota. With the ever increasing demands on law enforcement in western North Dakota, the needs of the victims and their families related to these calls for service has become apparent. The need for personnel assisting these victims, while the trained investigators work on the criminal elements of the case, has increased significantly. In Williams County the number of shelter nights provided for domestic violence victims increased nearly 300% over a two year period. To assist with the demand, the office is requesting a Victim Witness Advocate for western North Dakota. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes. The victim witness advocate will coordinate restitution and victim notification/ coordination as provided by the Fair Treatment Standards for Victims & Witnesses of Crime Act. Additional information follows:

- Initial and follow-up contact with victims strengthens victims' cooperation with law enforcement and the criminal justice system, leading to stronger evidence in investigations and stronger cases for prosecution.
- Victim witness advocates ease the burden on law enforcement by providing assistance and support to the victims, freeing officers to answer other calls for service.
- Victim witness advocates are professionals trained to support victims of various crimes. Many have academic degrees that prepare them to work with victims and their detailed needs; work experience in social work, criminal justice, education, or psychology; and significant additional training on the specific knowledge and skills needed on the job.

The following advocate duties currently fall on law enforcement agencies that are tasked beyond operational capacity. These duties are enough to justify a full time advocate position. An advocate's role/duties are to:

- Keep victims informed of the criminal justice process and status of the investigation in the court process,
- Assist in obtaining medical records for prosecution,
- Assist in obtaining medical bills for restitution,
- Act as liaison between the victim and the attorney assigned to the case,
- Accompany victims to court proceedings,
- Provide information regarding counseling programs,
- Provide information regarding financial assistance,
- Make travel arrangements including hotel and travel for victims and witnesses during trial; and help find shelter,
- Participate in community boards,
- Locate victims/witnesses - This is very time consuming especially given the transient nature of the population in western North Dakota,
- Provide information on victimization, crime prevention and victims' legal rights and protections, and
- Provide emotional support while assisting with safety planning, victim compensation applications and submitting comments to the courts and parole board.

The following are domestic violence incidents in the state from January - December 2013 (Statistics compiled by North Dakota Council on Abused Women Services - CAWS):

- 4,801 new victims received services from crisis intervention centers in North Dakota.
- 5,177 incidents of domestic violence were reported to crisis intervention centers in North Dakota.
- At least 4,250 children were directly impacted by these incidents.
- At least 77% of victims served were physically abused.

Sexual assaults in North Dakota from January - December 2013 are as follows (Statistics compiled by ND CAWS):

- 913 primary victims and 327 secondary victims were served by 20 sexual assault crisis centers throughout North Dakota.
- At least 369 (40%) of primary victims were under the age of 18 years old at the time of the assault(s).

The $189,622 request for this FTE and related operating expenses are included in the Executive Recommendation, of which $11,734 is from the general fund and $177,888 is other funds.

❖ Grants Administrative Assistant

Nearly all services provided by the office's grants section have increased, as has the need to support those activities. In particular, the grant related workload has grown beyond any expectations. Even though federal funding has decreased over the years, the number of federal grants and special funds managed by grant staff has more than doubled, with nearly 200 projects and activities tracked and monitored during a biennium. Further impacting the workload has been the management of the criminal justice oil impact grants. While the office welcomed putting its experience to work managing these, and the mechanisms for awarding and overseeing sub-grants are already in place, the challenge of managing an additional 105 sub-grants has been somewhat different and much more time consuming than anticipated.

Some of the more time consuming grant management duties include paying meticulous attention to grant finance activities on a daily basis to ensure budgets are adhered to and adjustments are requested in advance; visiting with sub-grantees about their fiscal and programmatic questions or concerns; and reviewing and preparing progress and financial reports. Required reporting has greatly increased over the years. For example, a major federal funding source which once required just one combined annual progress report on behalf of all open fiscal years (five fiscal years in the office's case), now requires twenty-six individual reports each year (twenty quarterly progress reports, five annual progress reports, and one status report). Grants staff currently manages more than 20 major grants and funds, most of which have experienced reporting increases. It is common to respond to data and information requests from oversight agencies, criminal justice supporting organizations, and office staff.

With the increased grant numbers, reporting requirements, and grant award conditions, it has been difficult to address grant management as proactively as needed and adequately meet all office obligations. Some duties are simply impossible to complete. As an example, site visits and desk reviews of all sub-grantees are important, and they open the door of good communication and cooperation between staff and sub-grantees; however, current staff simply does not have the hours available to conduct these visits. Adding a grant administrative assistant will help ensure important duties can be completed in an accurate and timely manner, and will allow for more proactive management and oversight of these funds.

The $138,220 request, of which $9,887 is from the general fund and $128,333 is other funds, and this position are included in the Executive Recommendation.

❖ Criminal Investigation Information Processing - Administrative Assistant

The anticipated substantial increase in the number of criminal investigators due to the increasing demands on western North Dakota law enforcement results in the need for

additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests. The complexity of investigations, and the growing use of digital media and other technology, has resulted in a large increase in time needed by the information processing staff to process each case for prosecution.

The Information Processing section currently consists of six administrative assistants. The addition of another person will help ensure reports are processed in a timely manner.

- In addition to the above, information processing staff are responsible for:
    - Distributing narcotics buy funds to field offices, and accurately tracking the expenditures of those funds,
    - Meticulously reviewing open record request files (hard copy, audio, and video records) for the purpose of redacting confidential information. This is a considerable undertaking, especially when redacting portions of audio or video records,

Making travel arrangements and payments for all BCI staff members attending training, meetings, and conducting investigations requiring overnight stays; ordering supplies and equipment for office staff and investigators; distributing incoming and outgoing mail; and providing reception duties including answering and directing calls to appropriate personnel and checking in visitors.

The $138,220 request, of which $9,887 is from the general fund and $128,333 is other funds, and this position are included in the Executive Recommendation.

❖ Sex Offender Registration Administrative Assistant

The increase in population due to the energy industry has greatly impacted the sex offender registration section. In addition to the large increase in the number of offenders moving to North Dakota from other states, the very transient nature of those offenders makes it very difficult to keep accurate information. Many times, soon after registering in one location, offenders move to either another location in North Dakota or leave the state and fail to notify anyone of the move. Much time is spent in determining where offenders may have gone. This information is imperative to keep citizens informed regarding offenders and the risk they pose to the public.

This section gathers sex offense information, law enforcement reports and treatment information that is used by the Sex Offender Risk Assessment Committee (SORAC) to assess and assign risk levels to offenders. When offenders move to North Dakota from other states, gathering this information is usually quite challenging and very time-consuming. Registered offenders as of December 2014 totaled 2,218.

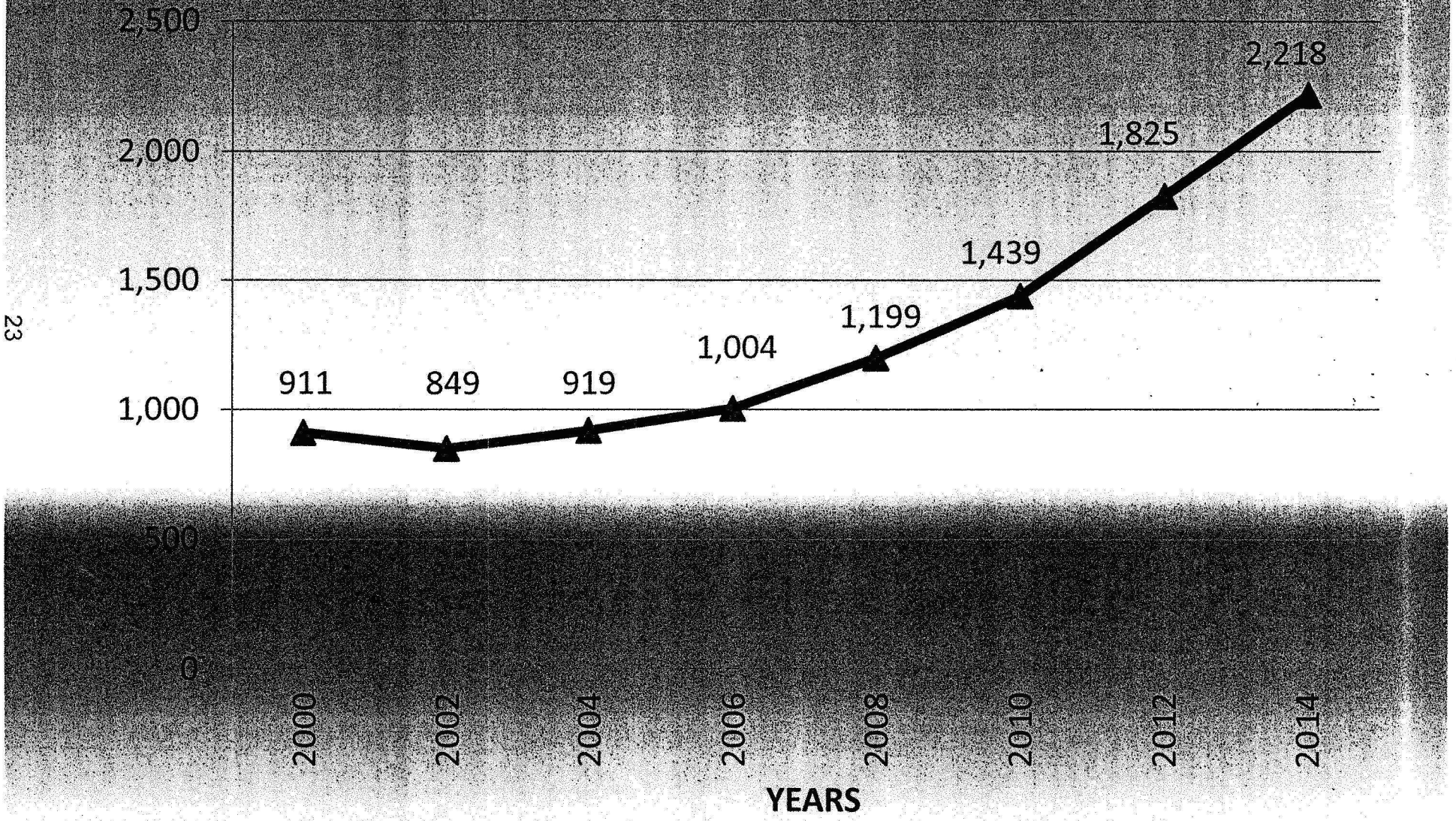
The Offender Registration section currently consists of three full-time administrative assistants and one full-time temporary position hired to alleviate the backlog in entering registrations. The requested full-time administrative assistant will help keep registration entries, updates, and verifications as current as possible, and will help reduce the risk assessment backlog.

Sex offender registration staff is responsible for:

- Receiving offender registration and change forms from local law enforcement agencies throughout the state and checking the accuracy of the information,
- Ensuring fingerprint and DNA information is on file,
- Notifying local law enforcement about insufficient information and additional items that are needed,
- Verifying the current offender information on file via scheduled verifications to ensure offenders are still located at addresses at which they were registered,
- Alerting local law enforcement when information available to this office indicates an offender is noncompliant with registration requirements, or has possibly absconded, and
- Verifying that North Dakota records meet federal standards.

The $138,220 request, of which $9,887 is from the general fund and $128,333 is other funds, and this position are included in the Executive Recommendation.

NUMBER OF SEX OFFENDERS AND OFFENDERS AGAINST CHILDREN REGISTRANTS



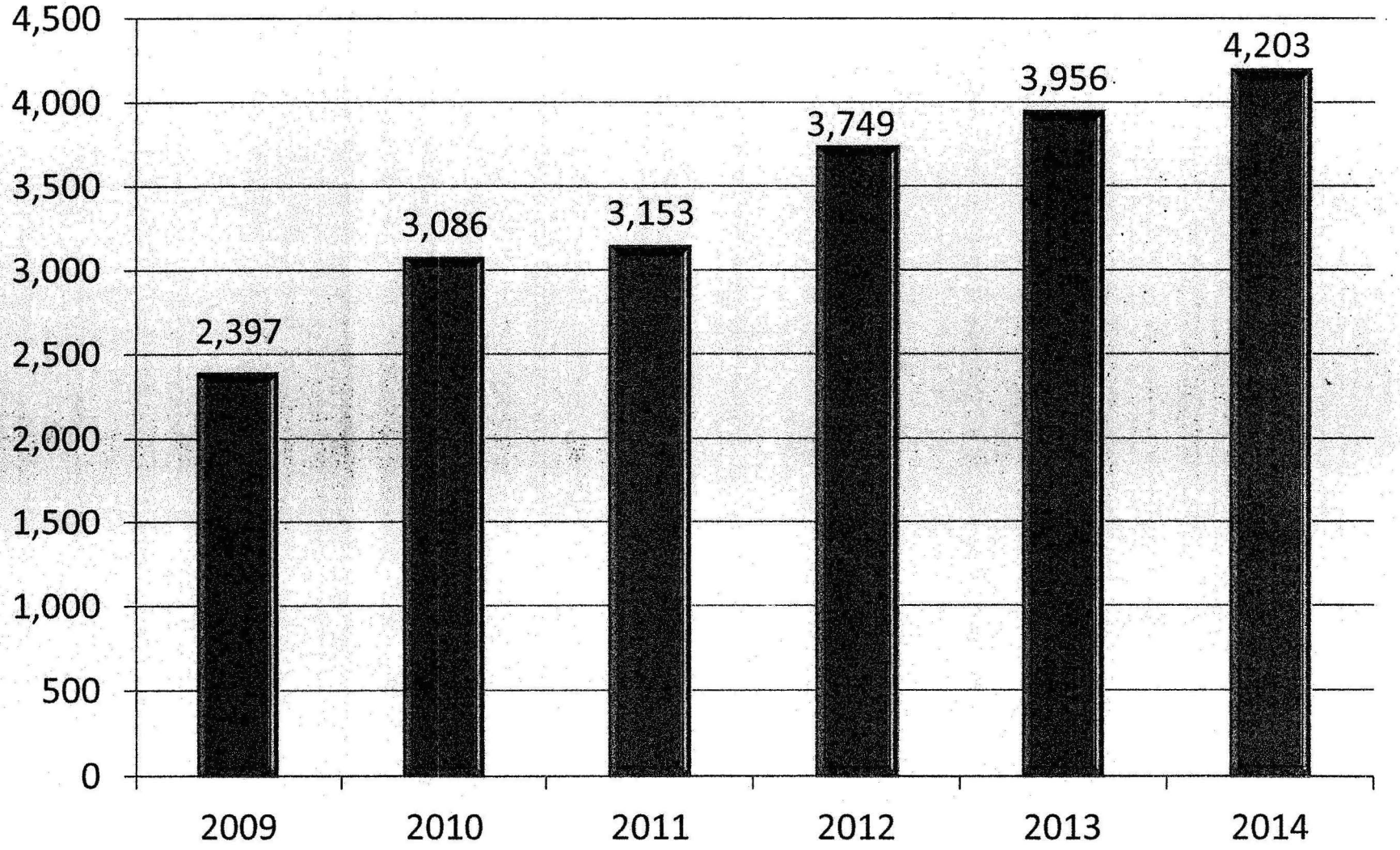
❖ DNA Forensic Scientist

The office has experienced an explosion in the number of DNA case evidence submissions which is causing a significant delay in Crime Lab evidence analysis turn-around time for law enforcement and the justice system. Two years ago, the number of submissions for biological screening and DNA cases has increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change.

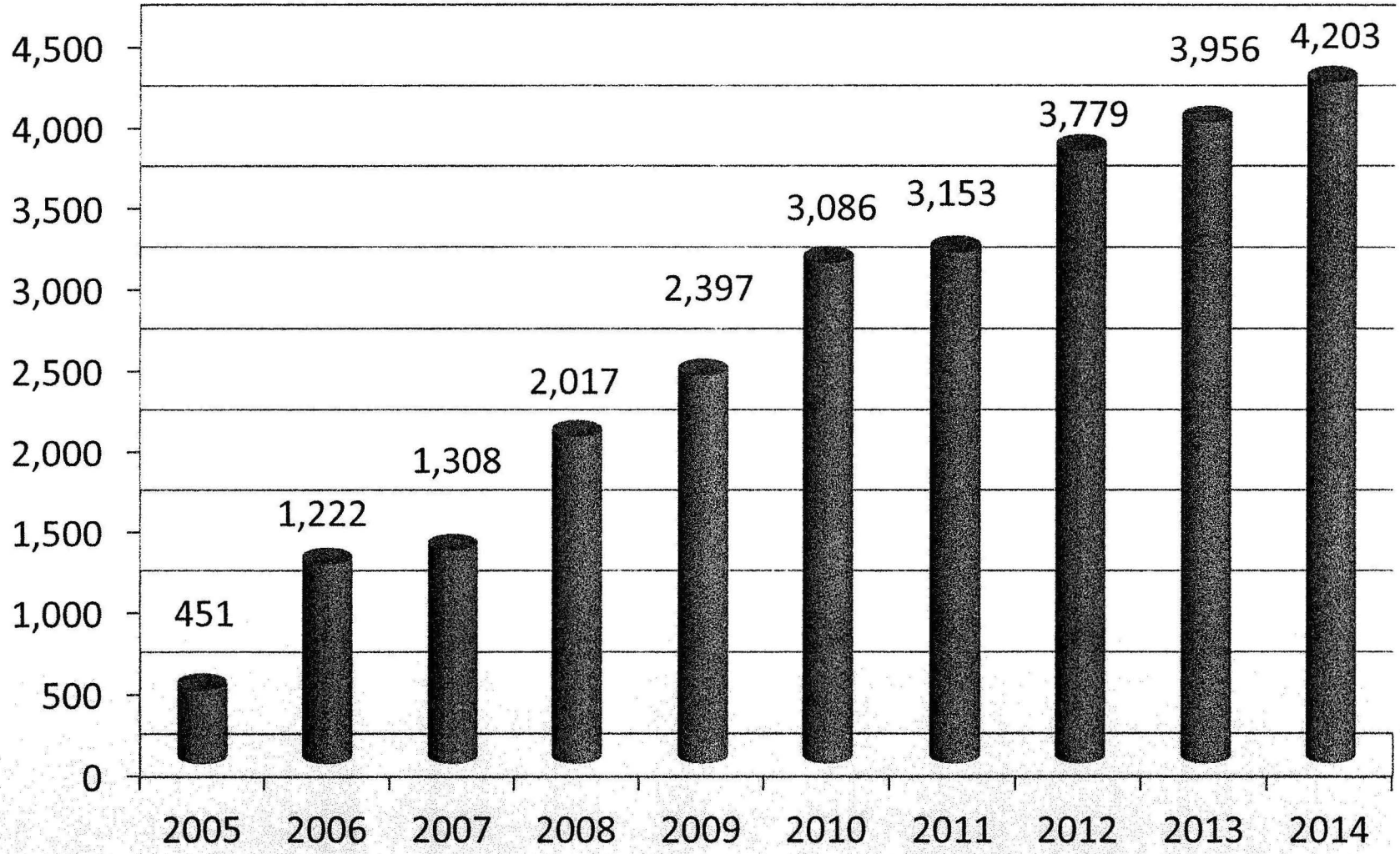
Evidence analysis increases of over 31% are not sustainable without additional staffing and other resources. Such rapid growth has stretched Lab staff resources and has been a contributing cause in the significant increase in case evidence analysis turn-around times. In order to effectively manage the increased workload and to provide, in a timely manner, the required services needed by local law enforcement and the justice systems, an additional forensic scientist is needed.

The Executive Recommendation included the office's request for 1 FTE forensic scientist and $191,498, of which $12,985 is from the general fund and $178,513 is other funds.

DNA SUBMITTED CASES



ALL ARRESTEES OFFENDER SAMPLE SUBMISSIONS



2015-17 Biennium Law Enforcement Grant Requests

	General Fund	Federal Funds	Other Funds	Total
Criminal investigator salaries			1,276,301	1,276,301
7 Criminal investigators	295,935	129,350	1,919,985	2,345,269
2 Human trafficking/cyber-crime investigators			692,601	692,601
3 Intelligence analysts			472,267	472,267
1 Victim witness advocate			177,887	177,887
1 DNA Forensic scientist			178,514	178,514
1 HIDTA Attorney		162,687	123,377	286,064
1.5 Prosecutors			357,429	357,429
1 Grants administrative assistant			128,334	128,334
1 Information processing administrative assistant			128,334	128,334
1 Sex offender registration administrative assistant			128,334	128,334
Oil impact law enforcement grants (10% for administration/regional needs)			20,000,000	20,000,000
Total	**295,935**	**292,037**	**25,583,362**	**26,171,334**
Total FTE's	**19.5**			

Other funds are all from the oil and gas impact grant fund.

❖ Inflation Increases

This request is to maintain the office's current computer environment and service to office and local law enforcement staff. This includes:

- ❖ 10-15% increases to ITD technology fees, added firewalls, and ongoing costs from the office security project.
- ❖ Increased annual maintenance costs (normal increases) for any additional software licenses purchased in the 2013-15 biennium and small equipment replacements.

- Increased rent costs due to moving out of its current location to provide adequate space for BCI.

- Additional other funds increases totaling $812,656 are for IT contractual services, increases in repairs due to increasing equipment and ITD telecommunications increases due to additional phones.

The total inflation increase request is $1,361,037, of which $532,291 is from the general fund and $828,746 is from other funds. These requests are reflected in the Executive Recommendation.

❖ Operating and Rental Space Increases

Rent increases have occurred in both BCI Bismarck locations and several other offices outside of Bismarck will relocate during the next biennium due to growth and/or unfavorable work conditions. This $658,659 general fund increase will cover rent increases, new office rent costs, ITD data processing costs for network connections, IT equipment, furnishings for the new offices and adding 2 IVN systems.

The Council of Western Attorneys General dues increased $4,800 (general fund) for the 2015-17 biennium. Traditionally these dues only increase about every 10 years.

The Executive Recommendation includes funding for these requests.

❖ Undercover Vehicles

The office uses a combination of State Fleet and office-purchased vehicles to help maintain a diverse investigator undercover fleet. These vehicles are rotated across the state for investigator safety and undercover effectiveness. These vehicles are replaced every four years or 75,000 miles. For the 2015-2017 biennium, the office anticipates replacing 11 vehicles.

This $220,000 general fund request is funded in the Executive Recommendation.

❖ Computerized Business Project Staff Needed

The office's Bureau of Criminal Investigation and Crime Lab Division staff depend heavily on the crucial computer programming expertise and skills of the office's technology staff to develop new business use programs and to maintain and support current and new computerized business projects for office staff and for local law enforcement. For the 2009-11 biennium the BCI and Crime Lab utilized 84% of office technology staff resources. In the 2011-13 biennium the BCI and Crime Lab utilized

87% of office technology staff resources. In the 2013-15 biennium to date, the BCI and Crime Lab utilized 87% of office technology staff resources.

The office has advanced from simple to substantially more complex, sophisticated applications, sharing information within one division, several divisions and with other state and local entities. Local law enforcement has conveyed the significant and escalating need to be able to enter data at the point of origin (local level), rather than mailing or electronically sending documents into the office, which will make such information more readily available to other state and local law enforcement. This requires the office to develop more sophisticated office applications with higher security requirements and to provide support to local law enforcement, states' attorneys, and others outside of the office. The number and complexity of applications that need to be supported and replaced has grown over the years and the office's technology staff has not grown enough to meet these demands. This is seriously impacting its ability to provide the ongoing technology service needs of office and local law enforcement users.

Office technology staff understands the business purpose behind each computerized business application and works side by side with division office staff to replace or enhance these applications through projects and regular maintenance. To keep up with the demands of office staff, technology consultants do the bulk of the programming with office technology staff assigning, reviewing and testing consultant work.

For a typical new computerized business project, the following provides a brief outline of the process used by internal technology staff members:

- The assigned internal programmer documents the business functions to be addressed and identifies all the business requirements to be met by the project. This work occurs 4 – 6 weeks before the computerized business project begins.

- After defining the business functions and requirements for the business project, the internal architect associate determines the best approach for the application structure and how it will interact with other business applications. The architect associate develops the "blueprint" for the consultants to follow.

- The programmer writes coding requirements for each piece of the business project to be designed and programmed. This staff member must stay about two weeks ahead of the consultants to provide a continuous flow of work to keep the business project on track.

- While the consultants write the business program, the programmer reviews their work to ensure it meets the established requirements of the project and writes testing scripts for the business staff.

- The architecture associate regularly reviews the consultant work to ensure it meets the architecture design and requirements.

- ❖ The review by the programmer and the architect associate is essential to avoid substantial consultant rework on the project.

The office currently has four programmer/analysts, a database analyst, and an application architect associate working full time on business use project development. These programmer/analysts are able to work with 1-2 consultants each. Consultant funding is essential to meet the business need for improvements and additions to office business applications.

With a significant backlog of computerized business projects the need for the requested programmer/analyst technology staff positions is at a critical point. The office requests the programmer position be permanently added to assist law enforcement, both in the office and locally, to work primarily on significant law enforcement projects. It is crucial for the office to receive the staff and funding to ensure that essential new computerized business programs function efficiently, that current and new project deadlines can be met, and development delays are minimized.

The office is requesting the additional programmer/analyst provided by the 2013 Legislature be continued to support the current business applications and to handle the many office projects (primarily for law enforcement) currently listed for future development. This staff member increases the office's ability to use and manage additional contractual services, including ITD services.

This request totals $185,886, $154,572 from the general fund and $31,314 from other funds, and 1 FTE, which is included in the Executive Recommendation.

❖ Legal Staff Additions

The Civil Litigation, State and Local Government, and Natural Resources and Indian Affairs divisions need a total of 2 paralegals to assist attorneys with the legal work performed in the divisions. The anticipated outcome is greater efficiency for the attorneys in the division via additional support in areas including:

- Preparation of legal documents of substantial difficulty, requiring independent analysis and interpretation of legal documents, cases and facts to assist Assistant Attorneys General in providing legal counsel to clients including analysis of case or agency matters; issues identification; research relevant laws, regulations, judicial decisions and other sources; computerized database research and ensure document accuracy.
- To read, understand and summarize opponent's pleadings to research and draft responses, discovery and other required documents for attorney review.
- Preparation of interrogatories and requests for production of documents; answers to interrogatories and responses to requests for document production; determine objectionable material; prepare objections, compile and organize document

requests; and review answers to interrogatories and documents produced by opponents to utilize in legal case work.

- Location of witnesses, deposition attendance; create electronic databases; and general counsel duties such as contract, easement, and lease review; land transaction deals and title opinions.

This staffing request results from the following:

- ❖ The influx of people moving to the state has increased the various state boards' work significantly, which has resulted in more legal work for this office. The .5 FTE paralegal will assist the attorneys with the increased board workload in addition to providing legal research support for Attorney General opinions.
- ❖ The number of Labor Department wage claims has more than doubled in two years. The wage claim workload is anticipated to continue to increase. The amount of pro se (self-represented) litigation has increased.
- ❖ The number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues.

Legal work will be handled more efficiently and more timely, providing better service to client agencies and the public. Attorneys will be permitted to spend more time on work only attorneys can perform with the paralegals will be doing the work that can be delegated to them.

This request of 2 FTE paralegals and $331,007 in other funds is in the Executive Recommendation.

❖ Gaming Audit Staff

There are 350 gaming organizations in over 1,000 sites in North Dakota. The current staff can audit each gaming organization only every 5-7 years and with that some audits are only a review of one game type rather than a complete comprehensive audit. Also, federal legislation passed in the 2014 federal farm bill requires notification to the Supplemental Nutrition Assistance program of any substantial gambling winnings.

With this position the office will be able to perform more charitable gaming organization audits. The office will comply with the requirements of the 2014 federal farm bill regarding substantial gambling winnings reporting. This requested position and associated operating totals $152,021 from the general fund.

The Executive Recommendation includes this position and changes funding for the position and related operating expenses to one-half general fund monies and one-half from the Attorney General Refund fund, and switches from the general

fund to the Attorney General Refund fund some Consumer Protection staff funding.

❖ Concealed Weapon Permit Administrative Assistants

The office's concealed weapon unit currently consists of two FTE's and two .5 FTE'S. Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily regulated time. This situation has necessitated hiring three full-time temporary and one part-time temporary staff members. The Office of Attorney General is requesting two FTE positions, with the purpose of replacing temporary positions with FTE's.

Concealed weapon license applications submitted to the office for consideration come in varying amounts. There are periods of time when the office receives 300 applications per day, and times when just a few per day are received. This fluctuation seems dependent upon a few factors such as the current political climate, recent high profile crimes – especially crimes of violence - and the time of year (late fall, winter, and early spring seem to be the highest time for applications).

The steps required to process a concealed weapon license application are labor intensive. During the 2013 legislative session, several changes to the North Dakota Century Code created additional but necessary work in the process (i.e., the mandate to conduct fingerprint based criminal history record checks.

Staff also coordinates test administrators, and as technology grows, test new systems developed to ensure they met the expectations of the public and are working properly prior to being released.

The steps in issuing concealed weapon licenses include:

- Review and deposit fees,
- Review applications and attachments,
- Enter data and conduct criminal history record checks,
- Determine if license should be issued or denied, and respond accordingly to applicant,
- If a license is denied, respond to applicants' calls, correspondence, or office visits requesting more information regarding their concealed weapon application, and
- Reconciliation of computer systems to ensure that funds received are accounted for compared to the licenses issued.

One part of the process, background information, is conducted by reviewing multiple databases, and time-consuming off-line searches from law enforcement offices and courts. Records and databases reviewed include:

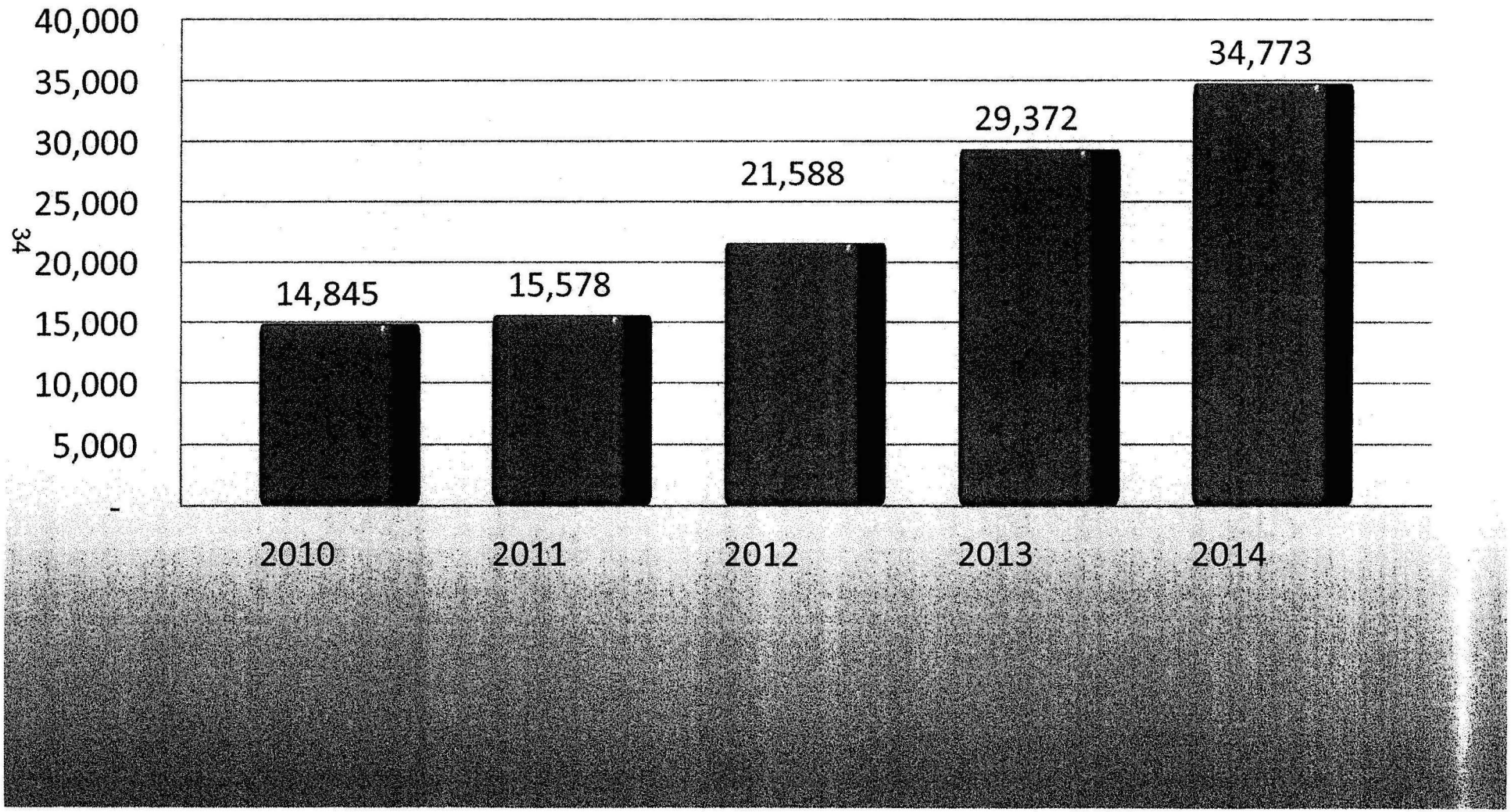
- North Dakota courts (public search online),

- Protection/restraining orders,
- North Dakota records,
- Central Warrant Information System,
- Alien searches,
- FBI National Instant Check System (NICS) records,
- National Crime Information Center/Interstate Identification Index records,
- FBI fingerprint submissions,
- Police/Sheriffs' department records - in and out of state incident reports depending on the charge and/or level of conviction, and
- Court records - in and out-of-state judgments, complaints, and addendums to determine conviction, level, probation (if any), relationship, etc.

- Concealed weapon licenses issued and renewal estimates are:
  - 2010 – 4,026 issued (4 denied, total 3,993 received)
  - 2011 – 5,312 issued (55 denied, total 6,254 received)
  - 2012 - 12,435 issued (189 denied, total 12,624 received)
  - 2013 - 11,909 issued (993 denied, total 14,729 received)
  - 2014 (through September 2014) - 6,337 issued (773 denied, total 5,256 received)
  - 2015-17 biennium – The office anticipates 11,000 renewals (due to the new 5-year licenses expiring) and 17,000 newly licensed individuals

The 2 positions and associated operating request of $281,540 from other funds are included in the Executive Recommendation.

ACTIVE CONCEALED WEAPON LICENSES



❖ Criminal History Rewrite Project

The Criminal History improvement project will rework livescan (electronic fingerprinting) workflow to improve business processes, becoming less dependent on the vendor. This project includes working with the state's attorneys and courts to receive electronic criminal records transfers to the criminal history system and converting the criminal history repository to current technology. The technologies used by the North Dakota criminal history repository are now antiquated. The underlying database software used by the repository is approaching its end of life and has limited support in the United States. New federal regulations and processes, coupled with the age of the underlying technologies, necessitate a review and reengineering of current processes and technology.

Criminal history records, consisting of arrest, charge, and disposition information, reside in the Criminal History Repository (CHR). With the exception of roughly 75% of the arrest transactions that are submitted and processed electronically, criminal history records are manually keyed into the repository. The North Dakota Supreme Court intends to publish select court case information electronically.

One of the important uses of criminal history information is conducting criminal record checks for various civil purposes, such as employment, housing, adoption and licensure. Current record checks are based on a "point in time," meaning the criminal record is checked only once; at the time the check is performed. Rapback is a term used to describe advanced fingerprint-based record check processes in which criminal history records are continually monitored and the appearance of new activity for a record check subject triggers notification to appropriate parties such as the employer requesting the record check or a professional licensing board.

Implementation of Rapback capability involves modifications to recordkeeping systems, procedures, and in some cases, statute, to permit the retention and searching of non-criminal fingerprint records. This project would design and implement processes needed to support Rapback technology.

The Criminal History Rewrite other funds request totals $970,000. The Executive Recommendation included this other funds request.

❖ Contractual Business Programs

This office has many applications to support for the BCI and Crime Lab which need enhancements. These enhancements are outside of regular maintenance and are considered small projects, such as sending sex offender supplemental information to the FBI, improving biometric use with sex offenders and being able to share this information electronically across state lines, improvements to case management evidence tracking and interaction with the Crime Lab, improving case reporting, Crime Lab reporting and 24/7 sobriety system enhancements.

This other funds request is for $634,000 and is included in the Executive Recommendation.

❖ Multi-State Tobacco Diligent Enforcement Arbitration

As a condition of receiving the tobacco settlement funds, the state is required to demonstrate its diligent enforcement of North Dakota Century Code ch. 51-25 (Tobacco Sales Act) and that it is not subject to the Non-Participating Manufacturer Agreement which would result in the loss to the state of $23 million. Because of the unpredictability of the costs, the office had to repeatedly request funding from the Emergency Commission to pay the expenses associated with paying the common costs of the tobacco diligent enforcement cost-share agreement litigation and the costs associated with the tobacco diligent enforcement arbitration panel, hearings, trial consultant and graphic exhibits expertise, court reporters, staff travel costs and other related costs.

After the arbitration panel finishes its work, the office, via the tobacco diligent enforcement cost-share agreement, shares in any remaining costs unpaid by the initial contribution to the cost-share agreement. The amount of funding needed for this purpose is unpredictable.

This request is for $200,000 from the tobacco settlement fund to pay for the estimated arbitration costs and is funded in the Executive Recommendation.

❖ Building Space Feasibility Study

A feasibility study is essential to determine additional space needs for the Crime Lab building. The Lab needs to assess its current and future needs by examining the services provided to law enforcement, existing space utilization, and infrastructure. The recommended standard ratio for laboratory space is 1000 ft^2 per staff member. The Lab currently has 27 staff members and the ratio is roughly 700 ft^2. Additional working space is not available in the current building; the space needs to be properly ventilated and secure for evidence processing and storage.

The Executive Recommendation includes $30,000 from other funds for this project, the same as the 2015-17 biennium budget request.

❖ Lottery Operating Changes

The Lottery anticipates adding a new Multi-State lottery game to the games available to state lottery players. The cost of joining this game is estimated at $226,200. A total of $88,800 is needed for public notices, background checks, vendor play bank fees, licenses, a player survey and other miscellaneous expenses.

This $315,000 other funds request is funded in the Executive Recommendation.

The Lottery has introduced a player's club points for prizes program which provides lottery players the ability to accrue points based on entering purchased ticket information online. These points can be used to purchase several hundred various prizes or for second chance drawings. This request, totaling $715,000, will be funded from unclaimed lottery prizes.

This $715,000 other funds request is included in the Executive Recommendation.

PROPOSED CHANGES TO 2015 SENATE BILL NO. 2003

1. **The office requests an additional $953,487 in other funds for investigator equity adjustments to be able to hire experienced investigators to combat the organized and dangerous criminals in North Dakota.**

2. **The office requests that 10% of this grant be allocated to the office to address funding issues for regional needs such as to purchasing manuals, regional training, personal protection equipment, investigative equipment and other needs similar to that approved by the 2013 legislature.**

3. **The office requests transferring the Criminal Justice Information Sharing system funding and FTE's to this office. The Information Technology Division Director has expressed support (it is also supported by the Judicial branch and the Governor's Office), to be able to directly access the FBI's criminal history record information (to access this information the entity must be part of a criminal justice agency and currently is not).**

   In addition, the following CJIS increases for a business analyst position ($500,000 including consulting services), $380,000 for the Law Enforcement Records Management System (LERMS), and $330,000 for the State's Attorneys Record System (STARS), all from the general fund, are requested in this office's budget to further criminal justice information sharing and automation strategic initiatives to local law enforcement.

   These requests were omitted from the Governor's budget.

4. **An amendment is needed to provide funding from the tobacco settlement fund for multi-state tobacco diligent enforcement included in the office's appropriation. The amendment is as follows:**

   "54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c) (1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund remaining after funds are appropriated to the Attorney General for the purposes of enforcing the master settlement agreement and any disputes with the agreement must be allocated as follows:
   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.
   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.
   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount

determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state."

2015 Legislation Having a Fiscal Impact on the Office of Attorney General

House Bill No. 1105 requires this office to provide criminal history record checks for Adjutant General employees and volunteers working with recruiting, retention, sexual assault and youth programs.

House Bill No. 1125 requires this office to provide criminal history record checks for Parks & Recreation employees and volunteers.

House Bill No. 1164 amends the 24-7 Sobriety program to include ignition interlock in specific situations.

Senate Bill No. 2023 includes a deficiency appropriation of $50,000 from the general fund for prosecution witness fees.

Senate Bill No. 2077 requires this office to provide criminal history record checks for Game & Fish employees and volunteers.

Senate Bill No. 2058 changes the funding source for the Water Commission from other funds to the general fund which will translate into the need for a $498,681 funding source change from other funds to the general fund for office legal services operations.

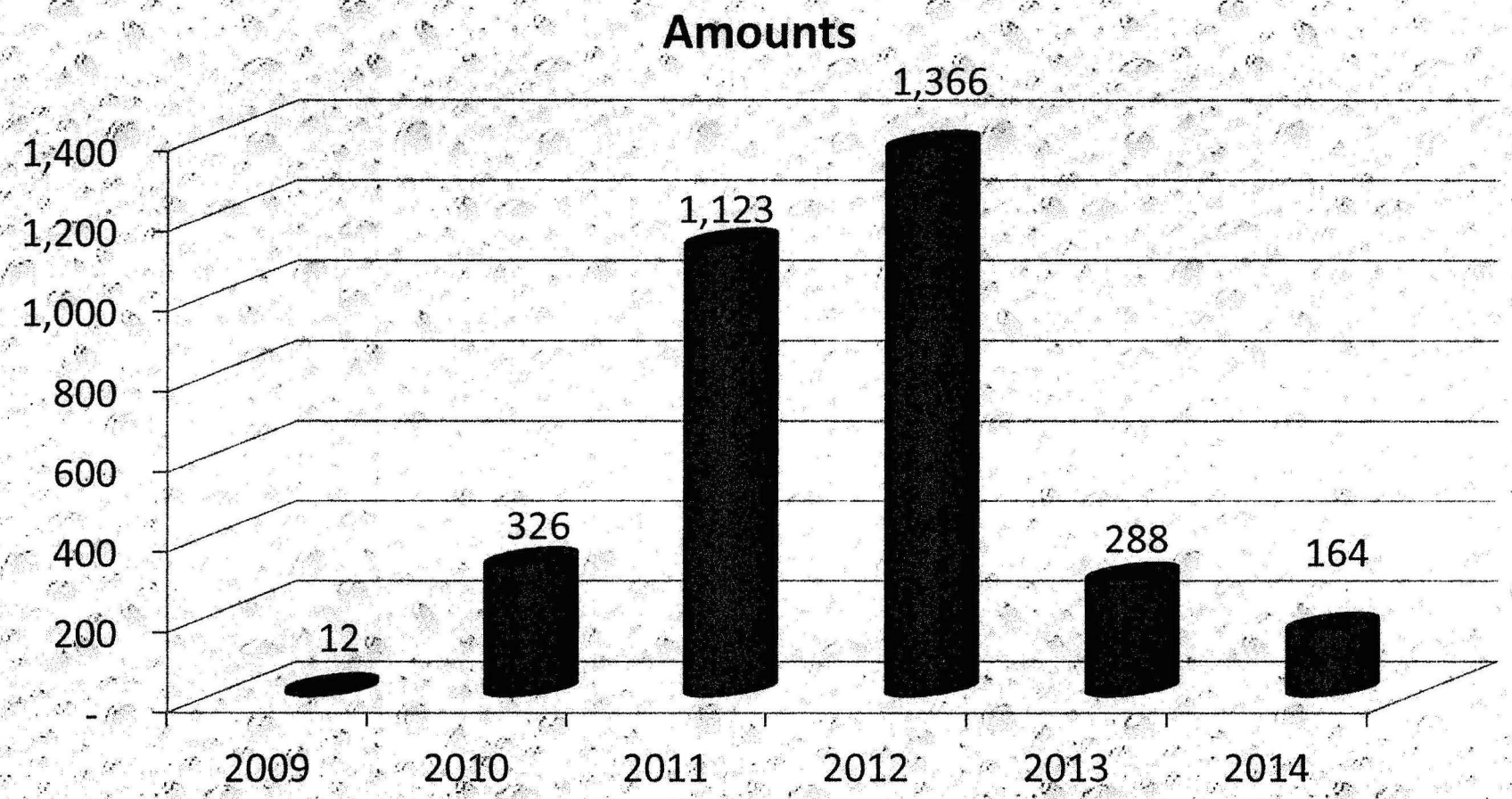
Senate Bill No. 2085 requires this office to provide criminal history record checks for massage applicants, licensees or investigations if required by the Board of Massage.

Senate Bill No. 2126 includes an emergency appropriation for $1,000,000 and up to 10 law enforcement staff members for the oil patch area.

Senate Bill No. 2145 requires this office to provide criminal history record checks for boards of multi-district special education units, area career and technology centers, regional educational centers and nonpublic schools.

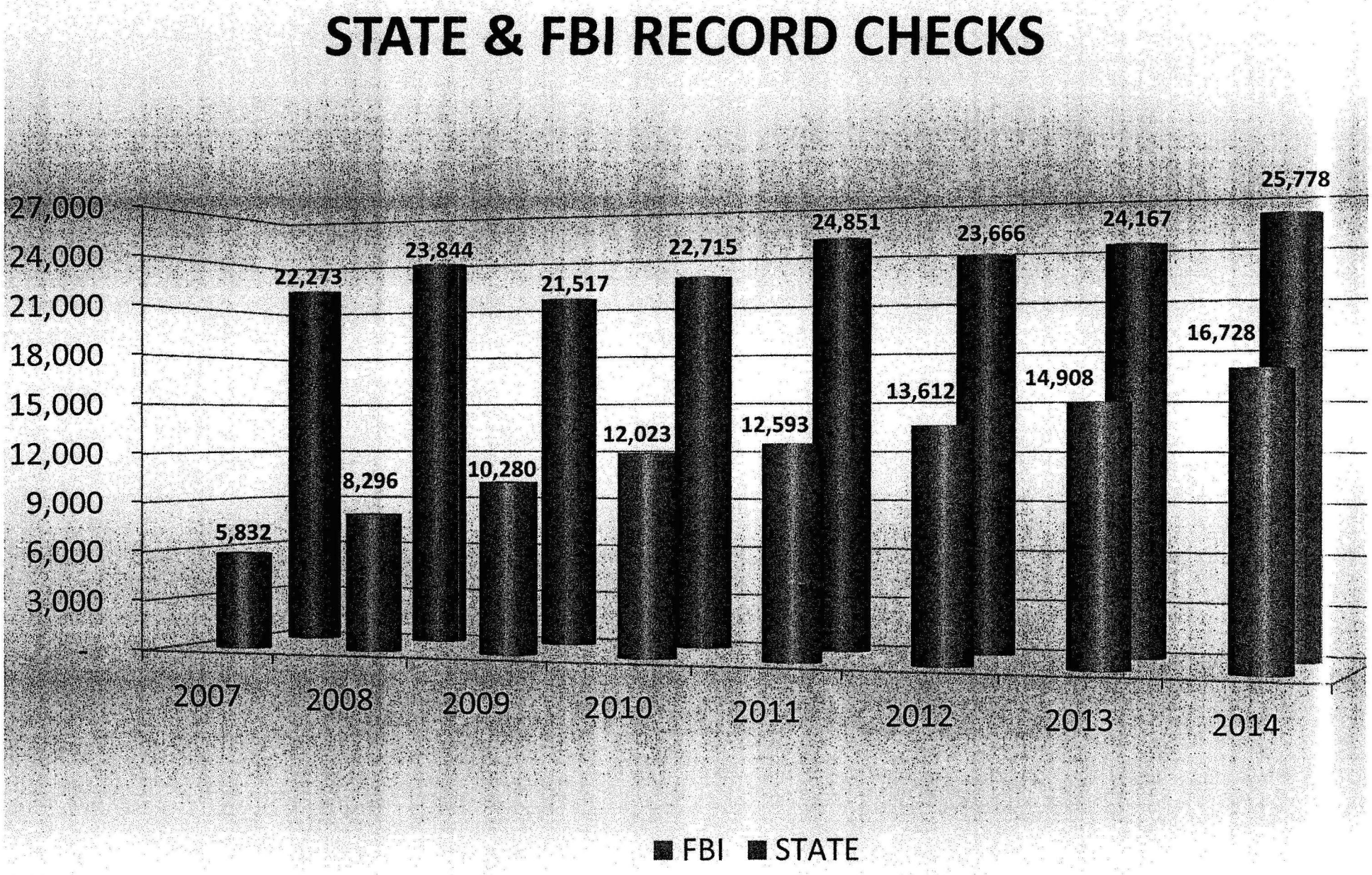
Senate Bill No. 2154 amends statutory authority to eliminate the requirement of completing the 24-7 Sobriety program for first and second time DUI (driving under the influence) offenders.

SYNTHETIC DRUG CASES (THROUGH NOVEMBER 2014)

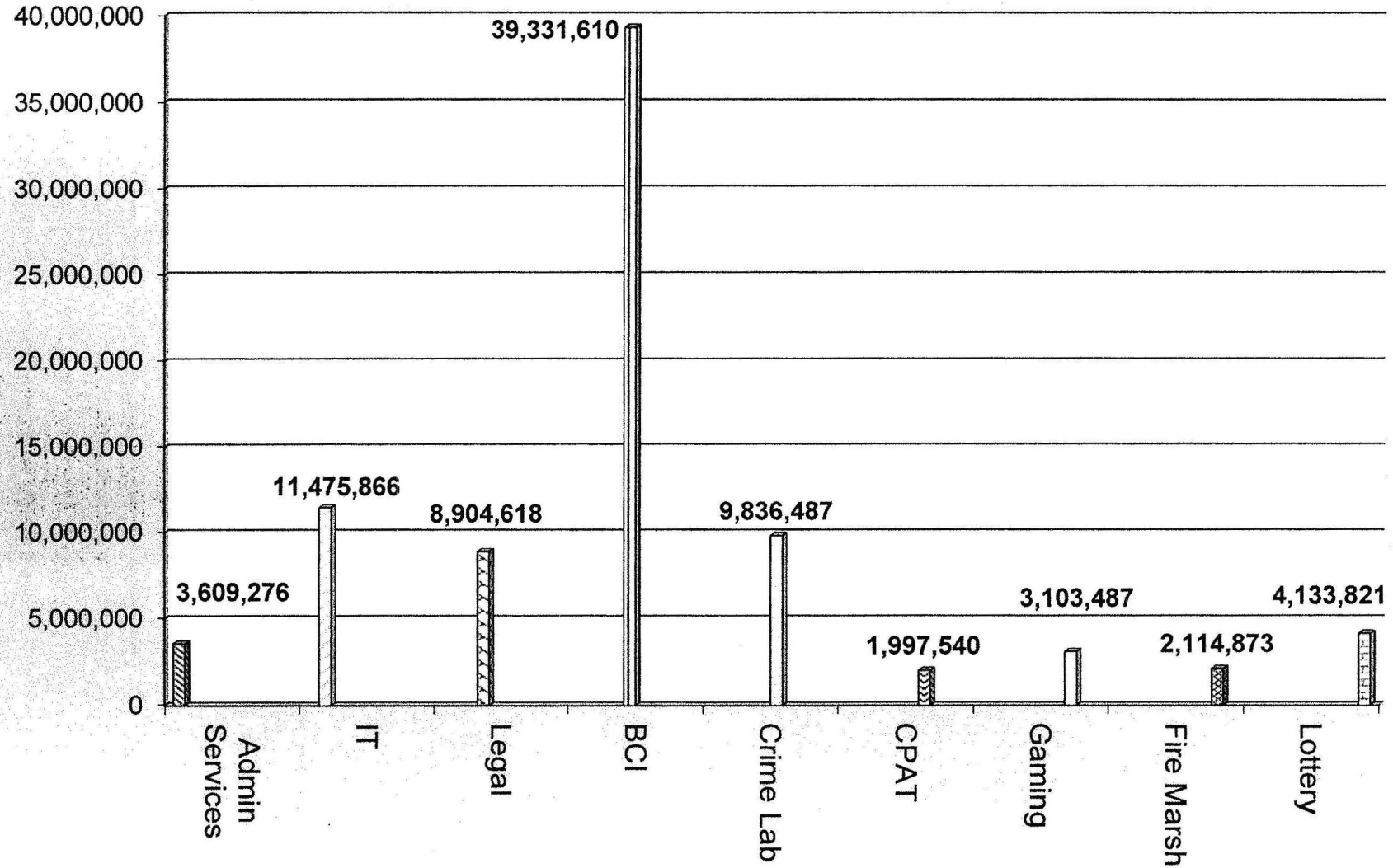


Top 25 NARCOTICS CONSUMER IN NORTH DAKOTA FOR THE PERIOD FROM JANUARY TO NOVEMBER 2014

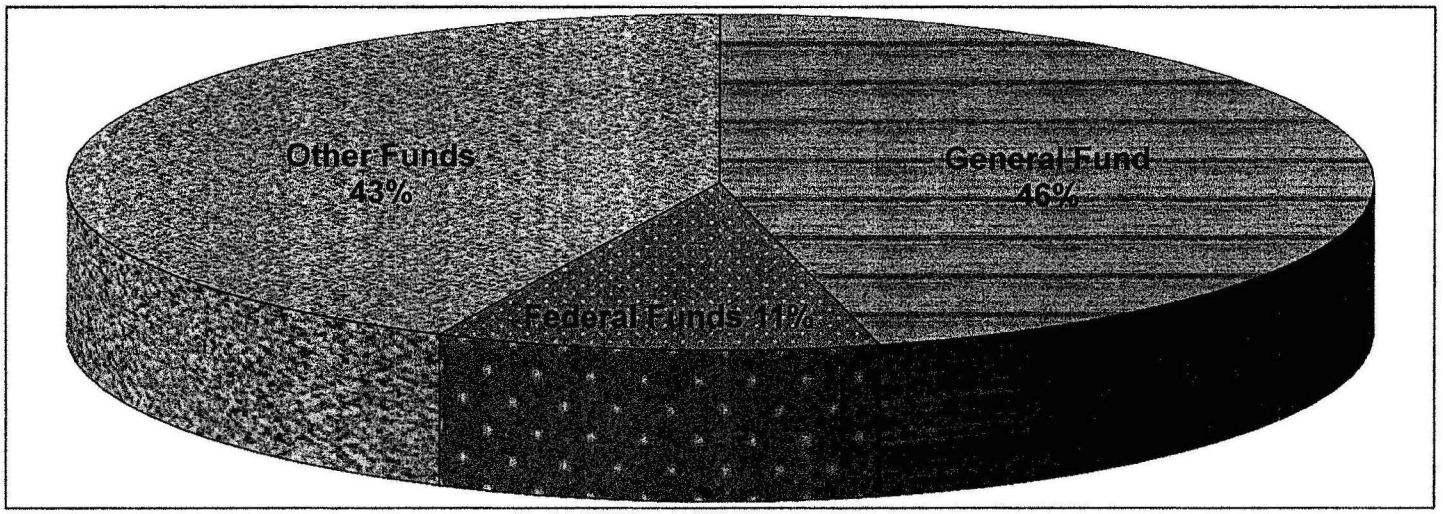
DESCRIPTION	TOTAL	PERCENT
CANNABIS	4,440	48.21
METHAMPHETAMINE	2,925	31.76
HEROIN	201	2.18
OXYCODONE	189	2.05
COCAINE	168	1.82
DIMETHYLSULFONE	128	1.39
ACETAMINOPHEN	96	1.04
HYDROCODONE	87	0.94
ALPRAZOLAM	82	0.89
PHENYLIMIDOTHIAZOLE ISOMER UNDETERMINED	77	0.84
AMPHETAMINE	45	0.49
HYDROMORPHONE	40	0.43
XLR-11 (1-(5-FLUOROPENTYL-1H-3-YL)(2,2,3,3-TETRAMETHYLCYCLOPROPYL)METHANONE)	37	0.4
AB-FUBINACA	36	0.39
MORPHINE	35	0.38
CLONAZEPAM	32	0.35
METHYLPHENIDATE	32	0.35
CAFFEINE	30	0.33
3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA)	26	0.28
AB-PINACA	23	0.25
BUPRENORPHINE	23	0.25
TRAMADOL	22	0.24
LIDOCAINE	20	0.22
PSILOCYBIN/PSILOCYN	20	0.22
LORAZEPAM	19	0.21
Total Top 25 Drugs	8,833	**95.91**
Total of All Drugs	**9,209**	**100.00**


STATE & FBI RECORD CHECKS
27,000
24,000
21,000
18,000
15,000
12,000
9,000
6,000
3,000
-
5,832
22,273
8,296
23,844
10,280
21,517
12,023
22,715
12,593
24,851
13,612
23,666
14,908
24,167
16,728
25,778
2007
2008
2009
2010
2011
2012
2013
2014
FBI
STATE

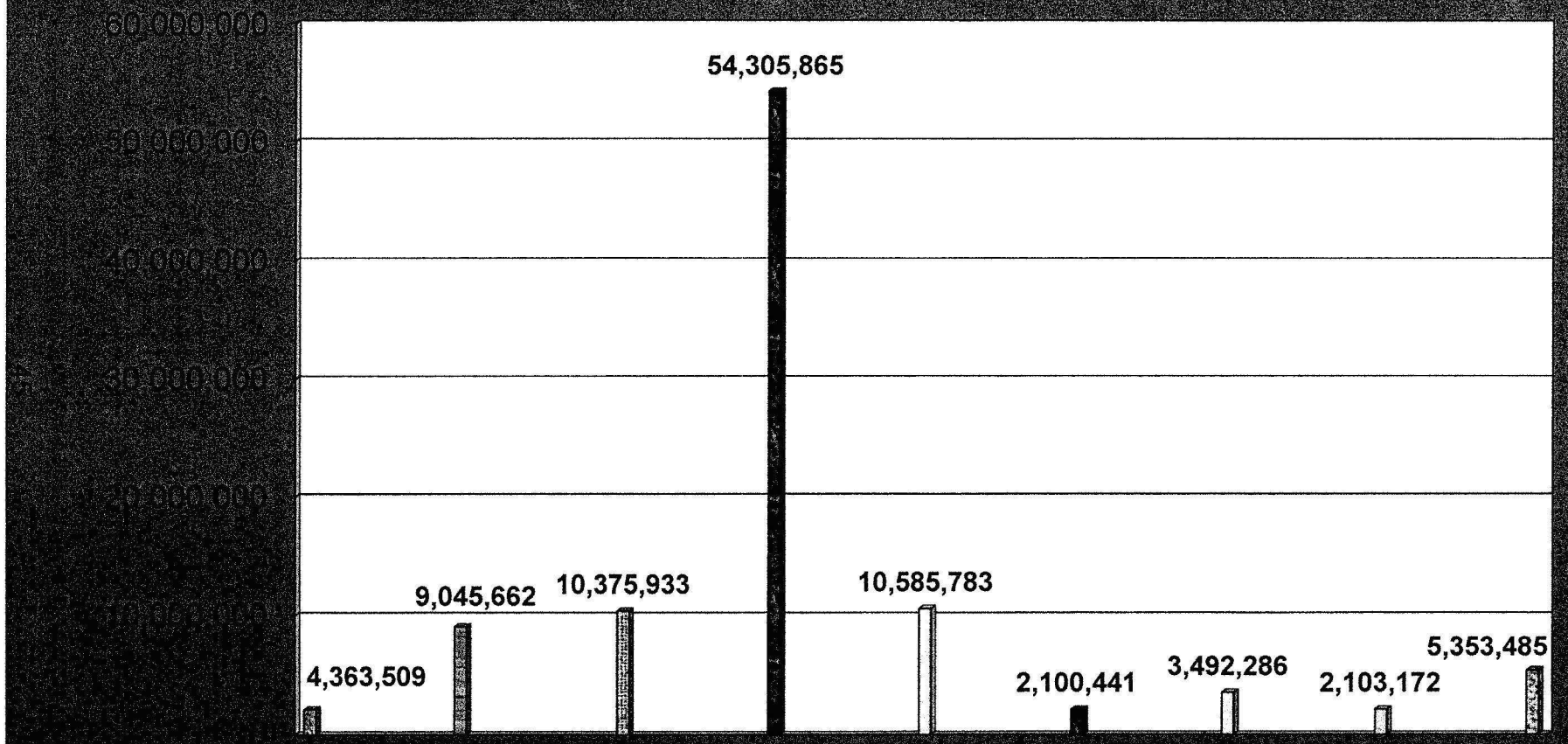
Office of Attorney General
2013 - 2015 Biennium Appropriation
By Division – Total $84,507,578



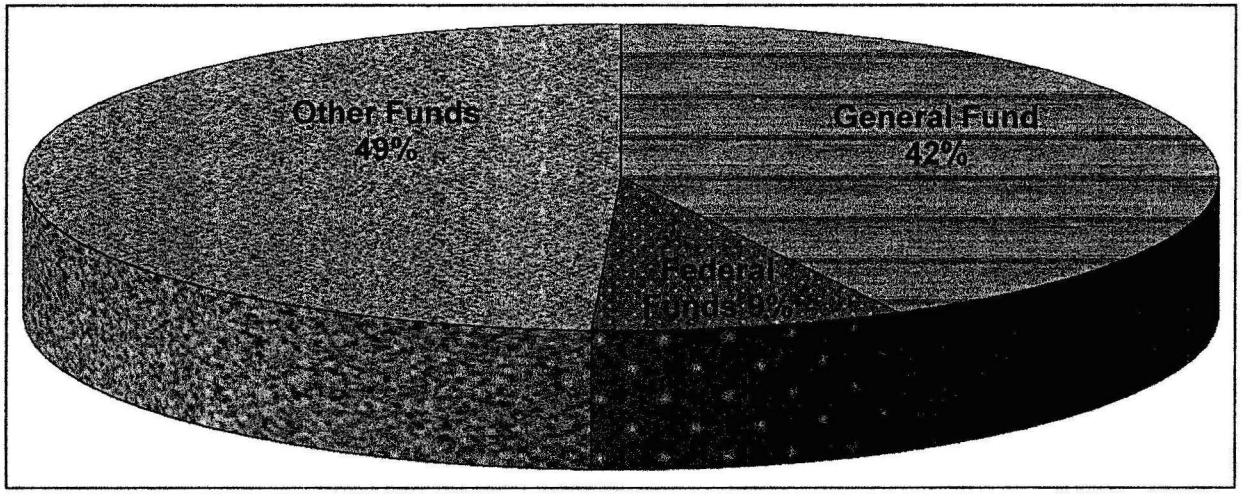
Office of Attorney General
2013 - 2015 Biennium Appropriation
By Funding Source - Total $84,507,578



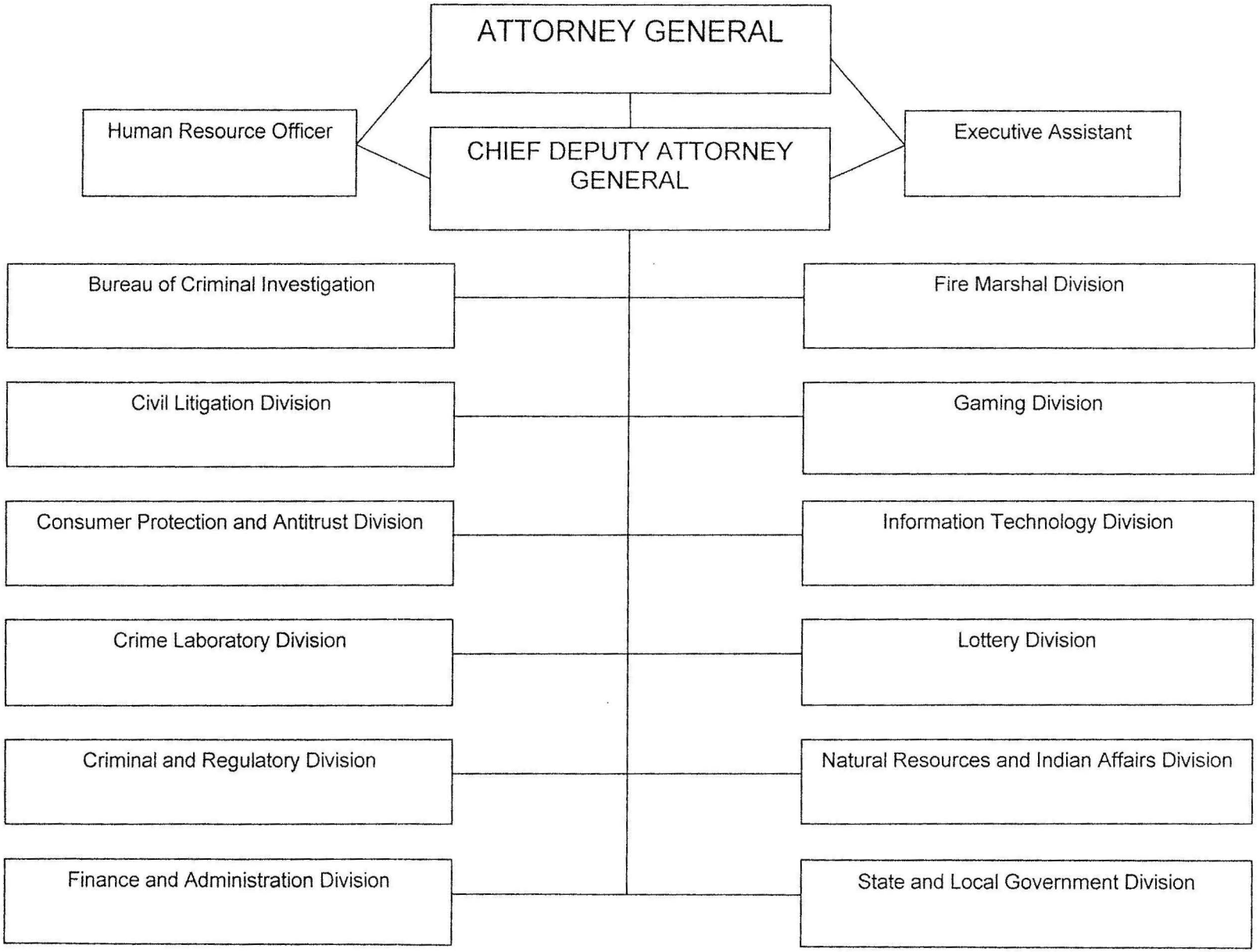
Office of Attorney General
2015-2017 Biennium Recommendation
By Division - Total $101,726,136



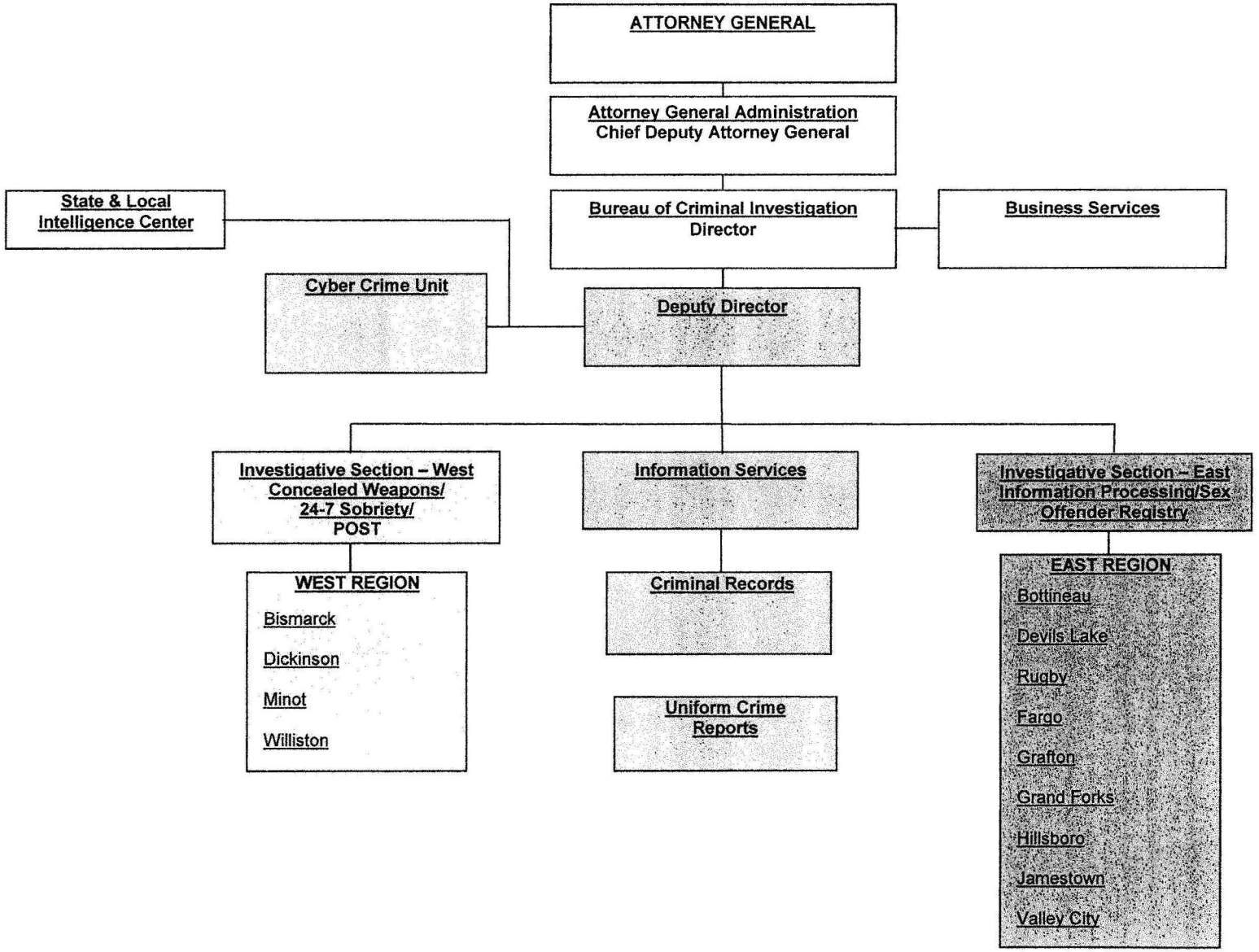
Office of Attorney General
2015-2017 Biennium Recommendation
By Funding Source - Total $101,726,136



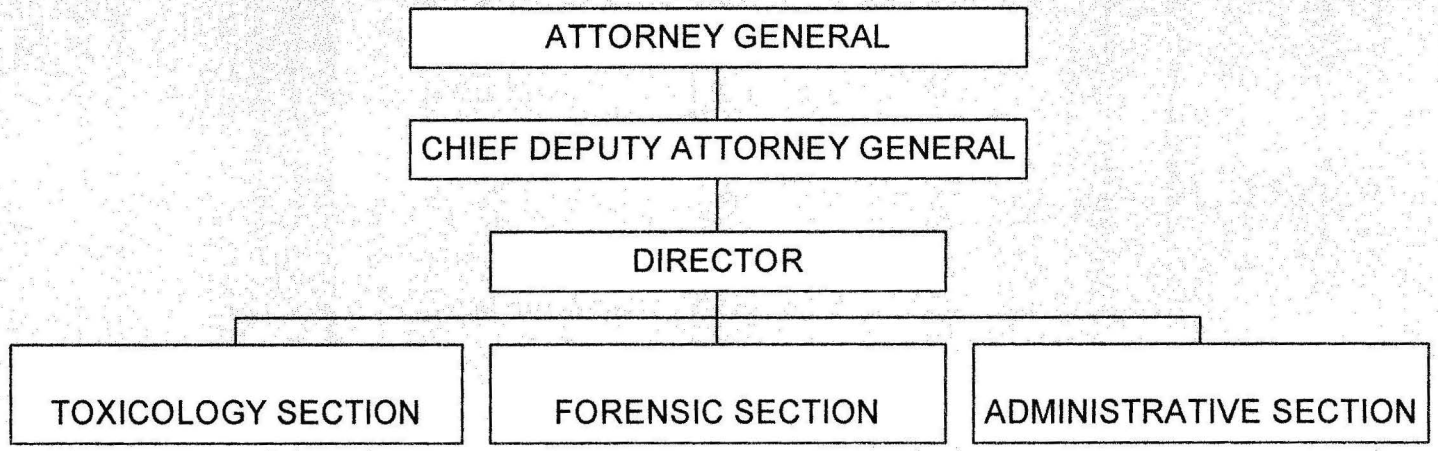
NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
January 2015



North Dakota Office of Attorney General
Bureau of Criminal Investigation
Organizational Chart



NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
CRIME LABORATORY DIVISION
January 2015



SB 2003
1-13-15
#2

The Dickinson Press
www.thedickinsonpress.com

California gangs have 'quite a connection' to Dickinson

By Katherine Lymn on Jan 2, 2015 at 7:53 p.m.

Officials in Bakersfield, Calif., say they're very aware of gang members traveling from there to North Dakota's oilfields, often to commit crimes.

ORGANIZED CRIME

Washington state man named as ringleader of Bakken drug ring gets 20 years prison

Published August 29, 2014 1 4
Associated Press

Stark County State's Attorney Confirms Officer Involved Shooting in Belfield

Posted: Dec 11, 2014 4:32 PM CST
Updated: Dec 19, 2014 10:10 AM CST

By Tom Gerhardt, News Director Email

The Stark County State's Attorney confirms there was an officer involved shooting in Belfield Wednesday afternoon.

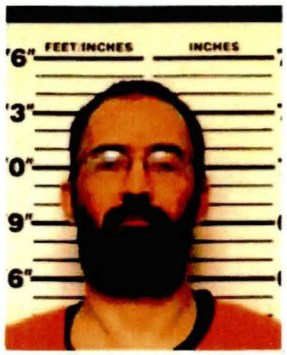
Lamont receives 15 years

Texas man sentenced for shooting, killing one, injuring another

Home / News / Bismarck-Mandan News / Courts & Crime

Washburn man gets life sentence in sexual abuse

May 05, 2014 5:18 pm • By Jenny Michael



Travis Guenthner

Enlarge Photo

Authorities say they have identified 23 victims of a Washburn man who will spend the rest of his life in prison for sexually abusing children.

U.S. District Judge Daniel Hovland on Monday sentenced Travis Guenthner, 39, to a life term on two counts of coercion or enticement. Guenthner will serve concurrent 30-year sentences on five counts of sexual exploitation of minors. Hovland also ordered Guenthner to pay a $700 special assessment and $1,865.18 in restitution for one victim's counseling.

"I've reviewed a lot of materials in this case, and I think you've earned it," Hovland told Guenthner about the life sentence.

Guenthner pleaded guilty in November to the charges as part of a plea agreement in which counts of receipt of materials involving the sexual exploitation of minors and possession of materials involving the sexual exploitation of minor were dismissed.

2.2

CRIME & COURTS

Murder in Bakken Formation: Police probe possible connection to other disappearances

By **Cristina Corbin** 1213 135 30
Published May 17, 2013
FoxNews.com

The murder of a North Dakota man has authorities investigating whether other recent missing persons cases are connected or the work of separate criminals who've descended on the area known as the Bakken Formation, where new discoveries of oil and natural gas have drawn thousands of transient newcomers and strained the resources of police.

Police on Tuesday found the body of 58-year-old Jack Sjol in a shallow grave about six miles southeast of his ranch in Williston. Sjol was shot "multiple times," and authorities arrested and charged 33-year-old Ryan Stensaker with his murder, Williams County Sheriff Scott Busching told FoxNews.com. Stensaker, who has a history of drug-related convictions, is being held on $1 million bail.

Stensaker Guilty of Murder of Jack Sjol

Posted: Dec 17, 2014 7:50 PM CST
Updated: Dec 24, 2014 10:56 PM CST

Guilty.

That's the verdict announced tonight against Ryan Stensaker in the s
rancher Jack Sjol in April of 2013.

2.3

Dickinson man shot to death

Dickinson Police officers investigate a scene of a reported shooting at Century Apartments in north Dickinson on Sunday evening. (Photo by Dustin Monke/ Forum News Service)

November 18, 2014 12:13 am • Forum News Service

DICKINSON, N.D. — A man who was shot multiple times after a verbal altercation Sunday evening at a Dickinson apartment complex has died, the Dickinson Police Department said.

Final Member Of Williston-Based Meth Trafficking Organization "The Family" Sentenced

FOR IMMEDIATE RELEASE

November 4, 2014

BISMARCK - U. S. Attorney Timothy Q. Purdon announced that on November 3, 2014, **Brian Scott Dahl**, 51, Williston, ND, was sentenced before U. S. District Judge Daniel L. Hovland to serve 17 years in prison for conspiracy to distribute a controlled substance and possession of a firearm in furtherance of a drug trafficking crime.

Rolla woman sentenced to 30 years for exploitation

September 24, 2013 1:33 am • Associated Press

BISMARCK, N.D. — A judge has sentenced a 38-year-old Rolla woman to 30 years in prison after she pleaded guilty to two charges of sexual exploitation of a minor.

Murder charge with no body for evidence

SEPTEMBER 19, 2014 2:25 PM • BY LAUREN DONOVAN

Kristopher "K.C." Clarke, a young man with an engaging smile, disappeared from Blackstone trucking in Mandaree, on property owned by Three Affiliated Tribes Chairman Tex Hall.

The 29-year-old was last seen Feb. 22, 2012.

NEWS SPORTS OBITUARIES OPINION LIFESTYLE MEDIA WHAT'S HAPPENIN' CLASSIFIEDS
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Affordable Quality
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Breaking News
Man gets 80 years in teacher's oil-patch killing
Story Comments Image (1) Print Font Size:
We need your thoughts and opinions

2, 4

Online sex trafficking sting nets 11 arrests in North Dakota

NOVEMBER 26, 2013 10:29 AM • BY JENNY MICHAEL

Federal officials have charged 11 men with sex trafficking of children following a sting in western North Dakota.

Devin Schaner, 22; Ramont Thomas, 28; Rafael Torres, 32; and Lawrence Hundley Jr., 50, were charged Friday with sex trafficking of children or by force, fraud or coercion.

Milton Davis, 50; Justin Hess, 32; Charles Hood, 43; Clayton Lakey, 34; Justin Mattson, 41, Celestino Valle, 18; and Zachary Wolff, 21, were charged Monday with the same offense.

U.S. Attorney Tim Purdon calls the number of arrests "very concerning."

The arrests were part of an operation in which federal and state law enforcement officers, posing as online sex traffickers, offered underage girls for sex in the Dickinson area. Officials arrested three men in Williston last month in a similar effort.

As Bakken oil patch booms, drug arrests rise

AP *5:23 p.m. EDT October 11, 2013*

Crime rings are popping up in the Northern Plains as traffickers sense opportunity.

(Photo: By Andrew Burton, Getty Images)

SHARE 6 CONNECT (https://twitter.com/intent/tweet?url=http://usat.ly/1aus6ql&text=As%20Bal TW

BILLINGS, Mont. (AP) — The booming Bakken oil patch that's given a major boost to U.S. energy production has emerged as a new front in the fight against drug trafficking.

Organized crime rings are popping up in the Northern Plains, with traffickers sensing opportunity in the thousands of men and women lured there by the hope of a big paycheck.

Law-enforcement officers across the region have teamed up to crack down on the trafficking, netting one of their most significant indictments so far this week — four arrests in North Dakota and a dozen in Montana, all but one on drug charges.

On Bakken oil patch, heroin brings violence, organized crime

By Katherine Grandstrand Forum News Service TwinCities.com-Pioneer Press
Posted:

TwinCities.com

DICKINSON, N.D. -- The levels of violent crime, drug trafficking and prosecutions in the U.S. Attorney's Office are up. Piggybacking on the state's recent oil boom that has brought much economic prosperity to once mostly rural areas, organized crime has come to North Dakota.

2.5

58/46
Partly cloudy
Details, 6B

The Bismarck Tribune

www.bismarcktribune.com

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$1.00

Man gets life in child porn case

By JENNY MICHAEL
Bismarck Tribune

Authorities say they have identified 23 victims of a Washburn man who will spend the rest of his life in prison for sexually abusing a child.

U.S. District Judge Daniel Hovland on Monday sentenced Travis Gueninger, 36, to life on each of two counts of sexual exploitation of minors. Hovland also ordered Gueninger to pay a $700 special assessment and $1,865.18 in restitution for one victim's family.

Gueninger, pleaded guilty in November to the charges as part of a plea agreement in which county prosecutors dismissed charges of possession of materials involving the sexual exploitation of minors and possession of materials involving the sexual exploitation of minors but there may be more risk in other categories — himself — to take photographs of girls, sometimes in sexual poses, to ask for the images.

Gueninger told Hovland he was struggling through addiction and depression and was looking for a way to escape his problems. After receiving Assistant U.S. Attorney Gary Delorme explained Gueninger's victims ranged from 13- to 14-year-old girls and were facing young girls online. He would pose as a teenage boy in order to talk to their children about what could happen when they talk to strangers online.

Delorme told Gueninger that graphic images have been concerned about what could happen when their children leave their homes, agent and other to send a male who

Continued on A4

Myanmar health
Lack of health care deadly to Rohingya
Life, 1C

Remarkable run
Bobcats peaked in postseason play
Sports, 1D

Crime

Dustin Muscha convicted of child porn charges after losing phone at Carrie Underwood concert

By Aaron Rupar Thu, Jun 6 2013 at 2:08 PM
Categories: Crime

27 Comments

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Muscha pleaded guilty to creating child porn videos featuring prepubescent children.

Moorhead resident Dustin Muscha now faces up to 80 years in prison, but he might still be a free man if he hadn't lost his phone at a Carrie Underwood concert in Fargo last September.

Men charged with attempted sex trafficking

OCTOBER 31, 2013 10:48 PM • BY DAVE KOLPACK | ASSOCIATED PRESS

FARGO — Federal indictments were unsealed Thursday against three men char-ged in an ongoing sex trafficking investigation in the North Dakota oil patch.

Jordan Christiansen, Daniel Ray and Michael Sackett are charged with attempted sex trafficking of children. They have not been asked to enter pleas and have waived their preliminary hearings.

9.2

Details, 6B

THURSDAY, JANUARY 30, 2014

The Bismarck Tribune

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22 arrested in western North Dakota drug bust

By DAVE KOLPACK
Associated Press

FARGO — State and federal officials who have targeted organized drug rings in North Dakota's oil patch announced Wednesday that 22 people have been arrested in the Dickinson area in an investigation dubbed "Operation Pipe Cleaner."

The conspiracy allegedly involved the distribution of heroin, methamphetamine, crack cocaine, cocaine, marijuana and painkillers. Four people were arrested on weapons charges. Two are accused of tampering with witnesses.

The arrests "show that federal, state and local law enforcement agents and prosecutors are committed to working together to fight increased organized drug distribution activity in the Bakken region," U.S. Attorney Timothy Purdon said Wednesday in a statement.

The arrests are the result of a joint investigation by the FBI and North Dakota Bureau of Criminal Investigation. It was one of the largest drug busts since federal officials announced a law enforcement partnership known as Project Safe Bakken and North Dakota lawmakers set aside millions for additional officers in the oil patch and improvements to the state crime lab.

"The North Dakota Legislature recognized the need for additional resources to be devoted to fighting crime in oil-impacted counties," state Attorney General Wayne Stenehjem said in a statement. "We are making sure these resources are targeted to make an immediate difference for North Dakota citizens."

Fourteen of the defendants are charged in federal court and eight in Stark County.

Continued on 11A

Weathered by cold
Mid-winter waterfowl survey down from 2013
Life, 1C

Closing in on state
Mandan girls hockey hopes to clinch title soon
Sports, 1D

Home / News / Bismarck-Mandan News

Concealed weapons permits in N.D. increase substantially

February 16, 2013 11:30 pm • By Brian Gehring

Home / News / Bismarck-Mandan News / Courts & Crime

Wahpeton man pleads guilty in 'sextortion' case

November 05, 2014 5:02 pm • By Andrew Sheeler

Home / News / Bismarck-Mandan News / Courts & Crime

DOJ honors two BCI agents

October 16, 2014 5:45 pm • By Andrew Sheeler

DICKINSON PRESS
www.thedickinsonpress.com

Court records show gang presence in ND

By Katherine Lymn on Dec 22, 2014 at 8:10 p.m.

Gang members from Bakersfield, Calif., have had a violent presence in western North Dakota, according to federal and state court documents.

2.8

Home / Energy News

Women allegedly lured to work in N.D. brothels

September 25, 2014 1:25 am • By AMY DALRYMPLE | Forum News Service

Home / News / North Dakota News

Shooting suspect shot, dies

June 22, 2014 8:27 pm • Tribune Staff

Dickinson police say a 31-year-old man allegedly fired shots at a passenger in a pickup, then was shot by officers after a chase and died at a hospital emergency room.

Home / Energy News

Western North Dakota law enforcement welcome additional state help

July 20, 2014 5:00 am • By Nick Smith

The DICKINSON PRESS
www.thedickinsonpress.com

Federal charges in human trafficking case

By **Amy Dalrymple** on Dec 23, 2014 at 5:36 p.m.

By Amy Dalrymple

Forum News Service

BISMARCK – Federal court records unsealed this week show that a Williston sex trafficking case involved more victims and a longer timeframe than previously known.

The DICKINSON PRESS
www.thedickinsonpress.com

Man gets life for shooting outside strip club

By **Kathleen J. Bryan, Forum News Service** on Dec 25, 2014 at 7:53 p.m.

WILLISTON – A man convicted in the shooting death of a 28-year-old man outside a downtown strip club last year will serve life in prison without parole.

The DICKINSON PRESS
www.thedickinsonpress.com

Man hospitalized after being shot Wednesday by Belfield police chief

2. 10

The Dickinson Press
www.thedickinsonpress.com

ND fastest growing state in the country

By **The Press Staff** on Dec 23, 2014 at 7:01 p.m.

BISMARCK – North Dakota's population is at an all-time high, according to the U.S. Census Bureau.

The Dickinson Press
www.thedickinsonpress.com

Shooting suspect located in Montana

By **Forum News Service** on Dec 25, 2014 at 5:40 p.m.

WILLISTON – Williston Police said a woman wanted in connection with a shooting in Williston was found in Fairview, Mont. Brandy Mae Barkie, 34, was the suspect in a shooting that took place at about 11 p.m. Dec. 12 in a camper parked at 4201 Second Ave. W. Police issued a Class C felony arrest warrant for aggravated assault stemming from the incident.

The Dickinson Press
www.thedickinsonpress.com

Man charged with pointing pistol at Williston bar patrons

By **Forum News Service** on Dec 25, 2014 at 5:41 p.m.

WILLISTON – A Utah man was arrested and charged after he allegedly threatened people with a gun at a Williston bar, KXNews reported.

2.11

Timothy E. Suckow makes his first appearance before Spokane County Superior Court Gregory Sypolt via video link from the jail on Jan. 14 in Spokane, Wash. (DAN PELLE/ Spokesman-Review)

Trial pushed back for alleged gunman

By KIP HILL
Spokesman-Review

A judge has pushed back e trial for the alleged triggerman in the December shooting death of a Spokane, Wash., man in a case linked to North Dakota.

Timothy Suckow's trial was pushed back as prosecutors dropped pursuit of the death penalty and requested more time to process items found at the scene of the crime.

"There are pieces of evidence that still need to be tested," prosecuting attorney Larry Steinmetz told Judge Gregory Sypolt on Thursday.

Sypolt called the case "extremely complicated," with more than 200 pieces of physical evidence recovered in the investigation and interviews conducted in two states. He granted Steinmetz's request to delay Suckow's trial from later this month to May.

Suckow was arrested in mid-January and charged with first-degree aggravated murder in Doug Carlile's death. The case opened Suckow, a convicted felon, to the possibility of the death penalty if found guilty.

Suckow has been linked by investigators to a former business associate of Carlile's, James Henrikson, who remains in federal custody on firearms charges in North Dakota. Spokane investigators have stated they believe Suckow killed Carlile at Henrikson's request, likely over debts Henrikson said Carlile owed him.

Prosecutors had been given a deadline of Thursday to announce whether they would seek the death penalty. Steinmetz said Spokane County Prosecuting Attorney Stephen Tucker decided earlier this week he wouldn't pursue it.

Among the items seized at Carlile's Spokane residence Dec. 15 was a glove with traces of Suckow's DNA, according to court documents. Investigators subsequently discovered firearms and an alleged checklist for the murder found in a van Suckow is thought to have driven to the home the night of the shooting.

Searches of a co-worker's home, Suckow's Spokane residence and a storage unit in his name have yielded multiple firearms and police gear, some of which was branded with the crest of the Pend Oreille County Sheriff's Office, according to court documents.

Prosecutors also requested additional charges related to the discovered firearms, bringing the total number of criminal counts against Suckow to 11. His attorney, Thomas Kryzminski, said a trial delay would deprive his client of the right to a speedy trial and said the new allegations were being unjustly lumped in with the prior murder charge.

"I don't see anything that (prosecutors) are suggesting now that could not have been done ahead of time," Kryzminski said.

Steinmetz called the argument against delay a "tactical decision" and said he didn't think the defense would be prepared to go to trial later this month.

"I don't see how they could be ready, to be quite honest," Steinmetz said.

Investigators have questioned several former business associates, friends and family members of Carlile, some of whom indicated in the weeks before his death Carlile became wary of Henrikson and said if anything happened to him, Henrikson was likely behind it.

Federal authorities are looking into claims Henrikson and his wife, Sarah Creveling, defrauded investors in oil and trucking companies he owned out of thousands of dollars. Last month, attorneys moved to seize and sell property the couple owned north of Watford City, N.D., where federal authorities found guns Henrikson was prohibited from owning due to prior felony convictions.

Suckow remains in custody of the Spokane County Jail on $2 million bond. He pleaded not guilty to all charges Thursday.

2.12

The Dickinson Press
www.thedickinsonpress.com

Press Photo by Andrew Brown Law enforcement agencies investigate a reported shooting Wednesday in Belfield, which closed Second Avenue Northeast.

BCI investigating shooting in Belfield

By **Andrew Brown** on Dec 10, 2014 at 10:31 p.m.

BELFIELD – The North Dakota Bureau of Criminal Investigation is investigating the shooting of a man in Belfield on Wednesday.

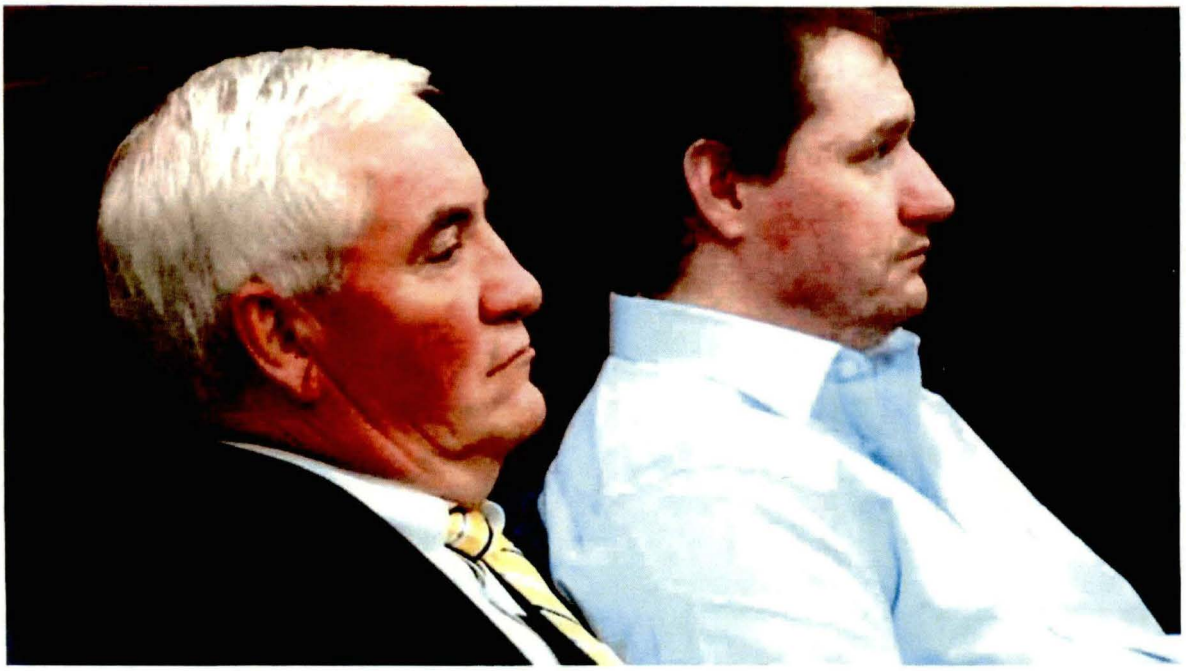
The Dickinson Press
www.thedickinsonpress.com

Rancher-death case focuses gunshot wounds

By **Kathleen J. Bryan, Forum News Service** on Dec 11, 2014 at 11:30 p.m.

2. 13

INFORUM



Defense attorney Steven Mottinger, left, and convicted killer Ryan Lee Stensaker sit in the county courthouse in Minot where Stensaker was found guilty of shooting Williston rancher Jack Sjol. Photo by Jim Olson, KXMC News.

Williston man found guilty in shooting death of rancher

INFORUM

ADVERTISEMENT

One dead after standoff with police in Wahpeton

By **Forum News Service** on Jun 22, 2014 at 11:37 p.m.

Like Share 0 Email Tweet 0

WAHPETON – One man is dead after an hourlong standoff with police here Sunday afternoon.

2.14

6/-10
ails, 12C

SUNDAY,
FEBRUARY 2, 2014

The Bismarck Tribune

www.bismarcktribune.com

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Stopping poachers
RAP tip program dates back to early day of State Radio
Dakota, 1C

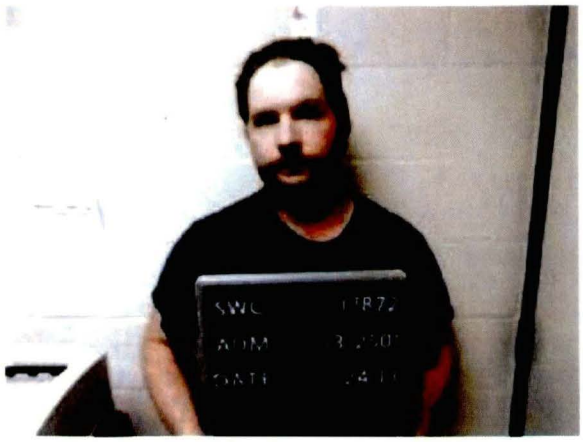
Girls hoc
Clayburgh, defeat Minc
Sports, 1D

Human trafficking

aw enforcement says it's a problem, but stats lacking

SEX TRAFFICKING

Montana man pleads guilty in sex trafficking case



MAY 07, 2014 10:15 AM • BY JENNY MICHAEL

A Montana man has been sentenced to five years in prison for trying to arrange a sexual encounter with a minor.

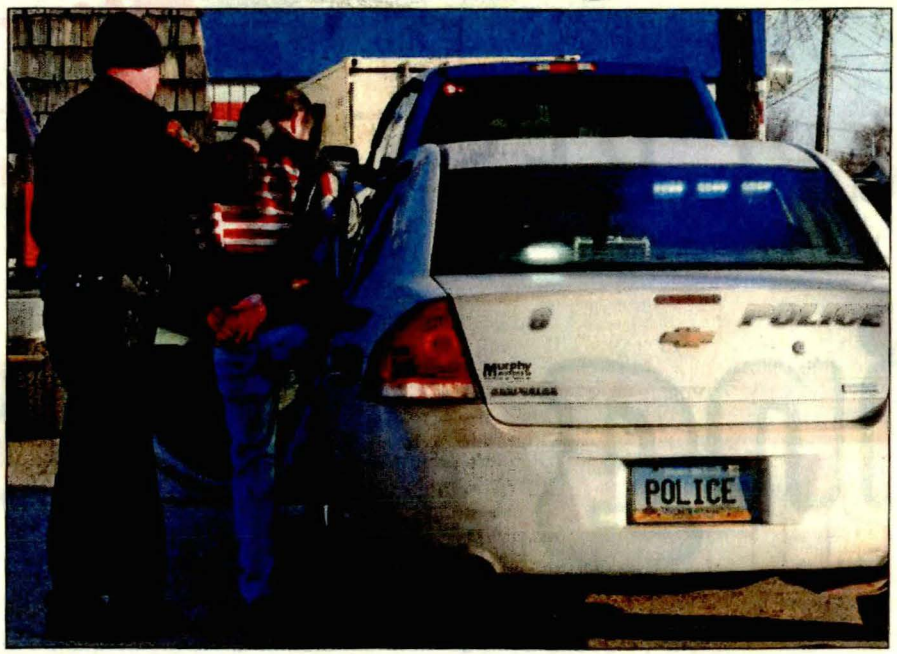
Clayton Lakey, 34, pleaded guilty on Tuesday to coercion and enticement of a minor. U.S. District Judge Daniel Hovland sentenced Lakey, of Billings, Mont., to five years in prison and 10 years of supervised probation. Lakey must register as a sex offender when released.

Lakey is the first person to be sentenced as a result of Operation Vigilant Guardian, a joint anti-human trafficking investigation by the North Dakota Bureau of Criminal Investigation and Homeland Security Investigations aimed at "johns" trying to arrange sex with underage human trafficking victims online.

2.15

Combating the growing drug trade in oil patch

By SHARON COHEN
AP National Writer



WILLISTON — The blood-drenched man had survived a brutal attack: Beaten with brass knuckles, shocked with a stun gun, slashed with a razor blade, then dumped 40 miles away in Montana, he staggered to a farmhouse for help. His path eventually led authorities back to a quiet backyard in this oil boom town.

What they uncovered was a large-scale methamphetamine ring that had found a home in a state long known for its small-town solitude, its slow pace and peaceful pastures.

The members of this violent gang were all relative newcomers to Williston. They called themselves "The Family," the feds say, and were holed up in a few campers tucked behind an

recruiter, had an assault and drug record. He's serving a 20-year sentence after pleading guilty to kidnapping and conspiracy to distribute methamphetamine.

In another big drug bust, a 24-year-old Bakersfield, Calif., man who was jailed back home on murder, assault and gang charges was among 22 people indicted in January in Operation Pipe Cleaner. The group is accused of trafficking heroin, crack, cocaine, marijuana and painkillers in the Dickinson area, about 100 miles from Williston.

And Operation Winter's End— an ongoing local, state and federal probe — also has tentacles that extend well beyond the Bakken's borders. More than 40 people have been charged with dealing heroin and meth in on and around the

"I think one in every five people that I deal with has drugs on them," one unidentified officer said.

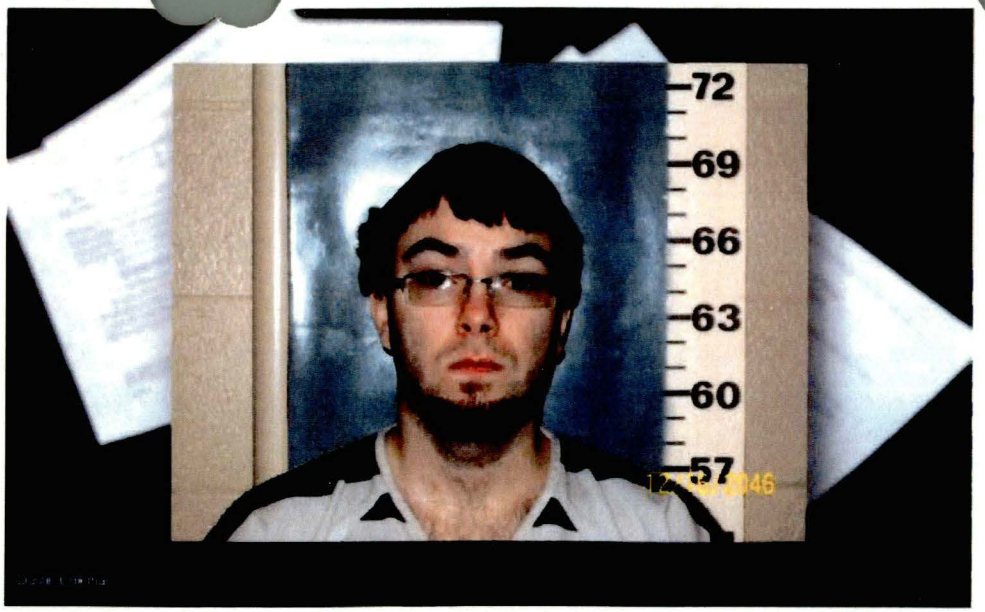
Another summed up the situation this way:

"More drugs than we have ever dealt with. ... Ninety percent of the people who come here to work in the oil fields are good people. The 10 percent of the people who work in the oil fields that are problems make it bad for the rest of them."

Law and order

Judge David Nelson sees some of those lawbreakers in his court.

A 31-year veteran of the bench, Nelson, presiding judge of the Northwest Judicial District of North Dakota, said the most dramatic change in crime that has occurred is the degree of violence. "It's not just two guys



Wahpeton man pleads guilty to producing child pornography in ND's first sextortion case

By WDAY Staff on Nov 5, 2014 at 3:09 p.m.

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Wahpeton, ND (WDAY TV) - A Wahpeton man accused of threatening girls into engaging in sexually explicit conduct pleaded guilty to eight counts in the first federal case of sextortion case in North Dakota.

Dickinson man sentenced for seeking sex with minors

NOVEMBER 26, 2014 5:29 PM

A Dickinson man has been sentenced to two years in federal prison and five years of supervised release after he pleaded guilty to enticing a minor to commit a sex act.

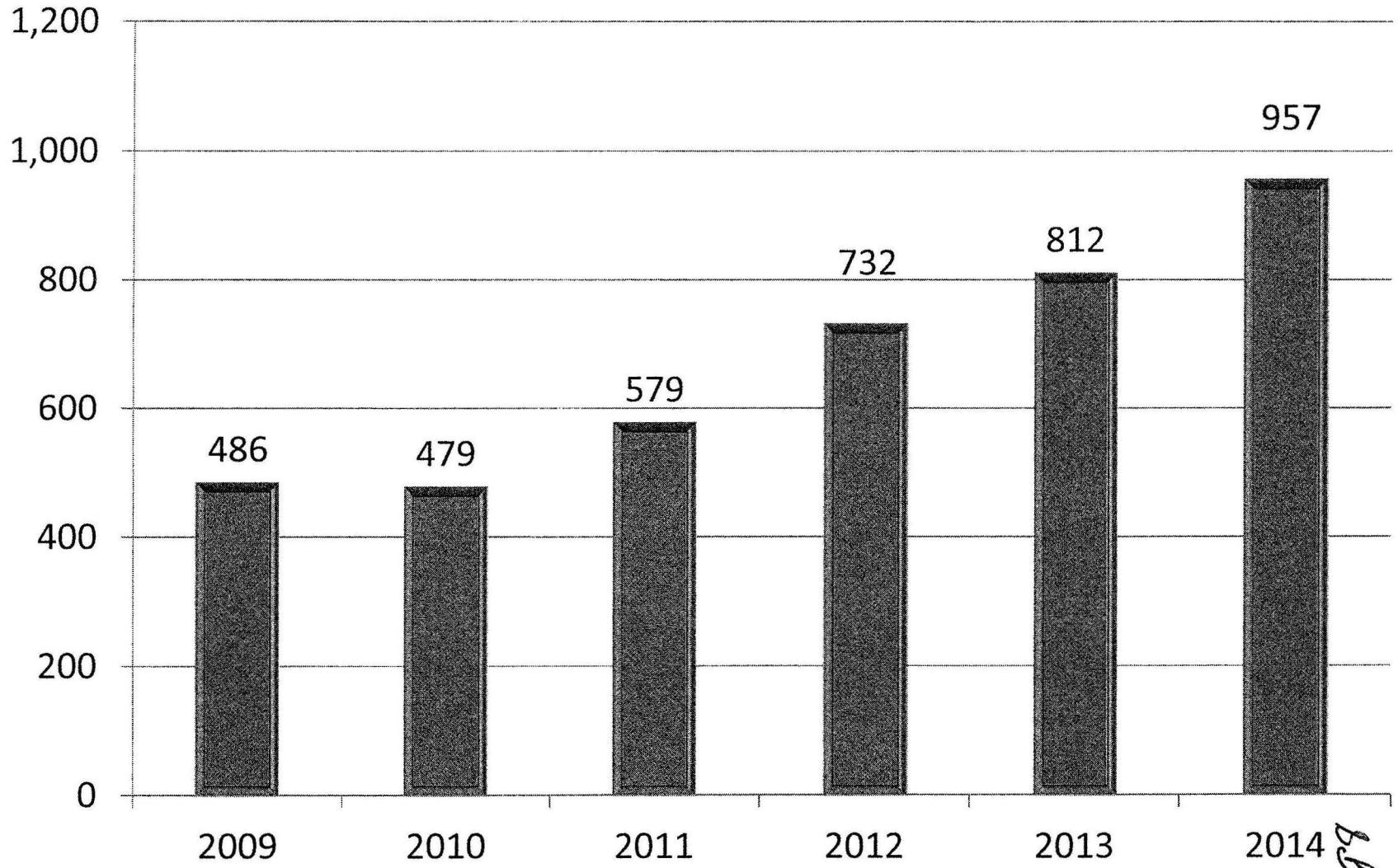
Minnesota man sentenced to 2 years on coercion charge

SEPTEMBER 15, 2014 11:36 PM • FORUM NEWS SERVICE

A Minnesota man was sentenced to two years in federal prison Monday on a sex trafficking charge that arose out of an undercover sting in Dickinson last fall.

2.14

DNA SUBMITTED CASES



3.0

#3
SB 203
1-13-15

#4
SB 2003
1-13-15

Senate Bill 2003
Sixty-fourth Legislative Assembly
Testimony of Mike Reitan, Chief of Police, West Fargo Police Department

Good morning Chairman Holmberg, Vice Chairs Bowman and Krebsbach and members of the Appropriations Committee.

My name is Mike Reitan and I am the Chief of Police of the West Fargo Police Department. I ask your support of Senate Bill 2003.

Significant changes have come to North Dakota. There has been a tremendous growth in the population in many areas across the state. My own community has increased in population by nearly 2000 people per year over the last five years. With that growth there are opportunities for many but also the negatives of increased traffic and crime. The impact of the oil patch and other development has been felt by law enforcement agencies across the state.

Monitoring the information sharing system between law enforcement agencies I am seeing and hearing of more serious criminal activity relating to assaults, drug activity and gang violence. The Attorney General's Office and the Bureau of Criminal Investigations are extremely responsive to what is happening in the state and quickly moving resources to help address the issues. The growth in crime had overwhelmed some agencies. The funding provided by you during the last session has provided much needed resources to combat crime and address traffic issues. Agencies have been able to move forward but they have yet to fully bring the situation under control. I would ask for your continued support of the Office of Attorney General and the law enforcement grants necessary to better serve the people of North Dakota.

I thank you for your time and stand for any questions you may have.

Michael D Reitan
Chief of Police, West Fargo
701-433-5521 Office
701-367-1708 Mobile
Mike.reitan@westfargond.gov

SB 2003
Subcommittee
1-15-15
#1

CJIS
NORTH DAKOTA CRIMINAL JUSTICE INFORMATION SHARING

ND CJIS is a statewide program that improves public safety by providing law enforcement, victims, and public safety officials with secure and convenient web-based systems that provide accurate and timely information, leading to better-informed decisions.

The ND CJIS Portal facilitates criminal justice information sharing that directly affects public safety.

- An officer conducting a traffic stop can access the secured CJIS portal directly from the patrol vehicle and immediately obtain the offender's criminal history, concealed weapons license, active warrants, and past involvement with North Dakota law enforcement.
- A detective can run a near real-time search using a variety of critera for leads to solve crimes. For example, if an "older white Dodge Caravan" was involved in a crime in Bismarck, law enforcement can enter this information to get a list of possible vehicles and leads from other similar criminal cases across the state.
- A probation officer can ensure the arrest of a violent offender who absconded from probation after she receives an automated alert that the offender had contact with police in another city.

ND CJIS LERMS provides law enforcement with tools to solve and prevent crime.

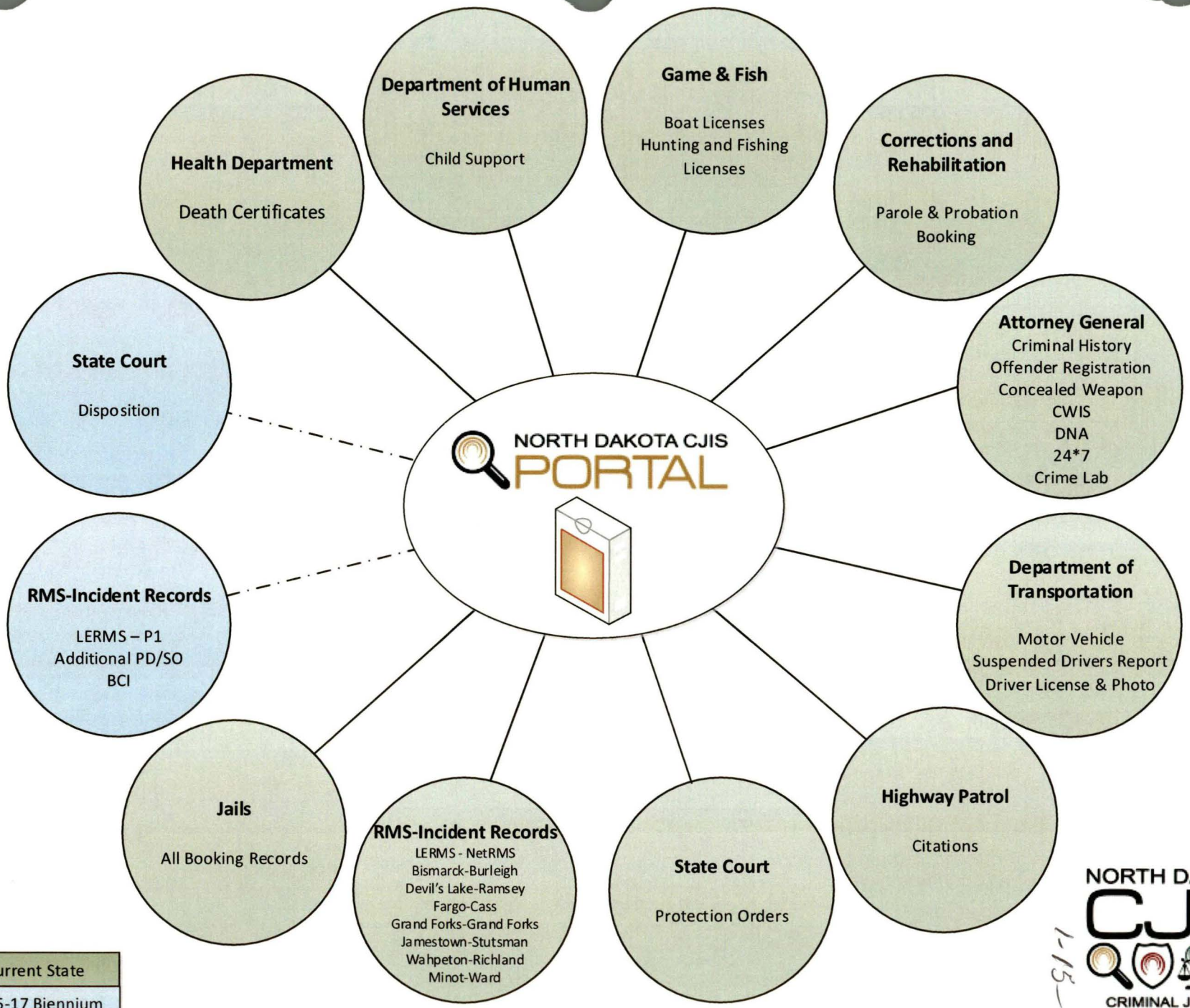
- A police chief can have instant access to information about crime patterns and offender relationship mapping in his city. Since the sheriff is also on the system, they can collaborate to look at trends across the county. This information enables them to determine which section of the city or county may need additional patrol units. It also helps them to readily detect that drug activity and organized crime are increasing in their areas, allowing them to pursue proactive law enforcement efforts.
- Enhanced search features enable a detective to enter key words related to an offender, victim profile, modus operandi, or other "signatures," instantly find other agencies' records with similar information and call them for support or more information. The detective can also see alerts on possible offenders, such as violence against law enforcement or warrants that have been entered into the system.

ND CJIS SAVIN promotes victim safety and victim participation in the criminal justice process.

- A victim (and her family, if desired) can receive advanced notice from the DOCR through ND CJIS SAVIN of the upcoming release of her offender. She can meet with victim services to develop a safety plan. If the offender is on parole, the system will also notify her about where he is assigned, so she can decide whether to enhance her safety plan or move, if needed. The system will also notify her 30 days before her protection order expires, which allows her time to file for a new protection order.
- A busy jail that has historically been unable to make calls consistently to victims or track changes in victims' current contact information can use ND SAVIN to quickly and accurately notify victims of release and allow victims to change their own contact information and notification preferences in the system.

ND CJIS STARS fosters consistency, accuracy, and efficiency among state's attorneys.

- A state's attorney using ND CJIS STARS can check pending cases also tied to the same offender. For example, even if an offender does not have prior DUI convictions, there may be a pending DUI case elsewhere. If so, the state's attorney can collaborate with the other office to charge the offense at the appropriate level.
- A state's attorney can use a routine statute reference from ND CJIS STARS for charging. The clerk of court will know how to match it with the courts' IT system, which will prevent defendants from being set free on a technicality. Eventually, the systems can efficiently be linked for automated case filing.



NORTH DAKOTA CJIS
CRIMINAL JUSTICE INFORMATION SHARING

2-1

#2
SB 2003
Sub
1-15-15

2015-17 SUMMARY OF CHANGE REQUESTS TO SENATE APPROPRIATIONS

	TOTAL	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
APPROPRIATION CHANGE REQUESTS:					
CRIMINAL INVESTIGATOR SALARY EQUITY	953,487			953,487	953,487
INCREASE DRUG BUY FUND FROM LOTTERY OPERATING FUND	200,000	200,000			200,000
TRANSFER CJIS FROM ITD TO OAG	4,286,219	3,400,219	650,000	236,000	4,286,219
CJIS BUSINESS ANALYST FTE & CONTRACTING	500,000	500,000			500,000
CJIS LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM (LERMS) PROJECT (REDUCED BY $150,000 MOTOROLA MAINTENENANCE FEES INCLUDED IN STATE RADIO'S BUDGET IN EXECUTIVE RECOMMENDATION)	230,000	230,000			230,000
CJIS STATES' ATTORNEY RECORDS SYSTEM (STARS) PROJECT	330,000	330,000			330,000
TOTAL APPROPRIATION CHANGES	6,499,706	4,660,219	650,000	1,189,487	6,499,706
LESS CJIS TRANFER	(4,286,219)	(3,400,219)	(650,000)	(236,000)	(4,286,219)
NET APPROPRIATION CHANGE REQUESTS	2,213,487	1,260,000	-	953,487	2,213,487

LAW ENFORCEMENT OIL IMPACT GRANT CHANGE REQUEST:

10% OF $20 MILLION OIL IMPACT GRANT ADMINISTRATION — NEED AUTHORIZATION IN SENATE BILL NO. 2003

STATUTORY AMENDMENTS REQUESTS:

TOBACCO SETTLEMENT FUND AMENDMENT FOR TOBACCO DILIGENT ENFORCEMENT COSTS — **AMENDMENT HAND OUT**

AMENDMENT TO TRANSFER CJIS TO THE OFFICE OF ATTORNEY GENERAL — **AMENDMENT HAND OUT**

3.1

#3
SB 2003
Subcommittee
1-15-15

1-15-15

SB 2003 Subcommittee

"54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c) (1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund remaining after funds are appropriated to the Attorney General for the purposes of enforcing the master settlement agreement and any disputes with the agreement must be allocated as follows:
   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.
   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.
   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco

4, (1)

prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state."

1-15-15
#5
SB 2003
Subcommittee

Relating to a criminal justice data information system and to provide for the transfer of related administrative rules; to repeal section 54-59-21 of the North Dakota Century Code, relating to a criminal justice data information system; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement and emergency services agencies, and the department of transportation. Only authorized individuals employed by a criminal justice agency as defined in section 12-60-16.1, by the department of transportation, by the state courts, by the department of emergency services, or as approved by the attorney general may access the system. Individuals must undergo a criminal history background check including fingerprints in order to be eligible for access to the criminal justice data information sharing system.
2. The criminal justice data information sharing system may only be accessed in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child when the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board shall be appointed, consisting of:
   a. The chief justice of the supreme court or the chief justice's designee.

5.(1)

b. The director of the department of emergency services or the director's designee.

c. The director of the department of corrections and rehabilitation or the director's designee.

d. The superintendent of the state highway patrol or the superintendent's designee.

e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

f. The chief information officer of the state or the chief information officer's designee.

g. The director of the department of transportation or the director's designee.

h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system,

5.2

to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and for the advisory board.

SECTION 2. TRANSFER OF ADMINISTRATIVE RULES RELATING TO THE CRIMINAL JUSTICE INFORMATION SHARING BOARD. The legislative council shall transfer administrative rules that the attorney general designates as relating to the criminal justice information sharing board from the title of the North Dakota Administrative Code relating to the information technology department to the title of the North Dakota Administrative Code relating to the attorney general. The legislative council, after consulting the attorney general, may change references in any administrative rules to conform to this Act. These rules continue in effectiveness without any promulgation under chapter 28-32 of the North Dakota Century Code.

SECTION 3. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 4. EMERGENCY. This Act is declared to be an emergency.

5, (3)

REQUEST/RECOMMENDATION COMPARISON SUMMARY

125 Office of the Attorney General **Bill#: SB2003**

Biennium: 2015-2017

Description	Expenditures Prev Biennium 2011-2013	Present Budget 2013-2015	2015-2017 Requested Incr(Decr)	2015-2017 Requested % Chg	Requested Budget 2015-2017	2015-2017 Recommended Incr(Decr)	2015-2017 Recommended % Chg	Executive Recommendation 2015-2017
By Major Program								
Finance and Administration	1,886,774	2,281,831	19,333	0.8%	2,301,164	658,961	28.9%	2,940,792
Information Technology	5,507,529	11,475,866	(3,326,122)	(29.0%)	8,149,744	(2,430,204)	(21.2%)	9,045,662
Attorney General Administration	1,096,888	1,327,445	6,182	0.5%	1,333,627	95,272	7.2%	1,422,717
Legal Services	6,852,553	8,904,618	(118,093)	(1.3%)	8,786,525	1,471,315	16.5%	10,375,933
Bureau of Criminal Investigation	17,279,919	39,331,610	(11,694,662)	(29.7%)	27,636,948	14,974,255	38.1%	54,305,865
Crime Lab	6,821,772	9,836,487	191,542	1.9%	10,028,029	749,296	7.6%	10,585,783
Consumer Protection	1,597,101	1,997,540	(23,224)	(1.2%)	1,974,316	102,901	5.2%	2,100,441
Gaming	2,681,608	3,103,487	36,249	1.2%	3,139,736	388,799	12.5%	3,492,286
Fire Marshal	1,352,122	2,114,873	(127,440)	(6.0%)	1,987,433	(11,701)	(0.6%)	2,103,172
Lottery	2,705,489	4,133,821	1,086,502	26.3%	5,220,323	1,219,664	29.5%	5,353,485
Total Major Programs	47,781,755	84,507,578	(13,949,733)	(16.5%)	70,557,845	17,218,558	20.4%	101,726,136
Salaries and Wages	28,160,094	35,250,562	1,024,968	2.9%	36,275,530	5,326,885	15.1%	40,577,447
Accrued Leave Payments	0	1,057,247	(1,057,247)	(100.0%)	0	0	0.0%	0
Operating Expenses	10,370,351	26,828,056	(2,657,723)	(9.9%)	24,170,333	(1,360,463)	(5.1%)	25,467,593
Capital Assets	1,910,728	2,363,077	(361,567)	(15.3%)	2,001,510	(103,890)	(4.4%)	2,259,187
Technology Project Carryover	393,512	505,000	(505,000)	(100.0%)	0	0	0.0%	0
Grants	1,655,471	2,373,947	(611,288)	(25.7%)	1,762,659	(611,288)	(25.7%)	1,762,659
Law Enforcement Grants	0	9,600,000	(9,600,000)	(100.0%)	0	15,578,275	162.3%	25,178,275
Litigation Fees	211,715	118,500	(68,500)	(57.8%)	50,000	(68,500)	(57.8%)	50,000
NICS	101,184	0	0	0.0%	0	0	0.0%	0
Abortion Litigation Fees	0	400,000	0	0.0%	400,000	0	0.0%	400,000
Medical Examinations	395,600	660,000	0	0.0%	660,000	0	0.0%	660,000
North Dakota Lottery	2,705,489	4,133,821	1,086,502	26.3%	5,220,323	1,219,664	29.5%	5,353,485
Arrest and Return of Fugitives	17,595	10,000	0	0.0%	10,000	0	0.0%	10,000
Gaming Commission	6,822	7,368	122	1.7%	7,490	122	1.7%	7,490
Remote Alcohol Monitors	0	1,200,000	(1,200,000)	(100.0%)	0	0	0.0%	0
Federal Stimulus Funds - 2009	1,853,194	0	0	0.0%	0	0	0.0%	0
Total Line Items	47,781,755	84,507,578	(13,949,733)	(16.5%)	70,557,845	17,218,558	20.4%	101,726,136
By Funding Source								
General Fund	31,890,279	38,920,128	(1,351,502)	(3.5%)	37,568,626	4,124,009	10.6%	43,044,137
Federal Funds	7,726,977	9,270,995	(790,879)	(8.5%)	8,480,116	(663,865)	(7.2%)	8,607,130
Special Funds	8,164,499	36,316,455	(11,807,352)	(32.5%)	24,509,103	13,758,414	37.9%	50,074,869
Total Funding Source	47,781,755	84,507,578	(13,949,733)	(16.5%)	70,557,845	17,218,558	20.4%	101,726,136
Total FTE	204.00	213.50	(1.00)	(0.5%)	212.50	24.50	11.5%	238.00

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SB 2003
1-15-15
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#10

REQUEST/RECOMMENDATION COMPARISON SUMMARY

120 Office of the State Treasurer **Bill#: SB2005**

Biennium: 2015-2017

Description	Expenditures Prev Biennium 2011-2013	Present Budget 2013-2015	2015-2017 Requested Incr(Decr)	2015-2017 Requested % Chg	Requested Budget 2015-2017	2015-2017 Recommended Incr(Decr)	2015-2017 Recommended % Chg	Executive Recommendation 2015-2017
By Major Program								
Administration	150,508,523	210,951,589	(209,100,455)	(99.1%)	1,851,134	41,075,356	19.5%	252,026,945
Total Major Programs	150,508,523	210,951,589	(209,100,455)	(99.1%)	1,851,134	41,075,356	19.5%	252,026,945
Salaries and Wages	1,049,177	1,399,557	20,443	1.5%	1,420,000	145,374	10.4%	1,544,931
Accrued Leave Payment	0	13,038	(13,038)	(100.0%)	0	0	0.0%	0
Operating Expenses	229,335	526,194	(340,060)	(64.6%)	186,134	(289,180)	(55.0%)	237,014
Transportation Funding	149,105,000	0	0	0.0%	0	0	0.0%	0
Coal Severence Payments	125,011	252,800	(7,800)	(3.1%)	245,000	(7,800)	(3.1%)	245,000
Township Allocation	0	8,760,000	(8,760,000)	(100.0%)	0	0	0.0%	0
Property Tax Relief Credits	0	200,000,000	(200,000,000)	(100.0%)	0	50,000,000	25.0%	250,000,000
Total Line Items	150,508,523	210,951,589	(209,100,455)	(99.1%)	1,851,134	41,075,356	19.5%	252,026,945
By Funding Source								
General Fund	150,508,523	210,951,589	(209,100,455)	(99.1%)	1,851,134	41,075,356	19.5%	252,026,945
Federal Funds	0	0	0	0.0%	0	0	0.0%	0
Special Funds	0	0	0	0.0%	0	0	0.0%	0
Total Funding Source	150,508,523	210,951,589	(209,100,455)	(99.1%)	1,851,134	41,075,356	19.5%	252,026,945
Total FTE	7.00	8.00	0.00	0.0%	8.00	0.00	0.0%	8.00

#1 SB 2003 1-27-15 Sub

2015 LEGISLATIVE BILLS WITH AN IMPACT ON THE OFFICE OF ATTORNEY GENERAL

	BILL #	DESCRIPTION	# EXPECTED	FTE'S	GF	FF	OF	TOTAL
1	1105	CRIMINAL HISTORY RECORD CHECKS FOR ADJUTANT GENERAL & VOLUNTEERS	400					
2	1125	CRIMINAL HISTORY RECORD CHECKS FOR PARKS & REC & VOLUNTEERS	200					
	1273	INTEGRATION OF SOCIAL WORKERS INTO LAW ENFORCEMENT AGENCIES						
3	1351	CRIMINAL HISTORY RECORD CHECKS FOR CRANE OPERATORS	unknown					
4	1430	MEDICAL MARIJUANA RECORD CHECKS	9,000	2.5	387,634			387,634
	1451	FM - SPRINKLER SYSTEMS					242,933	242,933
5	1455	NURSE STAFFING AGENCIES	700	1	141,714			141,714
6	2077	CRIMINAL HISTORY RECORD CHECKS FOR GAME & FISH EE'S & VOLUNTEERS	60	1	141,714			141,714
7	2080	CRIMINAL HISTORY RECORD CHECKS FOR SELF-DECLARED DAYCARE PROVIDERS						
8	2085	CRIMINAL HISTORY RECORD CHECKS FOR MASSAGE THERAPISTS	100					
	2126	SURGE BILL - INCLUDES $1 MILLION & 10 LE FTE'S TO HIRE AS SOON AS FILED						
9	2145	INCREASES THE NUMBER OF SCHOOL ENTITIES WHO CAN REQUEST CRIMINAL HISTORY RECORD CHECKS	0					
10	2236	CRIMINAL HISTORY CHECKS FOR MEDICAL IMAGING , RADIATION THERAPY	0					
duplicate	2294	CRIMINAL HISTORY RECORD CHECKS FOR MASSAGE THERAPISTS	duplicate of 2085					
11	2321	COMMUNITY HEALTH WORKER CERTIFICATIONS	50					
		TOTAL FISCAL IMPACT OF ABOVE BILLS	**10,510 ESTIMATED REC CKS**	**4.5 FTE'S NEEDED**	671,062	-	242,933	913,995
		FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT - DHS	4,340	1	141,714			141,714
		TOTAL FISCAL IMPACT OF ABOVE BILLS AND FEDERAL CHILDCARE & DEVELOPMENT BLOCK GRANT ACT - DHS			**812,776**		**242,933**	**1,055,709**

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SB 2003 Sub
1-27-15
#2

2015-17 BIENNIUM GOVERNOR'S RECOMMENDATION - NEW POSITIONS

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	NOTES	
PROGRAMMER/ ANALYST (EXISTING)	1	6	CURRENT FTE'S INCLUDES THE REQUESTED POSITION SHOWN IN YELLOW - CURRENT POSITION	existing to become per
.5 FTE PARALEGAL - STATE & LOCAL GOVERNMENT	0.5		CURRENT FTE'S EXCLUDES THE REQUESTED POSITION IN YELLOW	all new Total of 7
.5 FTE PARALEGAL - NATURAL RESOURCES	0.5	5	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION IN YELLOW	
1.0 FTE PARALEGAL - CIVIL LITIGATION	1		CURRENT FTE'S EXCLUDES THE REQUESTED POSITION IN YELLOW	
1.0 FTE HIDTA ATTORNEY (EXISTING)	1	2	CURRENT FTE'S INCLUDES THE REQUESTED POSITION SHOWN IN YELLOW - CURRENT POSITION	existing
.5 FTE CRIMINAL/REGULTORY ATTORNEY (EXISTING)	0.5	30.5	CURRENT FTE'S INCLUDES THE REQUESTED .5 FTE POSITION SHOWN IN YELLOW - CURRENT POSITION	approved by emergency c
1.0 FTE CRIMINAL/REGULATORY ATTORNEY	1		CURRENT FTE'S EXCLUDES THE REQUESTED POSITION IN YELLOW	new - not included in
7.0 FTE CRIMINAL INVESTIGATORS	7	42	CURRENT FTE'S EXCLUDES THE REQUESTED POSITIONS SHOWN IN YELLOW	Total 51
2.0 FTE HUMAN TRAFFICKING & CRIMINAL INVESTIGATORS	2		CURRENT FTE'S EXCLUDES THE REQUESTED POSITIONS SHOWN IN YELLOW	
3.0 FTE INTELLIGENCE ANALYSTS	3	2	CURRENT FTE'S EXCLUDES THE REQUESTED POSITIONS SHOWN IN YELLOW - HAVE 2 FULL-TIME TEMPORARY POSITIONS CURRENTLY FEDERALLY FUNDED, NO 2015-17 FUNDING	also 2 temporary by Fed this 2 included Total of 5
1.0 VICTIM WITNESS ADVOCATE	1	0		
1.0 FTE GRANTS ADMINISTRATIVE ASSISTANT	1	1	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW	total of 2
1.0 SEX OFFENDER REGISTRY ADMINISTRATIVE ASSISTANT	1	3	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW - THE OFFICE ALSO HAS 1 FULL-TIME TEMPORARY POSITION.	total 4
1.0 FTE BCI ADMINISTRATIVE ASSISTANT - WORD PROCESSING	1	6	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW	total 7
2.0 FTE CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	2	3	CURRENT FTE'S EXCLUDES THE REQUESTED POSITIONS SHOWN IN YELLOW - THE OFFICE ALSO HAS 3 FULL-TIME TEMPORARY POSITIONS.	total 5 Large work load
1.0 FORENSIC SCIENTIST	1	19	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW	total 20
1.0 FTE GAMING AUDITOR	1	11	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW	total 12

ADDITIONAL POSITION REQUESTED (CJIS)

1.0 FTE BUSINESS ANALYST	1	1	CURRENT FTE'S EXCLUDES THE REQUESTED POSITION SHOWN IN YELLOW	total 2

25.5 FTE'S (EXCLUDES LEGISLATIVELY APPROVED EXISTING PROGRAMMER/ANALYST)

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2015-17 SUMMARY OF CHANGE REQUESTS TO SENATE APPROPRIATIONS

#3 SB 2003 1-27-15 sub

	TOTAL	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
APPROPRIATION CHANGE REQUESTS:					
CRIMINAL INVESTIGATOR SALARY EQUITY	953,487			953,487	953,487
INCREASE DRUG BUY FUND	200,000	200,000			200,000
TRANSFER CJIS FROM ITD TO OAG	4,286,219	3,400,219	650,000	236,000	4,286,219
CJIS BUSINESS ANALYST FTE & CONTRACTING	500,000	500,000			500,000
CJIS LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM (LERMS) PROJECT (REDUCED BY $150,000 MOTOROLA MAINTENENANCE FEES INCLUDED IN STATE RADIO'S BUDGET IN EXECUTIVE RECOMMENDATION)	230,000	230,000			230,000
CJIS STATES' ATTORNEY RECORDS SYSTEM (STARS) PROJECT	330,000	330,000			330,000
TOTAL APPROPRIATION CHANGES	6,499,706	4,660,219	650,000	1,189,487	6,499,706
LESS CJIS TRANFER	(4,286,219)	(3,400,219)	(650,000)	(236,000)	(4,286,219)
NET APPROPRIATION CHANGE REQUESTS	2,213,487	1,260,000	-	953,487	2,213,487

LAW ENFORCEMENT OIL IMPACT GRANT CHANGE REQUEST:

10% OF $20 MILLION OIL IMPACT GRANT ADMINISTRATION — NEED AUTHORIZATION IN SENATE BILL NO. 2003

STATUTORY AMENDMENTS REQUESTS:

TOBACCO SETTLEMENT FUND AMENDMENT FOR TOBACCO DILIGENT ENFORCEMENT COSTS

AMENDMENT TO TRANSFER CJIS TO THE OFFICE OF ATTORNEY GENERAL

CJIS
NORTH DAKOTA CRIMINAL JUSTICE INFORMATION SHARING

#4
SB 2003
1-27-15

ND CJIS is a statewide program that improves public safety by empowering law enforcement, victims and public safety officials to make better-informed decisions through the use of secure, accurate, and convenient web-based IT systems.

ND CJIS Portal empowers criminal justice information sharing that directly impacts public safety.

- An officer conducting a traffic stop can access the secured CJIS portal directly from the patrol vehicle and immediately obtain the offender's criminal history, concealed weapons license, active warrants, and past involvement with North Dakota law enforcement.
- A detective can run a near real-time search on a variety of parameters for leads to solve crimes. For example, if an "older white Dodge Caravan" was involved in a crime in Bismarck, law enforcement can enter this information to get a list of possible vehicles and leads from other similar criminal cases across the state.
- A probation officer can ensure the arrest of a violent offender who absconded from probation after she receives an automated alert that the offender had contact with police in another city.

ND CJIS LERMS provides law enforcement with tools to solve and prevent crime.

- A police chief can have instant access to information about crime patterns and offender relationship mapping in his city. Since the sheriff is also on the system, they can collaborate to look at trends across the county. This information enables them to determine which section of the city or county may need additional patrol units. It also helps them to readily detect that drug activity and organized crime are increasing in their areas, allowing them to pursue proactive law enforcement efforts.
- Enhanced search features enable a detective to enter key words related to an offender, victim profile, modus operandi, or other "signatures," instantly find other agencies' records with similar information and call them for support or more information. The detective can also see alerts on possible offenders, such as violence against law enforcement or warrants that have been entered into the system.

ND CJIS SAVIN promotes victim safety and participation in the criminal justice process.

- A victim (and her family, if desired) can receive advanced notice from the DOCR through ND CJIS SAVIN of the upcoming release of her offender. She can meet with victim services to develop a safety plan. If the offender is on parole, the system will also notify her about where he is assigned, so she can decide whether to enhance her safety plan or move, if needed. The system will also notify her 30 days before her protection order expires, which allows her time to file for a new protection order.
- A busy jail that has historically been unable to make calls consistently to victims or track changes in victims' current contact information can use ND SAVIN to quickly and accurately notify victims of release and allow victims to change their own contact information and notification preferences in the system.

ND CJIS STARS fosters consistency, accuracy, and efficiency among state's attorneys.

- A state's attorney using ND CJIS STARS can check pending cases also tied to the same offender. For example, even if an offender does not have prior DUI convictions, there may be a pending DUI case elsewhere. If so, the state's attorney can collaborate with the other office to charge the offense at the appropriate level.
- A state's attorney can use a routine statute reference from ND CJIS STARS for charging. The clerk of court will know how to match it with the courts' IT system, which will prevent defendants from being set free on a technicality. Eventually, the systems can efficiently be linked for automated case filing.

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#5
SB 2003 Subcommittee
1-27-15

ND CJIS Programs

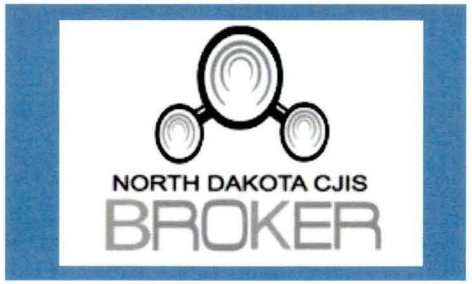
Law Enforcement Records Management System Program (ND CJIS LERMS)

Criminal Justice Information Sharing Portal Program (ND CJIS Portal)

State's Attorney Records Management System Program (ND CJIS STARS)

Statewide Automated Victim Information & Notification Program (ND CJIS SAVIN)

Criminal Justice Information Sharing Broker (ND CJIS Broker)



North Dakota Common Statute Table (ND CST)

CJIS
NORTH DAKOTA CRIMINAL JUSTICE INFORMATION SHARING

ND CJIS is a statewide program designed to improve public safety by allowing law enforcement and public safety officials to make better informed decisions through the use of a secure, accurate, and easy-to-use web based information system.

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ND CJIS History

The ND CJIS Portal went live in 2005 with limited data and users.

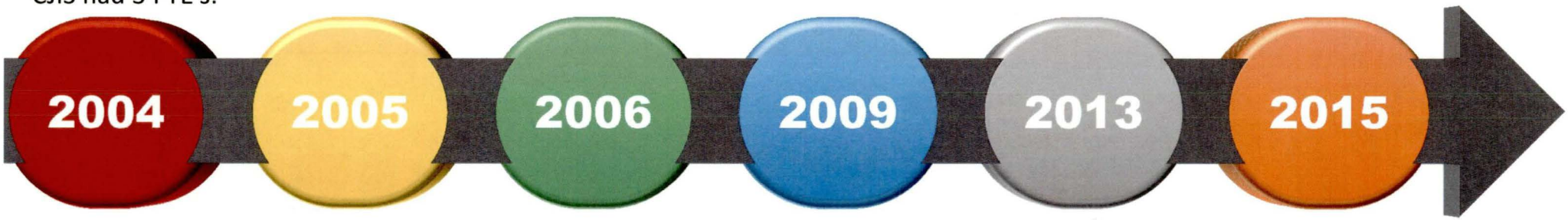
Development work on the ND CJIS Statewide Automated Victim Information and Notification Program (SAVIN) Program began in 2009 with a handful of jails. One FTE was added.

The first published version of the CST is scheduled to be completed in 2015.

) CJIS Law Enforcement Records Management ystem (LERMS) was the first CJIS Program in oduction. It went live in)04 with 7 agencies. ND CJIS had 3 FTE's.

The ND CJIS States' Attorneys Record System (STARS) Program was added in 2006 and went live with 5 agencies. One FTE was added.

The ND CJIS Broker was added to the ND CJIS portfolio in 2013.



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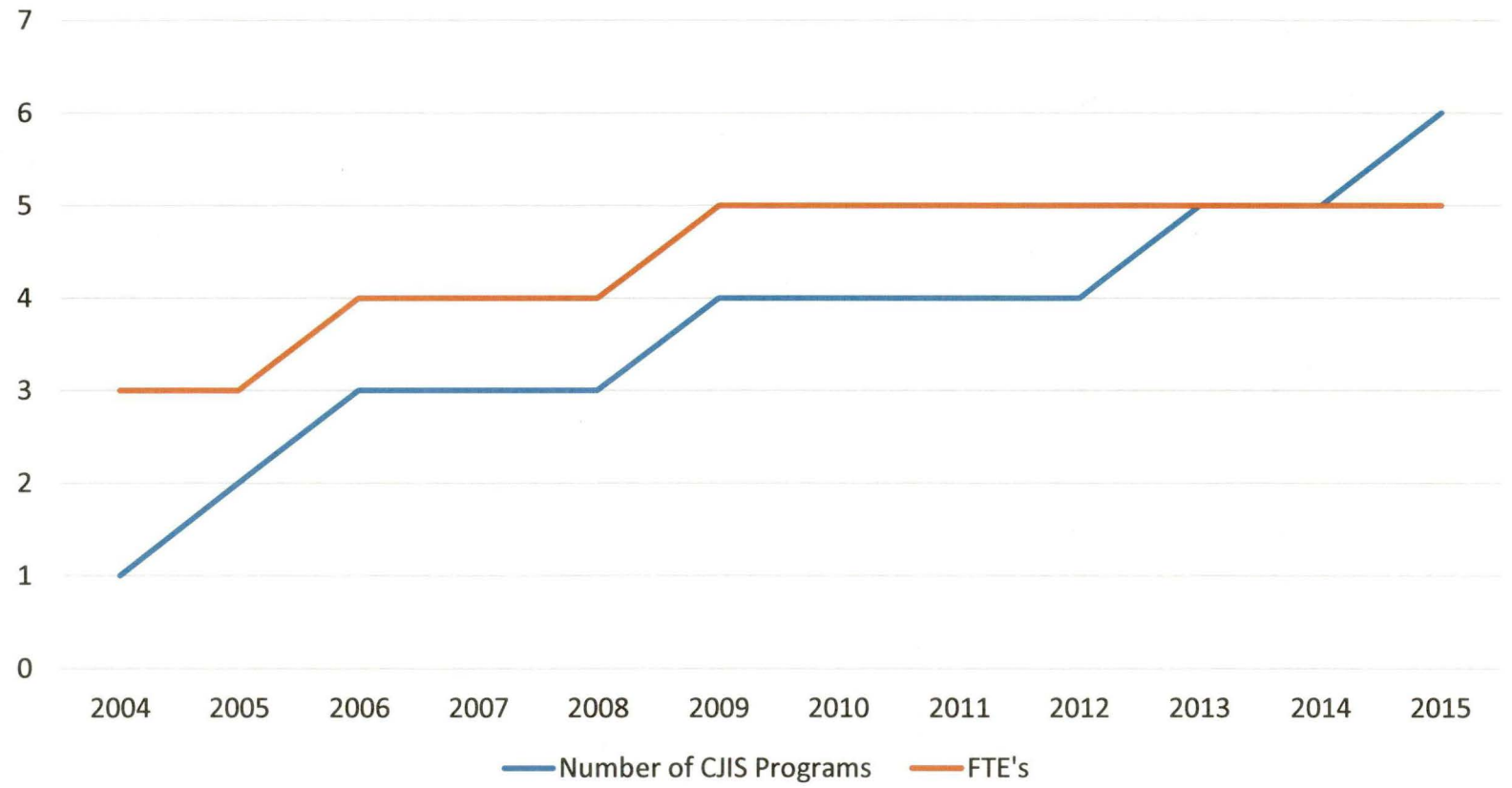
Number of ND CJIS Programs and FTE's



NORTH DAKOTA CJIS LERMS

Past, Present, and Future

2004

- 7 law enforcement agencies
- 1 simple interface that pulled in basic calls for services (CFS) data from Devil's Lake computer-aided dispatch (CAD)
- Did not do routine upgrades
- No disaster recovery
- Only basic functions

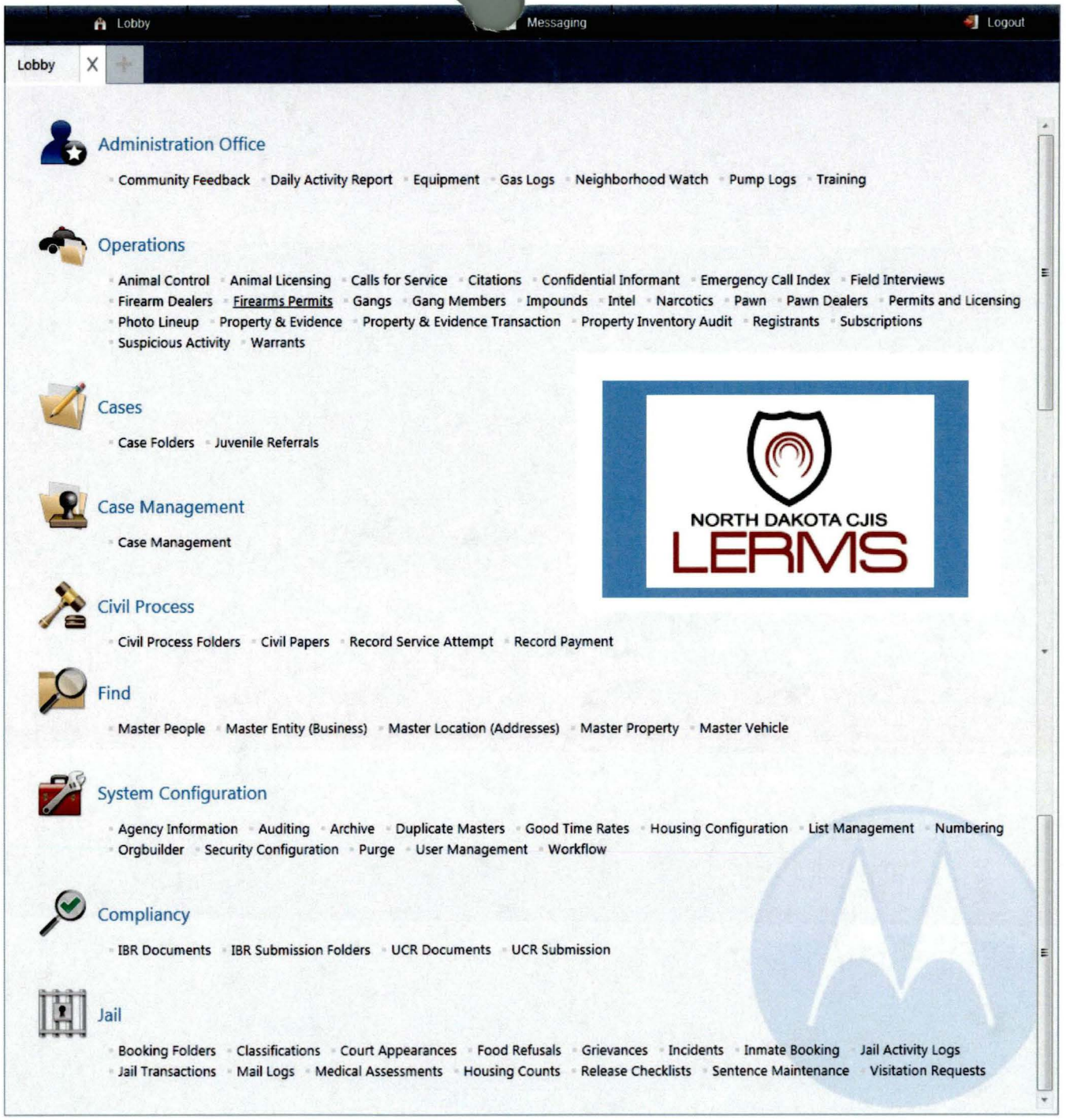
2015

- Over 60 agencies, including police departments (PD's), sheriffs offices (SO's), and 12 correctional facilities
- Standard CFS interface capability for any agency needing it
- LiveScan electronic fingerprint interface (in process)
- Traffic and Criminal Software (TraCS) Interface for citations (in process)
- Yearly upgrades
- All basic functions plus Property & Evidence; Civil Service; Organized Crime; advanced search capability, relationship mapping and master person index; and customizable fields, modules, print templates and reports

Future Vision

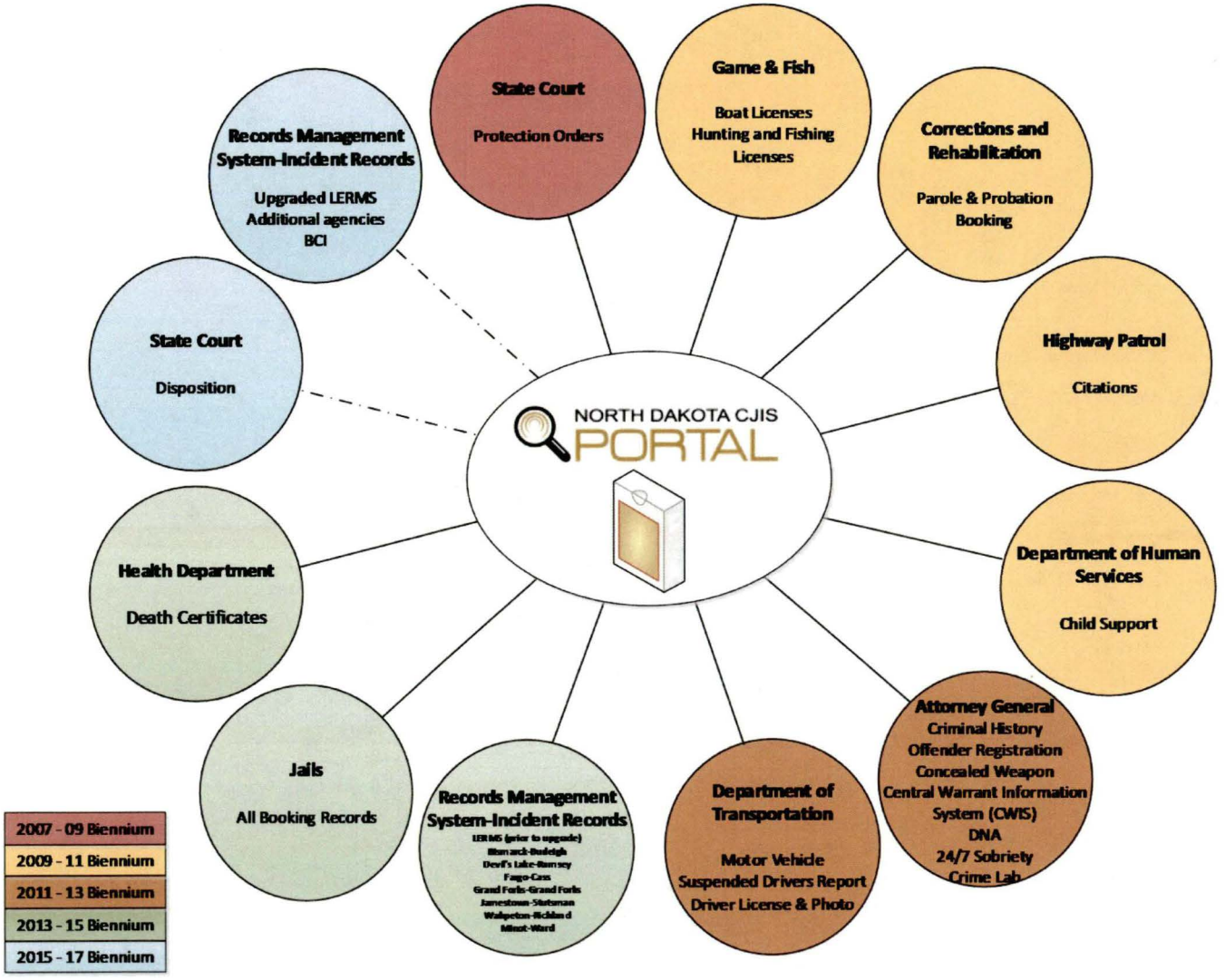
- 75+ agencies
- Additional (TraCS) Interfaces for crash and Driving Under the Influence (DUI) information
- Interface with Department of Transportation (DOT) to provide driver's license information
- Potential interfaces with critical information systems in the Attorney General's Office (AGO) and the State Radio Division
- Active Governance Committee comprised of users and stakeholders selecting and prioritizing additional enhancements needed for information sharing, automation, and public safety

5.4

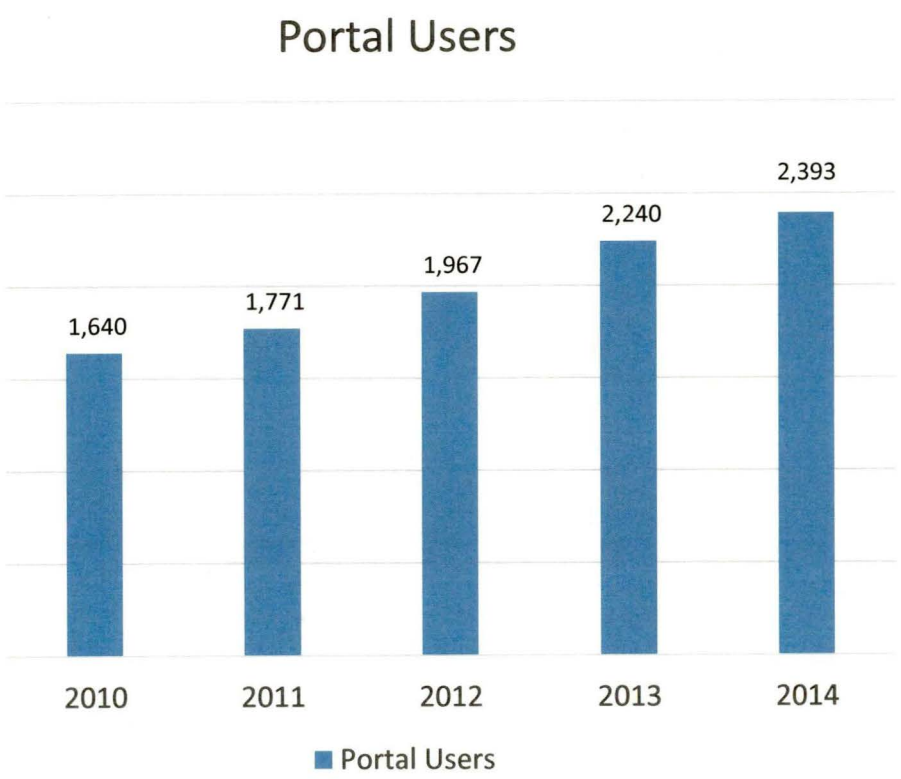

Lobby
Messaging
Logout
Lobby
X
Administration Office
Community Feedback
Daily Activity Report
Equipment
Gas Logs
Neighborhood Watch
Pump Logs
Training
Operations
Animal Control
Animal Licensing
Calls for Service
Citations
Confidential Informant
Emergency Call Index
Field Interviews
Firearm Dealers
Firearms Permits
Gangs
Gang Members
Impounds
Intel
Narcotics
Pawn
Pawn Dealers
Permits and Licensing
Photo Lineup
Property & Evidence
Property & Evidence Transaction
Property Inventory Audit
Registrants
Subscriptions
Suspicious Activity
Warrants
Cases
Case Folders
Juvenile Referrals
NORTH DAKOTA CJIS
LERMS
Case Management
Case Management
Civil Process
Civil Process Folders
Civil Papers
Record Service Attempt
Record Payment
Find
Master People
Master Entity (Business)
Master Location (Addresses)
Master Property
Master Vehicle
System Configuration
Agency Information
Auditing
Archive
Duplicate Masters
Good Time Rates
Housing Configuration
List Management
Numbering
Orgbuilder
Security Configuration
Purge
User Management
Workflow
Compliancy
IBR Documents
IBR Submission Folders
UCR Documents
UCR Submission
Jail
Booking Folders
Classifications
Court Appearances
Food Refusals
Grievances
Incidents
Inmate Booking
Jail Activity Logs
Jail Transactions
Mail Logs
Medical Assessments
Housing Counts
Release Checklists
Sentence Maintenance
Visitation Requests
Current User: admin

NORTH DAKOTA CJIS PORTAL

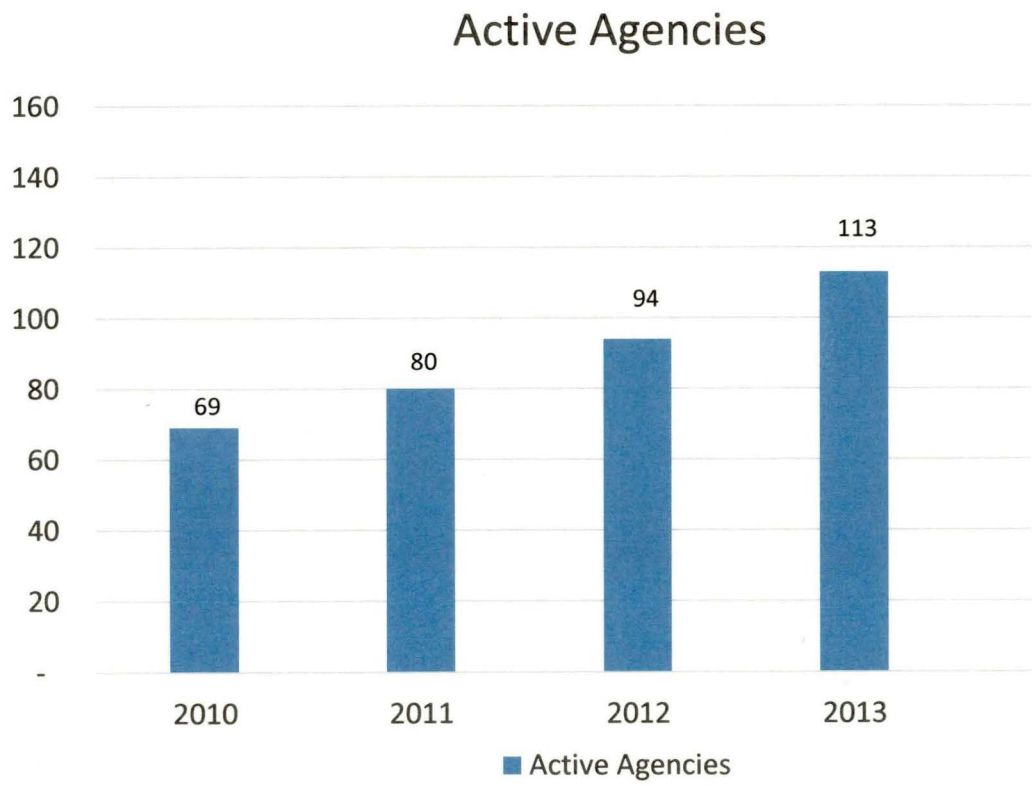
Past, Present, and Future



ND Portal Usage 2010-2014



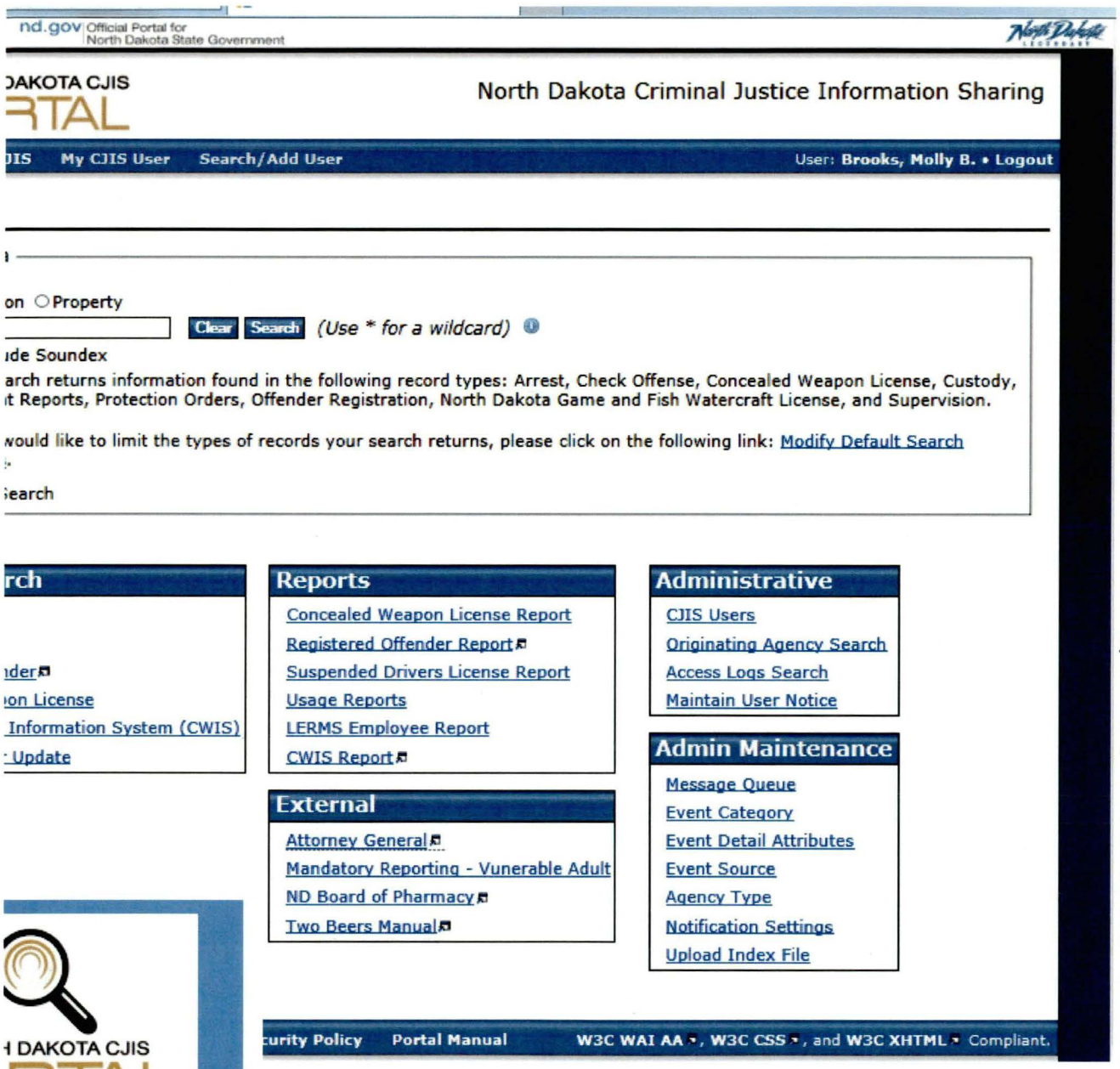
46% Increase from 2010 to 2014



117% Increase from 2010 to 2014

6.7

7



Main Menu

Enter Criteria

Person Property
Search: Clear Search (Use * for a wildcard)
Include Soundex
This search returns information found in the following record types: Arrest, Check Offense, Conce
Incident Reports, Protection Orders, Offender Registration, North Dakota Game and Fish Watercr

If you would like to limit the types of records your search returns, please click on the following lir
Results.

[-] Advanced Search

Person
Select/Deselect All

Sex	Race	Eye Color	Hair Color	Height	Weight	Age	Event
Female	African Am.	Black	Bald	4'00"-4'06"	1-99	0-17	24/7
Male	Caucasian	Blue	Black	4'07"-4'11"	100-149	18-24	ARR
Other	Native Am.	Brown	Blonde	5'00"-5'06"	150-199	25-34	BKG
Blank	Other	Green	Brown	5'07"-5'11"	200-249	35-44	CHS
	Blank	Gray	Gray	6'00"-6'06"	250-299	45-54	COF
		Hazel	Red	6'07"-6'11"	300-349	55-64	CST
		Other	White	Other	Other	65-74	CWIS
		Blank	Other	Blank	Blank	75+	CWP
			Blank			Blank	DL
							DNA
							DR
							GFLIC
							INC
							NDHP
							OFR
							PRO
							SPR
							WTC

Run Advanced Search

Main Menu

Enter Criteria

Person Property
Search: Clear Search (Use * for a wildcard)
Include Soundex
This returns two different searches. The Property Search returns information found in the following
Management Data (Incident Reports) and North Dakota Game and Fish Watercraft License Databa
returns information found in the DOT Motor Vehicle database.

[-] Advanced Search

Property
Select/Deselect All

Motor Vehicle
Select/Deselect All

Type	Style	Year	Color	State	City
INC (0)	2 Door (0)	1901-1960 (0)	Black (0)	ND (0)	
WTC (0)	4 Door (0)	1961-1970 (0)	Blue (0)	Other (0)	
	Convertible (0)	1971-1980 (0)	Brown (0)		
	Hatchback (0)	1981-1990 (0)	Green (0)		
	Large Truck (0)	1991-2000 (0)	Red (0)		
	Motorcycle (0)	2001-2010 (0)	White (0)		
	Pickup (0)	2011-2020 (0)	Yellow (0)		
	Recreation Vehicle (0)		Other (0)		
	Station Wagon (0)				
	SUV (0)				
	Trailer (0)				
	Van (0)				
	Other (0)				

Run Advanced Search

NORTH DAKOTA CJIS STARS

Past, Present, and Future

2006

5 State's Attorney Agencies
Basic Functions
No Interfaces

2015

- 16 State's Attorney Agencies
- Advanced Document Generation
- Law Enforcement to ND CJIS STARS Interfaces for ND CJIS LERMS and Cass County's New World Records Management System (in progress)
- BCI Arrest and Disposition Report Interface (in progress)
- Paperless Pilot (in progress)
- Enhanced Reporting
- Yearly Upgrades

Future Vision

- 45+ State's Attorney Agencies
- Expansion of Law Enforcement to ND CJIS STARS Interfaces
- ND CJIS STARS to ND Courts two-way Interface
- Enhanced BCI Arrest and Disposition Report
- Use of Common Statute Code Table
- Smartphone app functionality
- E-Discovery
- E-Payment
- Expansion of paperless initiative

5.9

12/17/2013 10:24:00 AM Case ID: 13-16286 Court: 08-2013-CR-[redacted] [redacted] ~ Criminal Mischief - Intentional - Damage $2,000 - $10,000~[redacted]

	Status*	Status Date*	Received Date*	Agency Added By*
	Active	12/17/2013 10:24 AM	12/10/2013	Burleigh County States Attorney

volved Parties | Charges | Filing Cabinet | Judgment and Sentence | Financials | Calendar | Other | Case Status History

of 18

header here to group by that column.

	Document Name*	Document Status	File Size	Notes	Date	Category	Packet Involvements
	Discovery-08.rtf		103 KB	Defendant Request	12/30/201		
	2nd Discovery-08 rtf.rtf		92 KB	Defendant Request	12/30/201		
	Discovery-08 (2).rtf		105 KB	Attorney Request	2/18/2014		
	2nd Discovery-08.rtf		104 KB	Attorney	4/29/2014		
	3rd Discovery-08.rtf		103 KB		5/15/2014		
forma	Complaint-08.rtf		89 KB		12/17/201		
forma	Information-08.rtf		67 KB		2/10/2014		
oice-	Discovery Invoice-08.rtf		89 KB		12/30/201		
oice-	Discovery Invoice-08 (2).rtf		90 KB	Attorney	2/18/2014		
Impa	VW Property Impact Statement-08.rt		222 KB		12/18/201		
er-08	VW Intro Letter-08.rtf		85 KB		12/18/201		
r-08	VW Initial Appearance Ltr.rtf		59 KB		1/3/2014		
r-08	VW Prelim Ltr-08.rtf		70 KB		1/28/2014		
Impa	VW Personal Impact Statement-08.r		85 KB		12/18/201		
endat	VW Recommendation-08.rtf		81 KB		4/23/2014		
ficatio	VW Trial Notification Ltr-08.rtf		69 KB		2/25/2014		
3	Subpoena-08.rtf (prelim).rtf		74 KB		2/10/2014		
3	Subpoena-08.rtf (trial).rtf		415 KB		4/29/2014		

NORTH DAKOTA CJIS
STARS

5/10

10

NORTH DAKOTA CJIS SAVIN

Past, Present, and Future

2009-11 Biennium	2011-13 Biennium	2013-15 Biennium	2015-17 Biennium	2017-19 Biennium
• Created scripting for telephone and email notifications • Implemented incarceration notifications in 21 jails and the DOCR • Added probation & parole notifications • Added the data feed to the ND CJIS Portal • Added protection order notifications	• Completed the court notifications, though the solution was not ultimately accurate or stable • Expanded the incarceration notifications to include the final 2 jails and to implement automated victim data pull in 4 jails • Added text message notifications • Completed registration link with DOCR and Jails • Expanded the data feed to include booking photos from 15 jails and the DOCR in the ND CJIS Portal	• Implemented the national best practice standard to upgrade the court notifications • Completed 14 booking system changes/upgrades (most of which were agencies transitioning to the upgraded LERMS' new jail management system) •Expanded the incarceration notifications to implement victim data pull in 13 jails • Expanded the data feed to include booking photos from 6 jails	• Plan to enhance security standards by adding a formal, automated process for background checks for administrators	• Expansion to include juvenile notifications • Active Directory Authentication • Registration Link with Courts
Total General Fund Project Dollar Request $0	Total General Fund Project Dollar Request $0	Total General Fund Project Dollar Request $200,000*	Total General Fund Project Dollar Request $50,000	Total General Fund Project Dollar Reques TBD

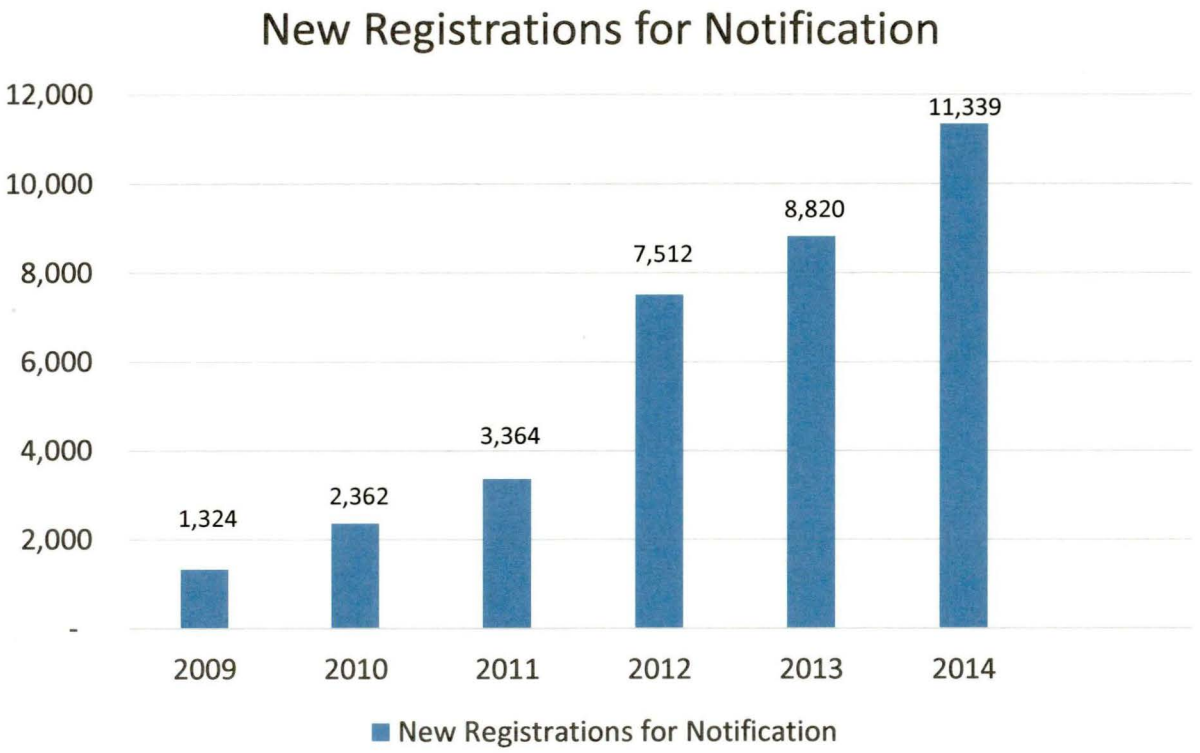
*$100,000 of this was used for changes related to interfacing with the updated LERMS' new Jail Management System, which benefits ND CJIS SAVIN

After the 2017-19 Biennium, we do not foresee project requests for ND CJIS SAVIN, aside from potential required future upgrades

5.11

11

ND CJIS SAVIN Usage



The number of new registrations for notification have increased from 1,324 in 2009 to 11,339 in 2014.

5.12

VINELink®
All the power of VINE. Online.

POWERED Appriss

Home | Search & Register | Local Victim Resources | Map

Search & Register for

- Offenders
- Offenders with Court Cases
- Offenders on Probation or Parole
- Protective Orders

Update Registration

Registered user click here to change your registration & PIN.

Downloads

- FAQ
- VINELink Quick Reference Guide
- ND SAVIN Brochure - English
- ND SAVIN Brochure - Spanish
- ND SAVIN Poster
- VINE Protective Order Quick Reference Guide
- VINE Protective Order Brochure
- VINE Protective Order Poster

North Dakota Statewide

VINE Service Number : (866) 631-8463
TTY: (866) 847-1298

North Dakota Statewide Resources

VINEmobile
FREE: App Store | Google play

24/7 VINE Helpline **1-866-631-8463**
press 1-1-0 for live operator

VICTIM NOTIFICATION AND INFORMATION

NORTH DAKOTA SAVIN

Welcome to the North Dakota Statewide Automated Victim Information and Notification (ND SAVIN) Program's 24/7 VINElink Portal. ND SAVIN is an innovative service providing crime victims and other concerned citizens free, prompt, free, and confidential notification and status information for:

- **Offender Incarceration**: Click the "Offenders" blue arrow at left to begin registration for notification on status changes, such as release or transfer
- **Offender Criminal Court Case**: Click the "Offenders with Court Cases" blue arrow at left to begin registration for notification on status changes, such as court events and charge disposition
- **Offender Parolee and Probationer**: Click the "Offenders on Probation or Parole" blue arrow at left to begin registration for notification on status changes, such as revocation or absconsion
- **Protection and Restraining Orders**: Click the "Protective Orders" blue arrow at left to begin registration for notification on status changes, such as service and expiration

NOTIFICATION OPTIONS
Notifications are available through phone, email, text message and TTY. Telephone notifications will continue for up to 48 hours until confirmed. You can confirm notification calls by pressing "2" during a live call (not an answering machine recording). To confirm a call left on your answering machine, please call the 24/7 VINE Helpline.

ADDITIONAL INFORMATION
If you have any trouble using the online system, please call the 24/7 VINE Helpline. Also, if your contact information changes and you wish to continue to be notified, please call the 24/7 VINE Helpline to update your information. Additional victim resources in your area can be accessed by dialing 2-1-1

CAUTION: IF YOU BELIEVE YOU MAY BE IN DANGER UPON AN OFFENDER'S UPCOMING RELEASE, PLEASE NOTIFY YOUR VICTIM COORDINATOR AND/OR THE CUSTODIAL FACILITY

PROMOTES VICTIM SAFETY, EMPOWERMENT, AND HEALING

NORTH DAKOTA CJIS SAVIN

Disclaimer: This Web Site is being provided as a service to victims of crime by Appriss Incorporated. The information contained on the site is for personal use and any commercial use of this information is strictly prohibited. You may not collect, sell, offer for sale, modify, reproduce, display, publicly perform, import, distribute, retransmit or otherwise use the content from this Web Site in any way, without the express written permission of Appriss Incorporated.

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5.13

ND CJIS Program Growth Summary

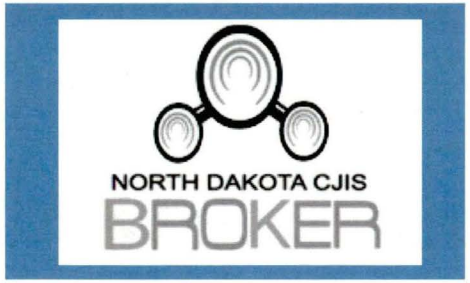
Grown from 7 to over 60 agencies. Data needs and interface expectations of its users have evolved from basic to complex.

- Expanded the number of data sources.
- Doubled agencies since 2010.
- Continuous growth in users.

Expanded from 5 to 16 agencies. Now includes robust forms, reports, interface capability, and a paperless option.

- Dramatic user growth.
- DOCR and 100% of ND jails on for incarceration notifications.
- Robust parole and probation notifications.
- Cutting-edge court notifications.
- Nationally-recognized protection notification system.
- Integration with the ND CJIS Port

Two pilot projects—NICS Mental Health Records (OAG and Courts Project) and ND SAVIN Courts Notification Project—completed. Several more to come.



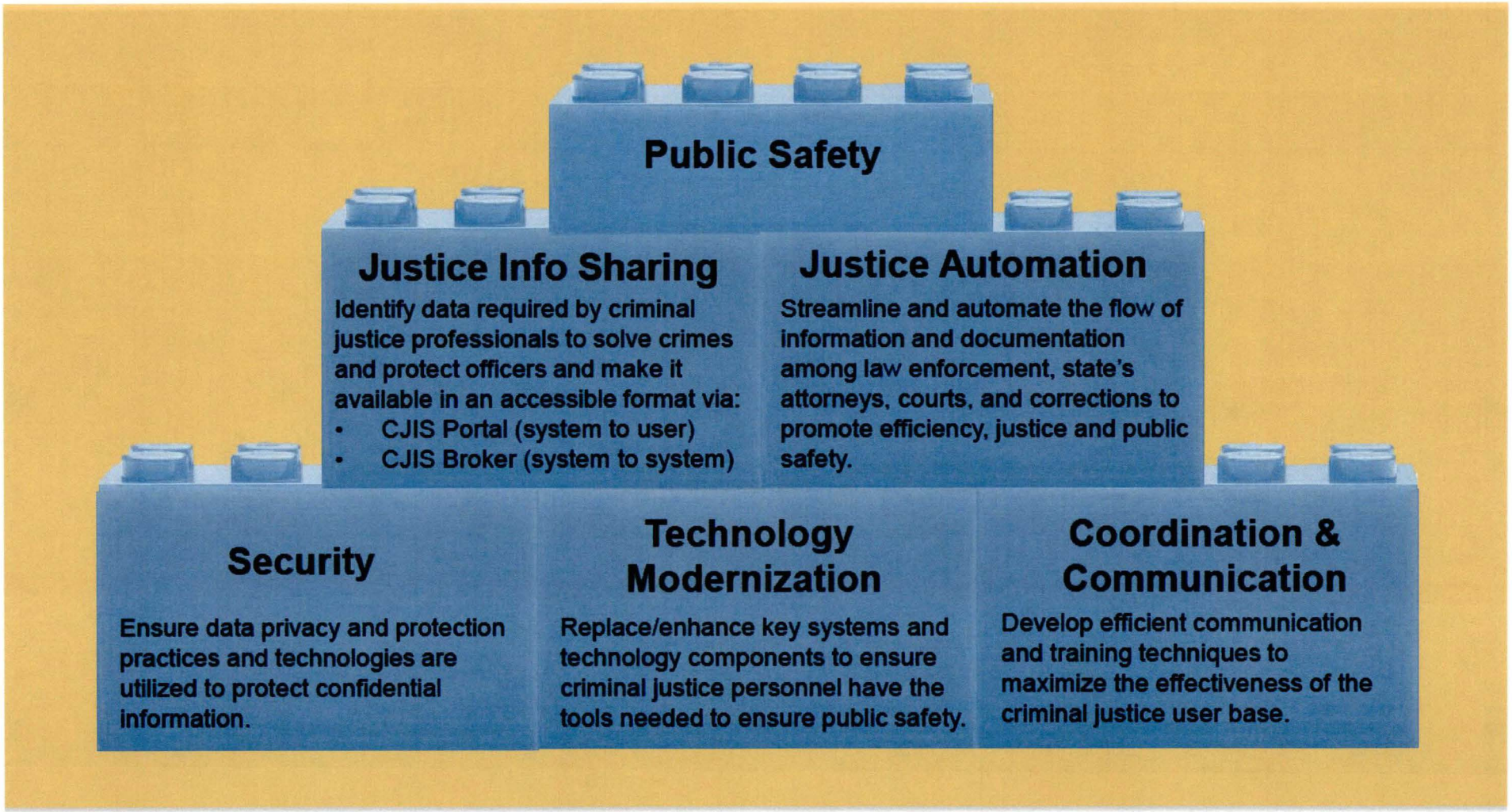
- Needed by several state agencies
- Needed for e-charging initiatives.
- ND CJIS has not had the resource finish and engage stakeholders

CJIS
NORTH DAKOTA CRIMINAL JUSTICE INFORMATION SHARING

ND CJIS is a statewide program designed to improve public safety by allowing law enforcement and public safety officials to make better informed decisions through the use of a secure, accurate, and easy-to-use web based information system.

ND CJIS 2015-2017 Strategic Objectives

Building an Enhanced CJIS Foundation for Public Safety



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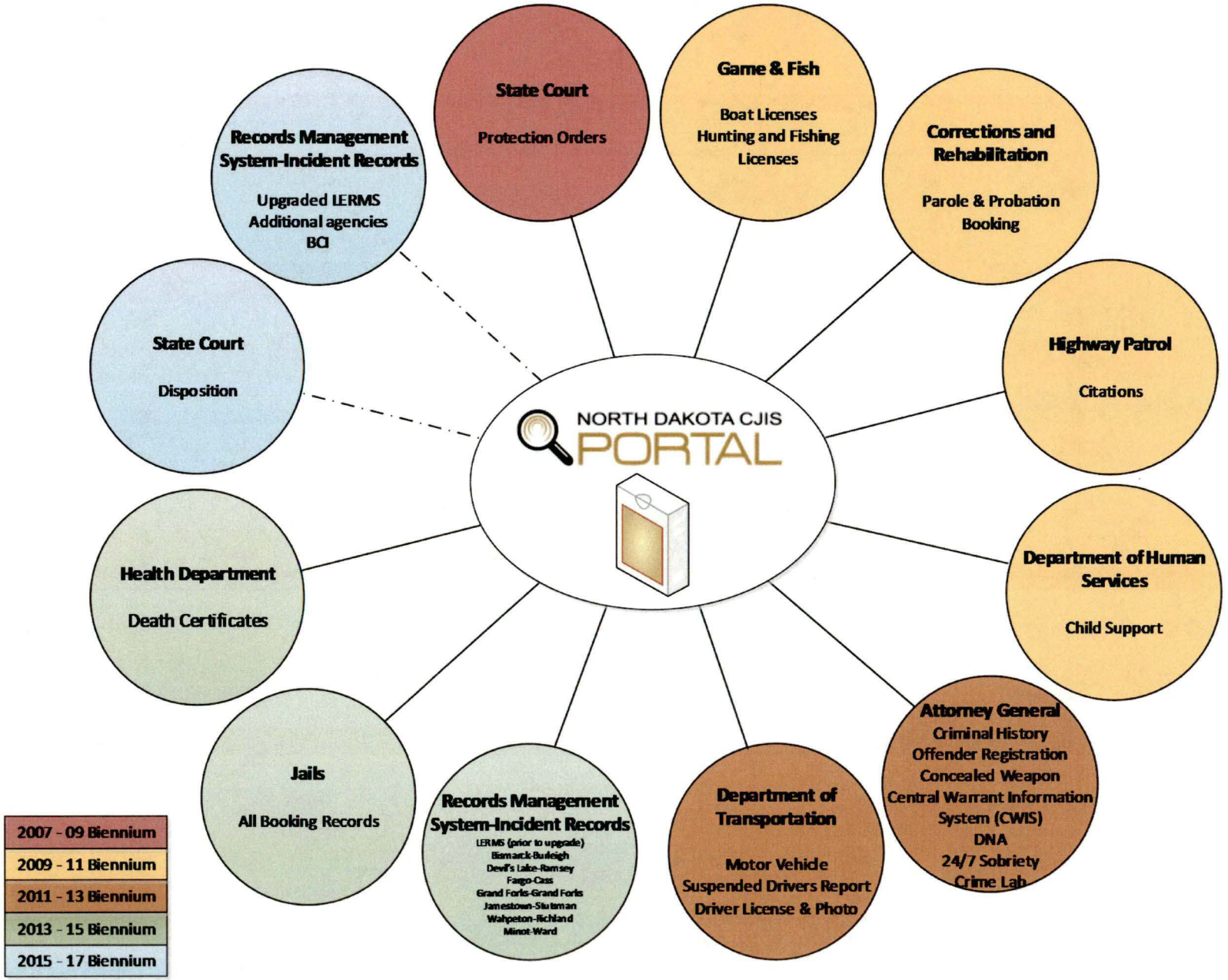
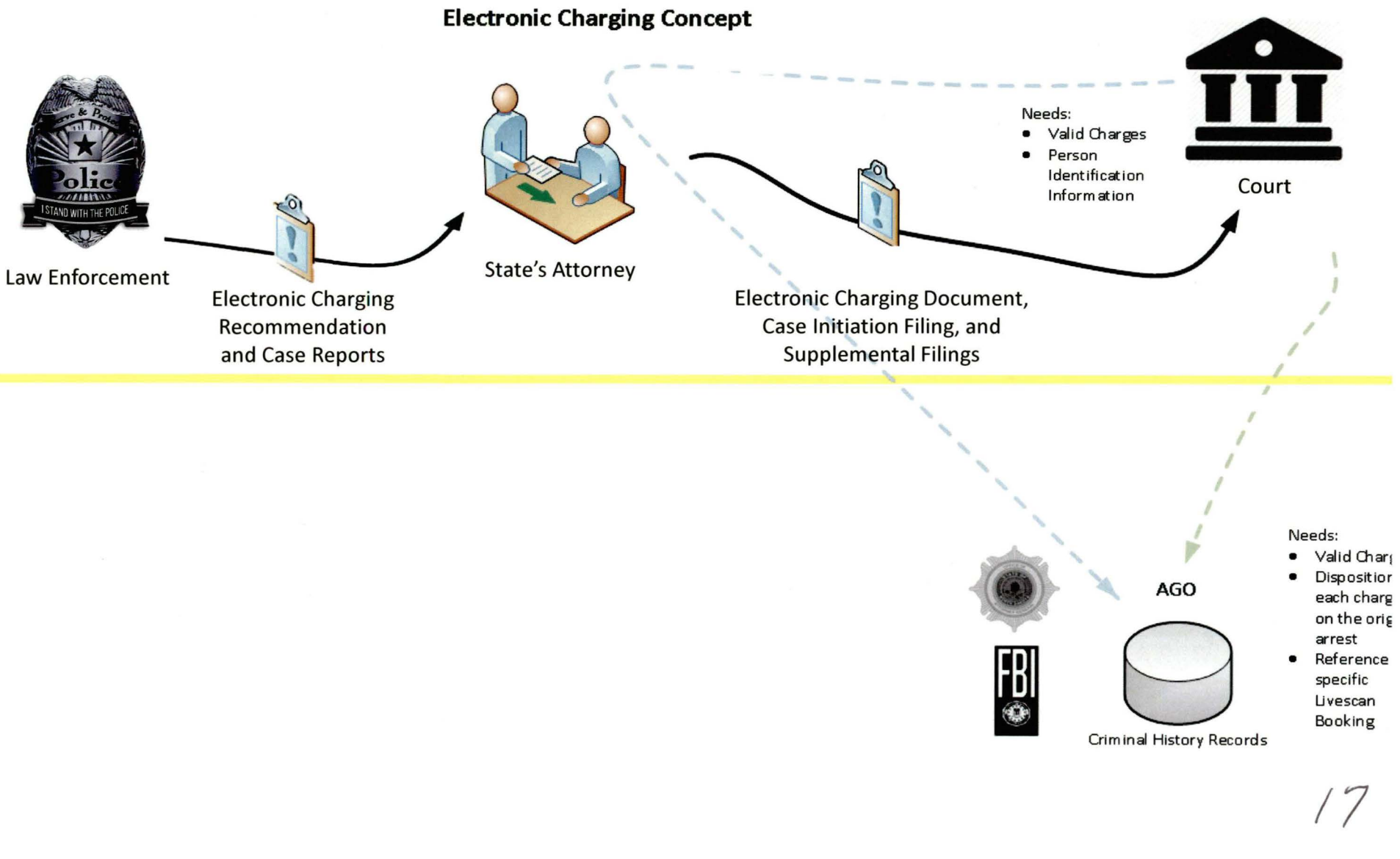
Criminal Justice Information Sharing



3.16

ustice Automation – e-Charging Project



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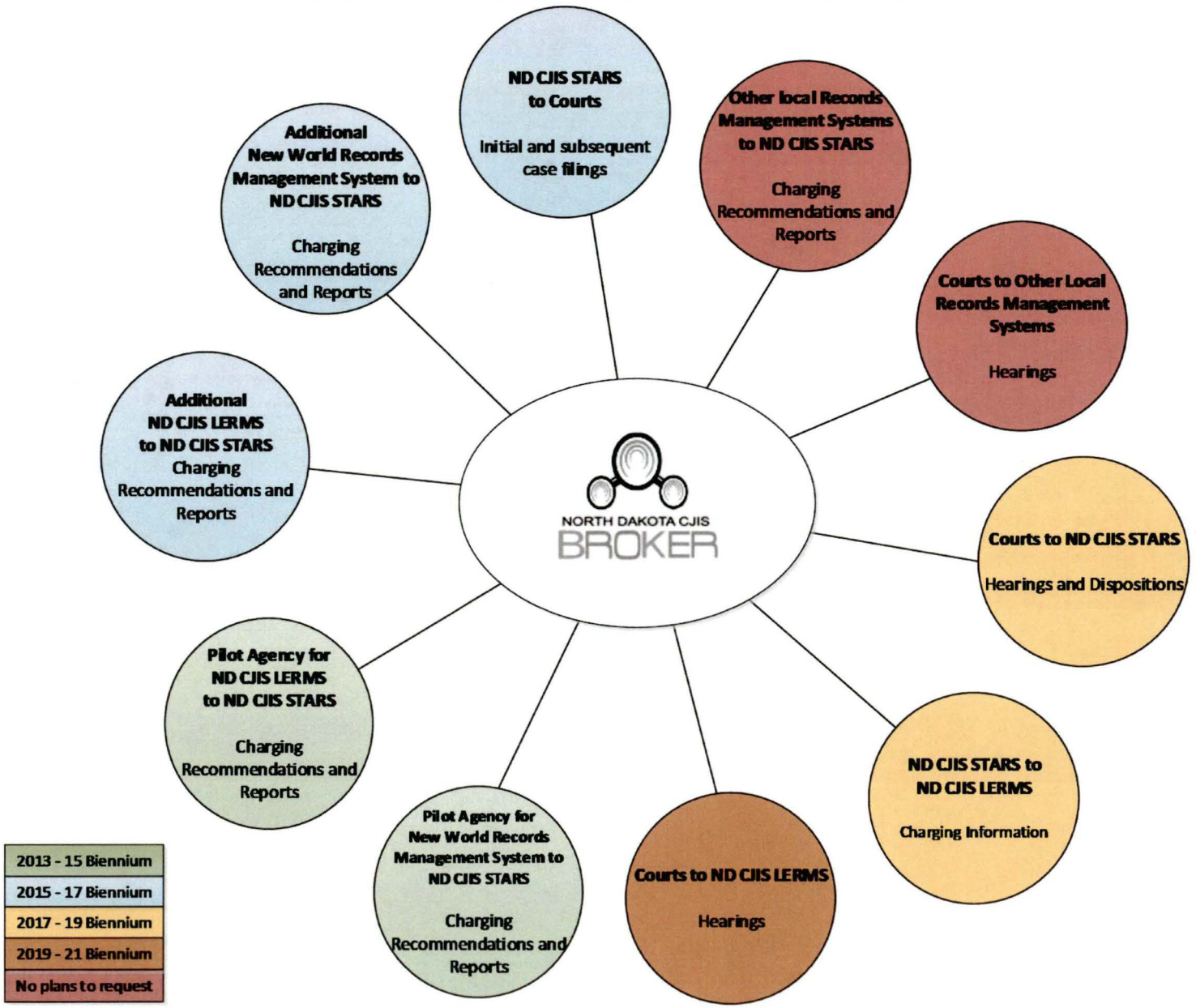
5.17

Justice Automation



ND CJIS 2015-2017 Strategic Projects

Building an Enhanced CJIS Foundation for Public Safety

Justice Info Sharing	Portal Improvement Portal Projects	Event Analysis & Implementation ND CJIS Project with LERMS, STARS, SAVIN, Portal, AGO, and DOCR	Non-CJ Data Sharing ND CJIS Project with AGO, Courts, DES-SR	Aggregated Fed & State Data ND CJIS Project with AGO, Courts, DES-SR, LE	Justice Sharing Standards ND CJIS Project
Justice Automation	Law Enforcement e-Charging ND CJIS Project with STARS, LERMS, LE	State's Attorney e-Charging ND CJIS Project with STARS, Courts, AGO	CST Adoption ND CJIS Project with LE	Improved Subject Identification AGO Project	
Security	Security Practices & Standards ND CJIS Project	SAVIN Security Upgrade SAVIN Project			
Technology Modernization	Criminal History Replacement AGO Projects	DOCSTARS to Elite Migration DOCR Project			
Coordination & Communication	Communication & Training ND CJIS Project with LERMS, Portal, SAVIN, STARS, AGO, Courts, DOCR, DES-SR	Coordinated Access ND CJIS Project with DES-SR, AGO			

Key

LERMS	ND CJIS Law Enforcement Records Management System
Portal	ND CJIS Portal Program
SAVIN	ND CJIS Statewide Victim Information & Notification Program
STARS	ND CJIS State's Attorney Records Management System
AGO	ND Attorney General's Office
Courts	ND Courts
DOCR	ND Department of Corrections & Rehabilitation
DES-SR	ND State Radio
LE	Local Law Enforcement

CJIS
NORTH DAKOTA CRIMINAL JUSTICE INFORMATION SHARING

ND CJIS is a statewide program designed to improve public safety by allowing law enforcement and public safety officials to make better informed decisions through the use of a secure, accurate, and easy-to-use web based information system.

5.19

19

SB 2003
#1
2-2-15

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes								
Base payroll changes		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330				0
Salary increase - Market equity		445,933	21,748	467,681				0
Salary increase - Targeted equity			322,814	322,814			1,276,301	1,276,301
Retirement contribution increase		203,391	11,837	215,228				0
Health insurance increase		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package								
Oil impact law enforcement grants			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049				0
New FTE BCI agent II	4.00		765,891	765,891				0
New FTE BCI agent I	1.00		145,683	145,683				0
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048				0
Restore FTE programmer analyst	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000				0
Information technology software and supplies		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794				0
Other funds changes			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)				0
Remove equipment			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)				0
Increase drug buy fund				0		200,000		200,000
Medicaid fraud unit				0	4.00	93,539	841,855	935,394
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0

Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	4.00	$293,539	$2,118,156	$2,411,695
One-time funding items								
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000				$0
Three surveillance vehicles				0		100,000	200,000	300,000
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$100,000	$200,000	$300,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	4.00	$393,539	$2,318,156	$2,711,695
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	216.50	$37,669,067	$37,700,606	$75,369,673

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	

15.8136.01001
Title.

Prepared by the Legislative Council staff #2

January 23, 2015 2-2-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, replace "section" with "sections 53-12.1-09 and"

Page 1, line 3, after the first "to" insert "the lottery operating fund and"

Page 2, after line 30, insert:

"**SECTION 5. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

2.1

d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

A section is added increasing the quarterly transfer of lottery proceeds to the compulsive gambling prevention and treatment fund from $50,000 to $100,000.

2.2

15.8136.01002
Title.

Prepared by the Legislative Council staff for
Senator O'Connell
February 2, 2015

#3
2-2-15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 3, after the semicolon insert "to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, after line 17, insert:

"Criminal justice information sharing	0	5,406,219	5,406,219"

Page 2, replace lines 1 through 4 with:

"Total all funds	$72,657,978	$34,474,377	$107,132,355
Less estimated income	35,382,450	24,185,549	59,567,999
Total general fund	$37,275,528	$10,288,828	$47,564,356
Full-time equivalent positions	212.50	31.50	244.00"

Page 2, after line 10, insert:

"Criminal justice information sharing		0	1,250,000"

Page 2, replace lines 12 through 14 with:

"Total all funds	$376,100	$1,470,000
Total special funds	0	0
Total general fund	$376,100	$1,470,000"

Page 3, after line 6, insert:

"**SECTION 6.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal

3.1

justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board.

SECTION 7. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 8. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment transfers the criminal justice data information sharing system (CJIS) from the Information Technology Department to the Attorney General and appropriates funding $5,346,219 for CJIS. Included in the appropriation is $1,250,000 of one-time funding for CJIS projects. The transfer includes 5 FTE positions from the Information Technology Department and adds 1 FTE business analyst position.

15.8136.01002

Sixty-fourth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2003

#3A
SB2003
2-2-15

Introduced by

Appropriations Committee

(At the request of the Governor)

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide an exemption; to provide for grants; to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2015, and ending June 30, 2017, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	$34,806,462	$5,770,985	$40,577,447
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,526,463)	25,467,593
Capital assets	2,165,077	94,110	2,259,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	25,178,275	25,178,275
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000

Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,219,664	5,353,485
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
~~Total all funds~~	~~$72,657,978~~	~~$29,068,158~~	~~$101,726,136~~
~~Less estimated income~~	~~35,382,450~~	~~23,299,549~~	~~58,681,999~~
~~Total general fund~~	~~$37,275,528~~	~~$5,768,609~~	~~$43,044,137~~
~~Full-time equivalent positions~~	~~212.50~~	~~25.50~~	~~238.00~~
Total all funds	$72,657,978	$34,474,377	$107,132,355
Less estimated income	35,382,450	24,185,549	59,567,999
Total general fund	$37,275,528	$10,288,828	$47,564,356
Full-time equivalent positions	212.50	31.50	244.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-third legislative assembly for the 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2013-15	2015-17
BCI vehicles	198,000	$220,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
~~Total all funds~~	~~$376,100~~	~~$220,000~~
~~Total special funds~~	~~0~~	~~0~~
~~Total general fund~~	~~$376,100~~	~~$220,000~~
Total all funds	$376,100	$1,470,000
Total special funds	0	0
Total general fund	$376,100	$1,470,000

The 2015-17 one-time funding amounts are not a part of the entity's base budget for the 2017-19 biennium. The attorney general shall report to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

3A.2

SECTION 3. ATTORNEY GENERAL REFUND TRANSFER TO THE GENERAL FUND - EXEMPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2015.

SECTION 4. LAW ENFORCEMENT GRANTS. The law enforcement grants line item in section 1 of this Act includes $20,000,000 from the oil and gas impact grant fund for the purpose of awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties.

SECTION 5. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

The annual salary of the attorney general is one hundred ~~forty-three~~fifty-three thousand ~~six~~nine hundred ~~eighty-five~~sixteen dollars through June 30, ~~2014~~2016, and one hundred ~~forty-seven~~sixty thousand ~~nine hundred ninety-six~~seventy-two dollars thereafter.

SECTION 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

3A.3

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

a. The chief justice of the supreme court or the chief justice's designee.

b. The director of the department of emergency services or the director's designee.

c. The director of the department of corrections and rehabilitation or the director's designee.

d. The superintendent of the state highway patrol or the superintendent's designee.

e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

f. The chief information officer of the state or the chief information officer's designee.

g. The director of the department of transportation or the director's designee.

h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

3A.4

l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board.

SECTION 7. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 8. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

3A.5

15.8136.01003
Title.

Prepared by the Legislative Council staff for
Senator O'Connell
January 30, 2015

#4
2-2-15
SB 2003

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "54-12-11" insert "and 54-27-25"

Page 1, line 3, after "general" insert "and the tobacco settlement trust fund"

Page 3, after line 6, insert:

"**SECTION 6. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip

4.1

Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment allows the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for costs of enforcing the master settlement agreement and any disputes relating to the agreement.

4.2

SB 2003 Sub
2-5-15
#1

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes								
Base payroll changes		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330				0
Salary increase - Market equity		445,933	21,748	467,681				0
Salary increase - Targeted equity			322,814	322,814			1,276,301	1,276,301
Retirement contribution increase		203,391	11,837	215,228				0
Health insurance increase		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package								
Oil impact law enforcement grants			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049				0
New FTE BCI agent II	4.00		765,891	765,891				0
New FTE BCI agent I	1.00		145,683	145,683				0
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048				0
Restore FTE programmer analyst	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000				0
Information technology software and supplies		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794				0
Other funds changes			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)				0
Remove equipment			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)				0
Increase drug buy fund				0		200,000		200,000
Medicaid fraud unit				0	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic saftey equipment				0			300,000	300,000
Other change				0				0
Other change				0				0
Other change				0				0

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Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	4.00	$293,539	$2,418,156	$2,711,695
One-time funding items								
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000				$0
Three surveillance vehicles				0		100,000	200,000	300,000
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$100,000	$200,000	$300,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	4.00	$393,539	$2,618,156	$3,011,695
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	216.50	$37,669,067	$38,000,606	$75,669,673

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	

	Executive Budget Recommendation	Senate Version
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants ~~from the oil and gas impact grant fund~~ is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The attorney general may spend up to ten percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas.The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	
Appropriation		Section 6. Appropriation. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015.
Exemption		Section 7. Exemption. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.
Emergency	Section 7. Emergency. Section 3 of this Act is declared to be an emergency measure.	Section 8. Emergency. Funding of $1,276,301 from the general fund in the salaries and wages line item in section 1 of this Act relating to targeted market equity, section 3, and section 6 of this Act are declared to be an emergency measure.

15.8136.01004
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Senate Appropriations Committee
February 10, 2015

#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, after "section" insert "53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after the first "to" insert "the lottery operating fund,"

Page 1, line 3, after "general" insert ", and the tobacco settlement trust fund; to provide exemptions; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney

1.1

general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, after line 22, insert:

"**SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, replace lines 23 through 30 with:

"**SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in

this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal

justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, after line 6, insert:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	

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Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)

Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

15.8136.01004
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Senate Appropriations Committee
February 10, 2015

#1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, after "section" insert "53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after the first "to" insert "the lottery operating fund,"

Page 1, line 3, after "general" insert ", and the tobacco settlement trust fund; to provide exemptions; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney

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general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, after line 22, insert:

"**SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, replace lines 23 through 30 with:

"**SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in

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this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal

justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

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6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, after line 6, insert:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	

1.6

Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)

1.9

Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

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	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes								
Base payroll changes		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330				0
Salary increase - Market equity		445,933	21,748	467,681				0
Salary increase - Targeted equity			322,814	322,814			1,276,301	1,276,301
Retirement contribution increase		203,391	11,837	215,228				0
Health insurance increase		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package								
Oil impact law enforcement grants			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049				0
New FTE BCI agent II	4.00		765,891	765,891				0
New FTE BCI agent I	1.00		145,683	145,683				0
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048				0
Restore FTE programmer analyst	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000				0
Information technology software and supplies		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794				0
Other funds changes			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)				0
Remove equipment			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)				0
Increase drug buy fund				0		200,000		200,000
Medicaid fraud unit				0	4.00	93,539	841,855	935,394
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0

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Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	4.00	$293,539	$2,118,156	$2,411,695
One-time funding items								
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000				$0
Three surveillance vehicles				0		100,000	200,000	300,000
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$100,000	$200,000	$300,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	4.00	$393,539	$2,318,156	$2,711,695
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	216.50	$37,669,067	$37,700,606	$75,369,673

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	0.00	$0	$0	$0
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330		1,580,965	89,515	1,670,480		(397,038)	(29,812)	(426,850)
Salary increase - Market equity		445,933	21,748	467,681				0		(445,933)	(21,748)	(467,681)
Salary increase - Targeted equity			322,814	322,814				0			(322,814)	(322,814)
Retirement contribution increase		203,391	11,837	215,228				0		(203,391)	(11,837)	(215,228)
Health insurance increase		979,282	56,995	1,036,277		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package												0
Oil impact law enforcement grants			20,000,000	20,000,000			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049	3.00		480,946	480,946			43,897	43,897
New FTE BCI agent II	4.00		765,891	765,891	4.00	270,336	495,555	765,891		270,336	(270,336)	0
New FTE BCI agent I	1.00		145,683	145,683	1.00		189,580	189,580			43,897	43,897
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048			673,254	673,254		(270,336)	182,542	(87,794)
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000			30,000	30,000				0
Information technology software and supplies		262,332		262,332		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794		1,133,418	108,376	1,241,794		200,000		200,000
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)				0
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)				0
Transfer criminal justice information sharing				0	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	886,000	4,156,219
Medicaid fraud unit				0	4.00	93,539	841,855	935,394	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic saftey equipment				0			300,000	300,000			300,000	300,000
Other change				0				0				0
Other change				0				0				0
Other change				0				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	35.50	$8,066,005	$24,941,193	$33,007,198	10.00	$2,517,396	$1,641,644	$4,159,040

One-time funding items												
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000		$220,000		$220,000	0.00	$0	$0	$0
Three surveillance vehicles				0		100,000	200,000	300,000		100,000	200,000	300,000
Transfer criminal justice information sharing projects				0		1,250,000		1,250,000		1,250,000		1,250,000
Other one-time funding item				0				0				0
Other one-time funding item				0				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$1,570,000	$200,000	$1,770,000	0.00	$1,350,000	$200,000	$1,550,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	35.50	$9,636,005	$25,141,193	$34,777,198	10.00	$3,867,396	$1,841,644	$5,709,040
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	248.00	$46,911,533	$60,523,643	$107,435,176	10.00	$3,867,396	$1,841,644	$5,709,040

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The attorney general may spend up to ten percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas.The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.
Appropriation		Section 6. Appropriation. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015.

	Executive Budget Recommendation	Senate Version
Exemption		Section 7. Exemption. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.
Emergency	Section 7. Emergency. Section 3 of this Act is declared to be an emergency measure.	Section 8. Emergency. Funding of $1,276,301 from the general fund in the salaries and wages line item in section 1 of this Act relating to targeted market equity, section 3, and section 6 of this Act are declared to be an emergency measure.

#2
2-19-15

ADDITONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	
PROGRAMMER/ ANALYST (EXISTING)	1	5	This continues the position permanently for BCI & Crime Lab IT projects.
.5 FTE PARALEGAL - STATE & LOCAL GOVERNMENT	0.5		Two paralegals are added due to the influx of people in the state increasing various state boards workload, the number of Labor Department wage claims more than doubling in two years, and the number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues.
.5 FTE PARALEGAL - NATURAL RESOURCES	0.5	5	
1.0 FTE PARALEGAL - CIVIL LITIGATION	1		
1.0 FTE GAMING AUDITOR	1	11	The current staff can audit each gaming organization only every 5-7 years and with that some audits are only a review of one game type rather than a complete comprehensive audit.
2.0 FTE CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	2	3	Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily required time.
$1 MILLION SURGE FUNDING FOR UP TO 10 LAW ENFORCEMENT FTE'S			Emergency clause added
$ 20 MILLION FOR LAW ENFORCEMENT GRANTS, OF WHICH 10% CAN BE USED BY THE ATTORNEY GENERAL TO ADDRESS REGIONAL ISSUES SUCH AS TRAINING, MANUALS, EQUIPMENT AND OTHER NEEDS.			Oil & gas impact fund
7.0 FTE CRIMINAL INVESTIGATORS	7	38	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking.

ADDITONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	
2.0 FTE HUMAN TRAFFICKING & CRIMINAL INVESTIGATORS	2	4	These investigators will be utilized to expand and cover the high demand for assistance with human trafficking and cyber-crime related cases in western North Dakota.
3.0 FTE INTELLIGENCE ANALYSTS	3	2	These three intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases.
1.0 FTE HIDTA ATTORNEY (EXISTING)	1	1	The requested full-time prosecutor position is spearheading the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts.
1.0 VICTIM WITNESS ADVOCATE	1	0	The need for personnel assisting these victims, while the trained investigators work on the criminal elements of the case, has increased significantly. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes.
.5 FTE CRIMINAL/REGULTORY ATTORNEY (EXISTING)	0.5	30	This position handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to due to Speedy Trial constraints, and that victims of crime in oil impact counties will fail to see justice done. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion.
1.0 FTE CRIMINAL/REGULATORY ATTORNEY	1		

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ADDITONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	
1.0 FTE GRANTS ADMINISTRATIVE ASSISTANT	1	1	Nearly all services provided by the office's grants section have increased beyond any expectations. Further impacting the workload has been the management of the criminal justice oil impact grants. Subgrantee site visits and desk reviews are important, however, current staff simply does not have the hours available to conduct these visits.
1.0 FTE BCI ADMINISTRATIVE ASSISTANT - WORD PROCESSING	1	6	The anticipated substantial increase in the number of criminal investigators due to the heavy demands on western North Dakota law enforcement results in the need for an additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests.
1.0 SEX OFFENDER REGISTRY ADMINISTRATIVE ASSISTANT	1	3	The increase in population due to the energy industry has greatly impacted the sex offender registration section. Keeping this information updated is imperative to keep citizens informed regarding offenders and the risk they pose to the public.
1.0 FORENSIC SCIENTIST	1	19	Two years ago, the number of submissions for biological screening and DNA cases has increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change.
MEDICAID FRAUD UNIT - 1 INVESTIGATOR, ATTORNEY, AUDITOR & SUPPORT STAFF	4	0	These positions will investigate Medicaid fraud cases and prosecute those who perpetrate the fraud. All state recoveries of monies fraudulently paid will come back to the state.
MULTI-STATE TOBACCO DILIGENT ENFORCEMENT			As a condition of receiving the tobacco settlement funds, the state is required to demonstrate its diligent enforcement of North Dakota Century Code Chapter 51-25 (Tobacco Sales Act) and that it is not subject to the Non-Participating Manufacturer Agreement which would result in the loss to the state of $23 million.

ADDITONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	
NARCOTICS BUY FUND INCREASE			With oil impact areas narcotics activity increases the BCI needs to buy more narcotics in order to gain access to the top person (s) of narcotics organization to have the best impact on decreasing narcotics availability in those areas. In addition, the cost of narcotics has increased by ten times the standard costs of various narcotics due to the high demand in oil impact areas.
TRANSFER CJIS FROM ITD TO ATTORNEY GENERAL	**5**	**0**	The CJIS operation is transferred to the Office of Attorney General from ITD, along with 5 current staff positions. This office has tried repeatedly to have CJIS/ITD recognized as a law enforcement agency to have direct access to federal criminal information, which has not been approved by the federal government. Statutory language is amended to reflect this transfer.
1.0 FTE BUSINESS ANALYST & CONTRACT FUNDING	1	0	This position will perform business analysis and program management for the Common Statute Table (CST) and Broker Programs. CJIS implemented the Broker program in 2013 and the CST program in 2015. No additional FTE's have been added to assist with either of these programs. CST, in particular, is urgently needed for many state and local information-sharing initiatives and will require significant management, support, and outreach for its successful implementation. Contractor funding is included to train inexperienced new position.
LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM (LERMS)			The implementation of needed disaster recovery; funding source change to the general fund from local law enforcement agencies user fees because the LERMS system user fees are barriers to system use; and for medium-sized and larger agencies, may be cost-prohibitive
STATES ATTORNEYS' RECORDS SYSTEM (STARS)			Licenses are needed to meet the ongoing and increasing demand for the system & a funding source change to general fund from state's attorney user feeswas added since current fees currently prevent many state's attorneys' offices from using STARS.

26.5 FTE'S (EXCLUDES LEGISLATIVELY APPROVED EXISTING PROGRAMMER/ANALYST AND EXISTING CJIS POSITIONS TO BE TRANSFERRED)

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Prepared by the Legislative Council staff for
Senate Appropriations Committee
February 10, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, after "section" insert "53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after the first "to" insert "the lottery operating fund,"

Page 1, line 3, after "general" insert ", and the tobacco settlement trust fund; to provide exemptions; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7.368	122	7.490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178.100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney

3-1

general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, after line 22, insert:

"**SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, replace lines 23 through 30 with:

"**SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in

3.2

this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal

justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, after line 6, insert:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	

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Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)

3.8

Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

2003

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Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes								
Base payroll changes		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330				0
Salary increase - Market equity		445,933	21,748	467,681				0
Salary increase - Targeted equity			322,814	322,814			1,276,301	1,276,301
Retirement contribution increase		203,391	11,837	215,228				0
Health insurance increase		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package								
Oil impact law enforcement grants			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049				0
New FTE BCI agent II	4.00		765,891	765,891				0
New FTE BCI agent I	1.00		145,683	145,683				0
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048				0
Restore FTE programmer analyst	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000				0
Information technology software and supplies		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794				0
Other funds changes			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)				0
Remove equipment			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)				0
Increase drug buy fund				0		200,000		200,000
Medicaid fraud unit				0	4.00	93,539	841,855	935,394
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0

Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Other change				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	4.00	$293,539	$2,118,156	$2,411,695
One-time funding items								
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000				$0
Three surveillance vehicles				0		100,000	200,000	300,000
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Other one-time funding item				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$100,000	$200,000	$300,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	4.00	$393,539	$2,318,156	$2,711,695
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	216.50	$37,669,067	$37,700,606	$75,369,673

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	0.00	$0	$0	$0
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330		1,580,965	89,515	1,670,480		(397,038)	(29,812)	(426,850)
Salary increase - Market equity		445,933	21,748	467,681				0		(445,933)	(21,748)	(467,681)
Salary increase - Targeted equity			322,814	322,814				0			(322,814)	(322,814)
Retirement contribution increase		203,391	11,837	215,228				0		(203,391)	(11,837)	(215,228)
Health insurance increase		979,282	56,995	1,036,277		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package												0
Oil impact law enforcement grants			20,000,000	20,000,000			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049	3.00		480,946	480,946			43,897	43,897
New FTE BCI agent II	4.00		765,891	765,891	4.00	270,336	495,555	765,891		270,336	(270,336)	0
New FTE BCI agent I	1.00		145,683	145,683	1.00		189,580	189,580			43,897	43,897
New FTE Assistant Attorney General - oil–impacted areas	1.00		302,136	302,136	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554	1.00		165,554	165,554				0
New FTE attorney - criminal/regulatory division	0.50		165,264	165,264	0.50		165,264	165,264				0
Funding for other operating expense in oil–impacted areas		270,336	490,712	761,048			673,254	673,254		(270,336)	182,542	(87,794)
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000			30,000	30,000				0
Information technology software and supplies		262,332		262,332		262,332		262,332				0
Operating expense increase		933,418	108,376	1,041,794		1,133,418	108,376	1,241,794		200,000		200,000
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)				0
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)				0
Transfer criminal justice information sharing				0	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	886,000	4,156,219
Medicaid fraud unit				0	4.00	93,539	841,855	935,394	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic saftey equipment				0			300,000	300,000			300,000	300,000
Other change				0				0				0
Other change				0				0				0
Other change				0				0				0
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	35.50	$8,066,005	$24,941,193	$33,007,198	10.00	$2,517,396	$1,641,644	$4,159,040

One-time funding items												
Replace 10 undercover vehicles	0.00	$220,000	$0	$220,000		$220,000		$220,000	0.00	$0	$0	$0
Three surveillance vehicles				0		100,000	200,000	300,000		100,000	200,000	300,000
Transfer criminal justice information sharing projects				0		1,250,000		1,250,000		1,250,000		1,250,000
Other one-time funding item				0				0				0
Other one-time funding item				0				0				0
Total one-time funding changes	0.00	$220,000	$0	$220,000	0.00	$1,570,000	$200,000	$1,770,000	0.00	$1,350,000	$200,000	$1,550,000
Total Changes to Base Level Funding	25.50	$5,768,609	$23,299,549	$29,068,158	35.50	$9,636,005	$25,141,193	$34,777,198	10.00	$3,867,396	$1,841,644	$5,709,040
2015-17 Total Funding	238.00	$43,044,137	$58,681,999	$101,726,136	248.00	$46,911,533	$60,523,643	$107,435,176	10.00	$3,867,396	$1,841,644	$5,709,040

Other Sections in Senate Bill No. 2003

	Executive Budget Recommendation	Senate Version
Continuing appropriations	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Oil-impacted county law enforcement grants	Section 4 provides that $20,000,000 in grants from the oil and gas impact grant fund is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties.	Section 4 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for law enforcement agencies in oil–impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The attorney general may spend up to ten percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas.The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section annually and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.
Appropriation		Section 6. Appropriation. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015.

	Executive Budget Recommendation	Senate Version
Exemption		Section 7. Exemption. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.
Emergency	Section 7. Emergency. Section 3 of this Act is declared to be an emergency measure.	Section 8. Emergency. Funding of $1,276,301 from the general fund in the salaries and wages line item in section 1 of this Act relating to targeted market equity, section 3, and section 6 of this Act are declared to be an emergency measure.

2-19-15 #2

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Fiscal No. 1

Prepared by the Legislative Council staff for
Senate Appropriations Committee
February 10, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, after "section" insert "53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after the first "to" insert "the lottery operating fund,"

Page 1, line 3, after "general" insert ", and the tobacco settlement trust fund; to provide exemptions; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$9,636,005	$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	$198,000	$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,770,000
Total special funds	0	200,000
Total general fund	$376,100	$1,570,000"

Page 2, after line 18, insert:

"**SECTION 3. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $1,000,000, or so much of the sum as may be necessary, to the attorney

2.1

general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, after line 22, insert:

"**SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, replace lines 23 through 30 with:

"**SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in section 1 of this Act includes $24,164,271 from the oil and gas impact grant fund, of which $4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and $20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

SECTION 8. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in

2.2

this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;

2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;

3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and

4. Transfer of net proceeds:

   a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;

   b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

   c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

   d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.

2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal

2.3

justice data information about an offense committed by a child if the offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.

4. A criminal justice information advisory board must be appointed, consisting of:

   a. The chief justice of the supreme court or the chief justice's designee.

   b. The director of the department of emergency services or the director's designee.

   c. The director of the department of corrections and rehabilitation or the director's designee.

   d. The superintendent of the state highway patrol or the superintendent's designee.

   e. The chief of the bureau of criminal investigation, who shall be the chairman of the advisory board.

   f. The chief information officer of the state or the chief information officer's designee.

   g. The director of the department of transportation or the director's designee.

   h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.

   i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.

   j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.

   k. A city government representative appointed by the attorney general from a list of two or more nominees from the league of cities.

   l. A county government representative appointed by the attorney general from a list of two or more nominees from the association of counties.

5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.

6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system, to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions, and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, after line 6, insert:

"**SECTION 11. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:

   a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.

   b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.

   c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2.5

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	$34,806,462	$5,496,779	$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	$72,657,978	$34,777,198	$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	$37,275,528	$9,636,005	$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments[1]	Adds Funding for Programmer Analyst[2]	Adds Funding for New Legal Staff[3]	Adds Funding for New Gaming Staff[4]	Adds Funding for New Concealed Weapons License Staff[5]	Adds Funding for Oil Impact Law Enforcement Grants[6]
Salaries and wages	$3,692,660	$142,278	$270,339	$121,845	$212,918	$131,847
Operating expenses		31,314	37,040	21,985	48,848	

Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	$2,754,492	$173,592	$307,379	$143,830	$261,766	$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	$2,590,635	$142,278	$0	$82,907	$0	$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS[7]	Adds Funding for Medicaid Fraud Unit[8]	Increases Funding for North Dakota Lottery[9]	Adjusts Base Level Funding[10]	Adds One-Time Funding[11]	Total Senate Changes
Salaries and wages		$724,892		$200,000		$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	$5,406,219	$935,394	$1,030,000	($1,702,828)	$520,000	$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	$4,520,219	$93,539	$0	$1,395,381	$320,000	$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

[1] The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from $987 to $1,162:

	General Fund	Other Funds	Total
Base payroll changes	$251,098	$17,347	$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	$2,590,635	$163,857	$2,754,492

[2] Funding is added from the general fund and other funds to continue an FTE programmer analyst position ($142,278) and related operating expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

[3] Funding is added from other funds for two new FTE paralegal positions ($270,339) and related operating expenses ($37,040).

[4] Funding is added from the general fund and other funds for one new FTE gaming staff position ($121,845) and related operating expenses ($21,985).

[5] Funding is added from other funds for two new FTE paralegal concealed licensing positions ($212,918) and related operating expenses ($48,848).

[6] The funding shown below is added for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		$1,388,830	$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	$270,336	$24,677,018	$24,947,354

[7] The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	$2,400,219	$946,000	$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	$4,460,219	$946,000	$5,406,219

[8] Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	$72,489	$652,403	$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	$93,539	$841,855	$935,394

[9] Funding is increased from $4,252,778 to $5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		$226,200	$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	$0	$1,030,000	$1,030,000

[10] Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		$200,000	$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)

Total	$1,395,381	($3,098,209)	($1,702,828)

[11] Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	$220,000		$220,000
Three surveillance vehicles	100,000	$200,000	300,000
Total	$320,000	$200,000	$520,000

This amendment also:

- Adds a section to appropriate $1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from $50,000 each quarter to $100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.

SB 2003 March 10, 2015 Attachment A

2015 - 2017 BUDGET

Office of Attorney General
State of North Dakota

Wayne Stenehjem
Attorney General

For the Government Operations Section of the House Appropriations Committee

TABLE OF CONTENTS

2015 Engrossed Senate Bill No. 2003 4

Summary of Office of Attorney General Major Accomplishments 5

- Criminal Justice Oil Impact Funds 5
- 24/7 Sobriety Program 5
- DUI Offense Convictions Chart 6
- Concealed Weapon Licenses 7
- Methamphetamine and Other Illicit Drugs 7
- Charitable Gaming 7
- Lottery Transfers 8
- Statewide Law Enforcement Intelligence Center (SLIC) 8
- Criminal History Record Information Requests 8
- Tobacco Diligent Enforcement Arbitration 8
- Crime Lab 9
- Consumer Protection and Antitrust Division 9
- Legal Service Divisions of the Office 9
- Fire Marshal Division 10

Current and Future Critical Issues 10

- 2013-15 Biennium Law Enforcement Grant 10
- 2015-17 Biennium Law Enforcement Grant 13
- Criminal Investigators Salary Issue 13
- Criminal/Narcotics Investigators 15
- Human Trafficking/Cyber-Crime/Computer Forensic Investigators 17
- Intelligence Analysts – North Dakota State and Local Intelligence Center and Western North Dakota 18
- High Intensity Drug Trafficking Attorney Match 20
- 1.5 FTE Prosecutors to Assist Western North Dakota 20
- Victim Witness Advocate 21
- Grants Administrative Assistant 23
- Criminal Investigation Information Processing – Administrative Assistant 24
- Sex Offender Registration Administrative Assistant 24
- Number of Sex Offenders and Offenders Against Children Registrants Chart 26
- DNA Forensic Scientist 27
- DNA Submitted Cases Chart 28
- All Arrestees Offender Sample Submissions Chart 29
- Inflation Increases 30
- Operating and Rental Space Increases 30
- Undercover Vehicles 30
- Computerized Business Project Staff Needed 31
- Legal Staff Additions 32

Criminal History Records Staff Needed....33
Impact of 2015 Senate Bill No. 2020 – Water Commission....34
Gaming Audit Staff....34
Concealed Weapon License Administrative Assistants....34
Active Concealed Weapon Licenses Chart....37
Criminal History Rewrite Project....38
Contractual Business Programs....38
Multi-State Tobacco Diligent Enforcement Arbitration....39
Building Space Feasibility Study....39
Lottery Operating Changes....40

Proposed Changes to Engrossed 2015 Senate Bill No. 2003....40

2015 Legislation Having a Fiscal Impact on the Office of Attorney General....41

Synthetic Drug Cases (Through November 2014) Chart....43

Top 25 Narcotics Consumed in North Dakota Chart....44

State & FBI Record Checks Chart....45

2013-2015 Biennium Appropriation by Division – Total $84,507,578 Chart....46

2013-2015 Biennium Appropriation by Funding Source – Total $84,507,578 Chart....47

2015-2017 Biennium Recommendation by Division – Total $101,726,136 Chart....48

2015-2017 Biennium Recommendation by Funding Source – Total $101,726,136 Chart....49

Office of Attorney General Organizational Chart....50

Bureau of Criminal Investigation Organizational Chart....51

Crime Laboratory Division Organizational Chart....52

2015 ENGROSSED SENATE BILL NO. 2003

Office of Attorney General

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 provide 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 (BCI)
- Civil Litigation
- Consumer Protection and Antitrust (CPAT)
- Crime Laboratory (Crime Lab)
- Criminal and Regulatory
- Finance and Administration
- Fire Marshal
- Gaming
- Information Technology (IT)
- Lottery
- Natural Resources and Indian Affairs
- State and Local Government

SUMMARY OF OFFICE OF ATTORNEY GENERAL MAJOR ACCOMPLISHMENTS

➢ Criminal Justice Oil Impact Funds

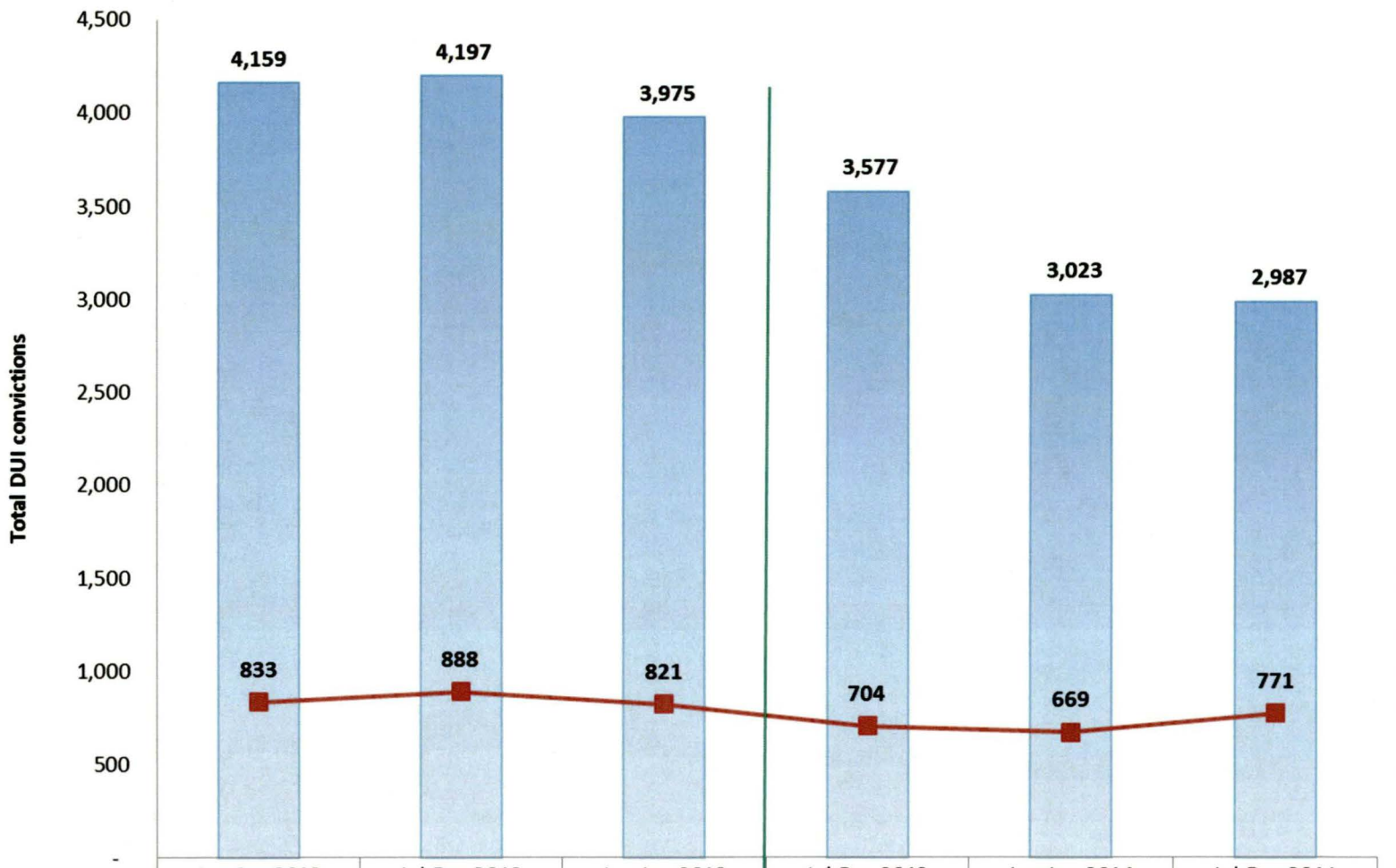
This office was tasked with awarding and managing $9.6 million aimed at improving criminal justice programs in oil impacted communities. At the request of the Land Department, the office has also been tasked with awarding and managing $7 million for sheriffs' departments in oil impacted areas. A total of 106 grants have been awarded, and agencies are well into implementing their grant programs. Funding totaling $750,000 was earmarked for development of law enforcement and custody manuals, and to date, 66 of 125 agencies have taken the opportunity to participate in this program. Administrative funds are being used to provide prosecutorial assistance to oil counties, manage the grant program, provide law enforcement training opportunities, and purchase equipment for local law enforcement that enhances the office's ability to assist with investigations in western North Dakota.

➢ 24/7 Sobriety Program

The 24-7 sobriety program is designed to remove intoxicated drivers from the road, improve their ability to succeed in their treatment choices, and provide a safer driving environment for the traveling public. Offenders participate in twice-per-day breath tests or electronic alcohol monitoring, seven days per week, for as long as the court order mandates. Participants are also required to pay a fee for the monitoring, which in turn is used to pay for breath alcohol devices, electronic monitoring devices, and other program costs.

The number of offenders added to this program as a result of new requirements set forth in 2013 legislative session has been substantial, with 4,269 total participants in December 2012, compared to 9,903 total participants in December 2014. In 2012, the program averaged 391 active participants per month; this increased to 603 average active participants in 2013 and further increased an average of 1,396 active participants per month in 2014. The program has been supported by law enforcement, the courts, and the participants, and it is proving to be a very successful alternative to detention.

DUI Offense Convictions (through December 31, 2014)



	Jan-Jun 2012	Jul-Dec 2012	Jan-Jun 2013	Jul-Dec 2013	Jan-Jun 2014	Jul-Dec 2014
Total	4,159	4,197	3,975	3,577	3,023	2,987
Refusals	833	888	821	704	669	771

➢ Concealed Weapon Licenses

Multiple program changes to this system were implemented including a change in the criminal history look back period (record check reviews looking at possible criminal acts that have occurred since the initial criminal history check), longer license length, extending the processing period, and eliminating local law enforcement approval requirements. As of December 31, 2014, 34,776 individuals held North Dakota concealed weapon licenses compared to a total of 15,579 active licenses at the end of 2011. On March 1, 2004, only 6,421 licenses were held.

➢ Methamphetamine and Other Illicit Drugs

Methamphetamine (meth) continues to be a serious drug problem challenging North Dakota law enforcement; however, the number of methamphetamine laboratory seizures in North Dakota remained relatively low at 6 in 2014, compared to 297 in 2003. The use of this drug is on the increase yet the majority of it is being trafficked into the state. In the 2009-11 biennium 51% of the cases opened were drug related, and 27% of those were meth-related. Those numbers have increased, with 53% of the 2013 cases being drug related, and 38% of those cases involving meth. Other drug trafficking and use has increased as well including prescription drug abuse, cocaine and high potency marijuana.

More serious than the increase in the number of cases is the complexity of the cases that occur. Human traffickers are bringing in drugs, especially methamphetamine, into the state directly from the international cartels, in much greater quantities. Law enforcement is also reporting that almost without exception traffickers are heavily armed.

Most local agencies rely heavily on the office's BCI Division to provide its expertise in the drug enforcement area. The BCI has teamed with local law enforcement partners in establishing task forces which are having a significant impact on major trafficking organizations.

The office continues to participate as a member of the Midwest High Intensity Drug Trafficking Area (HIDTA), a regional network that includes the states of North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. This partnership provides for regional collaboration, demand reduction, and intelligence activities. The association with HIDTA has provided a tremendous boost to the efforts to combat drugs by allowing the BCI to maintain additional HIDTA staff, including two special agents and one intelligence analyst located throughout the state.

➢ Charitable Gaming

During the 2011-13 biennium, the licensed gaming organizations took wages of $584 million, raising over $43 million for charitable uses (such as student scholarships,

community crime prevention projects, financial and other assistance to injured and disabled veterans), and generated $10.7 million for the state's general fund.

➢ Lottery Transfers

The Lottery Division transferred $14.3 million to the state general fund, $845,000to the multijurisdictional drug task force grant fund and $400,000 to the compulsive gambling prevention and treatment fund for the 2011-13 biennium. For fiscal year 2014 the Lottery transferred $7.2 million to the state general fund.

➢ Statewide Law Enforcement Intelligence Center (SLIC)

The State and Local Intelligence Center (SLIC) works with agencies to provide the tools necessary to identify possible threats while managing resources. SLIC provides the state with support that leads to identifying, investigating, and prosecuting criminal activities, including drug suppliers from out-of-state sources and homeland security threats. Many crimes typically involve conspiracies, several layers of networks, and individuals who utilize the same routes and modes of transportation. The SLIC facilitates information sharing between task forces, analysts across the nation, the northern border International Border Enforcement Teams (IBET), and many local, state, and federal agencies. It is a multi-agency team consisting of the BCI, Border Patrol, Homeland Security Investigation (HSI), North Dakota Highway Patrol, North Dakota Army National Guard, and the Division of Emergency Management.

➢ Criminal History Record Information Requests

BCI processed 42,506 requests for criminal history record information in 2014. Of those, 25,778 were requests for data from the state database and 16,728 were requests for fingerprint based searches of the FBI database. In addition to an increase in the state record checks this period, the number of fingerprint based searches of the FBI database allowed under N.D.C.C. Section 12-60-24 has increased by 116%.

➢ Tobacco Diligent Enforcement Arbitration

The office represented and continues to represent the state in proceedings dealing with the Master Settlement Agreement and the state's compliance with N.D.C.C. chapter 51-25, the Tobacco Sales Act, resulting in the state collecting $51,642,725 during the biennium. (Through the end of the 2011-2013 biennium the state received a total of $399,357,525 in tobacco settlement payments.)

The office's participation in the diligent enforcement arbitration resulted in saving the state $23 million in the first year of arbitration. The office will also participate in the succeeding tobacco diligent enforcement arbitration processes.

➢ The Crime Lab's:

- ❖ Drug Chemistry Unit has stabilized the turn-around time to fewer than 30 days by the addition of a forensic scientist to the staff.
- ❖ Toxicology Section has reduced the turn-around time to fewer than 30 days; the section has not been below 30 days since October, 2011.
- ❖ Assisted the Attorney General and the Board of Pharmacy in reviewing and editing the controlled substance law to encompass the new synthetic drugs.

➢ In the 2011-13 biennium the Consumer Protection and Antitrust Division:

- ❖ Opened 1,854 consumer complaints and investigations and closed 1,946 files.
- ❖ Recovered or collected $2,203,409 in consumer restitution, an increase of 62% from the previous biennium.
- ❖ Collected $9,738,537 total, including $7,523,634 in attorney's fees, investigation costs, and civil penalties, an increase of 35% from the previous biennium.
- ❖ Took legal action against 201 companies or individuals, an increase of 59% from the previous biennium.

➢ The Legal Service divisions of the office:

- Represented the Department of Human Services in 276 cases and assisted in the recovery of $2,596,366 in Medicaid fraud funds.
- Defended the constitutionality of the 2011 legislative session's House Bill No. 1297, the Abortion Control Act, and appealed a district court's finding of unconstitutionality to the North Dakota Supreme Court.
- Sued the United States Forest Service over public access in North Dakota's 1.2 million acres of national grasslands. The Forest Service has taken unprecedented steps to close unimproved roads and trails and restrict access in the grasslands.
- Assisted state officials to develop and implement strategies to significantly reduce pollutants from power plants, while at the same time responding to initiatives by the U.S. Environmental Protection Agency (EPA) that are too restrictive, too costly, of uncertain effectiveness, and that usurp state sovereignty and expertise. More particularly, the division (1) participated in federal lawsuits challenging the EPA's greenhouse gas regulatory regime; (2) led several other states in three different federal lawsuits against the EPA challenging EPA's improper implementation of sulfur dioxide regulations; (3) defended the state's regional haze program and challenged EPA's rejection of parts of that program in federal court; and (4) helped draft comments in opposition to proposed EPA rules.

- Assisted the Health Department with its rulemaking, permitting, and environmental enforcement actions, and helped negotiate settlements involving air and water pollution control, asbestos abatement, radioactive materials handling and solid and hazardous waste management. Through the end of the biennium, the state received over $2.2 million in settlement payments. The settlements also resulted in remediation of affected areas and improvements in industry practices to prevent future incidents.
- In addition, the office worked with other states in filing amicus briefs in federal litigation involving energy generation issues.
- Partnered with private energy related companies to challenge the constitutionality of a Minnesota law seeking to limit the use of North Dakota generated electricity in the state of Minnesota. The office was successful in obtaining a summary judgment in North Dakota's favor from the federal district court in St. Paul. The court also awarded legal fees and costs in an amount to be determined. The judgment and order are presently on appeal to the 8th Circuit Court of Appeals.

➢ The Fire Marshal Division:

- Conducted 1,049 fire safety inspections during the 2011-13 biennium in educational facilities, public assemblies, child care facilities, state buildings, flammable material storage sites, and other public places across the state.
- Investigated 140 fire incidents to assist local fire and law enforcement officials to determine fire causes and arson mitigation. Twenty percent of the fires investigated were determined to be caused by arson.
- Approximately 100 hazardous material incidents occur each year and the Fire Marshal provides assistance to the local emergency responders.

CURRENT AND FUTURE CRITICAL ISSUES

2013-15 Biennium Law Enforcement Grant

The $16.6 million in oil impact grant funding made available by the Legislature for the 2013-2015 biennium has had a significant positive effect on North Dakota's local oil-impacted criminal justice agencies. These grant funds have been awarded to law enforcement, state's attorneys, and domestic violence prevention agencies to address criminal activity in oil-producing counties for:

1. Additional officers (26), related staff (3 state's attorneys, 6 administrative, and 14.5 domestic violence and victim witness advocates),
2. Reimbursing over 4,500 hours of overtime,

3. Addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues,
4. Providing basic drug, investigative, K-9, and firearms trainings,
5. Equipping local law enforcement including 79 local law enforcement vehicles, live scan fingerprint devices, personal protection and investigative equipment,
6. Assistance with affordable housing for 44 law enforcement officers, and
7. Purchasing uniform law enforcement and custody manuals.

2013-15 Biennium Criminal Justice Oil Impact Fund $16.6 Million

GRANT FUNDING $15,640,000

- Awarded to Sub-recipients $14,053,856
  - *Emergency Round $619,631*
    - *8 Awards*
      - *Overtime, Housing, Vehicles/Equipment & Supplies*
  - *Round 1 $8,854,186*
    - *41 Awards*
      - *54 Vehicles*
      - *29 Housing Assistance Recipients*
      - *33 Positions*
  - *Round 2 $4,364,373*
    - *53 Awards*
      - *25 Vehicles*
      - *15 Housing Assistance Recipients*
      - *15.5 Positions*
  - *Award Supplements - additional LE needs $215,666*
- Uniform Law Enforcement and Custody Manuals $750,000
  - Law Enforcement Manual
    - *66 active agencies year 1*
    - *65 active agencies year 2*
  - Custody Manual
    - *10 active agencies*
- Live Scan equipment in Oil Producing Counties $761,144
- Personal Protection Equipment $75,000

2013-15 Biennium Criminal Justice Oil Impact Fund $16.6 Million (con't.)

ADMINISTRATIVE DOLLARS *(10% of OAG appropriation)* $960,000

- Grant Administration Expenses $275,000
- Trainings for Oil Producing Counties $110,000
  - *Firearms*
  - *Basic Drug Investigation*
  - *Basic Criminal Investigation*
  - *Human Trafficking*
  - *K-9*
- Equipment to assist Oil-Producing Counties $350,000
- Prosecutorial Assistance in Oil Counties $225,000

We are very appreciative of the additions in the Governor's budget recommendation. Below are explanations regarding the office's requests.

2015-17 Biennium Law Enforcement Grant

The office requests funding of $20 million for local law enforcement oil impact grants to assist in addressing criminal activity in oil-producing counties by providing funding for requests such as overtime, additional officers and staff, addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues, adequately equipping local law enforcement, and offering assistance to affordably house law enforcement staff.

This $20,000,000 oil and gas impact grant fund (other funds) request was funded in the Executive Recommendation. The Senate added authorization for the office to use 10% of this grant to address funding issues for regional needs such as purchasing manuals, regional training, personal protection equipment, investigative equipment and other needs as were approved by the 2013 Legislature.

The 2015-17 biennium oil impact grant funding requested by the office of $26,171,334, of which $295,935 is from the general fund, $292,037 is from federal funds, and $25,583,362 is from the oil and gas impact grant fund, includes the grants above and the following requests.

Of the amount requested above, the Senate included $24,947,354, of which $270,336 is from the general fund, $292,037 is from federal funds and $24,384,981 is from the oil and gas impact grant fund.

Criminal Investigators Salary Issue

The office has historically attempted to recruit and hire experienced investigators from local agencies or other state agencies to fill criminal investigator positions. The office's hiring requirements include 5 years of law enforcement experience, a bachelor's degree and to be licensed as a peace officer.

It has been difficult to hire these individuals in the last few years due largely to the office's limited salary levels, including the starting criminal investigator salary. Because of the substantial crime increase in western North Dakota, calls for assistance, and population growth, the office has been concentrating on keeping experienced and trained investigators in western North Dakota. The office needs these experienced investigators to combat the organized and dangerous criminals in North Dakota. BCI criminal investigations have become much more sophisticated, detailed, and time consuming than in the past. For all these reasons the office needs to hire experienced investigators to serve the public and keep the public safe.

Other public law enforcement agencies expect the office's Bureau of Criminal Investigation (BCI) staff to have the expertise they do not. In order to acquire investigators with the above qualifications the office must offer higher salaries than is now possible. In the chart below are examples of what the office faces when trying to recruit, hire, and retain the investigative experience the state needs.

The office's request includes funding for a $900 per month, per investigator equity increase due to the above reasons and based on local law enforcement and Highway Patrol salaries and related benefits.

North Dakota Local Law Enforcement & Highway Patrol Salaries Compared to Office of Attorney General Salaries

Agency	No Experience	5 Year Detective (Comparable to Criminal Investigator I)	Sergeant (SSA) (Comparable to Criminal Investigator II)	Lieutenant (CA) (Comparable to Criminal Investigator III)
WESTERN ND				
Billings CO	60,086	60,836	N/A	N/A
Bismarck PD	44,969	54,572	69,649	80,627
Burleigh CO	43,705	53,718	59,792	72,723
Dickinson PD	49,566	64,418	71,635	N/A
Dunn CO	58,513	N/A	61,046	N/A
McKenzie CO	48,000	N/A	59,732	65,166
Minot PD	43,593	54,458	63,135	73,217
Morton CO	42,973	56,555	60,299	64,522
Mountrail CO	49,008	58,344	61,448	N/A
Stark CO	56,706	64,206	64,206	N/A
Ward CO	43,597	45,780	50,461	55,640
Williams CO	47,458	75,850	69,271	75,850
Williston PD	52,023	58,878	64,970	83,167
Average Salaries	**49,246**	**58,874**	**62,970**	**71,364**
OAG Salaries		**48,240**	**58,520**	**62,378**
Annual Western ND law enforcement salaries compared to OAG - Difference		**10,634**	**4,450**	**8,986**
EASTERN ND				
Bottineau CO	35,256	46,032	52,116	N/A
Cass CO	45,918	50,388	66,980	73,709
Fargo PD	49,400	63,392	75,178	89,354
Grand Forks CO	41,737	59,008	64,039	67,967
Jamestown PD	42,348	52,890	59,988	66,156
Richland CO	43,368	50,960	50,960	N/A
West Fargo	46,499	68,224	76,206	76,778

Agency	No Experience	5 Year Detective (Comparable to Criminal Investigator I)	Sergeant (SSA) (Comparable to Criminal Investigator II)	Lieutenant (CA (Comparable to Criminal Investigator III)
Average Salaries	43,504	55,842	63,638	74,793
OAG Salaries		48,240	58,520	62,378
Annual Eastern ND law enforcement salaries compared to OAG - Difference		**7,602**	**5,118**	**12,415**

For local law enforcement advertising a salary range for a specific position the average of the range is shown.

Benefits for the above entities are comparable or in some cases better than state benefits.

State Agencies

ND HP		52,008	64,358	67,416
OAG Salaries		48,240	58,081	76,299
Annual State Employee Difference - HP vs OAG		3,768	6,277	-8,883

This request totals $1,276,301 from other funds for urgently needed criminal investigator salary equity adjustments to hire and retain investigators for the 2015-17 biennium.

Criminal/Narcotics Investigators

7 New FTEs (2 in Dickinson; 2 in Watford City; 2 in Williston; 1 in Wahpeton – vacant Wahpeton field office position was moved to Williston in January 2012)

With the ever increasing demands on law enforcement in western North Dakota, the need for the office to provide field investigators in response to calls for criminal investigative assistance and proactive targeting of narcotics organizations has become paramount. These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. These investigators will be responsible for serving on a statewide task force and providing law enforcement training to officers throughout the state. It is necessary to fill these positions in order to provide local law enforcement with the resources and expertise needed throughout the state.

The Office of Attorney General finds it necessary to open a new field office in Watford City which will require two new investigators, and supplement the offices in Williston and Dickinson with additional investigators (two in Williston and two in Dickinson). These areas have been identified because of the enormous growth in criminal activity and the requests for office assistance.

In January 2012, a criminal investigator opening in Wahpeton was moved to Williston to immediately combat the increasing criminal and narcotics activity and requests for assistance from the office. Since then, the demand for services in the west has not allowed the office to consider replacing the investigator needed in Wahpeton with existing resources. That area of the state still needs office law enforcement assistance with all types of cases, as well as coordinating the Southeast Multi-County Agency (SEMCA) Drug Task Force.

Even with the increases in staff and resources from the 2013 session, the oil boom continues to greatly impact the office. The office normally assists with investigations because of its higher level of expertise in criminal matters. However, because the local law enforcement agencies are backlogged and extremely busy answering routine calls, investigators are being asked to assist with most, if not all of their investigations.

Because of increased activity and staff limitations, the office has had to:

- Work in "triage" mode.
- Choose only the most serious and dangerous crimes to investigate, as investigators' time has become much more valuable.
- Turn down cases in the last couple of years because of time and personnel limits.
- Schedule investigators on a day-to-day basis, as they are called out at all times of the day and night, which leads to investigator exhaustion.

The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including:

- Gang activity,
- Murder for hire,
- Organized crime including organized drug trafficking, and
- Human trafficking crimes.

There have been a number of unregistered sex offenders that have migrated to the state due to the economic boom. The office has teamed up with the U.S. Marshal Service to address these concerns, yet there are simply not enough staff members to address all of the issues.

The new, very mobile, transient criminal element is responsible for:

- Increased drug activity, especially methamphetamine.
- Trafficking drugs from their home state.
- Introducing new drug producing and cooking methods.

Investigative staff in western offices are mostly reactive (Minot, Dickinson, and Williston), and are frequently unable to address less serious crimes as quickly as needed due to the heavy demand for their services. The office must ensure investigators have the time and resources to be proactive in investigations, working cases using controlled narcotics buys, have time for preventative measures such as public presentations, are able to address the less serious crimes, can take time off to spend with family and get needed rest.

Thirty-seven sworn personnel opened 811 new cases in 2013.

Methamphetamine related cases investigated by the office increased to 38% of drug cases in 2013, compared to 22.5% of total drug cases in 2011, and an all-time high of 58% of drug cases in 2002.

The Senate included funding for 7 criminal investigators and related expenses totaling $2,334,161, of which $270,336 is from the general fund, $129,350 is from federal funds and $1,934,475 is from other funds.

Human Trafficking/Cyber-Crime/Computer Forensic Investigators

Due to the increasingly large volume of work related to Internet Crimes Against Children and other cyber-crime investigations, two additional positions are required. These investigators will be utilized to expand and cover the high demand for human trafficking and cyber-crime related cases in western North Dakota. These investigators will be responsible for conducting proactive and reactive cyber-crime related investigations, working with all criminal justice agencies, gathering and maintaining evidence, and working in an undercover capacity. These officers will be responsible for serving on the statewide task force and providing law enforcement training to officers throughout the state. It is necessary to fill these positions in order to provide local law enforcement with the resources and expertise needed throughout the state.

These investigators will most likely be housed in Williston. Two human trafficking and forensic computer examiners are needed due to the growth in crime, to allow the investigators to assist each other in case preparation and evidence protocols, better utilize the expensive digital forensic equipment, and complete peer review of case work.

The Internet Crimes Against Children (ICAC) Task Force program became a nationwide initiative started under the U.S. Department of Justice Office of Juvenile Justice Delinquency Prevention in 1998. By 2008, every state had a funded ICAC task force program.

This office is the lead agency for the NDICAC Task Force:

- NDICAC assists federal, state and local law enforcement agencies in educating the public and investigating cases.
- The cases include child pornography, child abuse, child molestation, human trafficking, terrorizing, extortion, internet fraud, identity theft and narcotics.
- There are 48 affiliate agencies for which the ICAC grant supplies equipment, training and NetSmartz internet safety material.
- Starting in October of 2013 NDICAC purchased training and equipment to assist Bismarck, Dickinson, Grand Forks, Minot and Williston police departments with completion of their own digital forensic investigations. Even with these major agencies handling most of their own forensic investigations, the office's cyber-crime unit continues to experience increases in requests for assistance.

In 2013 the two cyber-crime investigators in Bismarck examined 275 items (including computers, tablets, cell phones, USB devices, cameras, and other digital storage devices) containing a total of 30 terabytes of data. Through September of 2014 the two Bismarck cyber-crime investigators have examined 284 items containing a total of 32 terabytes of data.

The Senate included 2 FTE human trafficking/cyber-crime/computer forensic investigators $748,025 is from other funds.

Intelligence Analysts – North Dakota State and Local Intelligence Center and Western North Dakota

With the ever increasing demands on law enforcement in western North Dakota, the need for sharing criminal intelligence is of the utmost importance. The North Dakota State and Local Intelligence Center (SLIC) in the office is comprised of state and federal law enforcement agencies, as well as the North Dakota National Guard Counter Drug program personnel. The mission of the North Dakota SLIC and the role of the analyst is to collect, store, analyze, and disseminate information on both real and suspected crimes to the law enforcement community, government officials and private industry concerning dangerous drugs, fraud, organized crime, terrorism and other criminal activity for the purposes of decision making, public safety, and proactive law enforcement.

These civilian (non-sworn) intelligence analyst positions provide vital investigative support to various law enforcement agencies in North Dakota, as well as throughout the nation. Job duties of these positions include inputting data from ongoing investigations, search warrants, traffic stops, etc. into a centralized intelligence database; conducting trend analyses, statistical studies, link analyses, and case support; and providing targeting information to the various local, state, and federal law enforcement agencies.

The Office of Attorney General is requesting that two full-time temporary criminal intelligence analysts, currently paid from federal funds (ending in 2015), become permanent positions. The office also requests an additional full-time analyst position to be located in Williston. Some statistics regarding the SLIC include:

- From October 24, 2012 to October 24, 2013, the office received 1,752 requests for information from local and out-of-state law enforcement.
- From October 24, 2013 to October 24, 2014, the office received 2,052 requests, an increase of 300 requests.

Over the last year, the ND SLIC has received numerous requests for case support, especially in the Bakken area, for serious felony level cases such as:

- Homicides,
- Human trafficking cases,
- Drug trafficking cases,
- Child sex exploitation cases, and
- Complex conspiracy cases

Agencies in the oil impacted areas do not have the training, expertise, programs, resources and time to analyze and make use of the information they receive from their investigation. Local law enforcement agencies have increasingly requested sophisticated case support such as:

- Geospatial information systems mapping,
- Financial investigations,
- Facial recognition,
- Social media monitoring, and
- Monitoring internet websites (Backpage.com) to identify witnesses to crimes unknown to law enforcement.

In 2014, the office and Mid-States Organized Crime Information Center (MOCIC) became a Regional Information Sharing (RIS) Systems Safe Watch Center. In order to meet the requirements set forth in the RISSafe Watch Center agreement, one office SLIC intelligence analyst needs to be assigned, as their primary duty, to monitor the watch center console for all entered operations in the state and to contact law enforcement members of conflicting operations. Another duty of the watch center is to deescalate investigations for member agencies, increasing the workload of the intelligence analysts.

- The office has seen a steady increase in the number of tactical intelligence "be on the lookout for" requests from law enforcement.
- Due to the oil impact on the state, all levels of government are requesting data in order to best utilize government resources and to justify securing future monies.
- Recent examples include:
  - ND police departments/sheriff's department's yearly crime statistics,
  - Statewide drug price list,
  - Border Patrol illegal alien apprehensions,

- Categorizing the NCIC drug categories to drugs listed in the ND Century Code, and
- A ND law enforcement pay study.

The above demands have caused a workload increase for the analysts because of the constant need to monitor and tally all available statistical data requested by policymakers. The development and production of multi-fusion center related analytical products are a yearly requirement in order to obtain Department of Homeland Security grant funding for the fusion center.

The Senate included 3 FTE's for this request and a total of $517,796 from other funds.

High Intensity Drug Trafficking Attorney Match

After Williams County received a federal high intensity drug trafficking area (HIDTA) designation in November 2013, the Midwest HIDTA executive board approved federal funding for a prosecutor to work out of the Minot and Williston offices. The Emergency Commission and Budget Section approved adding this position in the spring of 2014. The requested full-time prosecutor position will spearhead the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts.
The Senate included the position and $325,285, of which $162,687 is federal funds and $162,598 is other funds to cover expenses not covered by the HIDTA grant.

1.5 FTE Prosecutors to Assist Western North Dakota

Requests for this office's legal assistance from oil impacted counties have increased dramatically. Although the skilled and experienced prosecutors provide assistance as they are able, the staff of three gets spread pretty thin considering the area they must cover and the additional challenges of travel delays and lodging availability.

The Criminal and Regulatory Division of this office provides legal advice to the Department of Corrections and Rehabilitation, Highway Patrol, Parole and Probation, the Crime Lab and the BCI, in addition to political subdivisions. Each of these entities has added a significant number of staff in response to the increase in criminal justice system impact from the oil patch. More staff needing more information adds significantly to the Division's workload. In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to speedy trial constraints, and that victims of crime in oil impact counties will fail to see justice done.

The currently filled .5 attorney FTE handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. A bottleneck of cases at the prosecution stage will be inevitable

unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion.

The 2013-15 biennium funding for the .5 attorney position was obtained by application for a grant from the law enforcement oil impact funds approved by the Land Board from the grant authorized by the Legislature. The position was authorized by the Emergency Commission and by the Budget Section.

The Senate included this .5 attorney position and $177,926 in other funds.

Without the additional full-time assistant attorney general position requested, the office's Criminal and Regulatory Division has 3 attorneys to respond to all of the state's requests for prosecutorial assistance. In addition, the oil boom and resulting increase in crime has resulted in additional highway patrol officers, BCI criminal investigators, probation officers, and Crime Lab staff, all of whom rely on the office's legal advice. This new full-time attorney is the bare minimum necessary to keep up with the increased workload.

The Senate included this position and $213,837 in other funds.

Victim Witness Advocate

The Office of Attorney General is requesting a full-time victim witness advocate position to be located in western North Dakota. With the ever increasing demands on law enforcement in western North Dakota, the needs of the victims and their families related to these calls for service have become apparent. The need for personnel assisting these victims, while the trained investigators work on the criminal elements of the case, has increased significantly. In Williams County the number of shelter nights provided for domestic violence victims increased nearly 300% over a two-year period. To assist with the demand, the office is requesting a Victim Witness Advocate for western North Dakota. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes. The victim witness advocate will coordinate restitution and victim notification/coordination as provided by the Fair Treatment Standards for Victims & Witnesses of Crime Act. Additional information follows:

- Initial and follow-up contact with victims strengthens victims' cooperation with law enforcement and the criminal justice system, leading to stronger evidence in investigations and stronger cases for prosecution.
- Victim witness advocates ease the burden on law enforcement by providing assistance and support to the victims, freeing officers to answer other calls for service.
- Victim witness advocates are professionals trained to support victims of various crimes. Many have academic degrees that prepare them to work with victims and their detailed needs; work experience in social work, criminal justice,

education, or psychology; and significant additional training on the specific knowledge and skills needed on the job.

The following advocate duties currently fall on law enforcement agencies that are tasked beyond operational capacity. These duties are enough to justify a full-time advocate position. An advocate's role/duties are to:

- Keep victims informed of the criminal justice process and status of the investigation in the court process,
- Assist in obtaining medical records for prosecution,
- Assist in obtaining medical bills for restitution,
- Act as liaison between the victim and the attorney assigned to the case,
- Accompany victims to court proceedings,
- Provide information regarding counseling programs,
- Provide information regarding financial assistance,
- Make travel arrangements including hotel and travel for victims and witnesses during trial; and help find shelter,
- Participate in community boards,
- Locate victims/witnesses - This is very time consuming especially given the transient nature of the population in western North Dakota,
- Provide information on victimization, crime prevention and victims' legal rights and protections, and
- Provide emotional support while assisting with safety planning, victim compensation applications and submitting comments to the courts and parole board.

The following are domestic violence incidents in the state from January - December 2013 (statistics compiled by North Dakota Council on Abused Women Services - CAWS):

- 4,801 new victims received services from crisis intervention centers in North Dakota.

- 5,177 incidents of domestic violence were reported to crisis intervention centers in North Dakota.

- At least 4,250 children were directly impacted by these incidents.

- At least 77% of victims served were physically abused.

Sexual Assaults in North Dakota from January - December 2013 are as follows (statistics compiled by ND CAWS):

- 913 primary victims and 327 secondary victims were served by 20 sexual assault crisis centers throughout North Dakota.

- At least 369 (40%) of primary victims were under the age of 18 years old at the time of the assault(s).

The Senate included this position and $204,105 in other funds.

Grants Administrative Assistant

Nearly all services provided by the office's grants section have increased, as has the need to support those activities. In particular, the grant related workload has grown beyond any expectations. Even though federal funding has decreased over the years, the number of federal grants and special funds managed by grant staff has more than doubled, with nearly 200 projects and activities tracked and monitored during a biennium. Further impacting the workload has been the management of the criminal justice oil impact grants. While the office welcomed putting its experience to work managing these, and the mechanisms for awarding and overseeing sub-grants are already in place, the challenge of managing an additional 105 sub-grants has been somewhat different and much more time consuming than anticipated.

Some of the more time consuming grant management duties include paying meticulous attention to grant finance activities on a daily basis to ensure budgets are adhered to and adjustments are requested in advance; visiting with sub-grantees about their fiscal and programmatic questions or concerns; and reviewing and preparing progress and financial reports. Required reporting has greatly increased over the years. For example, a major federal funding source which once required just one combined annual progress report on behalf of all open fiscal years (five fiscal years in the office's case), now requires twenty-six individual reports each year (twenty quarterly progress reports, five annual progress reports, and one status report). Grants staff currently manages more than 20 major grants and funds, most of which have experienced reporting increases. It is common to respond to data and information requests from oversight agencies, criminal justice supporting organizations, and office staff.

With the increased grant numbers, reporting requirements, and grant award conditions, it has been difficult to address grant management as proactively as needed and adequately meet all office obligations. Some duties are simply impossible to complete. As an example, site visits and desk reviews of all sub-grantees are important, and they open the door of good communication and cooperation between staff and sub-grantees; however, current staff simply does not have the hours available to conduct these visits. Adding a grant administrative assistant will help ensure important duties can be completed in an accurate and timely manner, and will allow for more proactive management and oversight of these funds.

The Senate included this position and $142,318 in other funds.

Criminal Investigation Information Processing - Administrative Assistant

The anticipated substantial increase in the number of criminal investigators due to the increasing demands on western North Dakota law enforcement results in the need for additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests. The complexity of investigations, and the growing use of digital media and other technology, has resulted in a large increase in time needed by the information processing staff to process each case for prosecution.

The Information Processing section currently consists of six administrative assistants. The addition of another person will help ensure reports are processed in a timely manner.

- In addition to the above, information processing staff are responsible for:
  - Distributing narcotics buy funds to field offices, and accurately tracking the expenditures of those funds,
  - Meticulously reviewing open record request files (hard copy, audio, and video records) for the purpose of redacting confidential information. This is a considerable undertaking, especially when redacting portions of audio or video records,
  - Making travel arrangements and payments for all BCI staff members attending training, meetings, and conducting investigations requiring overnight stays; ordering supplies and equipment for office staff and investigators; distributing incoming and outgoing mail; and providing reception duties including answering and directing calls to appropriate personnel and checking in visitors.

The Senate included this position and $142,318 in other funds.

Sex Offender Registration Administrative Assistant

The increase in population due to the energy industry has greatly impacted the sex offender registration section. In addition to the large increase in the number of offenders moving to North Dakota from other states, the very transient nature of those offenders makes it very difficult to keep accurate information. Many times, soon after registering in one location, offenders move to either another location in North Dakota or leave the state and fail to notify anyone of the move. Much time is spent in determining where offenders may have gone. This information is imperative to keep citizens informed regarding offenders and the risk they pose to the public.

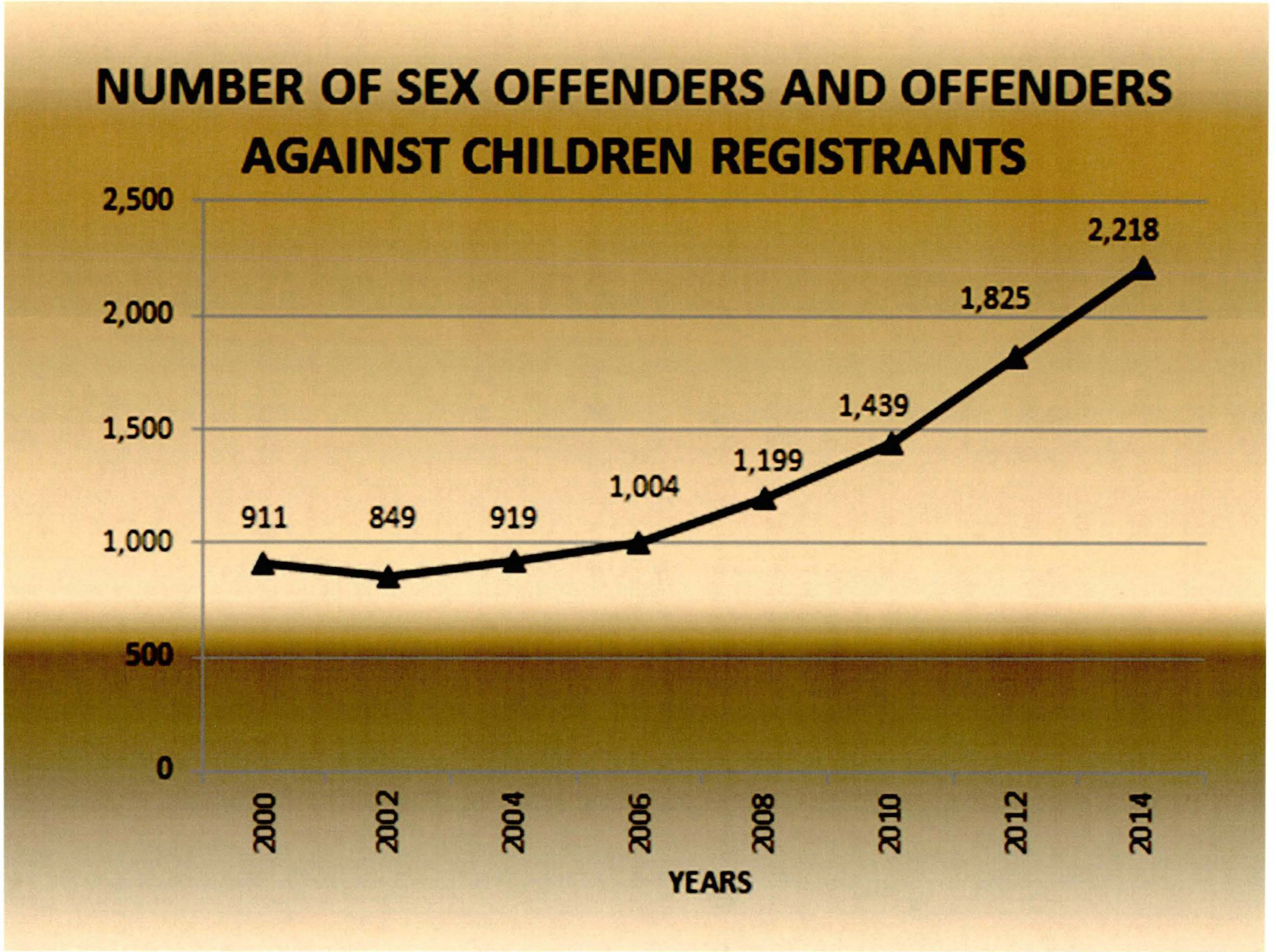
This section gathers sex offense information, law enforcement reports and treatment information that is used by the Sex Offender Risk Assessment Committee (SORAC) to assess and assign risk levels to offenders. When offenders move to North Dakota from other states, gathering this information is usually quite challenging and very time-consuming. Registered offenders as of December 2014 totaled 2,218.

The Offender Registration section currently consists of three full-time administrative assistants and one full-time temporary position hired to alleviate the backlog in entering registrations. The requested full-time administrative assistant will help keep registration entries, updates, and verifications as current as possible, and will help reduce the risk assessment backlog.

Sex offender registration staff is responsible for:

- Receiving offender registration and change forms from local law enforcement agencies throughout the state and checking the accuracy of the information,
- Ensuring fingerprint and DNA information is on file,
- Notifying local law enforcement about insufficient information and additional items that are needed,
- Verifying the current offender information on file via scheduled verifications to ensure offenders are still located at addresses at which they were registered,
- Alerting local law enforcement when information available to this office indicates an offender is noncompliant with registration requirements, or has possibly absconded, and
- Verifying that North Dakota records meet federal standards.

The Senate included this position and $142,318 in other funds.


NUMBER OF SEX OFFENDERS AND OFFENDERS AGAINST CHILDREN REGISTRANTS
2,500
2,000
1,500
1,000
500
0
911
849
919
1,004
1,199
1,439
1,825
2,218
2000
2002
2004
2006
2008
2010
2012
2014
YEARS

DNA Forensic Scientist

The office has experienced an explosion in the number of DNA case evidence submissions which is causing a significant delay in Crime Lab evidence analysis turn-around time for law enforcement and the justice system. Two years ago, the number of submissions for biological screening and DNA cases had increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change.

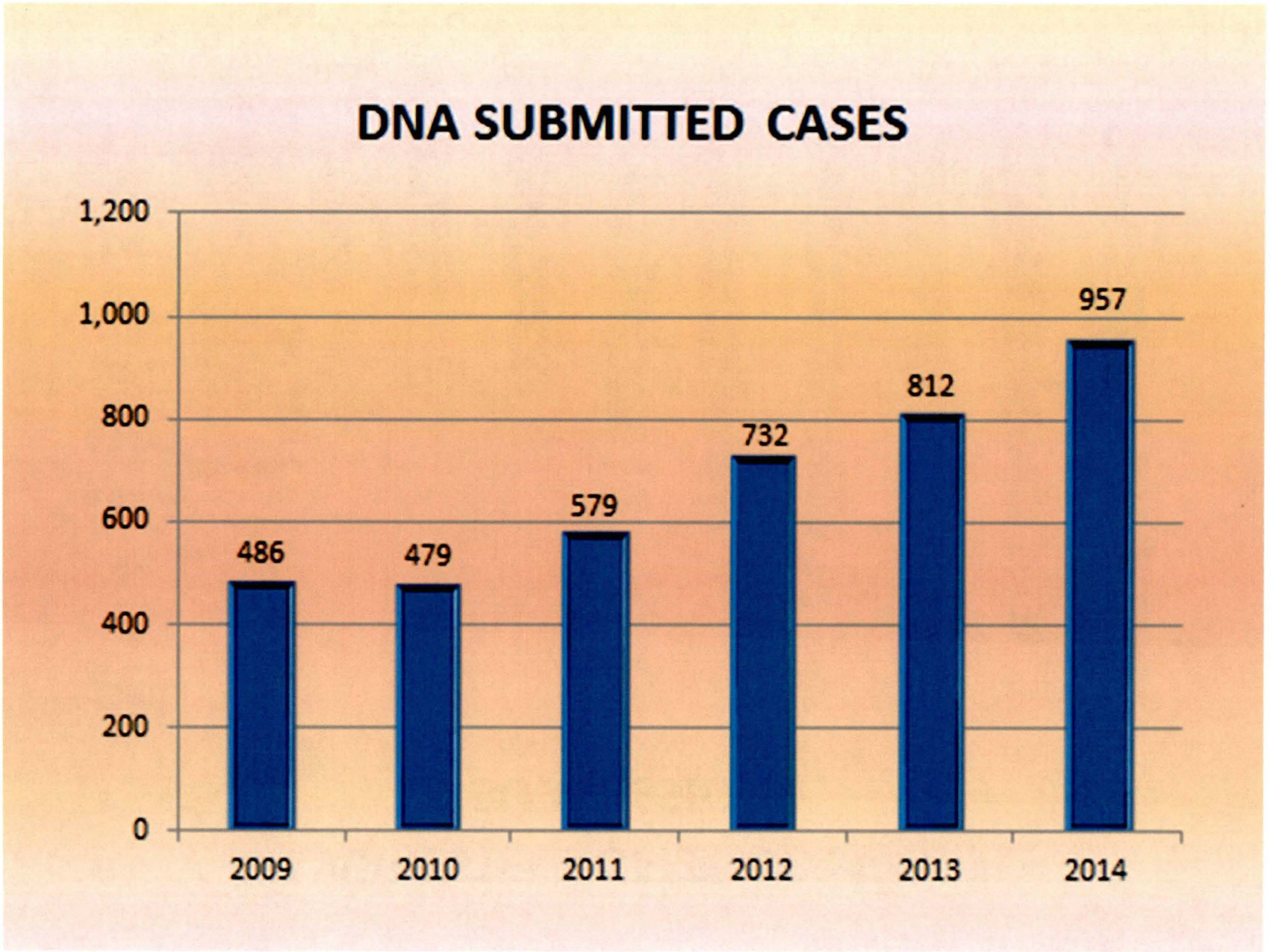
Evidence analysis increases of over 31% are not sustainable without additional staffing and other resources. Such rapid growth has stretched Lab staff resources and has been a contributing cause in the significant increase in case evidence analysis turn-around times. In order to effectively manage the increased workload and to provide, in a timely manner, the required services needed by local law enforcement and the justice systems, an additional forensic scientist is needed.

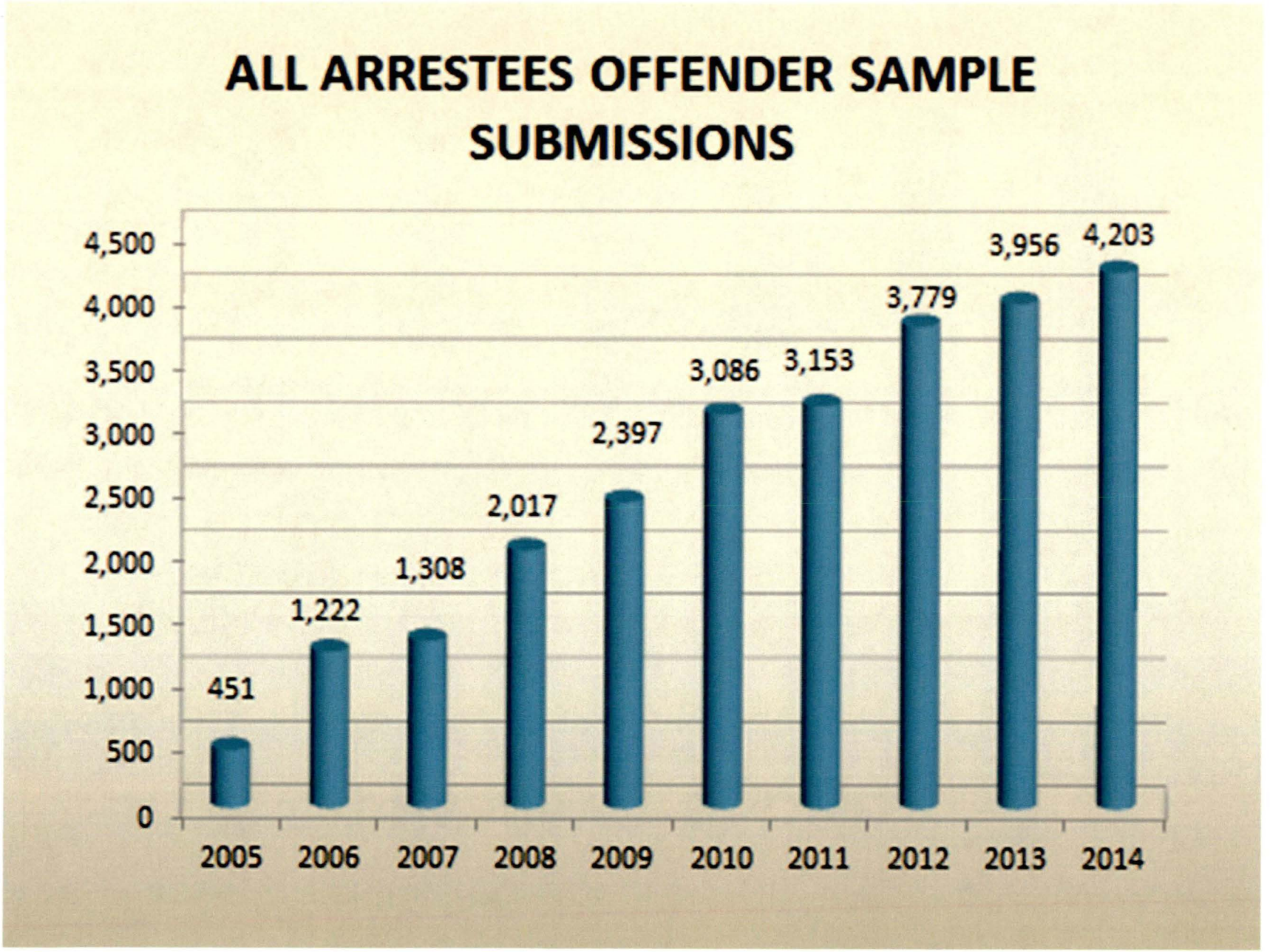
The Senate included this position and $178,239 in other funds.

The following chart summarizes the positions and associated oil and gas impact funding provided by the Senate.

2015-17 Biennium Law Enforcement Grant Requests

	General Fund	Federal Funds	Other Funds	Total
Criminal investigator equity			1,276,301	1,276,301
7 Criminal investigators	270,336	129,350	1,934,475	2,334,161
2 Human trafficking/cyber-crime investigators			748,025	748,025
3 Intelligence analysts			517,796	517,796
1 Victim witness advocate			204,105	204,105
1 DNA Forensic scientist			178,239	178,239
1 HIDTA Attorney		162,687	162,598	325,285
1.5 Prosecutors			391,764	391,764
1 Grants administrative assistant			142,318	142,318
1 Information processing administrative assistant			142,318	142,318
1 Sex offender registration administrative assistant			142,318	142,318
Oil impact law enforcement grants (10% for administration/regional needs)			20,000,000	20,000,000
Total	270,336	292,037	25,840,258	26,402,631
Total FTE's	19.5			
Other funds are all from the Oil and Gas Impact Grant fund.				


DNA SUBMITTED CASES
1,200
1,000
800
600
400
200
0
486
479
579
732
812
957
2009
2010
2011
2012
2013
2014


ALL ARRESTEES OFFENDER SAMPLE SUBMISSIONS
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
0
451
1,222
1,308
2,017
2,397
3,086
3,153
3,779
3,956
4,203
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014

Inflation Increases

This request is to maintain the office's current computer environment and service to office and local law enforcement staff. This includes:

- 10-15% increases to ITD technology fees, added firewalls, and ongoing costs from the office security project.
- Increased annual maintenance costs (normal increases) for any additional software licenses purchased in the 2013-2015 biennium and small equipment replacements, and
- Increased rent costs due to moving out of its current location to provide adequate space for BCI.
- Additional other funds increases are for IT contractual services, increases in repairs due to increasing equipment and ITD telecommunications increases due to additional phones.

The total inflation increase request is $1,361,037, of which $532,291 is from the general fund and $828,746 is from other funds which the Senate provided.

Operating and Rental Space Increases

Rent increases have occurred in both BCI Bismarck locations and several other offices outside of Bismarck will relocate during the next biennium due to growth and/or unfavorable work conditions. This $658,659 general fund increase will cover rent increases, new office rent costs, ITD data processing costs for network connections, IT equipment, furnishings for the new offices and adding 2 IVN systems.

The Council of Western Attorneys General dues increased $4,800 (general fund) for the 2015-17 biennium. Traditionally these dues only increase about every 10 years.

The Senate included funding for these requests.

Undercover Vehicles

The office uses a combination of State Fleet and office-purchased vehicles to help maintain a diverse investigator undercover fleet. These vehicles are rotated across the state for investigator safety and undercover effectiveness. These vehicles are replaced every four years or 75,000 miles. For the 2015-2017 biennium, the office anticipates replacing 11 vehicles.

This $220,000 general fund request is funded by the Senate.

Computerized Business Project Staff Needed

The office's Bureau of Criminal Investigation and Crime Lab Division staff depend heavily on the crucial computer programming expertise and skills of the office's technology staff to develop new business use programs and to maintain and support current and new computerized business projects for office staff and for local law enforcement. For the 2009-11 biennium the BCI and Crime Lab utilized 84% of office technology staff resources. In the 2011-2013 biennium the BCI and Crime Lab utilized 87% of office technology staff resources. In the 2013-15 biennium to date, the BCI and Crime Lab utilized 87% of office technology staff resources.

The office has advanced from simple to substantially more complex, sophisticated applications, sharing information within one division, several divisions and with other state and local entities. Local law enforcement has conveyed the significant and escalating need to be able to enter data at the point of origin (local level), rather than mailing or electronically sending documents into the office, which will make such information more readily available to other state and local law enforcement. This requires the office to develop more sophisticated office applications with higher security requirements and to provide support to local law enforcement, state's attorneys, and others outside of the office. The number and complexity of applications that need to be supported and replaced has grown over the years and the office's technology staff has not grown enough to meet these demands. This is seriously impacting its ability to provide the ongoing technology service needs of office and local law enforcement users.

Office technology staff understands the business purpose behind each computerized business application and works side by side with division office staff to replace or enhance these applications through projects and regular maintenance. To keep up with the demands of office staff, technology consultants do the bulk of the programming with office technology staff assigning, reviewing and testing consultant work.

For a typical new computerized business project, the following provides a brief outline of the process used by internal technology staff members:

- The assigned internal programmer documents the business functions to be addressed and identifies all the business requirements to be met by the project. This work occurs 4 – 6 weeks before the computerized business project begins.

- After defining the business functions and requirements for the business project, the internal architect associate determines the best approach for the application structure and how it will interact with other business applications. The architect associate develops the "blueprint" for the consultants to follow.

- The programmer writes coding requirements for each piece of the business project to be designed and programmed. This staff member must stay about two

weeks ahead of the consultants to provide a continuous flow of work to keep the business project on track.

- ❖ While the consultants write the business program, the programmer reviews their work to ensure it meets the established requirements of the project and writes testing scripts for the business staff.

- ❖ The architecture associate regularly reviews the consultant work to ensure it meets the architecture design and requirements.

- ❖ The review by the programmer and the architect associate is essential to avoid substantial consultant rework on the project.

The office currently has four programmer/analysts, a database analyst, and an application architect associate working full time on business use project development. These programmer/analysts are able to work with 1-2 consultants each. Consultant funding is essential to meet the business need for improvements and additions to office business applications.

With a significant backlog of computerized business projects the need for the requested programmer/analyst technology staff positions is at a critical point. The office requests the programmer position be permanently added to assist law enforcement, both in the office and locally, to work primarily on significant law enforcement projects. It is crucial for the office to receive the staff and funding to ensure that essential new computerized business programs function efficiently, that current and new project deadlines can be met, and development delays are minimized.

The office is requesting the additional programmer/analyst provided by the 2013 Legislature be continued to support the current business applications and to handle the many office projects (primarily for law enforcement) currently listed for future development. This staff member increases the office's ability to use and manage additional contractual services, including ITD services.

This request totals $173,592, $142,278 from the general fund and $31,314 from other funds, and 1 FTE, which is included by the Senate.

Legal Staff Additions

The Civil Litigation, State and Local Government, and Natural Resources and Indian Affairs divisions need a total of 2 paralegals to assist attorneys with the legal work performed in the divisions. The anticipated outcome is greater efficiency for the attorneys in the division via additional support in areas including:

- Preparation of legal documents of substantial difficulty, requiring independent analysis and interpretation of legal documents, cases and facts to assist

assistant attorneys general in providing legal counsel to clients including analysis of case or agency matters; issues identification; research relevant laws, regulations, judicial decisions and other sources; computerized database research and ensure document accuracy.

- To read, understand and summarize opponents' pleadings to research and draft responses, discovery and other required documents for attorney review.
- Preparation of interrogatories and requests for production of documents; answers to interrogatories and responses to requests for document production; determine objectionable material; prepare objections, compile and organize document requests; and review answers to interrogatories and documents produced by opponents to utilize in legal case work.
- Location of witnesses, deposition attendance; create electronic databases; general counsel duties such as contract, easement, and lease review; and land transaction deals and title opinions.

This staffing request results from the following:

- ❖ The influx of people moving to the state has increased the various state boards' work significantly, which has resulted in more legal work for this office. The .5 FTE paralegal will assist the attorneys with the increased board workload in addition to providing legal research support for Attorney General opinions.
- ❖ The number of Labor Department wage claims has more than doubled in two years. The wage claim workload is anticipated to continue to increase. The amount of pro se (self-represented) litigation has increased.
- ❖ The number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues.

Legal work will be handled more efficiently and more timely, providing better service to client agencies and the public. Attorneys will be permitted to spend more time on work only attorneys can perform with the paralegals doing the work that can be delegated to them.

This request of 2 FTE paralegals and $307,379 in other funds is included by the Senate.

Criminal History Records Staff Needed

The office recently became aware of the federal Child Care and Development Block Grant Act passed by Congress which will result in approximately 4,340 new criminal history record checks for child care providers and their staff. In addition, 2015 criminal history record check legislation will increase by at least 700 the number of criminal

history record checks conducted. **The office will need 1.5 FTE identification technicians to process these new record checks. This request totals $259,789 from the general fund for the 2015-17 biennium.**

Impact of 2015 Senate Bill No. 2020 – Water Commission

The funding source for Water Commission administration was changed from special funds to the general fund. The Office of Attorney General had estimated that Water Commission legal billings would total $498,681 for the 2015-17 biennium. **Due to the Water Commission administrative costs now being paid out of the general fund rather than special funds, $498,681 from the general fund needs to be added to be able to provide the Commission with legal services during the 2015-17 biennium and a like reduction in special funds in the office's budget needs to occur.**

Gaming Audit Staff

There are 350 gaming organizations in over 1,000 sites in North Dakota. The current staff can audit each gaming organization only every 5-7 years and with that, some audits are only a review of one game type rather than a complete comprehensive audit. Also, federal legislation passed in the 2014 federal farm bill requires notification to the Supplemental Nutrition Assistance program of any substantial gambling winnings.

With this position the office will be able to perform more charitable gaming organization audits. The office will comply with the requirements of the 2014 federal farm bill regarding substantial gambling winnings reporting.

The Senate included this position and a total of $143,830, of which $82,907 is from the general fund and $60,923 from other funds.

Concealed Weapon License Administrative Assistants

The office's concealed weapon unit currently consists of two FTE's and two .5 FTE'S. Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily regulated time. This situation has necessitated hiring three full-time temporary and one part-time temporary staff members. The Office of Attorney General is requesting two FTE positions, with the purpose of replacing temporary positions with FTE's.

Concealed weapon license applications submitted to the office for consideration come in varying amounts. There are periods of time when the office receives 300 applications per day, and times when just a few per day are received. This fluctuation seems dependent upon a few factors such as the current political climate, recent high profile crimes – especially crimes of violence - and the time of year (late fall, winter, and early spring seem to be the highest time for applications).

The steps required to process a concealed weapon license application are labor intensive. During the 2013 legislative session, several changes to the North Dakota Century Code created additional but necessary work in the process (i.e., the mandate to conduct fingerprint based criminal history record checks).

Staff also coordinates test administrators, and as technology grows, test new systems developed to ensure they meet the expectations of the public and are working properly prior to being released.

The steps in issuing concealed weapon licenses include:

- Review and deposit fees,
- Review applications and attachments,
- Enter data and conduct criminal history record checks,
- Determine if license should be issued or denied, and respond accordingly to applicant,
- If a license is denied, respond to applicants' calls, correspondence, or office visits requesting more information regarding their concealed weapon application, and
- Reconciliation of computer systems to ensure that funds received are accounted for compared to the licenses issued.

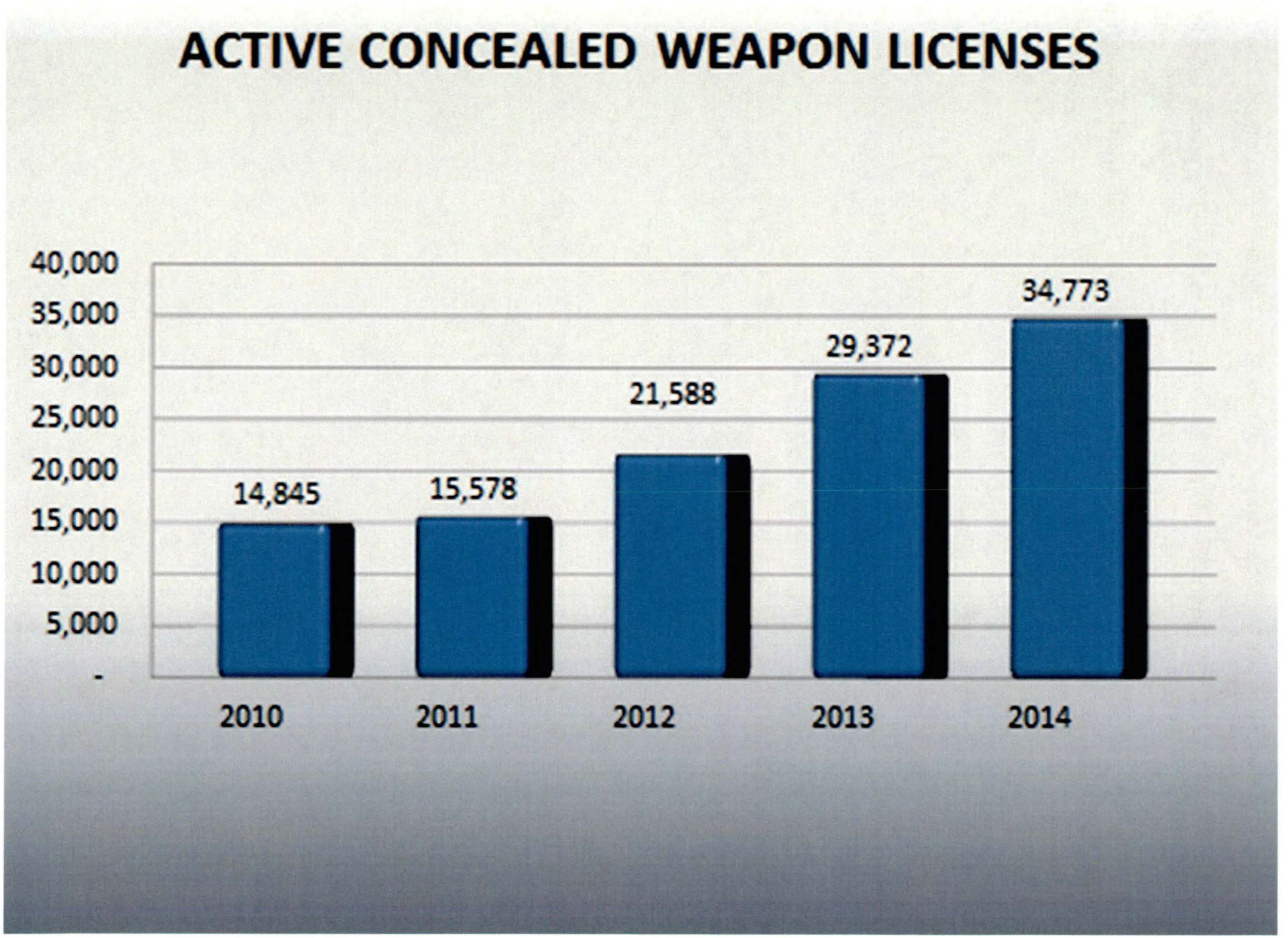
One part of the process, background information, is conducted by reviewing multiple databases, and time-consuming off-line searches from law enforcement offices and courts. Records and databases reviewed include:

- North Dakota courts (public search online),
- Protection/restraining orders,
- North Dakota Records,
- Central Warrant Information System,
- Alien searches,
- FBI National Instant Check System (NICS) records,
- National Crime Information Center/Interstate Identification Index records,
- FBI fingerprint submissions,
- Police/Sheriffs' department records - in and out-of-state incident reports depending on the charge and/or level of conviction, and
- Court records - in and out-of-state judgments, complaints, and addendums to determine conviction, level, probation (if any), relationship, etc.

- Concealed weapon licenses issued and renewal estimates are:
  - 2010 – 4,026 issued (4 denied, total 3,993 received)
  - 2011 – 5,312 issued (55 denied, total 6,254 received)
  - 2012 - 12,435 issued (189 denied, total 12,624 received)
  - 2013 - 11,909 issued (993 denied, total 14,729 received)

- 2014 (through September 2014) - 6,337 issued (773 denied, total 5,256 received)
- 2015-17 biennium – The office anticipates 11,000 renewals (due to the new 5-year licenses expiring) and 17,000 newly licensed individuals

The 2 positions and associated operating request of $261,766 from other funds are included by the Senate.


ACTIVE CONCEALED WEAPON LICENSES
40,000
35,000
30,000
25,000
20,000
15,000
10,000
5,000
-
14,845
15,578
21,588
29,372
34,773
2010
2011
2012
2013
2014

Criminal History Rewrite Project

The Criminal History improvement project will rework livescan (electronic fingerprinting) workflow to improve business processes, becoming less dependent on the vendor. This project includes working with the state's attorneys and courts to receive electronic criminal records transfers to the criminal history system and converting the criminal history repository to current technology. The technologies used by the ND criminal history repository are now antiquated. The underlying database software used by the repository is approaching its end of life and has limited support in the United States. New federal regulations and processes, coupled with the age of the underlying technologies, necessitate a review and reengineering of current processes and technology.

Criminal history records, consisting of arrest, charge, and disposition information, reside in the Criminal History Repository (CHR). With the exception of roughly 75% of the arrest transactions that are submitted and processed electronically, criminal history records are manually keyed into the repository. The North Dakota Supreme Court intends to publish select court case information electronically.

One of the important uses of criminal history information is conducting criminal record checks for various civil purposes, such as employment, housing, adoption and licensure. Current record checks are based on a "point in time," meaning the criminal record is checked only once, at the time the check is performed. Rapback is a term used to describe advanced fingerprint-based record check processes in which criminal history records are continually monitored and the appearance of new activity for a record check subject triggers notification to appropriate parties such as the employer requesting the record check or a professional licensing board.

Implementation of Rapback capability involves modifications to recordkeeping systems, procedures, and in some cases, statute, to permit the retention and searching of non-criminal fingerprint records. This project would design and implement processes needed to support Rapback technology.

The Criminal History Rewrite other funds request totals $970,000 which was included by the Senate.

Contractual Business Programs

This office has many applications to support for the BCI and Crime Lab which need enhancements. These enhancements are outside of regular maintenance and are considered small projects, such as sending sex offender supplemental information to the FBI, improving biometric use with sex offenders and being able to share this information electronically across state lines, improvements to case management evidence tracking and interaction with the Crime Lab, improving case reporting, Crime Lab reporting and 24/7 sobriety system enhancements.

This other funds request is for $634,000 and was included by the Senate.

Multi-State Tobacco Diligent Enforcement Arbitration

As a condition of receiving the tobacco settlement funds, the state is required to demonstrate its diligent enforcement of North Dakota Century Code Chapter 51-25 (Tobacco Sales Act) and that it is not subject to the Non-Participating Manufacturer Agreement which would result in the loss to the state of $23 million. Because of the unpredictability of the costs, the office had to repeatedly request funding from the Emergency Commission to pay the expenses associated with paying the common costs of the tobacco diligent enforcement cost-share agreement litigation and the costs associated with the tobacco diligent enforcement arbitration panel, hearings, trial consultant and graphic exhibits expertise, court reporters, staff travel costs and other related costs.

After the arbitration panel finishes its work, the office, via the tobacco diligent enforcement cost-share agreement, shares in any remaining costs unpaid by the initial contribution to the cost-share agreement. The amount of funding needed for this purpose is unpredictable.

An amendment was added to 2015 Senate Bill No. 2003 to provide for the Attorney General to use Tobacco Settlement Trust fund money to enforce the tobacco master settlement agreement and any disputes with the agreement.

This request is for $200,000 from the tobacco settlement fund to pay for the estimated arbitration costs and is funded by the Senate.

Building Space Feasibility Study

A feasibility study is essential to determine additional space needs for the Crime Lab building. The Lab needs to assess its current and future needs by examining the services provided to law enforcement, existing space utilization, and infrastructure. The recommended standard ratio for laboratory space is 1000 ft^2 per staff member. The Lab currently has 27 staff members and the ratio is roughly 700 ft^2. Additional working space is not available in the current building; the space needs to be properly ventilated and secure for evidence processing and storage.

The Senate included $30,000 from other funds for this project.

Lottery Operating Changes

The Lottery anticipates adding a new Multi-State lottery game to the games available to state lottery players. The cost of joining this game is estimated at $226,200. A total of $88,800 is needed for public notices, background checks, vendor play bank fees, licenses, a player survey and other miscellaneous expenses.

This $315,000 other funds request is funded by the Senate.

The Lottery has introduced a player's club points for prizes program which provides Lottery players the ability to accrue points based on entering purchased ticket information online. These points can be used to purchase several hundred various prizes or for second chance drawings. This request, totaling $715,000, will be funded from unclaimed lottery prizes.

This $715,000 other funds request is included by the Senate.

PROPOSED CHANGES TO ENGROSSED 2015 SENATE BILL NO. 2003

1. **The office requests $1,276,301 in other funds for investigator equity adjustments to be able to hire and retain experienced investigators to combat the organized and dangerous criminals in North Dakota.**

2. **1.5 identification technician FTE's are requested to be able to process the additional criminal history record check increases resulting from the passage of the federal Child Care and Development Block Grant Act which will result in about 4,340 additional criminal history record checks and the estimated 700 criminal history record checks from 2015 legislation The general fund request for these positions is $259,789.**

3. **Due to the Water Commission administrative costs now being paid out of the general fund rather than special funds, $498,681 from the general fund needs to be added to be able to provide the Commission with legal services during the 2015-17 biennium and a like reduction in special funds in the office's budget needs to occur.**

2015 Legislation Having a Fiscal Impact on the Office of Attorney General

Engrossed House Bill No. 1003 includes a transfer of $1,604,500 from the general fund and authority for the Attorney General to hire 6 attorneys to provide legal services to the State Board of Higher Education and institutions and entities under the control of the board.

House Bill No. 1105, which passed both houses, requires this office to provide criminal history record checks for Adjutant General employees and volunteers working with recruiting, retention, sexual assault, and youth programs.

House Bill No. 1125, which has a do pass from the Senate Political Subdivisions Committee, requires this office to provide criminal history record checks for Parks & Recreation employees and volunteers.

Engrossed Senate Bill No. 2020 changes the Water Commission's administration funding source from the Resources Trust fund to the general fund. **Due to the Water Commission administrative costs now being paid out of the general fund rather than special funds, $498,681 from the general fund needs to be added to the office's budget to be able to provide the Commission with legal services during the 2015-17 biennium and a like reduction in special funds in the office's budget needs to occur.**

Engrossed Senate Bill No. 2023 includes a deficiency appropriation of $50,000 from the general fund for prosecution witness fees. **Currently the office is unable to reimburse prosecution witness fees because the funding is completely depleted.**

Senate Bill No. 2077 requires this office to provide criminal history record checks for Game & Fish employees and volunteers.

Senate Bill No. 2085 requires this office to provide criminal history record checks for massage applicants, licensees or investigations if required by the Board of Massage.

Engrossed Senate Bill No. 2107 provides that the Attorney General may make a grant to or contract with a unit of state or local government, tribal government, or nongovernmental victims' service organizations to develop or expand service programs for human trafficking victims. The office estimates 1 grants and contracts officer and related expenses totaling $188,004 from the general fund is needed to manage any

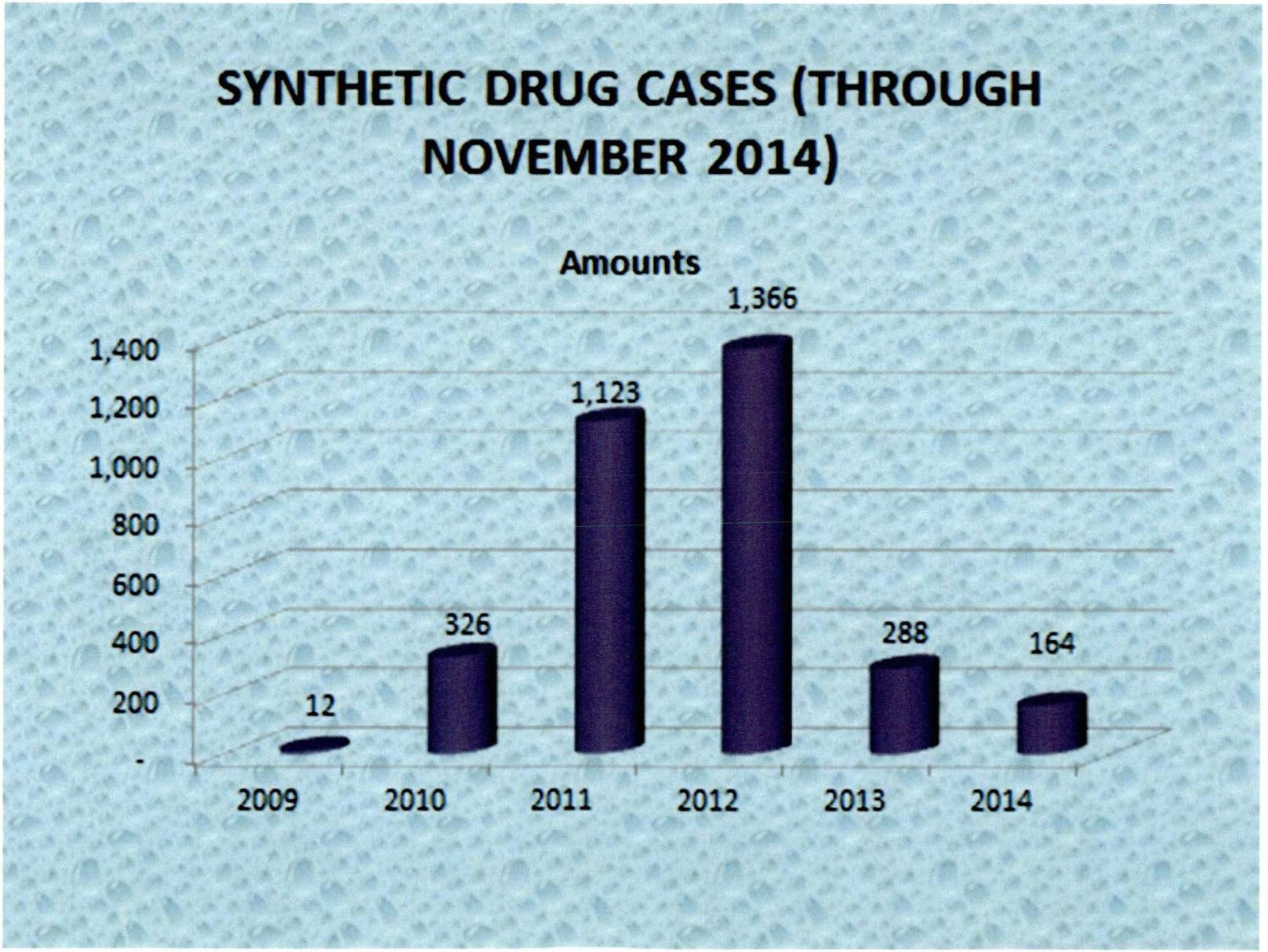
grants provided by the Legislature. The bill currently excludes any grants or appropriations.

Senate Bill No. 2145 requires this office to provide criminal history record checks for boards of multi-district special education units, area career and technology centers, regional educational centers and nonpublic schools.

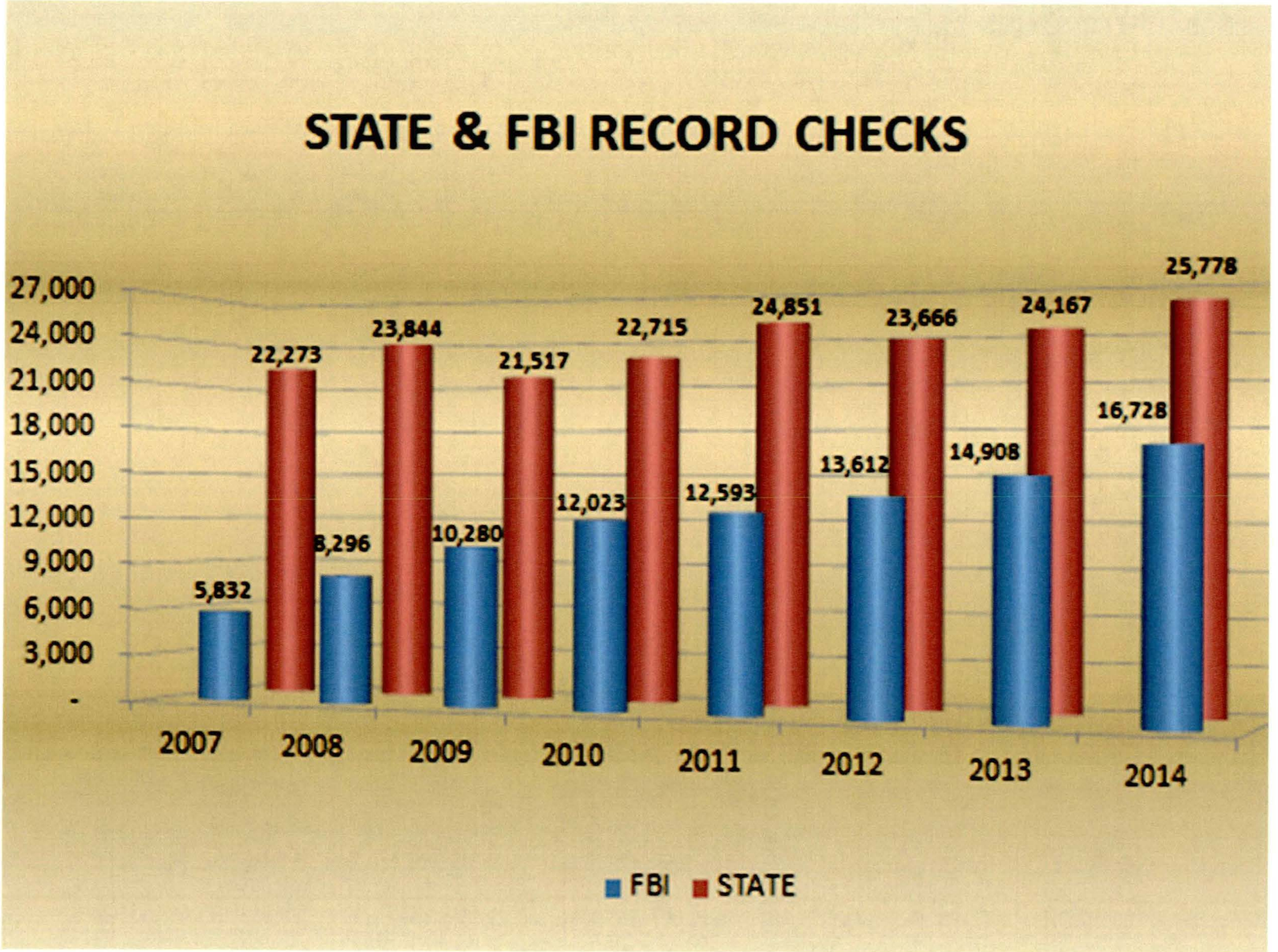
Senate Bill No. 2154 amends statutory authority to eliminate the requirement of completing the 24-7 Sobriety program for first and second time DUI (driving under the influence) offenders.

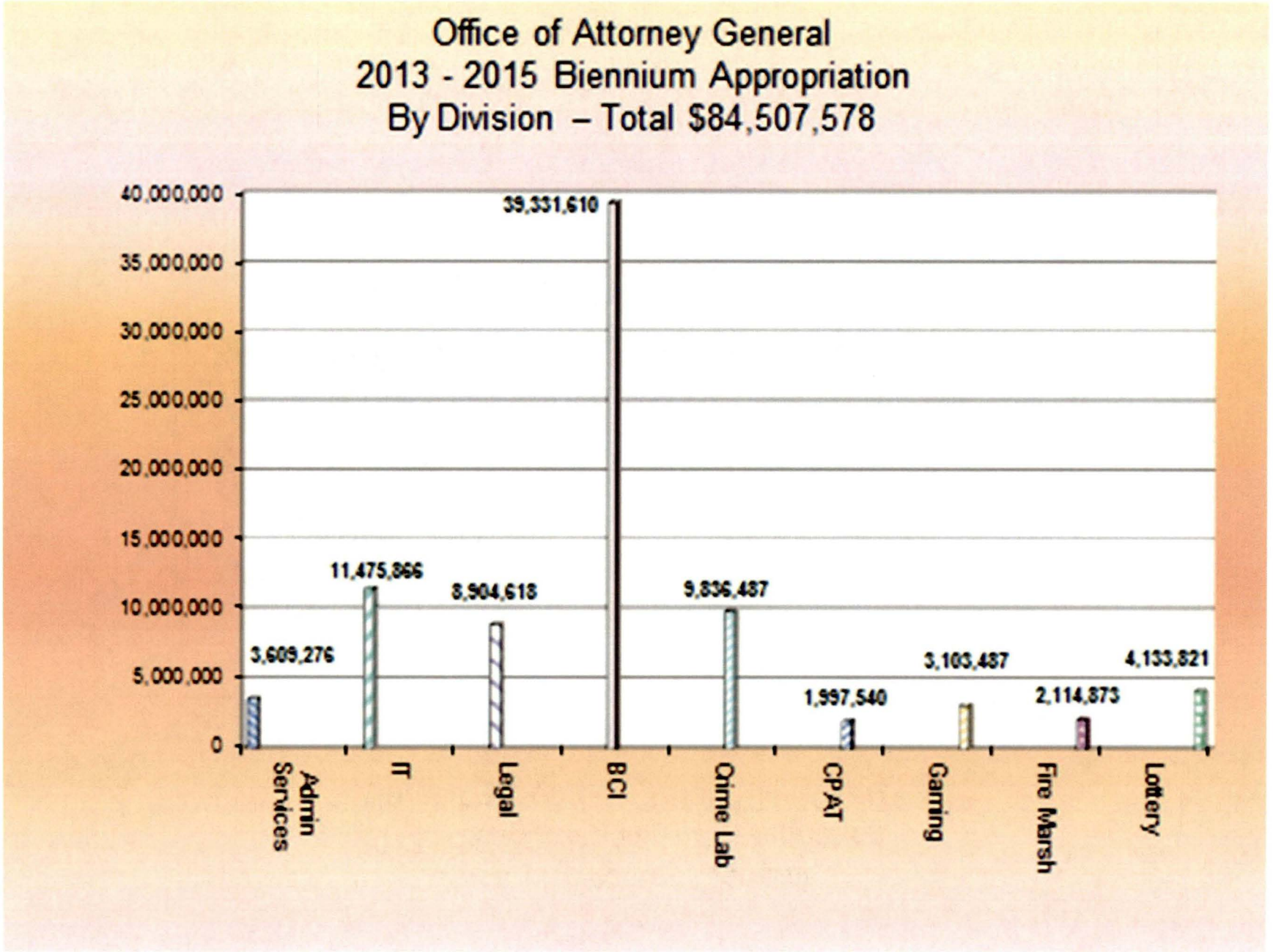
Engrossed Senate Bill No. 2199 provides a $1,000,000 general fund appropriation for human trafficking victims treatment and support services pilot project to this office.

Engrossed Senate Bill No. 2202 reduces the charitable gaming tax, transfers gaming tax revenue from the general fund to the Gaming Regulation and Enforcement fund and adds a continuing appropriation from this fund to the Office of Attorney General for gaming enforcement and regulation. This results in other fund appropriations for gaming enforcement and regulation of $3,600,536 (which will need to be added to Senate Bill No. 2003) and $535,498 for gaming grants to cities and counties (which will need to be increased by $25,498 from other funds in Senate Bill No. 2003 to be in compliance with this bill).

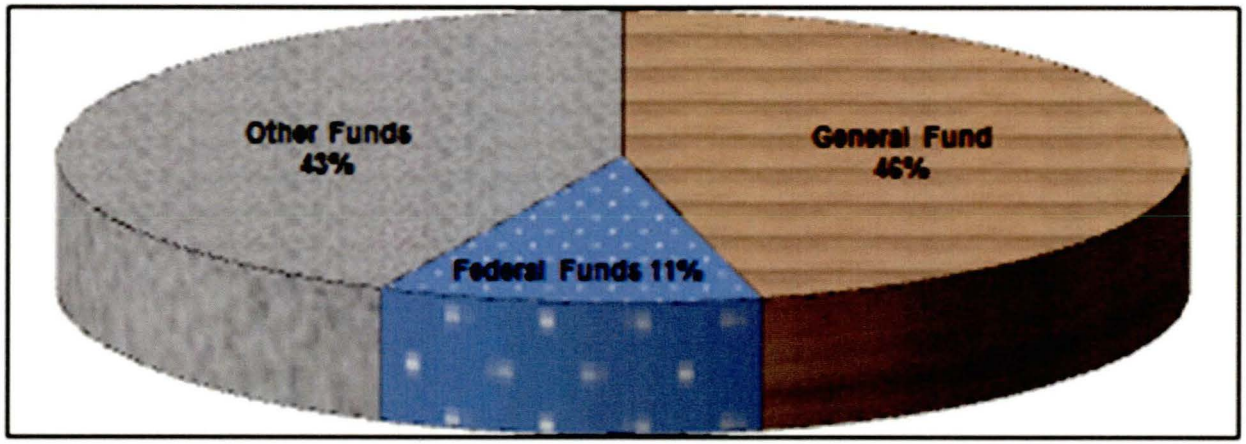

SYNTHETIC DRUG CASES (THROUGH NOVEMBER 2014)
Amounts
1,400
1,200
1,000
800
600
400
200
-
12
326
1,123
1,366
288
164
2009
2010
2011
2012
2013
2014

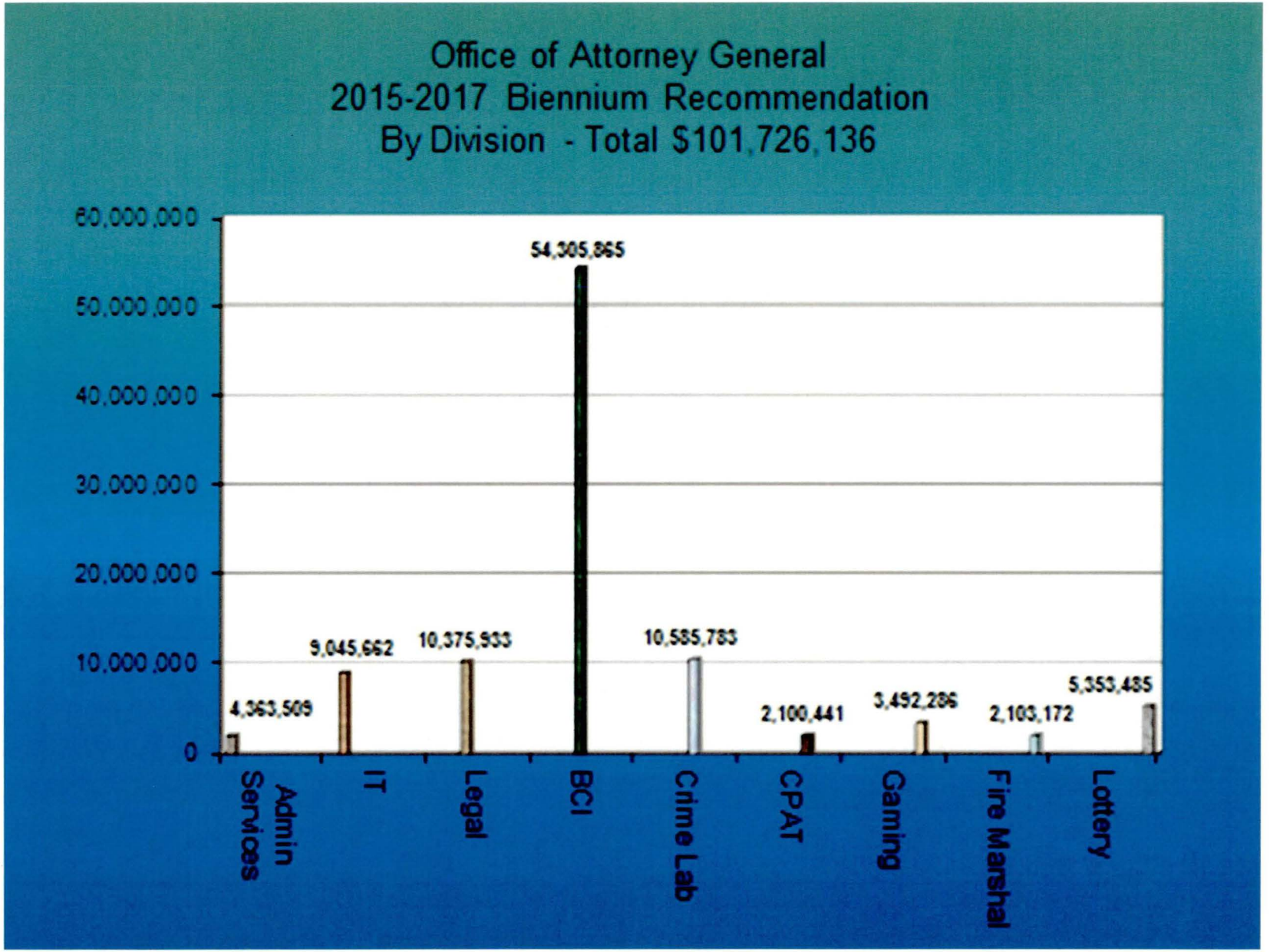
TOP 25 NARCOTICS CONSUMED IN NORTH DAKOTA FOR THE PERIOD FROM JANUARY TO NOVEMBER 2014 FROM CRIME LABORATORY CASES		
DESCRIPTION	**TOTAL**	**PERCENT**
CANNABIS	4,440	48.21
METHAMPHETAMINE	2,925	31.76
HEROIN	201	2.18
OXYCODONE	189	2.05
COCAINE	168	1.82
DIMETHYLSULFONE	128	1.39
ACETAMINOPHEN	96	1.04
HYDROCODONE	87	0.94
ALPRAZOLAM	82	0.89
PHENYLIMIDOTHIAZOLE ISOMER UNDETERMINED	77	0.84
AMPHETAMINE	45	0.49
HYDROMORPHONE	40	0.43
XLR-11 (1-(5-FLUOROPENTYL-1H-3-YL)(2,2,3,3-TETRAMETHYLCYCLOPROPYL)METHANONE)	37	0.4
AB-FUBINACA	36	0.39
MORPHINE	35	0.38
CLONAZEPAM	32	0.35
METHYLPHENIDATE	32	0.35
CAFFEINE	30	0.33
3,4-METHYLENEDIOXYMETHAMPHETAMINE (MDMA)	26	0.28
AB-PINACA	23	0.25
BUPRENORPHINE	23	0.25
TRAMADOL	22	0.24
LIDOCAINE	20	0.22
PSILOCYBIN/PSILOCYN	20	0.22
LORAZEPAM	19	0.21
Total Top 25 Drugs	8,833	**95.91**
Total of All Drugs	**9,209**	**100.00**


STATE & FBI RECORD CHECKS
27,000
24,000
21,000
18,000
15,000
12,000
9,000
6,000
3,000
-
5,832
22,273
8,296
23,844
10,280
21,517
12,023
22,715
12,593
24,851
13,612
23,666
14,908
24,167
16,728
25,778
2007
2008
2009
2010
2011
2012
2013
2014
FBI
STATE

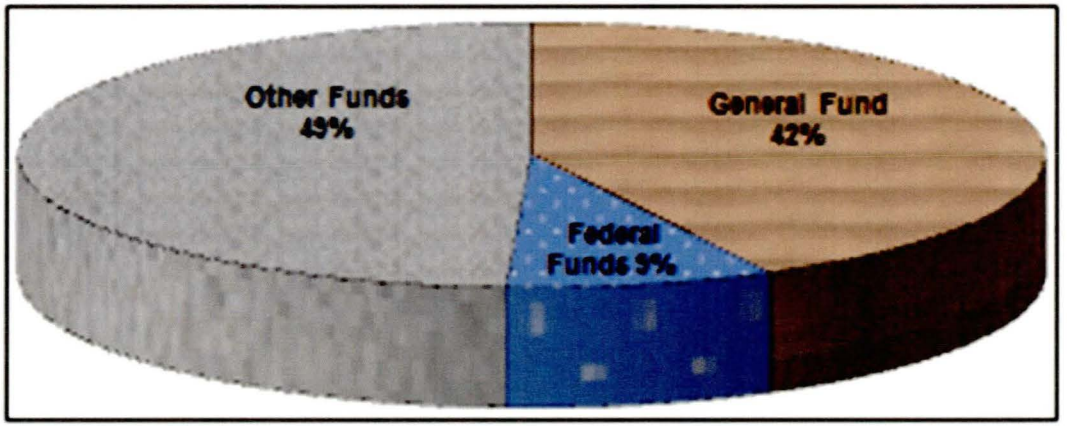

Office of Attorney General
2013 - 2015 Biennium Appropriation
By Division – Total $84,507,578
40,000,000
35,000,000
30,000,000
25,000,000
20,000,000
15,000,000
10,000,000
5,000,000
0
3,609,276
11,475,866
8,904,618
39,331,610
9,836,487
1,997,540
3,103,487
2,114,873
4,133,821
Admin Services
IT
Legal
BCI
Crime Lab
CPAT
Gaming
Fire Marsh
Lottery

Office of Attorney General
2013 - 2015 Biennium Appropriation
By Funding Source - Total $84,507,578

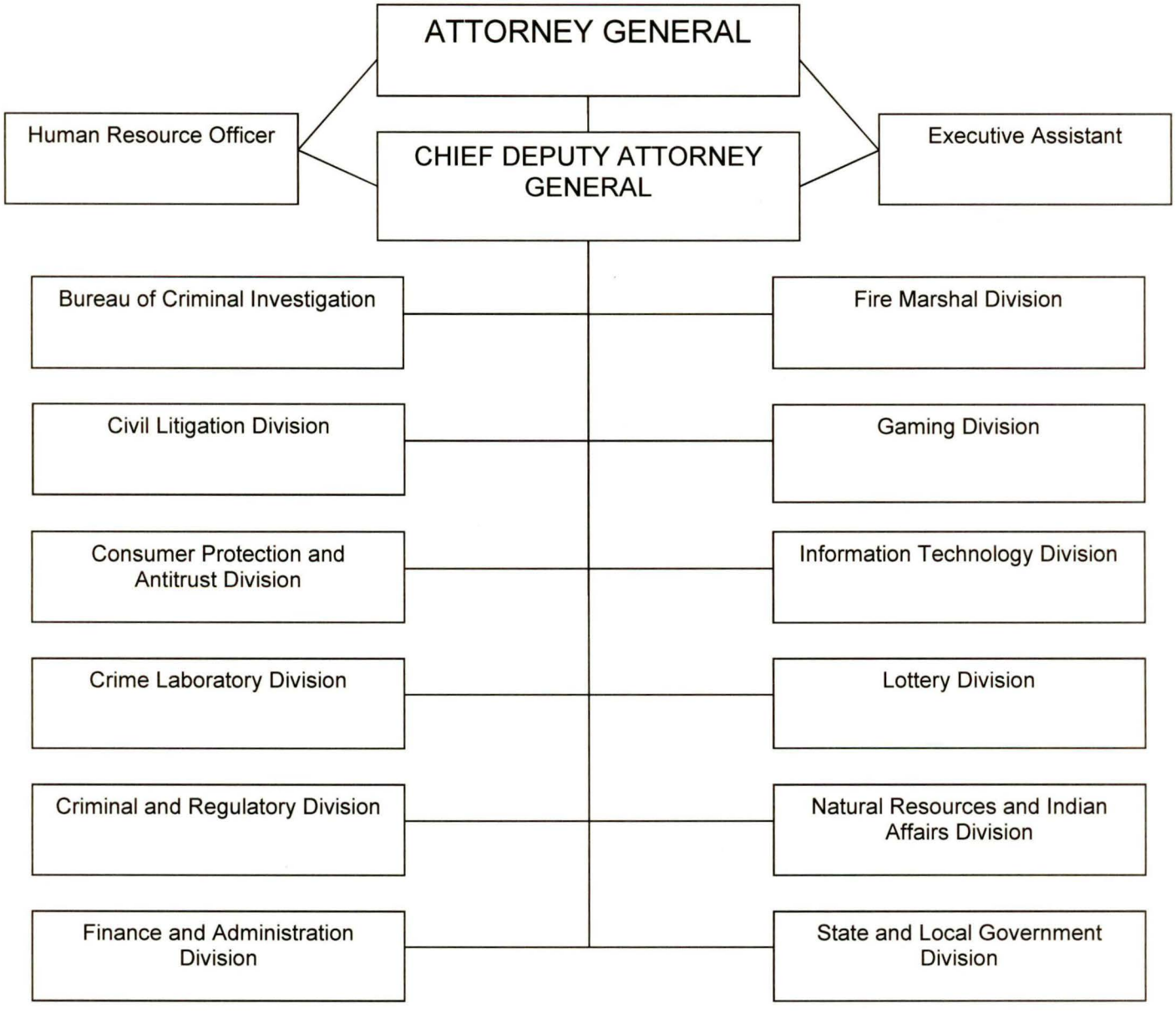



Office of Attorney General
2015-2017 Biennium Recommendation
By Division - Total $101,726,136
60,000,000
50,000,000
40,000,000
30,000,000
20,000,000
10,000,000
0
4,363,509
9,045,662
10,375,533
54,305,865
10,585,783
2,100,441
3,452,286
2,103,172
5,353,435
Admin Services
IT
Legal
BCI
Crime Lab
CPAT
Gaming
Fire Marshal
Lottery

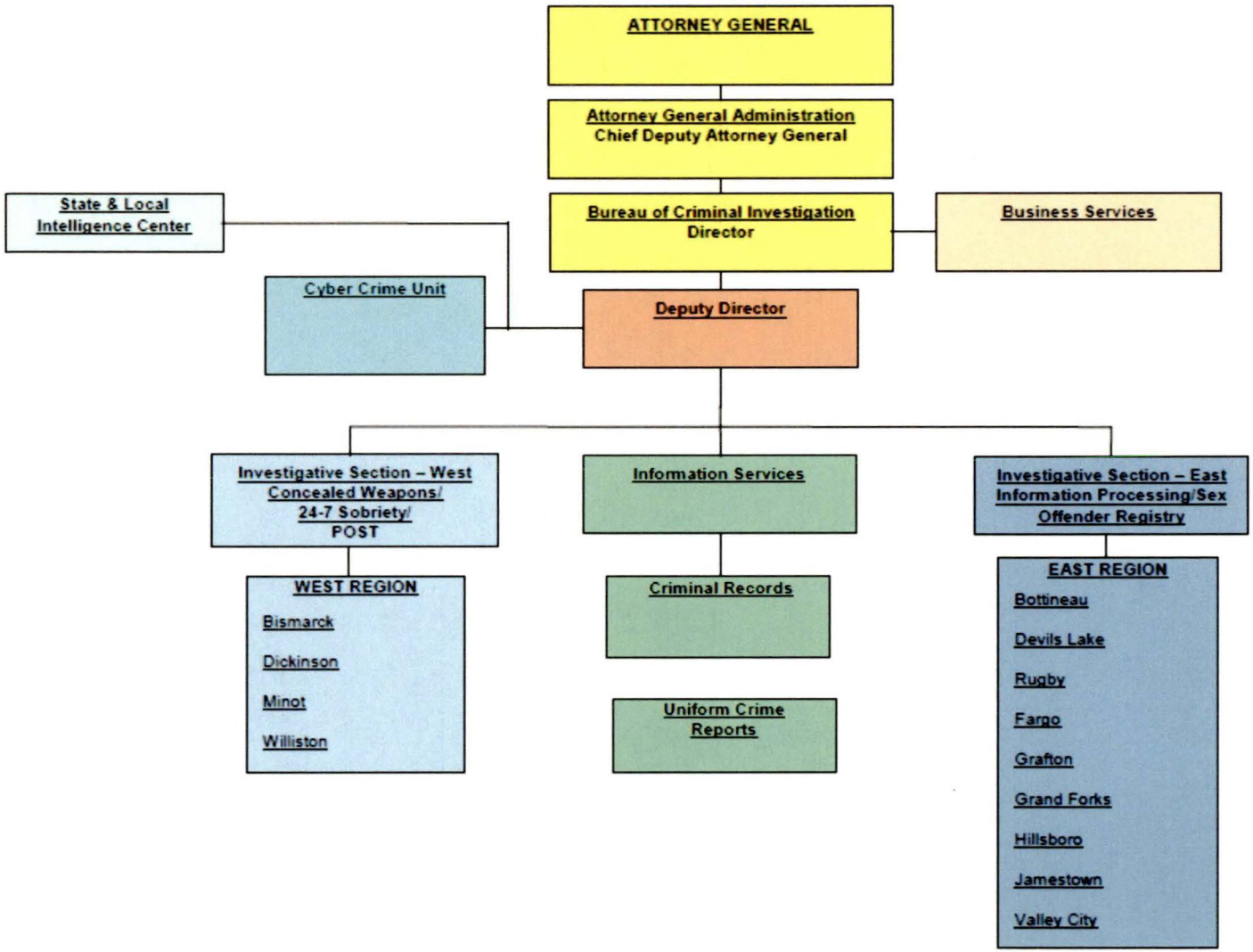
Office of Attorney General
2015-2017 Biennium Recommendation
By Funding Source - Total $101,726,136



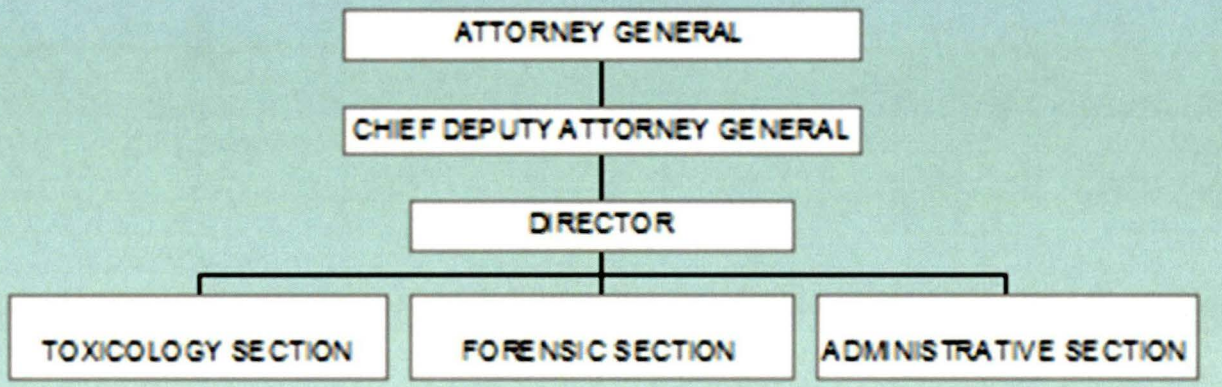
NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
January 2015



North Dakota Office of Attorney General
Bureau of Criminal Investigation
Organizational Chart

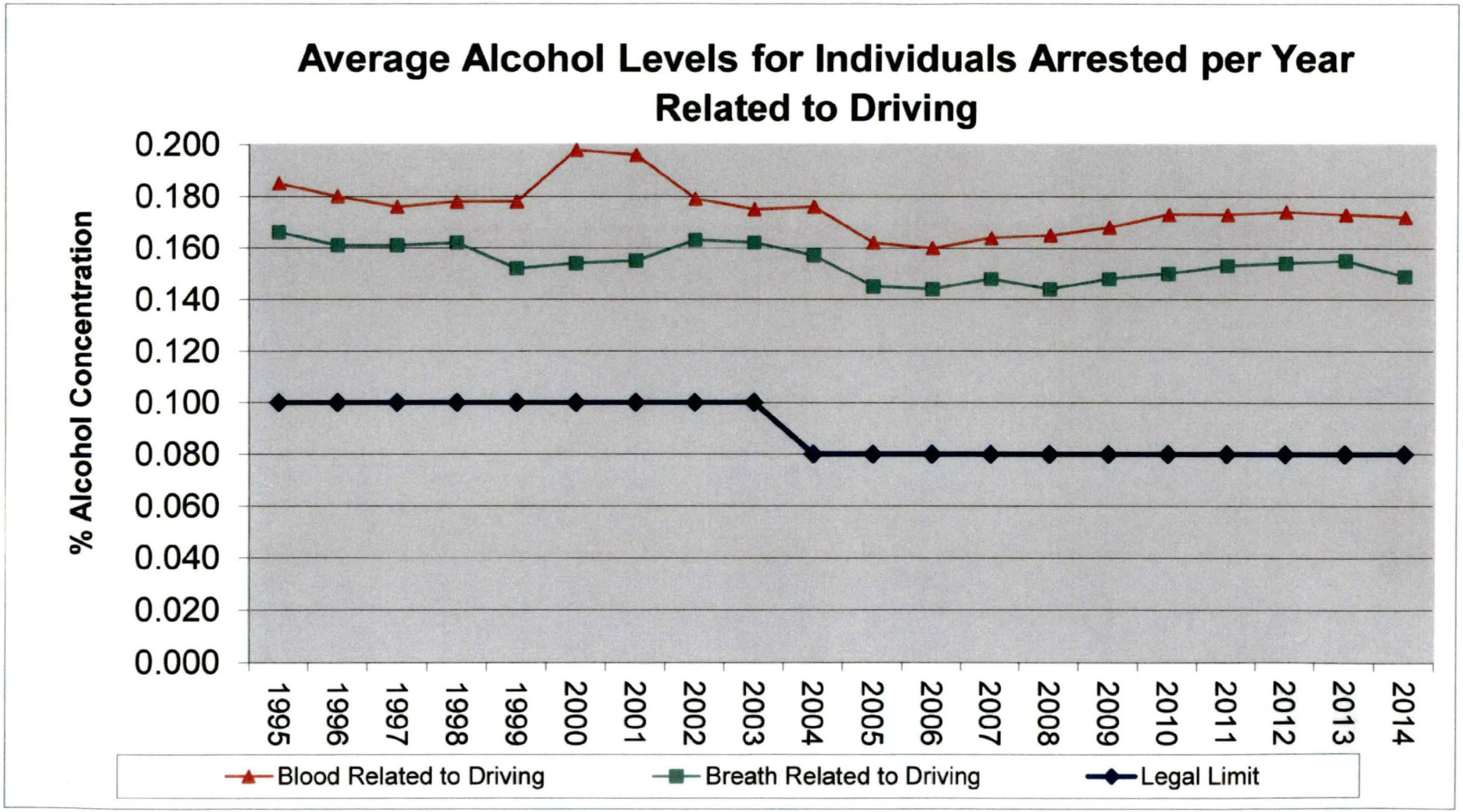


NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
CRIME LABORATORY DIVISION
January 2015



SB2003

March 10, 2015
Attachment B



SB2003 March 10, 2015 Attachment C

Energy Generation Issues: Summary of Legal Actions 2013-14

Lawsuits

- GHG Regulations (3 cases)
  - ND joined in cases challenging a series of EPA regulations requiring that stationary sources obtain permits for GHG emissions. The challenging states were led by Texas.
  - On June 23, 2014, the US Supreme Court issued an opinion holding that EPA has the authority to impose Best Available Control Technology ("BACT") for GHG emissions on facilities already subject to permitting requirements due to their emissions of conventional pollutants ("anyway sources"), but cannot require facilities to obtain permits based solely on their GHG emissions ("non-anyway sources").
  - We are waiting for the D.C. Court of Appeals to decide whether EPA should have to do a new rulemaking to apply BACT requirements for GHG emissions from anyway sources. EPA believes its existing rules should continue to apply to anyway sources.
- ND Regional Haze Plan
  - ND Health Dep't adopted a plan to meet EPA's Regional Haze Rule for improving visibility in national parks and wilderness areas. The plan is subject to EPA approval. EPA approved a majority of ND's plan but disapproved key aspects of the state plan. A federal plan was adopted for the disapproved portions of the state plan.
  - The state, industry, and environmental groups challenged EPA's decision in the Eighth Circuit Court of Appeals. The court issued its decision in September 2013. The decision was mostly favorable to the state, but the court rejected the state's modeling, deferring to EPA on technical judgments.
  - ND appealed the unfavorable aspects of the Eighth Circuit's decision. ND filed a cert petition, asking the Supreme Court to look at whether the state or EPA should be given deference on technical judgments. The Court denied the cert petition in May 2014.
  - Remaining issues:
    - EPA granted the environmental groups' petition for reconsideration on EPA's decision upholding the state's determination that certain pollution control technology (selective catalytic reduction or "SCR") is not technically feasible at two of the state's power plants. EPA held a second rulemaking proceeding and we are waiting for EPA's final decision on whether it will continue to uphold the state's determination.
    - After the Eighth Circuit held invalid EPA's decision regarding appropriate control technology for Great River Energy's Coal Creek Station, the state filed a petition for reconsideration asking EPA to approve its amended plan for the facility. EPA has not yet acted on the petition.
- SO2 Designation Lawsuits (3 cases – ND Fed. District Court, Fed. District Court for N. Calif., and D.C. Circuit Court of Appeals)

- A group of states – led by ND – and environmental groups have separately filed lawsuits (now combined) based on EPA's failure to make Clean Air Act-required determinations about whether states are meeting SO2 standards. The environmental groups and EPA reached a settlement last spring, but the states do not agree because of they think it puts improper requirements on states and gives EPA too much time to make the designations. A hearing on the issue was held on October 28, 2014, and we are waiting for the court's decision.

- FOIA Lawsuit
  - On July 16, 2013, a group of states – led by Oklahoma – filed a lawsuit against EPA to compel its compliance with the Freedom of Information Act ("FOIA"). The lawsuit was filed because EPA denied several requests of the states for records involving EPA's communications with non-governmental organizations regarding consent decrees, particularly regional haze consent decrees.
  - On December 18, 2013, the Court granted EPA's motion to dismiss, holding that the states' request did not reasonably describe the records requested.
- Utility MACT/White Stallion
  - Several states – led by Michigan – filed a challenge to a 2012 EPA rule that requires coal and oil-fired power plants to reduce emissions of mercury, other metallic toxics, acid gases, and organic air toxics. States are primarily concerned about the rule's impact on the reliability of the nation's electricity supply.
  - On April 15, 2014, the D.C. Circuit Court of Appeals upheld the rule.
  - On July 14, 2014, 21 states filed a cert petition with the US Supreme Court. The Court granted the petition on November 25, 2014, on the issue of whether EPA "unreasonably refused to consider costs." After the parties file their briefs, the Court will hold oral argument and then issue its decision.
- North Dakota v. Heydinger
  - This case involves Minnesota's Next Generation Energy Act ("NGEA"). NGEA's goal is to reduce statewide greenhouse gases emissions, but emissions aren't confined to those produced in Minnesota. Included are emissions "from the generation of electricity imported from outside the state and consumed in Minnesota." As a result, ND facilities are affected by the Act.
  - On November 2, 2011, North Dakota filed a complaint challenging the NGEA in the United States District Court for the District of Minnesota. North Dakota argued the NGEA is unconstitutional. The court agreed and struck down essential portions of the NGEA on April 18, 2014. An appeal is pending before the 8th Cir. Court of Appeals.

<u>Amicus</u>

- Luminant v. EPA
  - Involves Texas's rules for excess air emissions from startup, shutdown, and maintenance activities. EPA disapproved of Texas's affirmative defense for emissions from planned maintenance because, in EPA's view, the

maintenance activities should happen during process shutdown or while control equipment is operating.
    - ND joined 17 other states – led by Texas – in an amicus brief supporting Luminant's cert petition asking the Supreme Court to review the case. The states argued that the Fifth Circuit Court of Appeals did not give proper deference to state decisions on how to implement the CAA.
    - On October 7, 2013, the Supreme Court denied the cert petition.
- EPA v. EME Homer City
    - In 2011 EPA adopted its "Transport Rule," which is its latest attempt to implement the Clean Air Act's cross-state air pollution provision (aka "good neighbor" provision). EPA identified 28 states that it found were emitting excessive quantities of certain pollutants and set forth federal implementation plans to control those pollutants – without giving states the first opportunity to comply.
    - The Transport Rule was challenged by industry and several states. (ND is not a party, as it is **not covered** by the current rule.) North Dakota and other states – led by West Virginia – provided amicus support, with emphasis on states' rights issues.
    - On April 29, 2014, the US Supreme Court issued an opinion reversing the DC Circuit and upholding the rule.
- Mingo Logan v. EPA
    - For the first time ever, EPA retroactively vetoed an existing 404 permit. (It had previously been approved by EPA and the Corps.)
    - North Dakota and other states – led by West Virginia – filed an amicus brief supporting the coal company's cert petition, after the D.C. Circuit upheld EPA's action. The US Supreme Court denied the petition on March 21, 2014.
- Rocky Mountain Farmers Union, et al. v. James Goldstene
    - North Dakota and several other states – led by Nebraska – gave amicus support to a group of ethanol producers and corn farmers who were challenging California's Low Carbon Fuel Standard ("LCFS"), which is designed to reduce greenhouse gas emissions. The LCFS requires businesses selling transportation fuel in California to reduce the carbon footprints attributable to the production and importation of that fuel. The ethanol producers and farmers argued that California was regulating beyond its borders – in violation of the dormant commerce clause – to the detriment of the Midwest ethanol industry.
    - On June 30, 2014, the US Supreme Court denied the ethanol producers' and farmers' the cert petition.

SB2003 March 10, 2015 Attachment D

ADDITIONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	
PROGRAMMER/ ANALYST (EXISTING)	1	5	173,592	This continues the position permanently for BCI & Crime Lab IT projects. **Funding: GF& OF**
.5 FTE PARALEGAL - STATE & LOCAL GOVERNMENT	0.5		72,354	Two paralegals are added due to the influx of people in the state increasing various state boards workload, the number of Labor Department wage claims more than doubling in two years, and the number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues. **Funding: OF**
.5 FTE PARALEGAL - NATURAL RESOURCES	0.5	5	81,626	
1.0 FTE PARALEGAL - CIVIL LITIGATION	1		153,399	
1.0 FTE GAMING AUDITOR	1	11	143,830	The current staff can audit each gaming organization only every 5-7 years and with that some audits are only a review of one game type rather than a complete comprehensive audit. **Funding: GF & OF**
2.0 FTE CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	2	3	261,766	Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily required time. **Funding: OF**
7.0 FTE CRIMINAL INVESTIGATORS	7	38	2,334,191	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: GF, FF, OF**
2.0 FTE HUMAN TRAFFICKING & CRIMINAL INVESTIGATORS	2	4	748,025	These investigators will be utilized to expand and cover the high demand for assistance with human trafficking and cyber-crime related cases in western North Dakota. **Funding: OF**

ADDITIONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	
3.0 FTE INTELLIGENCE ANALYSTS	3	2	517,796	These three intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases. **Funding: OF**
1.0 FTE HIDTA ATTORNEY (EXISTING)	1	1	325,285	The requested full-time prosecutor position is spearheading the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts. **Funding: FF & OF**
1.0 VICTIM WITNESS ADVOCATE	1	0	204,105	The need for personnel assisting these victims, while the trained investigators work on the criminal elements of the case, has increased significantly. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes. **Funding: OF**
.5 FTE CRIMINAL/REGULTORY ATTORNEY (EXISTING)	0.5		177,926	This position handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. **Funding: OF**
1.0 FTE CRIMINAL/REGULATORY ATTORNEY	1	30	213,837	In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to due to Speedy Trial constraints, and that victims of crime in oil impact counties will fail to see justice done. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion. **Funding: OF**
1.0 FTE GRANTS ADMINISTRATIVE ASSISTANT	1	1	142,318	Nearly all services provided by the office's grants section have increased beyond any expectations. Further impacting the workload has been the management of the criminal justice oil impact grants. Subgrantee site visits and desk reviews are important, however, current staff simply does not have the hours available to conduct these visits. **Funding: OF**
1.0 FTE BCI ADMINISTRATIVE ASSISTANT - WORD PROCESSING	1	6	142,318	The anticipated substantial increase in the number of criminal investigators due to the heavy demands on western North Dakota law enforcement results in the need for an additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests. **Funding: OF**

ADDITIONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	
1.0 SEX OFFENDER REGISTRY ADMINISTRATIVE ASSISTANT	1	3	142,318	The increase in population due to the energy industry has greatly impacted the sex offender registration section. Keeping this information updated is imperative to keep citizens informed regarding offenders and the risk they pose to the public. **Funding: OF**
1.0 FORENSIC SCIENTIST	1	19	178,239	Two years ago, the number of submissions for biological screening and DNA cases has increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change. **Funding: OF**
MEDICAID FRAUD UNIT - 1 INVESTIGATOR, ATTORNEY, AUDITOR & SUPPORT STAFF	4	0	935,394	These positions will investigate Medicaid fraud cases and prosecute those who perpetrate the fraud. All state recoveries of monies fraudulently paid will come back to the state. **Funding: GF & FF**
TRANSFER CJIS FROM ITD TO ATTORNEY GENERAL	**5**	**0**	4,346,219	The CJIS operation is transferred to the Office of Attorney General from ITD, along with 5 current staff positions. This office has tried repeatedly to have CJIS/ITD recognized as a law enforcement agency to have direct access to federal criminal information, which has not been approved by the federal government. Statutory language is amended to reflect this transfer. **Funding GF, FF, OF**
1.0 FTE BUSINESS ANALYST & CONTRACT FUNDING	1	0	500,000	This position will perform business analysis and program management for the Common Statute Table (CST) and Broker Programs. CJIS implemented the Broker program in 2013 and the CST program in 2015. No additional FTE's have been added to assist with either of these programs. CST, in particular, is urgently needed for many state and local information-sharing initiatives and will require significant management, support, and outreach for its successful implementation. Contractor funding is included to train inexperienced new position. **Funding: GF**
$1 MILLION SURGE FUNDING FOR UP TO 10 LAW ENFORCEMENT FTE'S			1,000,000	Emergency clause added **Funding: GF**
MULTI-STATE TOBACCO DILIGENT ENFORCEMENT			200,000	As a condition of receiving the tobacco settlement funds, the state is required to demonstrate its diligent enforcement of North Dakota Century Code Chapter 51-25 (Tobacco Sales Act) and that it is not subject to the Non-Participating Manufacturer Agreement which would result in the loss to the state of $23 million. **Funding: OF**

ADDITIONS TO BASE BUDGET - SENATE BILL NO 2003

	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	
NARCOTICS BUY FUND INCREASE			200,000	With oil impact areas narcotics activity increases the BCI needs to buy more narcotics in order to gain access to the top person (s) of narcotics organization to have the best impact on decreasing narcotics availability in those areas. In addition, the cost of narcotics has increased by ten times the standard costs of various narcotics due to the high demand in oil impact areas. **Funding: GF**
LAW ENFORCEMENT RECORDS MANAGEMENT SYSTEM (LERMS)			230,000	The implementation of needed disaster recovery; funding source change to the general fund from local law enforcement agencies user fees because the LERMS system user fees are barriers to system use; and for medium-sized and larger agencies, may be cost-prohibitive. **Funding: GF**
STATES ATTORNEYS' RECORDS SYSTEM (STARS)			330,000	Licenses are needed to meet the ongoing and increasing demand for the system & a funding source change to general fund from state's attorney user fees added since current fees currently prevent many state's attorneys' offices from using STARS. **Funding: GF**
$ 20 MILLION FOR LAW ENFORCEMENT GRANTS, OF WHICH 10% CAN BE USED BY THE ATTORNEY GENERAL TO ADDRESS REGIONAL ISSUES SUCH AS TRAINING, MANUALS, EQUIPMENT AND OTHER NEEDS.				Oil & gas impact fund **Funding: OF**

29.5 FTE'S (EXCLUDES LEGISLATIVELY APPROVED EXISTING PROGRAMMER/ANALYST AND EXISTING CJIS POSITIONS TO BE TRANSFERRED)

SB2003 March 19, 2015 Attachment #4

To: Representatives Thoreson, Brandenburg, Boehning, Glassheim, Hogan, Kempenich, Skarphol, and Vigesaa

From: Kathy Roll, Financial Administrator, Office of Attorney General

Re: Government Operations Committee requests

Date: March 18, 2015

Attached are the following documents requested by the Committee:

- Department of Corrections and Rehabilitation driving under the influence (DUI) incarceration rates before and after passage of 2013 House Bill No. 1302, which, among other changes, requires the offender to spend time in jail with the second DUI conviction within seven year.
- 24/7 Sobriety statistics by county
- Law enforcement grant administrative spending
- Medicaid Fraud Control Unit information
- Vacant Office of Attorney General positions
- Special Fund Analyses
- February 2015 office accounting reports
- Comparison to Legislative Council green sheet

There are two budget requests for replacement of federal funds with a state funding source. Two temporary criminal intelligence analysts are currently paid from federal Community Oriented Policing Services funds, which will not be available in the 2015-17 biennium. The requested funding (from the Oil and Gas Impact fund) is $291,366. Federal High Intensity Drug Trafficking Area funds supporting portions of two forensic scientists are no longer available. The general fund request totals $174,898.

Surveillance vans

Some areas of the state do not have undercover surveillance vehicles, making it difficult to conduct undercover investigations. The new task force in Devils Lake, new office in Watford City and Jamestown all need surveillance vehicles for undercover investigations, which will be safer and more efficient for these purposes. Funding for this request is $300,000, $100,000 from the general fund and $200,000 from federal funds.

Crime Lab Highway Traffic Safety Capital Assets

The office received federal Highway Traffic Safety Administration capital asset authorization (to be passed through the state Department of Transportation) for $300,000 in the 2013-15 biennium. The federal funds have been delayed until the 2015-17 biennium resulting in this request. The funding is anticipated to be used to purchase the following items:

- A gas chromatograph/mass spectrophotometer used to detect drugs and drugs metabolites

- A solid phase extractor unit, used to standardize extracting drugs from urine and blood samples
- A 3500 genetic analyzer used to separate DNA fragments into genetic profiles

North Dakota Department of Corrections and Rehabilitation Adult Services
Driving Under the Influence Recidivism Reduction Track (DRRT)
N.D.C.C. 39-08-01(5)(1)

DOCR ADMISSIONS from January 1, 2012 through June 30, 2013 (prior to passage of 2013 House Bill No. 1302)				
Offense	**Offenders**		**Offenses**	
DUI	53		62	
Actual Physical Control	14		16	
Refusing to Submit to Chemical Testing	0		0	
Totals	67		78	

DOCR ADMISSIONS from July 1, 2013 through December 31, 2014 (after passage of 2013 House Bill No. 1302)				
Offense	**Offenders**	**Percentage Change**	**Offenses**	**Percentage Change**
DUI	138	160%	152	145%
Actual Physical Control	23	64%	24	50%
Refusing to Submit to Chemical Testing	14	100%	14	100%
Totals	175	161%	190	144%

ND 24/7 Sobriety Program

Admin Statistics Report

For Dates: Jan. 2007 to Feb. 2015

Run Date: 3/18/2015

Adams County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
22	8	2	2	10	3	16	12

Barnes County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
150	57	4	61	28	31	30	85

BCI - Admin. Only

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1	0	0	0	1	0	0	0

Benson County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Billings County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
5	4	0	0	1	1	0	7

Bottineau County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
15	1	0	0	14	1	1	0

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Bowman County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
14	3	0	4	7	2	7	7

Burke County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
9	7	0	0	2	0	0	3

Burleigh County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
2484	1685	487	56	256	938	1045	1239

Cass County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1560	767	487	40	266	251	4457	568

Cavalier County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
12	4	1	6	1	5	1	6

Dept.of Corrections

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
101	59	13	0	29	0	0	0

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Dickey County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
14	4	2	3	5	0	1	3

Divide County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Dunn County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
66	24	5	0	37	1	0	6

Eddy County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
7	1	1	1	4	2	1	5

Emmons County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
23	12	0	8	3	10	3	12

Foster County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
24	19	1	1	3	1	1	5

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Golden Valley County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
20	10	1	0	9	7	13	1

Grand Forks County Correctional Center

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
709	406	159	12	132	196	128	438

Grant County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Griggs County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
34	26	2	0	6	17	18	0

Hettinger County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
21	8	1	0	12	3	0	1

Kidder County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
29	21	2	5	1	1	1	11

ND 24/7 Sobriety Program

Admin Statistics Report

For Dates: Jan. 2007 to Feb. 2015

Run Date: 3/18/2015

Lake Region Law Enforcement Center

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
288	160	43	40	45	31	188	144

LaMoure County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
21	18	1	0	2	0	0	0

Logan County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
17	10	1	5	1	1	0	9

McHenry County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
23	6	0	10	7	0	0	11

McIntosh County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
47	31	1	12	3	3	4	16

McKenzie County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
274	160	55	4	55	58	91	44

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

McLean County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
202	127	35	2	38	33	11	48

Mercer County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
248	191	22	7	28	64	27	74

Morton County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1112	855	152	23	82	560	820	396

Mountrail County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
62	19	0	39	4	10	136	52

Nelson County Sheriff's Department

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Oliver County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
15	13	0	2	0	5	6	5

ND 24/7 Sobriety Program

Admin Statistics Report

For Dates: Jan. 2007 to Feb. 2015

Run Date: 3/18/2015

Pembina County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
18	9	1	2	6	0	8	3

Pierce County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
28	20	1	1	6	3	2	15

Ransom County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
35	19	1	4	11	0	0	10

Renville County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
7	4	1	0	2	0	0	1

Richland County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
63	38	4	9	12	29	47	34

Rolette County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
16	5	0	1	10	3	1	1

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Sargent County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
55	33	2	1	19	0	0	13

Sheridan County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
18	10	1	6	1	1	0	8

Sioux County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Slope County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Stark County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
533	298	49	61	125	70	1262	129

Steele County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

ND 24/7 Sobriety Program

Admin Statistics Report

For Dates: Jan. 2007 to Feb. 2015

Run Date: 3/18/2015

Stutsman County Corrections

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
377	260	17	16	84	130	327	31

Towner County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Traill County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
51	24	1	7	19	3	2	24

12

Walsh County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
53	17	4	9	23	14	110	10

Ward County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1038	711	103	95	129	446	507	1138

Wells County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
43	26	9	2	6	0	0	16

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Williams County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
261	99	8	1	153	33	27	12

Totals For All Testing Sites

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
10225	6289	1680	558	1698	2967	9299	4653

Participants	The number of people in the program during the date range.
Graduated	The number of participants who's status at the end of the date range was graduated from the program.
Failed	The number of participants who's status at the end of the date range was failed from the program.
Reoffended	The number of participants who's status at the end of the date range was reoffended from the program.
Active	The number of participants who's status at the end of the date range was active in the program.
PBT Tests Failed	The number of times a PBT test was failed during the date range.
No Shows	The number of times participants did not show for testing during the date range.
Total Reoffended	The number of times the participants had reoffended during the date range.

SB2003 March 19, 2015 Attachment B

HOUSE APPROPRIATIONS REQUESTED CHANGES TO ENGROSSED SENATE BILL NO. 2003

	TOTAL	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	FTE'S
CRIMINAL INVESTIGATOR EQUITY	1,276,301	-	-	1,276,301	1,276,301	
CRIMINAL HISTORY RECORD CHECK IDENTIFICATION TECHNICIANS	259,789	259,789			259,789	2
REPLACE WATER COMMISSION LEGAL BILLINGS DUE COMMISSION FUNDING SOURCE CHANGE	-	498,681		(498,681)	-	
	1,536,090	758,470	-	777,620	1,536,090	

SB2003 March 19, 2015 Attachment C

2015 LEGISLATIVE BILLS WITH AN IMPACT ON THE OFFICE OF ATTORNEY GENERAL

15.9176138

# OF CHRS BILLS	BILL #	DESCRIPTION	# EXPECTED	FTE'S	GF	FF	OF	TOTAL	STATUS
1	1105	CRIMINAL HISTORY RECORD CHECKS FOR ADJUTANT GENERAL & VOLUNTEERS	400						GOVERNOR SIGNE
2	1125	CRIMINAL HISTORY RECORD CHECKS FOR PARKS & REC & VOLUNTEERS	200						TO GOVERNOR
	1235	ELECTRONIC QUICK SHOT BINGO			20,333			20,333	PASSED HOUSE
	2020	WATER COMMISSION FUNDING SOURCE CHANGE - LEGAL FEES, FUNDING SOURCE CHANGE NEEDED FOR OAG			498,681		(498,681)		PASSED SENATE
3	2077	CRIMINAL HISTORY RECORD CHECKS FOR GAME & FISH EE'S & VOLUNTEERS	60	1	133,129			133,129	PASSED SENATE
4	2085	CRIMINAL HISTORY RECORD CHECKS FOR MASSAGE THERAPISTS	100						PASSED SENATE
	2107	GRANTS FOR HUMAN TRAFFICKING VICTIM SERVICES			188,004			188,004	PASSED SENATE
5	2145	INCREASES THE NUMBER OF SCHOOL ENTITIES WHO CAN REQUEST CRIMINAL HISTORY RECORD CHECKS	0						TO GOVERNOR
	2199	HUMAN TRAFFICKING VICTIM'S TREATURMENT AND SUPORT SERVICES PILOT PROJECT			1,000,000			1,000,000	PASSED SENATE
	2202	**LOWERS GAMING TAX, PROVIDES GAMING CONTINUING APPROPRIATION**					**4,136,024**	**$4,136,024**	PASSED SENATE
6	2236	CRIMINAL HISTORY CHECKS FOR MEDICAL IMAGING , RADIATION THERAPY	0						TO GOVERNOR
duplicate	2294	CRIMINAL HISTORY RECORD CHECKS FOR MASSAGE THERAPISTS	duplicate of 2085						PASSED SENATE
	2314	COLLEGIATE ATHLETICS 50/50 RAFFLE, USES RANDOM NUMBER GENERATOR			20,333			20,333	PASSED SENATE
	TOTAL FISCAL IMPACT OF ABOVE BILLS		**760 ESTIMATED REC CKS**		**1,860,480**	**-**	**3,637,343**	**5,497,823**	
		FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT - DHS	**4,340**	**1**	155,268			155,268	
	TOTAL ESTIMATED CRIMINAL HISTORY RECORD CHECKS		**5,100**						
	TOTAL FISCAL IMPACT OF ABOVE BILLS AND FEDERAL CHILDCARE & DEVELOPMENT BLOCK GRANT ACT - DHS			**2.0**	**2,015,748**		**3,637,343**	**5,653,091**	

GOVERNOR SIGNED
PASSED BOTH HOUSES

SB 2003
3-19-15
Handout D

MEDICAID FRAUD CONTROL UNIT INFORMATION

FOR GOVERNMENT OPERATIONS SECTION OF HOUSE APPROPRIATIONS COMMITTEE

Medicaid Fraud Control Units (MFCU) are purposed with protecting the elderly, mentally, and physically disabled from fraud, theft and abuse. MCFU's receive information regarding possible cases from the state and federal governments, and the general public.

North Dakota is the only state in the union without a Medicaid Fraud Control Unit. The state has operated on a waiver from the federal Department of Health and Human Services based on North Dakota's population for at least a decade (it was received during Governor Schafer's administration).

Funding for MFCU's is 90% federal funds and 10% from the state general fund for 3 years. After 3 years the funding is 75% federal funds and 25% from the state general fund. To qualify with the federal Department of Health and Human Services (DHHS) and receive MFCU federal funds, the state must have a False Claims Act, which each state except North Dakota has adopted. The office has copies of other states' False Claims Act statutes available if the committee would like to see them.

Types of fraud investigated include provider fraud and recipient fraud. Examples of provider fraud (practitioner, health facility, or other entity that provides services to Medicaid recipients) include the following:

- Billing for services not performed
- Billing for a more expensive service than was actually provided
- Billing twice for the same service
- Billing for services that should be combined into one billing (unbundling)

Recipient fraud includes:

- Providing false information to obtain Medicaid eligibility
- Paying cash for some services (prescriptions) to bypass refill edits
- Lending a personal card to another individual to obtain unauthorized medical services

Having a state MFCU sends a message to recipients and providers alike. Approximately 90% of other states' MFCU are included in Attorneys' General offices.

South Dakota has 6 staff members. South Dakota is the neighboring state most closely mirroring North Dakota's population. The following are South Dakota MFCU **annual** recovered amounts:

2010 $1.6 million

2011 $1.6 million

2012 $9.2 million

2013 $4.5 million

2014 $700,000 (lowest year ever)

OFFICE OF ATTORNEY GENERAL VACANCIES AS OF MARCH 11, 2015

POSITION #	POSITION CLASSIFICATION	DATE VACATED	MONTHS VACANT	STATUS	FUNDING SOURCES GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL
606	ASSISTANT ATTORNEY GENERAL	1/5/2015	1	OFFER PENDING			228,270	228,270
28486	ADMINISTRATIVE ASSISTANT II	11/29/2014	3	INTERVIEWING			71,758	71,758
28995	ADMINISTRATIVE ASSISTANT II	12/1/2014	3	INTERVIEWING			72,212	72,212
700	AUDITOR I	2/21/2015	0	ADVERTISING	140,207			140,207
718	DEPUTY FIRE MARSHAL I	11/8/2014	4	OFFER PENDING	169,992			169,992
721	DEPUTY FIRE MARSHAL I	10/1/2014	5	READVERTISING	170,564			170,564
TOTAL					480,763	-	372,240	853,003

THESE POSITION AMOUNTS INCLUDE THE 3%/3% SALARY INCREASES.

2013-15 AND 2015-17 BIENNIA ASSET FORFEITURE FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 BALANCE	**199,276**	
ESTIMATED FORFEITURE REVENUES	3,081	
RESOURCES AVAILABLE	**202,357**	
ESTIMATED NARCOTICS EXPENDITURES	104,269	
ESTIMATED JUNE 30, 2015 BALANCE	**98,088**	**98,088**
ESTIMATED FORFEITURE REVENUES		200,000
RESOURCES AVAILABLE		298,088
ESTIMATED NARCOTICS EXPENDITURES		250,000
ESTIMATED JUNE 30, 2017 BALANCE		**48,088**

2013-15 & 2015-17 BIENNIUM AG REFUND FUND ANALYSIS

	2013-15		2015-17
MARCH 12, 2015 BALANCE	**8,946,021**	**7/1/15**	**4,978,403**
ESTIMATED CPAT REVENUES	-		867,610
ESTIMATED INDIAN GAMING REVENUES	32,448		406,998
TOTAL ESTIMATED RESOURCES	**8,978,469**		**6,253,011**
EXPENDITURES			
BCI/IT - CRIMINAL HISTORY REWRITE	1,248,063		970,000
BCI/CRIME LAB APP ENHANCEMENTS	-		634,000
CRIME LAB INFORMATION MANAGEMENT SYSTEM INTEGRATION/ ONLINE TRAINING INTEGRATION	-		150,000
IT LIGHTS ON COSTS - REPAIRS, IT PHONE	68,854		15,613
CONTRACTUAL SUPPLEMENTAL PROGRAM MAINTENANCE	29,013		800,000
OFFICE IT SECURITY ENHANCEMENT, SECONDARY AUTHENTICATION, MOBILE DEVICE MANAGEMENT, BACKUP/RECOVERY SECONDARY SITE	138,401		-
IT/FM - FIRE MARSHAL BILLING REWRITE	79,634		-
LAW ENFORCEMENT APPLICATIONS CARRYOVER	600,633		277,359
IT FTE, SOFTWARE, OFFICE EQUIPMENT, REMODELING COSTS	37,975		31,314
IT OPERATING & EQUIPMENT	100,000		-
IT LEGAL CASE MANAGEMENT	186,906		-
AG ADMINISTRATION OPERATING	29,942		-
ATTORNEY SALARY STEP PLAN	299,157		-
MULTI-STATE TOBACCO DILIGENT ENFORCEMENT	10,000		10,000
ORGANIZED CRIME AGENT	82,810		177,750
UNIFORM CRIME REPORTING ADMINISTRATIVE ASSISTANT & OPERATING	51,286		128,442
SEX OFFENDER REGISTRATION ADMINISTRATIVE ASSISTANT & OPERATING	51,403		128,442
BCI FORMER STIMULUS, WESTERN AGENT/ADMINISTRATIVE ASSISTANT STAFF OFFICE	15,325		-
BCI VEHICLES FOR STIMULUS & WESTERN AGENTS	69,650		-
BCI AMMUNITION	25,000		-
BCI VEHICLE FUEL	28,766		-
CRIME LAB BUILDING FEASIBILITY STUDY	-		30,000
TEMPORARY ASSISTANCE	435,445		457,842
CONSUMER PROTECTION SALARIES & OPERATING	257,760		1,230,002
ACCRUED LEAVE PAYMENTS	111,682		-
INDIAN GAMING STAFF	42,361		406,998
TOTAL ESTIMATED EXPENDITURES	**4,000,066**		**5,447,762**
ESTIMATED JUNE 30, 2015 BALANCE	**4,978,403**	**6/30/17**	**805,248**

2013-15 & 2015-17 BIENNIA LOTTERY OPERATING FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	**5,027,840**	
JULY 1, 2015 ESTIMATED BALANCE		**1,785,841**
ESTIMATED REVENUES		
TICKET SALES NET OF RETAILER COMMISSIONS, BONUSES	12,313,300	40,663,112
ESTIMATED RETAILER RENEWALS, INTEREST INCOME, MISCELLEANOUS	-	168,000
TOTAL ESTIMATED REVENUES	12,313,300	40,831,112
TOTAL LOTTERY FUND RESOURCES	**17,341,140**	**42,616,953**
LOTTERY SUSPENSE	7,287,132	24,299,000
MULTIJURISDICTIONAL NARCOTIC TASKFORCE GRANTS TRANSFER	105,625	845,000
COMPULSIVE GAMBLING FUND TRANSFER	50,000	400,000
GENERAL FUND TRANSFER	6,500,000	11,000,000
LOTTERY OPERATIONS	1,612,542	5,353,485
EXPENDITURES	**15,555,299**	**41,897,485**
ESTIMATED ENDING BALANCE	**1,785,841**	**719,468**

2013-15 AND 2015-17 BIENNIA AG 24/7 SOBRIETY FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	**222,523**	
ESTIMATED MONITORING REVENUES	1,500,000	
ESTIMATED MONITORING EXPENDITURES	1,500,000	
ESTIMATED JUNE 30, 2015 BALANCE		**222,523**
ESTIMATED MONITORING REVENUES		1,500,000
ESTIMATED MONITORING EXPENDITURES		1,500,000
ESTIMATED JUNE 30, 2017 BALANCE		**222,523**

2013-15 AND 2015-17 BIENNIA AG TACTICAL TEAM REIMBURSEMENT FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	106,319	
ESTIMATED REVENUES	9,901	
ESTIMATED REIMBURSEMENT EXPENDITURES	35,000	
ESTIMATED JUNE 30, 2015 BALANCE	**81,220**	**81,220**
ESTIMATED REVENUES		30,000
ESTIMATED REIMBURSEMENT EXPENDITURES		50,000
ESTIMATED JUNE 30, 2017 BALANCE		**61,220**

2013-15 & 2015-17 BIENNIA AG OPERATING FUND ANALYSIS

	2013-15		2015-17
MARCH 12, 2015 BALANCE	**9,824,128**	**7/1/15**	**2,592,670**
ESTIMATED REVENUES			
FINANCE/RACING REIMBURSEMENT, BUILDING LEASE	30,000		-
LEGAL SERVICES BILLINGS	1,369,036		3,794,140
FIRE MARSHAL SERVICE BILLINGS	64,080		225,815
CRIMINAL JUSTICE INFORMATION SYSTEM REIMBURSEMENT	40,610		333,576
CONCEALED WEAPON LICENSE APPLICATION FEES	65,467		1,434,362
FBI FEDERAL FINGERPRINT RECORD CHECK FEES	46,194		596,348
GAMING LICENSES & PUBLICATIONS	-		5,000
TOTAL ESTIMATED AVAILABLE RESOURCES	**11,439,515**		**8,981,911**
ESTIMATED EXPENDITURES			
FINANCE/RACING REIMBURSED EXPS	10,000		73,923
SALARY & OPERATING - GENERAL	39,734		-
IT OPERATING EXPENSES	157,707		93,133
IT- CRIMINAL JUSTICE INFORMATION SYSTEM SALARIES	40,610		333,576
IT - LEGAL SERVICES BILLING SYSTEM	168,000		-
AG ADMINISTRATION OPERATING	19,110		49,052
LEGAL SERVICES OPERATIONS	480,707		4,257,609
.5 FTE NAT RES/S&LG PARA & 1 CIV LIT PARA	-		306,384
BCI & FM OIL IMPACT SALARY ADD-ON	36,874		197,040
BCI - 2 CWL FTES - 15-17	-		268,896
BCI CONCEALED WEAPON OPERATING	180,000		794,434
BCI - FBI FEDERAL FINGERPRINT RECORD CHECK FEES	316,961		596,348
BCI - OIL IMPACT EXPENSES	609,682		
BCI - LAW ENFORCEMENT GRANTS	4,705,379		
BCI AMMUNITION & FUEL	-		53,766
GAMING OPERATIONS	91,868		231,420
GAMING TRAVEL & PROFESSIONAL DEVELOPMENT	0		31,000
FIRE MARSHAL OPERATIONS	29,682		410,147
TOTAL ESTMATED EXPENDITURES	**6,886,314**		**7,696,729**
ESTIMATED JUNE 30, 2015 BALANCE	**4,553,201**	**6/30/2017**	**1,285,182**

2013-15 AND 2015-17 BIENNIA AG MULTIJURISDICTIONAL TASKFORCE GRANTS FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	**337,922**	
ESTIMATED REVENUES - LOTTERY OPERATING FUND	105,625	
ESTIMATED EXPENDITURES	200,000	
ESTIMATED JUNE 30, 2015 BALANCE	**243,547**	**243,547**
ESTIMATED REVENUES		845,000
ESTIMATED EXPENDITURES		1,000,000
ESTIMATED JUNE 30, 2017 BALANCE		**88,547**

2013-15 AND 2015-17 BIENNIA AG REDUCED CIGARETTE IGNITION PROPENSITY FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	**382,716**	
ESTIMATED REVENUES - REGISTRATION FEES	-	
ESTIMATED EXPENDITURES - FIRE MARSHAL ENFORCEMENT EXPENSES	283,756	
ESTIMATED JUNE 30, 2015 BALANCE	**98,960**	**98,960**
ESTIMATED REVENUES - REGISTRATION FEES		130,000
ESTIMATED EXPENDITURES - FIRE MARSHAL ENFORCEMENT EXPENSES		200,000
ESTIMATED JUNE 30, 2017 BALANCE		**28,960**

2013-15 AND 2015-17 BIENNIA AG GAMING & EXCISE TAX ALLOCATION FUND ANALYSIS

	2013-15	2015-17
MARCH 12, 2015 FUND BALANCE	**197,533**	
ESTIMATED REVENUES - GAMING TAXES	73,996	
ESTIMATED EXPENDITURES - GAMING TAX PAYBACK TO CITIES & COUNTIES	136,149	
ESTIMATED JUNE 30, 2015 BALANCE	**135,380**	**135,380**
ESTIMATED REVENUES - GAMING TAXES		510,000
ESTIMATED EXPENDITURES - GAMING TAX PAYBACK TO CITIES & COUNTIES		510,000
ESTIMATED JUNE 30, 2017 BALANCE		**135,380**

3/18/

Run Date: 03/11/15

12500 - Attorney Generals Office

Level: 12500
Attorney General

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Biennium to Date			Actual vs. BTD Percent			Percent Budget	Percent Biennium	
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Total Budget Remaining	Remaining	Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	1,076,818	20,818,949	21,470,488	651,539	3%	25,764,586	4,945,637	19%		
512000	Salaries - Other	6,500	116,717	120,000	3,283	3%	144,000	27,283	19%		
513000	Temporary Salaries	27,685	398,548	531,251	132,703	25%	637,501	238,953	37%		
514000	Overtime	7,273	157,132	209,198	52,067	25%	251,038	93,906	37%		
516000	Fringe Benefits	418,832	8,163,852	8,581,885	418,033	5%	10,298,262	2,134,410	21%		
510000	**Salaries and Benefits**	**1,537,109**	**29,655,197**	**30,912,823**	**1,257,625**	**4%**	**37,095,387**	**7,440,190**	**20%**	**17%**	**3%**
	Accrued Leave	**492**	**80,398**	**881,039**	**800,641**	**91%**	**1,057,247**	**976,849**	**92%**	**17%**	**76%**
520000	Operating Expenses										
521000	Travel	35,056	1,039,490	1,548,619	509,130	33%	1,858,343	818,853	44%		
531000	Supplies - IT Software	53,345	764,941	1,159,309	394,368	34%	1,391,171	626,230	45%		
532000	Supply/Material - Professional	4,553	179,100	290,328	111,229	38%	348,394	169,295	49%		
533000	Food and Clothing	1,495	22,083	60,738	38,656	64%	72,886	50,803	70%		
534000	Bldg, Grounds, Vehicle Supply	8,494	210,615	273,022	62,407	23%	327,626	117,011	36%		
535000	Miscellaneous Supplies	495	30,560	163,098	132,538	81%	195,718	165,158	84%		
536000	Office Supplies	4,305	151,923	228,713	76,790	34%	274,456	122,533	45%		
541000	Postage	2,555	118,097	184,538	66,441	36%	221,446	103,349	47%		
542000	Printing	3,981	95,240	208,004	112,765	54%	249,605	154,365	62%		
551000	IT Equipment under $5,000	21,069	213,882	379,588	165,706	44%	455,506	241,623	53%		
552000	Other Equipment under $5,000	591	988,453	3,208,678	2,220,226	69%	3,850,414	2,861,961	74%		
553000	Office Equip & Furniture-Under	937	113,141	212,478	99,337	47%	254,974	141,833	56%		
561000	Utilities	6,056	139,065	202,691	63,626	31%	243,229	104,164	43%		
571000	Insurance	82	46,721	103,853	57,131	55%	124,623	77,902	63%		
581000	Rentals/Leases-Equipment&Other	1,116	92,310	413,406	321,096	78%	496,087	403,777	81%		
582000	Rentals/Leases - Bldg/Land	1,051	1,139,951	1,446,543	306,592	21%	1,735,852	595,901	34%		
591000	Repairs	21,650	702,799	1,114,273	411,475	37%	1,337,128	634,329	47%		
601000	IT - Data Processing	29,337	566,073	726,932	160,859	22%	872,318	306,245	35%		
602000	IT - Communications	14,856	295,984	367,773	71,789	20%	441,327	145,343	33%		
603000	IT Contractual Services and Re	74,774	2,351,549	4,321,192	1,969,644	46%	5,185,431	2,833,882	55%		
611000	Professional Development	8,033	328,174	535,630	207,456	39%	642,756	314,582	49%		
621000	Operating Fees and Services	100,828	2,009,732	7,667,467	5,657,735	74%	9,200,961	7,191,229	78%		
623000	Professional Fees and Services	63,474	802,423	1,702,324	899,901	53%	2,042,788	1,240,365	61%		
625000	Medical, Dental and Optical	14,555	539,265	858,522	319,256	37%	1,030,226	490,961	48%		
520000	**Operating Expenses**	**472,687**	**12,941,570**	**27,377,721**	**14,436,151**	**53%**	**32,853,265**	**19,911,695**	**61%**	**17%**	**44%**
681000	Capital Assets										
683000	Other Capital Payments	0	697,523	638,210	(59,313)	-9%	765,852	68,329	9%		
691000	Equipment Over $5000	0	787,890	1,444,454	656,564	45%	1,733,345	945,455	55%		
692000	Motor Vehicles	0	239,450	358,149	118,699	33%	429,779	190,329	44%		
693000	IT Equip / Software Over $5000	0	13,121	45,101	31,980	71%	54,121	41,000	76%		
681000	**Capital Assets**	**0**	**1,737,983**	**2,485,914**	**747,931**	**30%**	**2,983,097**	**1,245,114**	**42%**	**17%**	**25%**
712000	**Grants, Benefits & Claims**	**565,506**	**6,487,985**	**9,124,768**	**2,636,784**	**29%**	**10,949,722**	**4,461,737**	**41%**	**17%**	**24%**
722000	**Transfers Out**	**0**	**162**	**53,521**	**53,359**	**100%**	**64,225**	**64,063**	**100%**	**17%**	**83%**
	Lottery	**8,359**	**56,192**	**221,926**	**165,734**	**75%**	**266,311**	**210,119**	**79%**	**17%**	**62%**
	Total Expenditures	**2,575,794**	**50,903,295**	**70,835,786**	**19,932,490**	**28%**	**85,002,943**	**34,099,648**	**40%**	**17%**	**23%**
	Expenditures by Source										
	Total General Fund Expenditures	1,359,922	29,655,421	32,557,607	2,902,186	9%	39,069,128	9,413,707			
	Total Federal Fund Expenditures	172,164	3,970,338	8,014,467	4,044,129	50%	9,617,360	5,647,022			
	Total Special Fund Expenditures	1,043,708	17,277,537	30,263,713	12,986,176	43%	36,316,455	19,038,918			
	Total Expenditures by Source	**2,575,794**	**50,903,295**	**70,835,786**	**19,932,490**	**28%**	**85,002,943**	**34,099,648**	**40%**	**17%**	**23%**

12500 - Attorney Generals Office
Level: 125-100
Finance and Administration

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	58,246	1,146,243	1,148,790	2,547	0%	1,378,548	232,305	17%		
513000	Temporary Salaries	2,434	31,286	28,949	(2,336)	-8%	34,739	3,453	10%		
516000	Fringe Benefits	24,950	479,726	475,781	(3,945)	-1%	570,937	91,211	16%		
510000	**Salaries and Benefits**	**85,629**	**1,657,254**	**1,653,520**	**(3,734)**	**0%**	**1,984,224**	**326,970**	**16%**	**17%**	**0%**
	Accrued Leave	**0**	**0**	**49,686**	**49,686**	**100%**	**59,623**	**59,623**	**100%**	**17%**	**83%**
520000	Operating Expenses										
521000	Travel	79	16,869	18,625	1,756	9%	22,350	5,481	25%		
532000	Supply/Material - Professional	0	930	14,300	13,370	93%	17,160	16,230	95%		
533000	Food and Clothing	0	0	542	542	100%	650	650	100%		
534000	Bldg, Grounds, Vehicle Supply	0	836	2,094	1,258	60%	2,513	1,677	67%		
535000	Miscellaneous Supplies	0	1,321	6,121	4,800	78%	7,345	6,024	82%		
536000	Office Supplies	239	7,781	6,598	(1,184)	-18%	7,917	136	2%		
541000	Postage	128	2,395	3,500	1,105	32%	4,200	1,805	43%		
542000	Printing	302	2,235	2,917	682	23%	3,500	1,266	36%		
553000	Office Equip & Furniture-Under	0	7,355	7,500	145	2%	9,000	1,645	18%		
561000	Utilities	13	179	833	654	78%	1,000	821	82%		
571000	Insurance	39	1,337	2,500	1,163	47%	3,000	1,663	55%		
581000	Rentals/Leases-Equipment&Other	191	4,345	9,167	4,821	53%	11,000	6,655	60%		
582000	Rentals/Leases - Bldg/Land	0	17,601	64,568	46,967	73%	77,481	59,880	77%		
591000	Repairs	217	5,230	5,000	(230)	-5%	6,000	770	13%		
602000	IT - Communications	471	10,032	12,500	2,468	20%	15,000	4,968	33%		
611000	Professional Development	189	11,264	16,637	5,373	32%	19,964	8,701	44%		
621000	Operating Fees and Services	22	5,196	5,525	329	6%	6,630	1,434	22%		
623000	Professional Fees and Services	0	400	4,583	4,184	91%	5,500	5,100	93%		
520000	**Operating Expenses**	**1,890**	**95,306**	**183,508**	**88,202**	**48%**	**220,210**	**124,904**	**57%**	**17%**	**40%**
	Lottery	**1,624**	**38,572**	**46,676**	**8,104**	**17%**	**56,011**	**17,439**	**31%**	**17%**	**14%**
	Total Expenditures	**87,520**	**1,752,561**	**1,886,714**	**134,154**	**7%**	**2,264,057**	**511,496**	**23%**	**17%**	**6%**
	Expenditures by Source										
	Total General Fund Expenditures	87,508	1,750,998	1,809,310	58,312	3%	2,171,172	420,174			
	Total Federal Fund Expenditures	0	0	15,802	15,802	100%	18,962	18,962			
	Total Special Fund Expenditures	12	1,563	61,603	60,040	97%	73,923	72,360			
	Total Expenditures by Source	**87,520**	**1,752,561**	**1,886,714**	**134,154**	**7%**	**2,264,057**	**511,496**	**23%**	**17%**	**6%**

12500 - Attorney Generals Office
Level: 125-105
Information Technology

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	74,690	1,404,175	1,424,583	20,408	1%	1,709,500	305,325	18%		
513000	Temporary Salaries	1,707	22,723	66,355	43,632	66%	79,626	56,903	71%		
516000	Fringe Benefits	28,772	544,215	595,997	51,782	9%	715,196	170,981	24%		
510000	**Salaries and Benefits**	**105,169**	**1,971,113**	**2,086,935**	**115,822**	**6%**	**2,504,322**	**533,209**	**21%**	**17%**	**5%**
	Accrued Leave	**0**	**405**	**62,709**	**62,304**	**99%**	**75,251**	**74,846**	**99%**	**17%**	**83%**
520000	Operating Expenses										
521000	Travel	82	25,507	78,500	52,993	68%	94,200	68,693	73%		
531000	Supplies - IT Software	53,325	763,088	1,142,059	378,971	33%	1,370,471	607,383	44%		
532000	Supply/Material - Professional	0	14,594	15,833	1,239	8%	19,000	4,406	23%		
534000	Bldg, Grounds, Vehicle Supply	0	117	417	300	72%	500	383	77%		
535000	Miscellaneous Supplies	48	1,399	1,500	101	7%	1,800	401	22%		
536000	Office Supplies	215	2,358	2,083	(275)	-13%	2,500	142	6%		
541000	Postage	0	109	417	307	74%	500	391	78%		
542000	Printing	0	64	417	353	85%	500	436	87%		
551000	IT Equipment under $5,000	20,451	212,634	372,088	159,454	43%	446,506	233,871	52%		
553000	Office Equip & Furniture-Under	0	30,256	42,083	11,828	28%	50,500	20,244	40%		
571000	Insurance	0	3,120	14,925	11,805	79%	17,910	14,790	83%		
581000	Rentals/Leases-Equipment&Other	0	0	83	83	100%	100	100	100%		
582000	Rentals/Leases - Bldg/Land	0	102,638	126,489	23,851	19%	151,787	49,149	32%		
591000	Repairs	990	19,163	165,198	146,035	88%	198,238	179,075	90%		
601000	IT - Data Processing	26,837	518,735	672,782	154,047	23%	807,338	288,603	36%		
602000	IT - Communications	1,011	19,728	22,560	2,832	13%	27,072	7,344	27%		
603000	IT Contractual Services and Re	58,074	2,260,723	3,960,359	1,699,636	43%	4,752,431	2,491,707	52%		
611000	Professional Development	0	26,163	36,667	10,504	29%	44,000	17,837	41%		
621000	Operating Fees and Services	0	4,536	382,296	377,760	99%	458,755	454,219	99%		
623000	Professional Fees and Services	0	0	63,333	63,333	100%	76,000	76,000	100%		
520000	**Operating Expenses**	**161,034**	**4,004,934**	**7,100,090**	**3,095,156**	**44%**	**8,520,108**	**4,515,174**	**53%**	**17%**	**36%**
681000	Capital Assets										
691000	Equipment Over $5000	0	12,600	355,500	342,900	96%	426,600	414,000	97%		
693000	IT Equip / Software Over $5000	0	13,121	32,601	19,480	60%	39,121	26,000	66%		
681000	**Capital Assets**	**0**	**25,721**	**388,101**	**362,380**	**93%**	**465,721**	**440,000**	**94%**	**17%**	**78%**
	Lottery	**6,735**	**177,619**	**175,258**	**(2,361)**	**-1%**	**210,310**	**32,691**	**16%**	**17%**	**-1%**
712000	**Grants, Benefits & Claims**	**35,184**	**35,184**	**0**	**(35,184)**	**-100%**	**0**	**(35,184)**	**-100%**	**17%**	**-117%**
	Total Expenditures	**301,387**	**6,037,357**	**9,637,835**	**3,600,477**	**37%**	**11,565,402**	**5,528,044**	**48%**	**17%**	**31%**
	Expenditures by Source										
	Total General Fund Expenditures	159,206	3,003,512	3,407,436	403,923	12%	4,088,923	1,085,411			
	Total Federal Fund Expenditures	12,770	417,961	757,255	339,294	45%	908,706	490,745			
	Total Special Fund Expenditures	129,411	2,615,884	5,473,144	2,857,260	52%	6,567,772	3,951,888			
	Total Expenditures by Source	**301,387**	**6,037,357**	**9,637,835**	**3,600,477**	**37%**	**11,565,402**	**5,528,044**	**48%**	**17%**	**31%**

12500 - Attorney Generals Office
Level: 125-110
AG Administration

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Percent Budget	Percent Biennium	Percent
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Remaining	Remaining	Remaining	Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	35,924	702,505	710,987	8,482	1%	853,184	150,679	18%		
516000	Fringe Benefits	11,086	209,733	209,215	(518)	0%	251,058	41,325	16%		
510000	**Salaries and Benefits**	**47,010**	**912,238**	**920,202**	**7,963**	**1%**	**1,104,242**	**192,004**	**17%**	**17%**	**1%**
	Accrued Leave	**0**	**0**	**27,100**	**27,100**	**100%**	**32,520**	**32,520**	**100%**	**17%**	**83%**
520000	Operating Expenses										
521000	Travel	0	22,119	60,377	38,257	63%	72,452	50,333	69%		
532000	Supply/Material - Professional	834	9,542	8,250	(1,292)	-16%	9,900	358	4%		
533000	Food and Clothing	0	0	167	167	100%	200	200	100%		
534000	Bldg, Grounds, Vehicle Supply	0	6	167	160	96%	200	194	97%		
535000	Miscellaneous Supplies	0	173	1,667	1,493	90%	2,000	1,827	91%		
536000	Office Supplies	147	1,977	5,000	3,023	60%	6,000	4,023	67%		
541000	Postage	71	1,380	3,333	1,954	59%	4,000	2,620	66%		
542000	Printing	0	1,606	5,417	3,810	70%	6,500	4,894	75%		
552000	Other Equipment under $5,000	0	0	833	833	100%	1,000	1,000	100%		
553000	Office Equip & Furniture-Under	0	2,060	10,488	8,428	80%	12,586	10,526	84%		
571000	Insurance	0	333	667	334	50%	800	467	58%		
581000	Rentals/Leases-Equipment&Other	54	1,688	3,333	1,645	49%	4,000	2,312	58%		
582000	Rentals/Leases - Bldg/Land	0	0	833	833	100%	1,000	1,000	100%		
591000	Repairs	13	399	833	434	52%	1,000	601	60%		
602000	IT - Communications	313	7,156	10,000	2,844	28%	12,000	4,844	40%		
611000	Professional Development	595	34,565	50,000	15,435	31%	60,000	25,435	42%		
621000	Operating Fees and Services	287	7,864	8,333	469	6%	10,000	2,136	21%		
623000	Professional Fees and Services	0	470	6,250	5,780	92%	7,500	7,030	94%		
520000	**Operating Expenses**	**2,314**	**91,339**	**175,948**	**84,609**	**48%**	**211,138**	**119,799**	**57%**	**17%**	**40%**
	Total Expenditures	**49,325**	**1,003,577**	**1,123,250**	**119,673**	**11%**	**1,347,900**	**344,323**	**26%**	**17%**	**9%**
	Expenditures by Source										
	Total General Fund Expenditures	49,325	1,003,577	1,057,188	53,610	5%	1,268,625	265,048			
	Total Federal Fund Expenditures	0	0	6,853	6,853	100%	8,223	8,223			
	Total Special Fund Expenditures	0	0	59,210	59,210	100%	71,052	71,052			
	Total Expenditures by Source	**49,325**	**1,003,577**	**1,123,250**	**119,673**	**11%**	**1,347,900**	**344,323**	**26%**	**17%**	**9%**

3/18/

12500 - Attorney Generals Office
Level: 125-150
Legal Services

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	222,568	4,280,881	4,483,919	203,038	5%	5,380,703	1,099,822	20%		
512000	Salaries - Other	1,000	1,000	0	(1,000)	-100%	0	(1,000)	-100%		
513000	Temporary Salaries	3,250	6,352	7,833	1,481	19%	9,400	3,048	32%		
516000	Fringe Benefits	76,116	1,447,125	1,502,808	55,682	4%	1,803,369	356,244	20%		
510000	**Salaries and Benefits**	**302,934**	**5,735,359**	**5,994,560**	**259,201**	**4%**	**7,193,472**	**1,458,113**	**20%**	**17%**	**4%**
	Accrued Leave	**0**	**13,700**	**174,149**	**160,449**	**92%**	**208,979**	**195,279**	**93%**	**17%**	**77%**
520000	Operating Expenses										
521000	Travel	1,598	65,488	293,075	227,587	78%	351,690	286,202	81%		
531000	Supplies - IT Software	0	0	583	583	100%	700	700	100%		
532000	Supply/Material - Professional	295	6,999	9,521	2,522	26%	11,425	4,426	39%		
533000	Food and Clothing	0	0	1,113	1,113	100%	1,335	1,335	100%		
534000	Bldg, Grounds, Vehicle Supply	0	2,234	9,789	7,555	77%	11,747	9,513	81%		
535000	Miscellaneous Supplies	0	130	6,624	6,494	98%	7,949	7,819	98%		
536000	Office Supplies	533	12,166	26,375	14,209	54%	31,650	19,484	62%		
541000	Postage	923	18,956	25,549	6,593	26%	30,659	11,703	38%		
542000	Printing	886	5,573	14,013	8,440	60%	16,816	11,243	67%		
552000	Other Equipment under $5,000	0	0	4,833	4,833	100%	5,799	5,799	100%		
553000	Office Equip & Furniture-Under	0	4,298	10,418	6,119	59%	12,501	8,203	66%		
561000	Utilities	34	489	1,600	1,111	69%	1,920	1,431	75%		
571000	Insurance	39	2,980	7,208	4,228	59%	8,650	5,670	66%		
581000	Rentals/Leases-Equipment&Other	550	8,930	20,906	11,976	57%	25,087	16,157	64%		
582000	Rentals/Leases - Bldg/Land	0	72,214	134,800	62,586	46%	161,760	89,546	55%		
591000	Repairs	579	10,929	17,699	6,770	38%	21,239	10,310	49%		
601000	IT - Data Processing	226	2,705	6,100	3,395	56%	7,320	4,615	63%		
602000	IT - Communications	1,298	25,989	39,501	13,512	34%	47,401	21,413	45%		
611000	Professional Development	205	16,802	85,895	69,094	80%	103,074	86,273	84%		
621000	Operating Fees and Services	13,416	279,752	274,153	(5,599)	-2%	328,984	49,232	15%		
623000	Professional Fees and Services	13,697	302,664	379,596	76,932	20%	455,515	152,851	34%		
520000	**Operating Expenses**	**34,278**	**839,298**	**1,369,351**	**530,053**	**39%**	**1,643,221**	**803,923**	**49%**	**17%**	**32%**
	Total Expenditures	**337,212**	**6,588,357**	**7,538,060**	**949,703**	**13%**	**9,045,672**	**2,457,315**	**27%**	**17%**	**10%**
	Expenditures by Source										
	Total General Fund Expenditures	179,401	3,519,437	3,998,837	479,399	12%	4,798,604	1,279,167			
	Total Federal Fund Expenditures	13,161	102,600	182,922	80,321	44%	219,506	116,906			
	Total Special Fund Expenditures	144,650	2,966,319	3,356,302	389,983	12%	4,027,562	1,061,243			
	Total Expenditures by Source	**337,212**	**6,588,357**	**7,538,060**	**949,703**	**13%**	**9,045,672**	**2,457,315**	**27%**	**17%**	**10%**

12500 - Attorney Generals Office
Level: 125-150-11
Litigation Fees

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Budget	(Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
520000	Operating Expenses										
521000	Travel	1,271	24,054	64,750	40,696	63%	77,700	53,646	69%		
534000	Bldg, Grounds, Vehicle Supply	0	20	17	(3)	-20%	20	0	0%		
541000	Postage	0	249	2,583	2,333	90%	3,099	2,850	92%		
542000	Printing	0	16	13	(3)	-20%	16	0	0%		
581000	Rentals/Leases-Equipment&Other	35	36	300	264	88%	360	324	90%		
591000	Repairs	9	9	83	74	89%	100	91	91%		
611000	Professional Development	0	0	333	333	100%	400	400	100%		
621000	Operating Fees and Services	0	10,858	20,379	9,521	47%	24,455	13,597	56%		
623000	Professional Fees and Services	0	76,878	80,292	3,414	4%	96,350	19,473	20%		
520000	**Operating Expenses**	**1,315**	**112,120**	**168,750**	**56,630**	**34%**	**202,500**	**90,380**	**45%**	**17%**	**28%**
	Total Expenditures	1,315	112,120	168,750	56,630	34%	202,500	90,380	45%	17%	28%
	Expenditures by Source										
	Total General Fund Expenditures	1,295	112,120	168,750	56,630	34%	202,500	90,380			
	Total Special Fund Expenditures	20	0	0	0	0%	0	0			
	Total Expenditures by Source	1,315	112,120	168,750	56,630	34%	202,500	90,380	45%	17%	28%

12500 - Attorney Generals Office
Level: 125-150-12
Abortion Litigation Fees

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
520000	Operating Expenses										
521000	Travel	0	0	71,167	71,167	100%	85,400	85,400	100%		
611000	Professional Development	0	0	41,667	41,667	100%	50,000	50,000	100%		
623000	Professional Fees and Services	13,402	211,929	220,500	8,571	4%	264,600	52,671	20%		
520000	**Operating Expenses**	**13,402**	**211,929**	**333,333**	**121,404**	**36%**	**400,000**	**188,071**	**47%**	**17%**	**30%**
	Total Expenditures	**13,402**	**211,929**	**333,333**	**121,404**	**36%**	**400,000**	**188,071**	**47%**	**17%**	**30%**
	Expenditures by Source										
	Total General Fund Expenditures	13,402	211,929	333,333	121,404	36%	400,000	188,071			
	Total Expenditures by Source	**13,402**	**211,929**	**333,333**	**121,404**	**36%**	**400,000**	**188,071**	**47%**	**17%**	**30%**

12500 - Attorney Generals Office
Level: 125-150-91
Arrest & Return Fugitives

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Budget	(Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
520000	Operating Expenses										
521000	Travel	0	6,967	12,033	5,067	42%	14,440	7,473	52%		
623000	Professional Fees and Services	0	1,600	8,800	7,200	82%	10,560	8,960	85%		
520000	**Operating Expenses**	**0**	**8,567**	**20,833**	**12,267**	**59%**	**25,000**	**16,433**	**66%**	**17%**	**49%**
	Total Expenditures	**0**	**8,567**	**20,833**	**12,267**	**59%**	**25,000**	**16,433**	**66%**	**17%**	**49%**
	Expenditures by Source										
	Total General Fund Expenditures	0	8,567	20,833	12,267	59%	25,000	16,433			
	Total Expenditures by Source	**0**	**8,567**	**20,833**	**12,267**	**59%**	**25,000**	**16,433**	**66%**	**17%**	**49%**

12500 - Attorney Generals Office
Level: 125-200
Bureau of Criminal Investigati

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	363,356	6,919,101	7,108,489	189,388	3%	8,530,187	1,611,086	19%		
512000	Salaries - Other	5,500	106,500	110,000	3,500	3%	132,000	25,500	19%		
513000	Temporary Salaries	16,154	243,204	324,184	80,980	25%	389,021	145,817	37%		
514000	Overtime	7,273	152,687	203,865	51,178	25%	244,638	91,951	38%		
516000	Fringe Benefits	153,420	2,988,412	3,245,737	257,325	8%	3,894,884	906,472	23%		
510000	**Salaries and Benefits**	**545,703**	**10,409,904**	**10,992,275**	**582,371**	**5%**	**13,190,730**	**2,780,826**	**21%**	**17%**	**4%**
	Accrued Leave	**0**	**24,806**	**329,735**	**304,929**	**92%**	**395,682**	**370,876**	**94%**	**17%**	**77%**
520000	Operating Expenses										
521000	Travel	23,695	630,823	696,740	65,917	9%	836,088	205,265	25%		
531000	Supplies - IT Software	20	20	0	(20)	-100%	0	(20)	-100%		
532000	Supply/Material - Professional	3,320	133,165	196,625	63,460	32%	235,950	102,785	44%		
533000	Food and Clothing	1,495	15,237	40,350	25,113	62%	48,420	33,183	69%		
534000	Bldg, Grounds, Vehicle Supply	6,931	192,936	236,347	43,411	18%	283,616	90,680	32%		
535000	Miscellaneous Supplies	390	23,734	125,625	101,891	81%	150,750	127,016	84%		
536000	Office Supplies	1,871	86,750	114,733	27,983	24%	137,680	50,930	37%		
541000	Postage	421	47,390	67,646	20,256	30%	81,175	33,785	42%		
542000	Printing	1,327	48,222	98,500	50,278	51%	118,200	69,978	59%		
552000	Other Equipment under $5,000	591	970,847	3,049,021	2,078,174	68%	3,658,825	2,687,978	73%		
553000	Office Equip & Furniture-Under	937	62,196	109,083	46,888	43%	130,900	68,704	52%		
571000	Insurance	4	25,871	55,133	29,262	53%	66,160	40,289	61%		
581000	Rentals/Leases-Equipment&Other	0	70,934	365,453	294,518	81%	438,543	367,609	84%		
582000	Rentals/Leases - Bldg/Land	316	678,084	768,791	90,707	12%	922,549	244,465	26%		
591000	Repairs	8,065	252,771	353,813	101,041	29%	424,575	171,804	40%		
601000	IT - Data Processing	0	158	3,050	2,892	95%	3,660	3,502	96%		
602000	IT - Communications	7,279	147,619	177,633	30,014	17%	213,160	65,541	31%		
611000	Professional Development	6,420	158,852	176,458	17,606	10%	211,750	52,898	25%		
621000	Operating Fees and Services	82,855	866,733	5,042,829	4,176,096	83%	6,051,395	5,184,662	86%		
623000	Professional Fees and Services	1,377	146,652	269,869	123,218	46%	323,843	177,192	55%		
625000	Medical, Dental and Optical	0	0	6,667	6,667	100%	8,000	8,000	100%		
520000	**Operating Expenses**	**147,313**	**4,558,994**	**11,954,366**	**7,395,372**	**62%**	**14,345,239**	**9,786,245**	**68%**	**17%**	**52%**
681000	Capital Assets										
691000	Equipment Over $5000	0	224,152	271,750	47,598	18%	326,100	101,948	31%		
692000	Motor Vehicles	0	239,450	358,149	118,699	33%	429,779	190,329	44%		
681000	**Capital Assets**	**0**	**463,602**	**629,899**	**166,297**	**26%**	**755,879**	**292,277**	**39%**	**17%**	**22%**
712000	**Grants, Benefits & Claims**	**530,322**	**6,078,950**	**8,699,768**	**2,620,819**	**30%**	**10,439,722**	**4,360,772**	**42%**	**17%**	**25%**
722000	**Transfers Out**	**0**	**162**	**53,521**	**53,359**	**100%**	**64,225**	**64,063**	**100%**	**17%**	**83%**
	Total Expenditures	**1,223,338**	**21,536,418**	**32,659,564**	**11,123,147**	**34%**	**39,191,477**	**17,655,060**	**45%**	**17%**	**28%**
	Expenditures by Source										
	Total General Fund Expenditures	511,249	12,030,956	13,006,653	975,696	8%	15,607,983	3,577,027			
	Total Federal Fund Expenditures	136,740	2,309,732	4,935,019	2,625,286	53%	5,922,023	3,612,290			
	Total Special Fund Expenditures	575,348	7,195,729	14,717,893	7,522,164	51%	17,661,472	10,465,743			
	Total Expenditures by Source	**1,223,338**	**21,536,418**	**32,659,564**	**11,123,147**	**34%**	**39,191,477**	**17,655,060**	**45%**	**17%**	**28%**

12500 - Attorney Generals Office
Level: 125-200-1-24
BCI Law Enf. Grants

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Biennium to Date				Actual vs. BTD Percent			Percent Budget	Percent Biennium	
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Total Budget Remaining	Remaining	Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	1,929	13,596	29,400	15,804	54%	35,280	21,684	61%		
513000	Temporary Salaries	1,311	11,583	13,667	2,084	15%	16,400	4,817	29%		
516000	Fringe Benefits	1,435	13,396	20,267	6,871	34%	24,320	10,924	45%		
510000	**Salaries and Benefits**	**4,675**	**38,574**	**63,333**	**24,759**	**39%**	**76,000**	**37,426**	**49%**	**17%**	**33%**
520000	Operating Expenses										
521000	Travel	140	24,524	30,750	6,226	20%	36,900	12,376	34%		
532000	Supply/Material - Professional	3,155	84,840	93,750	8,910	10%	112,500	27,660	25%		
534000	Bldg, Grounds, Vehicle Supply	0	112	167	54	33%	200	88	44%		
535000	Miscellaneous Supplies	0	25	83	58	70%	100	75	75%		
536000	Office Supplies	0	680	1,667	986	59%	2,000	1,320	66%		
552000	Other Equipment under $5,000	0	13,705	16,083	2,379	15%	19,300	5,596	29%		
571000	Insurance	0	20	17	(3)	-19%	20	0	1%		
582000	Rentals/Leases - Bldg/Land	0	1,971	4,167	2,196	53%	5,000	3,029	61%		
591000	Repairs	0	34,253	121,458	87,205	72%	145,750	111,497	76%		
601000	IT - Data Processing	0	158	3,050	2,892	95%	3,660	3,502	96%		
602000	IT - Communications	165	2,672	3,333	661	20%	4,000	1,328	33%		
621000	Operating Fees and Services	0	0	5,223	5,223	100%	6,267	6,267	100%		
623000	Professional Fees and Services	0	0	9,583	9,583	100%	11,500	11,500	100%		
520000	**Operating Expenses**	**3,460**	**162,959**	**289,331**	**126,372**	**44%**	**347,197**	**184,238**	**53%**	**17%**	**36%**
681000	Capital Assets										
691000	Equipment Over $5000	0	187,358	259,167	71,809	28%	311,000	123,642	40%		
681000	**Capital Assets**	**0**	**187,358**	**259,167**	**71,809**	**28%**	**311,000**	**123,642**	**40%**	**17%**	**23%**
712000	**Grants, Benefits & Claims**	**527,247**	**4,894,622**	**7,200,000**	**2,305,378**	**32%**	**8,640,000**	**3,745,378**	**43%**	**17%**	**27%**
	Total Expenditures	535,382	5,283,513	7,811,831	2,528,318	32%	9,374,197	4,090,684	44%	17%	27%
	Expenditures by Source										
	Total Special Fund Expenditures	535,382	5,283,513	7,811,831	2,528,318	32%	9,374,197	4,090,684			
	Total Expenditures by Source	535,382	5,283,513	7,811,831	2,528,318	32%	9,374,197	4,090,684	44%	17%	27%

12500 - Attorney Generals Office
Level: 125-200-1-250
Remote Alcohol Monitors

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
520000	Operating Expenses										
552000	Other Equipment under $5,000	0	842,500	1,000,000	157,500	16%	1,200,000	357,500	30%		
520000	**Operating Expenses**	**0**	**842,500**	**1,000,000**	**157,500**	**16%**	**1,200,000**	**357,500**	**30%**	**17%**	**13%**
	Total Expenditures	**0**	**842,500**	**1,000,000**	**157,500**	**16%**	**1,200,000**	**357,500**	**30%**	**17%**	**13%**
	Expenditures by Source										
	Total General Fund Expenditures	0	842,500	1,000,000	157,500	16%	1,200,000	357,500			
	Total Expenditures by Source	**0**	**842,500**	**1,000,000**	**157,500**	**16%**	**1,200,000**	**357,500**	**30%**	**17%**	**13%**

12500 - Attorney Generals Office
Level: 125-300
Crime Laboratory

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Biennium to Date				Actual vs. BTD Percent		Total Budget	Percent Budget	Percent Biennium	Percent
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Remaining	Remaining	Remaining	Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	131,481	2,458,889	2,526,167	67,278	3%	3,031,400	572,511	19%		
513000	Temporary Salaries	3,039	55,071	52,596	(2,475)	-5%	63,115	8,044	13%		
514000	Overtime	0	242	333	91	27%	400	158	39%		
516000	Fringe Benefits	51,000	976,197	991,186	14,989	2%	1,189,423	213,226	18%		
510000	**Salaries and Benefits**	**185,520**	**3,490,399**	**3,570,282**	**79,883**	**2%**	**4,284,338**	**793,939**	**19%**	**17%**	**2%**
	Accrued Leave	**0**	**0**	**107,283**	**107,283**	**100%**	**128,739**	**128,739**	**100%**	**17%**	**83%**
520000	Operating Expenses										
521000	Travel	3,433	66,846	86,890	20,044	23%	104,268	37,422	36%		
532000	Supply/Material - Professional	0	10,275	30,325	20,050	66%	36,390	26,115	72%		
533000	Food and Clothing	0	6,831	15,984	9,153	57%	19,181	12,350	64%		
534000	Bldg, Grounds, Vehicle Supply	1,564	13,203	18,333	5,130	28%	22,000	8,797	40%		
535000	Miscellaneous Supplies	0	1,400	14,437	13,037	90%	17,324	15,924	92%		
536000	Office Supplies	94	8,358	27,303	18,945	69%	32,763	24,405	74%		
541000	Postage	396	12,890	18,843	5,953	32%	22,612	9,722	43%		
542000	Printing	0	4,463	7,074	2,611	37%	8,489	4,026	47%		
552000	Other Equipment under $5,000	0	16,757	150,650	133,893	89%	180,780	164,023	91%		
553000	Office Equip & Furniture-Under	0	1,785	15,000	13,215	88%	18,000	16,215	90%		
561000	Utilities	6,009	138,397	200,258	61,860	31%	240,309	101,912	42%		
571000	Insurance	0	9,319	14,419	5,100	35%	17,303	7,984	46%		
581000	Rentals/Leases-Equipment&Other	199	3,823	6,193	2,371	38%	7,432	3,609	49%		
582000	Rentals/Leases - Bldg/Land	0	0	833	833	100%	1,000	1,000	100%		
591000	Repairs	11,634	410,463	553,480	143,017	26%	664,176	253,713	38%		
602000	IT - Communications	1,218	26,223	31,452	5,229	17%	37,742	11,519	31%		
611000	Professional Development	50	26,285	66,057	39,771	60%	79,268	52,983	67%		
621000	Operating Fees and Services	3,491	36,745	543,871	507,126	93%	652,645	615,900	94%		
623000	Professional Fees and Services	46,751	320,551	665,001	344,449	52%	798,001	477,450	60%		
625000	Medical, Dental and Optical	14,555	539,265	851,855	312,590	37%	1,022,226	482,961	47%		
520000	**Operating Expenses**	**89,393**	**1,653,880**	**3,318,258**	**1,664,378**	**50%**	**3,981,909**	**2,328,029**	**58%**	**17%**	**42%**
681000	Capital Assets										
683000	Other Capital Payments	0	697,523	638,210	(59,313)	-9%	765,852	68,329	9%		
691000	Equipment Over $5000	0	534,846	803,621	268,775	33%	964,345	429,499	45%		
693000	IT Equip / Software Over $5000	0	0	12,500	12,500	100%	15,000	15,000	100%		
681000	**Capital Assets**	**0**	**1,232,369**	**1,454,331**	**221,962**	**15%**	**1,745,197**	**512,828**	**29%**	**17%**	**13%**
	Total Expenditures	**274,913**	**6,376,648**	**8,450,153**	**2,073,505**	**25%**	**10,140,183**	**3,763,535**	**37%**	**17%**	**20%**
	Expenditures by Source										
	Total General Fund Expenditures	207,139	4,731,061	5,264,762	533,700	10%	6,317,714	1,586,653			
	Total Federal Fund Expenditures	9,493	1,140,044	2,116,617	976,572	46%	2,539,940	1,399,896			
	Total Special Fund Expenditures	58,281	505,542	1,068,774	563,232	53%	1,282,529	776,987			
	Total Expenditures by Source	**274,913**	**6,376,648**	**8,450,153**	**2,073,505**	**25%**	**10,140,183**	**3,763,535**	**37%**	**17%**	**20%**

12500 - Attorney Generals Office
Level: 125-300-35
Forensic Med. Exam Reimbursmnt

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
520000	Operating Expenses										
621000	Operating Fees and Services	2,400	2,400	0	(2,400)	-100%	0	(2,400)	-100%		
623000	Professional Fees and Services	46,600	301,190	550,000	248,810	45%	660,000	358,810	54%		
520000	**Operating Expenses**	**49,000**	**303,590**	**550,000**	**246,410**	**45%**	**660,000**	**356,410**	**54%**	**17%**	**37%**
	Total Expenditures	**49,000**	**303,590**	**550,000**	**246,410**	**45%**	**660,000**	**356,410**	**54%**	**17%**	**37%**
	Expenditures by Source										
	Total Special Fund Expenditures	49,000	303,590	550,000	246,410	45%	660,000	356,410			
	Total Expenditures by Source	**49,000**	**303,590**	**550,000**	**246,410**	**45%**	**660,000**	**356,410**	**54%**	**17%**	**37%**

12500 - Attorney Generals Office
Level: 125-400
Consumer Protection

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	45,719	907,914	919,480	11,567	1%	1,103,376	195,463	18%		
516000	Fringe Benefits	16,972	337,659	337,231	(428)	0%	404,677	67,018	17%		
510000	**Salaries and Benefits**	**62,691**	**1,245,573**	**1,256,711**	**11,138**	**1%**	**1,508,053**	**262,480**	**17%**	**17%**	**1%**
	Accrued Leave	**0**	**10,048**	**37,763**	**27,715**	**73%**	**45,315**	**35,268**	**78%**	**17%**	**61%**
520000	Operating Expenses										
521000	Travel	608	13,662	22,434	8,772	39%	26,921	13,259	49%		
532000	Supply/Material - Professional	0	895	7,974	7,079	89%	9,569	8,674	91%		
534000	Bldg, Grounds, Vehicle Supply	0	13	833	820	98%	1,000	987	99%		
535000	Miscellaneous Supplies	0	452	833	382	46%	1,000	548	55%		
536000	Office Supplies	13	5,503	10,833	5,330	49%	13,000	7,497	58%		
541000	Postage	0	5,168	12,500	7,332	59%	15,000	9,832	66%		
542000	Printing	0	3,950	6,667	2,717	41%	8,000	4,050	51%		
552000	Other Equipment under $5,000	0	505	425	(80)	-19%	510	5	1%		
553000	Office Equip & Furniture-Under	0	0	8,333	8,333	100%	10,000	10,000	100%		
571000	Insurance	0	853	1,667	813	49%	2,000	1,147	57%		
581000	Rentals/Leases-Equipment&Other	6	105	4,167	4,061	97%	5,000	4,895	98%		
582000	Rentals/Leases - Bldg/Land	0	109,137	153,087	43,950	29%	183,704	74,567	41%		
591000	Repairs	92	1,205	3,750	2,545	68%	4,500	3,295	73%		
602000	IT - Communications	964	19,347	24,167	4,820	20%	29,000	9,653	33%		
611000	Professional Development	0	1,420	4,167	2,747	66%	5,000	3,580	72%		
621000	Operating Fees and Services	642	14,590	88,743	74,153	84%	106,492	91,902	86%		
623000	Professional Fees and Services	0	709	16,667	15,958	96%	20,000	19,291	96%		
520000	**Operating Expenses**	**2,324**	**177,514**	**367,247**	**189,733**	**52%**	**440,696**	**263,182**	**60%**	**17%**	**43%**
	Total Expenditures	**65,015**	**1,433,134**	**1,661,720**	**228,586**	**14%**	**1,994,064**	**560,930**	**28%**	**17%**	**11%**
	Expenditures by Source										
	Total General Fund Expenditures	49,393	991,879	1,065,128	73,250	7%	1,278,154	286,275			
	Total Special Fund Expenditures	15,622	441,255	596,592	155,336	26%	715,910	274,655			
	Total Expenditures by Source	**65,015**	**1,433,134**	**1,661,720**	**228,586**	**14%**	**1,994,064**	**560,930**	**28%**	**17%**	**11%**

3/18/

12500 - Attorney Generals Office
Level: 125-500
Gaming

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	65,576	1,330,521	1,341,892	11,370	1%	1,610,270	279,749	17%		
516000	Fringe Benefits	25,892	531,335	552,323	20,987	4%	662,787	131,452	20%		
510000	**Salaries and Benefits**	**91,468**	**1,861,857**	**1,894,214**	**32,357**	**2%**	**2,273,057**	**411,200**	**18%**	**17%**	**1%**
	Accrued Leave	**492**	**7,560**	**56,862**	**49,302**	**87%**	**68,234**	**60,674**	**89%**	**17%**	**72%**
520000	Operating Expenses										
521000	Travel	1,757	47,420	57,812	10,392	18%	69,374	21,954	32%		
532000	Supply/Material - Professional	0	13	1,250	1,237	99%	1,500	1,487	99%		
534000	Bldg, Grounds, Vehicle Supply	0	5	1,292	1,286	100%	1,550	1,545	100%		
535000	Miscellaneous Supplies	0	180	1,292	1,112	86%	1,550	1,370	88%		
536000	Office Supplies	98	7,109	12,247	5,137	42%	14,696	7,587	52%		
541000	Postage	516	9,388	10,250	862	8%	12,300	2,912	24%		
542000	Printing	152	8,155	16,750	8,595	51%	20,100	11,945	59%		
553000	Office Equip & Furniture-Under	0	4,665	6,239	1,574	25%	7,487	2,822	38%		
571000	Insurance	0	1,306	2,333	1,028	44%	2,800	1,494	53%		
581000	Rentals/Leases-Equipment&Other	116	2,410	3,229	819	25%	3,875	1,465	38%		
582000	Rentals/Leases - Bldg/Land	0	7,654	8,608	954	11%	10,330	2,676	26%		
591000	Repairs	27	586	917	331	36%	1,100	514	47%		
601000	IT - Data Processing	51	968	1,250	282	23%	1,500	532	35%		
602000	IT - Communications	608	12,752	13,293	541	4%	15,952	3,200	20%		
611000	Professional Development	255	15,066	28,500	13,434	47%	34,200	19,134	56%		
621000	Operating Fees and Services	66	4,906	7,613	2,708	36%	9,136	4,230	46%		
623000	Professional Fees and Services	0	669	32,460	31,791	98%	38,952	38,283	98%		
520000	**Operating Expenses**	**3,646**	**123,252**	**205,335**	**82,083**	**40%**	**246,402**	**123,150**	**50%**	**17%**	**33%**
712000	**Grants, Benefits & Claims**	**0**	**373,851**	**425,000**	**51,149**	**12%**	**510,000**	**136,149**	**27%**	**17%**	**10%**
	Total Expenditures	**95,605**	**2,366,520**	**2,581,411**	**214,891**	**8%**	**3,097,693**	**731,173**	**24%**	**17%**	**7%**
	Expenditures by Source										
	Total General Fund Expenditures	83,135	1,703,054	1,803,208	100,154	6%	2,163,849	460,795			
	Total Special Fund Expenditures	12,471	663,466	778,203	114,738	15%	933,844	270,378			
	Total Expenditures by Source	**95,605**	**2,366,520**	**2,581,411**	**214,891**	**8%**	**3,097,693**	**731,173**	**24%**	**17%**	**7%**

26

12500 - Attorney Generals Office
Level: 125-500-76
Gaming Commission

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Budget	(Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	0	600	1,303	703	54%	1,563	963	62%		
516000	Fringe Benefits	0	40	598	557	93%	717	677	94%		
510000	**Salaries and Benefits**	**0**	**640**	**1,900**	**1,260**	**66%**	**2,280**	**1,640**	**72%**	**17%**	**55%**
520000	Operating Expenses										
521000	Travel	0	0	1,896	1,896	100%	2,275	2,275	100%		
582000	Rentals/Leases - Bldg/Land	0	30	25	(5)	-20%	30	0	0%		
602000	IT - Communications	0	164	471	307	65%	565	401	71%		
621000	Operating Fees and Services	0	6	1,848	1,842	100%	2,218	2,212	100%		
520000	**Operating Expenses**	**0**	**200**	**4,240**	**4,040**	**95%**	**5,088**	**4,888**	**96%**	**17%**	**79%**
	Total Expenditures	**0**	**840**	**6,140**	**5,300**	**86%**	**7,368**	**6,528**	**89%**	**17%**	**72%**
	Expenditures by Source										
	Total General Fund Expenditures	0	840	6,140	5,300	86%	7,368	6,528			
	Total Expenditures by Source	**0**	**840**	**6,140**	**5,300**	**86%**	**7,368**	**6,528**	**89%**	**17%**	**72%**

27

12500 - Attorney Generals Office
Level: 125-600
Fire Marshal

Organizational Status Report by Summary Account
For Month E:.ding February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Percent Budget	Percent Biennium	
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Remaining	Remaining	Percent Difference
	Expenditures									
510000	Salaries and Benefits									
511000	Salaries - Permanent	32,032	744,622	850,498	105,876	12%	1,020,597	275,976	27%	
512000	Salaries - Other	0	9,217	10,000	783	8%	12,000	2,783	23%	
513000	Temporary Salaries	0	16,521	18,417	1,895	10%	22,100	5,579	25%	
516000	Fringe Benefits	12,283	290,630	310,941	20,311	7%	373,129	82,499	22%	
510000	**Salaries and Benefits**	**44,315**	**1,060,991**	**1,189,855**	**128,864**	**11%**	**1,427,826**	**366,835**	**26%**	**17%** **9%**
	Accrued Leave	**0**	**23,880**	**35,753**	**11,874**	**33%**	**42,904**	**19,025**	**44%**	**17%** **28%**
520000	Operating Expenses									
521000	Travel	2,913	78,412	125,833	47,421	38%	151,000	72,588	48%	
532000	Supply/Material - Professional	104	2,681	4,583	1,903	42%	5,500	2,819	51%	
533000	Food and Clothing	0	15	2,167	2,152	99%	2,600	2,585	99%	
534000	Bldg, Grounds, Vehicle Supply	0	1,179	2,917	1,738	60%	3,500	2,321	66%	
535000	Miscellaneous Supplies	0	181	833	652	78%	1,000	819	82%	
536000	Office Supplies	0	4,495	6,875	2,380	35%	8,250	3,755	46%	
541000	Postage	43	1,924	9,167	7,243	79%	11,000	9,076	83%	
542000	Printing	0	836	22,917	22,081	96%	27,500	26,664	97%	
552000	Other Equipment under $5,000	0	344	1,250	906	72%	1,500	1,156	77%	
553000	Office Equip & Furniture-Under	0	526	833	307	37%	1,000	474	47%	
571000	Insurance	0	871	1,667	796	48%	2,000	1,129	56%	
581000	Rentals/Leases-Equipment&Other	0	0	42	42	100%	50	50	100%	
582000	Rentals/Leases - Bldg/Land	735	78,501	103,534	25,033	24%	124,241	45,740	37%	
591000	Repairs	0	940	1,250	310	25%	1,500	560	37%	
602000	IT - Communications	766	11,805	14,167	2,362	17%	17,000	5,195	31%	
603000	IT Contractual Services and Re	0	0	62,500	62,500	100%	75,000	75,000	100%	
611000	Professional Development	100	3,160	5,833	2,673	46%	7,000	3,840	55%	
621000	Operating Fees and Services	49	5,489	15,343	9,854	64%	18,412	12,923	70%	
623000	Professional Fees and Services	134	4,318	146,750	142,432	97%	176,100	171,782	98%	
520000	**Operating Expenses**	**4,845**	**195,677**	**528,461**	**332,784**	**63%**	**634,153**	**438,476**	**69%**	**17%** **52%**
681000	Capital Assets									
691000	Equipment Over $5000	0	6,899	5,750	(1,149)	-20%	6,900	1	0%	
681000	**Capital Assets**	**0**	**6,899**	**5,750**	**(1,149)**	**-20%**	**6,900**	**1**	**0%**	**17%** **-17%**
	Total Expenditures	**49,159**	**1,287,446**	**1,759,819**	**472,373**	**27%**	**2,111,783**	**824,337**	**39%**	**17%** **22%**
	Expenditures by Source									
	Total General Fund Expenditures	33,566	920,945	1,078,780	157,835	15%	1,294,536	373,591		
	Total Special Fund Expenditures	15,593	366,501	681,039	314,539	46%	817,247	450,746		
	Total Expenditures by Source	**49,159**	**1,287,446**	**1,759,819**	**472,373**	**27%**	**2,111,783**	**824,337**	**39%**	**17%** **22%**

12500 - Attorney Generals Office
Level: 125-711
Lottery

Organizational Status Report by Summary Account
For Month Ending February 28, 2015

NDS4911CC_125_REVISED_2015B
Biennium 13-15

		Current Month	Biennium to Date Actuals	Biennium to Date Budget	Biennium to Date (Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining	Percent Budget Remaining	Percent Biennium Remaining	Percent Difference
	Expenditures										
510000	Salaries and Benefits										
511000	Salaries - Permanent	47,227	924,098	929,980	5,882	1%	1,115,976	191,878	17%		
513000	Temporary Salaries	1,101	23,390	32,917	9,526	29%	39,500	16,110	41%		
514000	Overtime	0	4,202	5,000	798	16%	6,000	1,798	30%		
516000	Fringe Benefits	18,340	358,819	360,270	1,451	0%	432,324	73,505	17%		
510000	**Salaries and Benefits**	**66,668**	**1,310,510**	**1,328,167**	**17,657**	**1%**	**1,593,800**	**283,290**	**18%**	**17%**	**1%**
520000	Operating Expenses										
521000	Travel	891	72,344	108,333	35,990	33%	130,000	57,656	44%		
531000	Supplies - IT Software	0	1,833	16,667	14,834	89%	20,000	18,167	91%		
532000	Supply/Material - Professional	0	5	1,667	1,661	100%	2,000	1,995	100%		
533000	Food and Clothing	0	0	417	417	100%	500	500	100%		
534000	Bldg, Grounds, Vehicle Supply	0	85	833	748	90%	1,000	915	91%		
535000	Miscellaneous Supplies	57	1,589	4,167	2,577	62%	5,000	3,411	68%		
536000	Office Supplies	1,095	15,425	16,667	1,241	7%	20,000	4,575	23%		
541000	Postage	58	18,498	33,333	14,836	45%	40,000	21,502	54%		
542000	Printing	1,314	20,136	33,333	13,198	40%	40,000	19,864	50%		
551000	IT Equipment under $5,000	618	1,248	7,500	6,252	83%	9,000	7,752	86%		
552000	Other Equipment under $5,000	0	0	1,667	1,667	100%	2,000	2,000	100%		
553000	Office Equip & Furniture-Under	0	0	2,500	2,500	100%	3,000	3,000	100%		
571000	Insurance	0	731	3,333	2,602	78%	4,000	3,269	82%		
581000	Rentals/Leases-Equipment&Other	0	75	833	758	91%	1,000	925	93%		
582000	Rentals/Leases - Bldg/Land	0	74,123	85,000	10,877	13%	102,000	27,877	27%		
591000	Repairs	33	1,111	12,333	11,222	91%	14,800	13,689	92%		
601000	IT - Data Processing	2,223	43,506	43,750	244	1%	52,500	8,994	17%		
602000	IT - Communications	928	15,334	22,500	7,166	32%	27,000	11,666	43%		
603000	IT Contractual Services and Re	16,700	90,825	298,333	207,508	70%	358,000	267,175	75%		
611000	Professional Development	219	34,597	65,417	30,820	47%	78,500	43,903	56%		
621000	Operating Fees and Services	0	783,920	1,232,453	448,533	36%	1,478,944	695,024	47%		
623000	Professional Fees and Services	1,515	25,990	117,814	91,824	78%	141,377	115,387	82%		
520000	**Operating Expenses**	**25,651**	**1,201,376**	**2,108,851**	**907,475**	**43%**	**2,530,621**	**1,329,245**	**53%**	**17%**	**36%**
681000	Capital Assets										
691000	Equipment Over $5000	0	9,393	7,833	(1,559)	-20%	9,400	8	0%		
681000	**Capital Assets**	**0**	**9,393**	**7,833**	**(1,559)**	**-20%**	**9,400**	**8**	**0%**	**17%**	**-17%**
	Total Expenditures	**92,319**	**2,521,279**	**3,444,851**	**923,572**	**27%**	**4,133,821**	**1,612,542**	**39%**	**17%**	**22%**
	Expenditures by Source										
	Total Special Fund Expenditures	92,319	2,521,279	3,444,851	923,572	27%	4,133,821	1,612,542			
	Total Expenditures by Source	**92,319**	**2,521,279**	**3,444,851**	**923,572**	**27%**	**4,133,821**	**1,612,542**	**39%**	**17%**	**22%**

OFFICE OF ATTORNEY BUDGET REQUESTS FOR THE 2015-17 BIENNIUM - 2015 ENGROSSED SENATE BILL NO 2003

3.

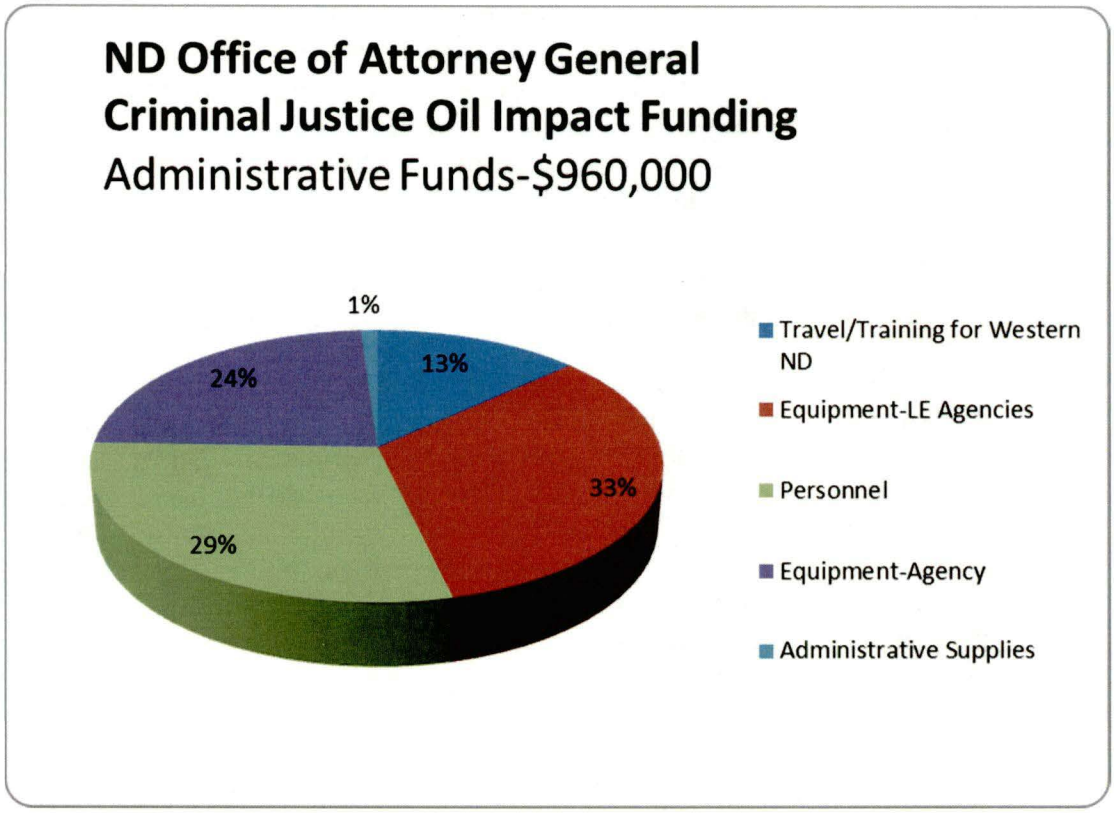
NUMBERS SHOWN IN NARRATIVE ARE FROM LEGISLATIVE COUNCIL	S&W	OPERATING	EQUIPMENT	GRANTS	CJIS	LOTTERY	TOTAL	GF	FF	OF	TOTAL	
• Adds 2.00 FTE criminal investigators ($383,057) and operating expenses ($155,721) to the Watford City area	373,907	148,303	71,675				593,885			593,885	593,885	Oil & Gas Impact
• Adds 1.00 FTE Assistant Attorney General ($215,457) and operating expenses ($86,746) for oil impacted areas (High Intensity Drug Trafficking Area)	199,317	86,746	-				286,063		162,687	123,376	286,063	Oil & Gas Impact
• Adds 2.00 FTE criminal investigators ($383,058) and operating expenses, to Williston for oil impacted areas and provides funding to support assistance to Internet Crimes Against Children affiliates ($206,646)	373,907	213,493	105,200				692,600			692,600	692,600	Oil & Gas Impact
• Adds 2.00 FTE intelligence analyst positions that were previously funded through federal funds	267,980	-	-				267,980			267,980	267,980	Oil & Gas Impact
• Adds 1.00 FTE administrative assistant ($116,346) and related operating expenses ($15,875) for classification of sex offenders from out-of-state	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE criminal investigator ($191,529) and operating expenses ($69,100) to the Southwest area	186,953	50,392	32,000				269,345			269,345	269,345	Oil & Gas Impact
• Adds 1.00 FTE administrative assistant ($116,346) and related operating expenses ($15,875) for managing the narcotics buy fund, tracking statistics and other administrative functions	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE grants administrative assistant ($116,346) and related operating expenses ($15,875)	106,459	21,874	-				128,333			128,333	128,333	Oil & Gas Impact
• Adds 1.00 FTE Assistant Attorney General ($181,912) and related operating expenses ($16,766)	167,891	25,412	-				193,303			193,303	193,303	Oil & Gas Impact
• Adds 1.00 FTE forensic scientist	152,618	25,896	-				178,514			178,514	178,514	Oil & Gas Impact
• Adds .50 FTE attorney to assist in the Criminal/Regulatory legal division	128,061	19,971	-				148,032			148,032	148,032	Oil & Gas Impact
• Adds 1.00 FTE intelligence analyst for oil impacted areas	133,990	43,897	-				177,887			177,887	177,887	Oil & Gas Impact
• Adds 1.00 FTE victim witness advocate position for oil impacted areas	133,990	43,897	-				177,887			177,887	177,887	Oil & Gas Impact
• Adds 4.00 FTE BCI agent II positions for oil impacted areas	747,813	201,568	128,000				1,077,381	270,336		807,045	1,077,381	Oil & Gas Impact
• Law enforcement grant				20,000,000			20,000,000			20,000,000	20,000,000	Oil & Gas Impact
• Law enforcement operating expenses		20,068					20,068			20,068	20,068	Oil & Gas Impact
• Tru Narc testing kits			258,700				258,700		129,350	129,350	258,700	Oil & Gas Impact
• Salary & benefit package	220,710						220,710			220,710	220,710	Oil & Gas Impact
Total oil impact law enforcement funding	3,406,514	945,265	595,575	20,000,000			24,947,354	270,336	292,037	24,384,981	24,947,354	
4. Restores FTE programmer analyst position ($142,278) and related expenses ($31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium	142,278	31,314					173,592	142,278		31,314	173,592	AG Refund fund
5. Adds 2.0 paralegal positions ($270,339) and related expenses ($37,040)	270,339	37,040					307,379			307,379	307,379	AG Operating fund
6. Adds 1.0 FTE gaming staff ($121,845) and related expenses ($21,985)	121,845	21,985					143,830	82,907		60,923	143,830	AG Refund fund

OFFICE OF ATTORNEY BUDGET REQUESTS FOR 2015-17 BIENNIUM - 2015 ENGROSSED SENATE BILL NO 2003

	NUMBERS SHOWN IN NARRATIVE ARE FROM LEGISLATIVE COUNCIL	S&W	OPERATING	EQUIPMENT	GRANTS	CJIS	LOTTERY	TOTAL	GF	FF	OF	TOTAL	
7.	Adds 2.0 concealed weapons administrative assistant FTE positions ($212,917) and related expenses ($48,848)	212,918	48,848					261,766			261,766	261,766	AG Operating
8.	Provides tobacco enforcement funding from the tobacco settlement trust fund		200,000					200,000			200,000	200,000	Tobacco Settlement Trust fund
9.	Provides funding for changes to the North Dakota Lottery, which includes $226,200 for a new multi-state game, $88,800 for public notices, and $715,000 for the new player's club points for prizes program						1,030,000	1,030,000			1,030,000	1,030,000	Lottery Operating fund
10.	Provides funding for information technology contractual service and repairs		800,000					800,000			800,000	800,000	AG Refund fund
11.	Provides funding for the criminal history improvement project ($970,000) and BCI and State Crime Laboratory application enhancements ($634,000)		1,604,000					1,604,000			1,604,000	1,604,000	AG Refund fund
12.	Crime Lab building feasibility study		30,000					30,000			30,000	30,000	AG Refund fund
13.	Provides funding for information technology software and supplies		262,332					262,332	262,332			262,332	
14.	Operating expense increase. **The Senate increased operating expenses by an additional $200,000 from the general fund to provide a total increase of $1,241,794.**		1,241,794					1,241,794	1,133,418		108,376	1,241,794	AG Operating, AG Refund, Reduced Cigarette Ignition Propensity funds
15.	Other funds changes		(140,000)					(140,000)			(140,000)	(140,000)	
16.	Reduces federal funds for BCI - operating & grants - grant award reductions		(471,191)		(611,288)			(1,082,479)		(1,082,479)		(1,082,479)	
17.	Reduce State Crime Laboratory capital payments				(369)			(369)	(369)			(369)	
18.	Remove equipment				(163,198)			(163,198)			(163,198)	(163,198)	
19.	Removes completed information technology projects		(4,754,908)					(4,754,908)			(4,754,908)	(4,754,908)	AG Refund fund
20.	Adds **one-time funding** to purchase 10 undercover BCI vehicles				220,000			220,000	220,000			220,000	
												-	
	Senate Changes											-	
•	Transfer Criminal Justice Information Sharing (CJIS) to Attorney General					4,346,219		4,346,219	3,400,219	650,000	296,000	4,346,219	User fees
•	One-time funding for continued development of selected projects for Criminal Justice Information Sharing & consultant					250,000		250,000	250,000			250,000	
•	CJIS 1.0 FTE business analyst					250,000		250,000	250,000			250,000	
•	CJIS Law Enforcement Records Management System (LERMS) project		-			230,000		230,000	230,000			230,000	
•	CJIS States/ Attorney Records System (STARS) project		-			330,000		330,000	330,000			330,000	5,406,219
•	Law Enforcement FTE's surge funding							1,000,000	1,000,000			1,000,000	
•	Medicaid Fraud Control Unit 4.0 FTE (attorney, criminal investigator, auditor and administrative assistant and related expenses)	724,892	190,502	20,000				935,394	93,539	841,855		935,394	
•	3 Surveillance vans			300,000				300,000	100,000	200,000		300,000	
•	Crime Lab DOT highway traffic safety equipment			300,000				300,000		300,000		300,000	

ND Office of Attorney General
Criminal Justice Oil Impact Funding
Administrative Funds-$960,000

Administrative Budget



- **<u>TRAINING/TRAVEL FOR LOCAL LAW ENFORCEMENT</u> - $127,500**

  The office paid for local law enforcement travel, meals, and lodging/room rental expenses for grant hearings and travel/per diem/hotel and trainer costs associated with office sponsored trainings for oil producing counties (see below).

  <u>Firearms trainings</u> <u>were held in Minot, Williston, and Belfield (31 attendees).</u>
  Office criminal investigators provided training to local law enforcement (students) to increase maintenance of weapons systems knowledge, deployment considerations, and a basic understanding of how each weapons system works. The office provided hands-on safe weapon handling and range drills, which enabled the students to become proficient in precision shooting; combat shooting; balancing speed and accuracy; reloading; dealing with malfunctions; engaging multiple targets; performing transition drills; shooting around cover; low-light engagements, shooting on the move; and reactive shooting. All supply and ammunition costs were paid by the office.

Basic Drug Investigation training was held in Mandan (20 attendees).
Office of Attorney General criminal investigators provided training which enabled local law enforcement (students) to acquire knowledge and skills requisite to the successful investigation of trafficking and distribution of controlled substances, as well as the enforcement of violations of laws pertaining to narcotics and other types of abused drugs. Students learned to identify various classes of controlled substances and those most commonly encountered in today's drug culture. They learned to plan, implement, and conduct quality narcotics investigations which included learning about selective participation of confidential informants; exercising undercover operations; and utilization of technical surveillance devices. Students also learned how to gather and interpret evidence of the crime and prepare concise documentation to promote the successful prosecution of the offenders.

Basic Criminal Investigation training was held in Williston (21 attendees) and an additional training is scheduled to be held in Bismarck in May 2015.
Office of Attorney General criminal investigators provided training which allowed local law enforcement (students) to gain experience and knowledge of various skills and techniques through lecture, demonstration, and case review. They learned to secure a crime scene, locate and properly collect evidence, identify pertinent information, manage an investigation, delegate duties, coordinate multiagency investigations, network with other law enforcement agencies, identify injuries, photograph evidence, interview victims, witnesses, and suspects, complete reports, document evidence, account for investigative leads, and prepare for court proceedings.

Human Trafficking trainings were held in Williston, Watford City, and Dickinson for multidisciplinary agencies (101 attendees). Law enforcement only training was held in Dickinson (16 attendees) and Minot (17 attendees) on March 4 & 5, 2015.
In October 2014, an outside anti-human trafficking consultant (formerly with the San Jose Police Human Trafficking Task Force) taught local law enforcement (students) how to identify victims and develop strategies to investigate cases of labor trafficking, domestic servitude, and sex trafficking. Training was designed to help create response teams to provide services to victims and tools and training for law enforcement, advocates, prosecutors, and medical professionals. Students explored the identification and worldwide impact of human trafficking and its ties to North Dakota, a multidisciplinary response and task force model, active collaboration among local, state, and federal partners as well as training and public outreach models. Two follow-up trainings were offered in March 2015 in Minot and Dickinson for law enforcement only. The focus for that 8-hour training was on proactive operations, documentation, report writing, evidence collection, and working with prosecutors to improve the investigation and prosecution of human trafficking cases.

A Decoy/Bite K-9 training was held in Dickinson in June 2014 (14 attendees) and a narcotics training was held in Bismarck in September 2014 (17 attendees).

A retired K-9 handler/trainer for the US Army, US Secret Service, and Harrisburg City Police Department trained local law enforcement (students) on ground fighting, frontal bites and attacks, and civil agitation. Students gained a working knowledge of animal behavior and canine communication. Students were also trained to use proper techniques using the full suit, all level of sleeves, civil agitation, muzzle agitation, and hidden sleeve. The training covered bite sleeve presentation, K-9 behavior analysis, K-9 inter-communication, communicating through body language, addressing a K-9 opponent, recognizing stress, safety issues, and equipment.

K-9 Narcotics Enhancement Training

A retired K-9 handler/trainer for the US Army, US Secret Service, and Harrisburg City Police Department offered this course to enhance team search ability through classroom and practical exercise instruction. The training covered selection and training of dogs, search strategies and patterns, theory of odor dispersion, setting up training aid containers, training records, canine drives and communication, and case law. Certification was offered.

- **EQUIPMENT - For local law enforcement agencies - $317,000**

  This equipment included Ramsey boxes (cyber investigative equipment), and Livescan (electronic fingerprint device) units.

- **PERSONNEL - $275,000**

  These funds included salary & benefits and operating expenses for an office part-time assistant attorney general, partial salary for a High Intensity Drug Trafficking Area (HIDTA) attorney serving western North Dakota, and salary and benefits for an administrative assistant. The part-time assistant attorney general is performing duties normally handled by other Criminal/Regulatory prosecutors so these prosecutors can provide more services to cities and counties, particularly in western North Dakota.

- **OFFICE EQUIPMENT - $225,500**

  Office criminal investigators are called in to assist in any North Dakota officer involved shooting, homicide, and other major crimes against persons cases. All equipment purchased by the office is used to aid in those investigations.

  The equipment purchased was: a panoramic camera system for crime scenes, Automated Fingerprint Identification System (AFIS) upgrades, portable Livescan (electronic fingerprint device), IVN conferencing system, and radio repeaters (enhances radio signals and is located in the agency crime scene truck which is used as a command post).

- **ADMINISTRATIVE SUPPLIES - $10,000**

  This included office supplies, grant hearing supplies, etc.

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Adams County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
22	8	2	2	10	3	16	12

Barnes County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
150	57	4	61	28	31	30	85

BCI - Admin. Only

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1	0	0	0	1	0	0	0

Benson County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Billings County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
5	4	0	0	1	1	0	7

Bottineau County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
15	1	0	0	14	1	1	0

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Bowman County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
14	3	0	4	7	2	7	7

Burke County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
9	7	0	0	2	0	0	3

Burleigh County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
2484	1685	487	56	256	938	1045	1239

36

Cass County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1560	767	487	40	266	251	4457	568

Cavalier County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
12	4	1	6	1	5	1	6

Dept.of Corrections

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
101	59	13	0	29	0	0	0

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Dickey County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
14	4	2	3	5	0	1	3

Divide County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Dunn County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
66	24	5	0	37	1	0	6

Eddy County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
7	1	1	1	4	2	1	5

Emmons County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
23	12	0	8	3	10	3	12

Foster County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
24	19	1	1	3	1	1	5

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Golden Valley County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
20	10	1	0	9	7	13	1

Grand Forks County Correctional Center

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
709	406	159	12	132	196	128	438

Grant County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

38

Griggs County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
34	26	2	0	6	17	18	0

Hettinger County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
21	8	1	0	12	3	0	1

Kidder County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
29	21	2	5	1	1	1	11

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Lake Region Law Enforcement Center

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
288	160	43	40	45	31	188	144

LaMoure County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
21	18	1	0	2	0	0	0

Logan County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
17	10	1	5	1	1	0	9

McHenry County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
23	6	0	10	7	0	0	11

McIntosh County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
47	31	1	12	3	3	4	16

McKenzie County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
274	160	55	4	55	58	91	44

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

McLean County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
202	127	35	2	38	33	11	48

Mercer County Jail

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
248	191	22	7	28	64	27	74

Morton County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1112	855	152	23	82	560	820	396

Mountrail County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
62	19	0	39	4	10	136	52

Nelson County Sheriff's Department

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Oliver County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
15	13	0	2	0	5	6	5

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Sargent County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
55	33	2	1	19	0	0	13

Sheridan County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
18	10	1	6	1	1	0	8

Sioux County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Slope County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Stark County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
533	298	49	61	125	70	1262	129

Steele County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

ND 24/7 Sobriety Program
Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Pembina County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
18	9	1	2	6	0	8	3

Pierce County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
28	20	1	1	6	3	2	15

Ransom County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
35	19	1	4	11	0	0	10

Renville County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
7	4	1	0	2	0	0	1

Richland County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
63	38	4	9	12	29	47	34

Rolette County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
16	5	0	1	10	3	1	1

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Stutsman County Corrections

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
377	260	17	16	84	130	327	31

Towner County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
0	0	0	0	0	0	0	0

Traill County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
51	24	1	7	19	3	2	24

Walsh County Sheriff's Dept.

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
53	17	4	9	23	14	110	10

Ward County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
1038	711	103	95	129	446	507	1138

Wells County Sheriff's Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
43	26	9	2	6	0	0	16

43

ND 24/7 Sobriety Program

Admin Statistics Report

Run Date: 3/18/2015

For Dates: Jan. 2007 to Feb. 2015

Williams County Sheriffs Office

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
261	99	8	1	153	33	27	12

Totals For All Testing Sites

Participants	Graduated	Failed	Reoffended	Active	PBT Tests Failed	No Shows	Total Reoffended
10225	6289	1680	558	1698	2967	9299	4653

Participants	The number of people in the program during the date range.
Graduated	The number of participants who's status at the end of the date range was graduated from the program.
Failed	The number of participants who's status at the end of the date range was failed from the program.
Reoffended	The number of participants who's status at the end of the date range was reoffended from the program.
Active	The number of participants who's status at the end of the date range was active in the program.
PBT Tests Failed	The number of times a PBT test was failed during the date range.
No Shows	The number of times participants did not show for testing during the date range.
Total Reoffended	The number of times the participants had reoffended during the date range.

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	0.00	$0	$0	$0
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445				$0
Salary increase - Performance		1,978,003	119,327	2,097,330		1,580,965	89,515	1,670,480		(397,038)	(29,812)	(426,850)
Salary increase - Market equity		445,933	21,748	467,681				0		(445,933)	(21,748)	(467,681)
Salary increase - Targeted equity			322,814	322,814				0			(322,814)	(322,814)
Retirement contribution increase		203,391	11,837	215,228				0		(203,391)	(11,837)	(215,228)
Health insurance increase		979,282	56,995	1,036,277		979,282	56,995	1,036,277				0
Funding for oil impact law enforcement package												0
Oil impact law enforcement grants			20,000,000	20,000,000			20,000,000	20,000,000				0
New FTE criminal investigators	5.00		1,388,830	1,388,830	5.00		1,388,830	1,388,830				0
New FTE intelligence analysts	3.00		437,049	437,049	3.00		480,946	480,946			43,897	43,897
New FTE BCI agent II	4.00		765,891	765,891	4.00	270,336	495,555	765,891		270,336	(270,336)	0
New FTE BCI agent I	1.00		145,683	145,683	1.00		189,580	189,580			43,897	43,897
New FTE Assistant Attorney General - Oil-impacted areas	1.00		302,136	302,136	1.00		302,136	302,136				0
New FTE Assistant Attorney General	1.00		198,619	198,619	1.00		198,619	198,619				0
New FTE administrative assistants	2.00		264,380	264,380	2.00		264,380	264,380				0
New FTE grants administrator	1.00		132,190	132,190	1.00		132,190	132,190				0
New FTE forensic scientist	1.00		165,554	165,554	1.00		165,554	165,554				0
New FTE attorney - Criminal/regulatory division	0.50		165,264	165,264	0.50		165,264	165,264				0
Funding for other operating expense in oil-impacted areas		270,336	490,712	761,048			673,254	673,254		(270,336)	182,542	(87,794)
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592				0
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379				0
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830				0
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766				0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			200,000	200,000				0
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000				0
Information technology contractual service and repairs			800,000	800,000			800,000	800,000				0
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000				0
Building feasibility study			30,000	30,000			30,000	30,000				0
Information technology software and supplies		262,332		262,332		262,332		262,332				0
Operating expenses increase		933,418	108,376	1,041,794		1,133,418	108,376	1,241,794		200,000		200,000
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)				0
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)				0
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)				0
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)				0
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)				0
Transfer criminal justice information sharing				0	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	886,000	4,156,219
Medicaid fraud unit				0	4.00	93,539	841,855	935,394	4.00	93,539	841,855	935,394
Increase federal funding for highway traffic safety equipment				0			300,000	300,000			300,000	300,000
Total ongoing funding changes	25.50	$5,548,609	$23,299,549	$28,848,158	35.50	$8,066,005	$24,941,193	$33,007,198	10.00	$2,517,396	$1,641,644	$4,159,040

	Executive Budget Recommendation	Senate Version
Criminal justice data information sharing system		Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.
Salary of Attorney General	Section 5 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $153,916 (4 percent) in state fiscal year 2016 and to $160,072 (4 percent) in state fiscal year 2017.	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.
Amendment to Section 54-27-25		Section 11 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
Repeal		Section 12 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.
Emergency	Section 7 declares Section 3 to be an emergency measure.	Section 13 declares Sections 3 and 4 to be an emergency measure.

April 8, 2015 SB2003 Attachment A

15.8136.02002
Title.

Prepared by the Legislative Council staff for
Representative Brandenburg
March 16, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, after "enact" insert "a new section to chapter 27-05 and"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses and to"

Page 4, after line 2, insert:

"**SECTION 8.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness."

Renumber accordingly

SB2003 April 8, 2015 Attachment B

15.8136.02006
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
Representative Skarphol
March 25, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 4, after the first comma insert "54-12-08,"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general,"

Page 1, replace line 16 with:

"Salaries and wages	$34,806,462	$6,989,279	$41,795,741"

Page 1, replace line 18 with:

"Operating expenses	26,994,056	(1,023,961)	25,970,095"

Page 2, replace lines 5 through 8 with:

"Total all funds	$72,657,978	$36,381,698	$109,039,676
Less estimated income	35,382,450	25,141,193	60,523,643
Total general fund	$37,275,528	$11,240,505	$48,516,033
Full-time equivalent positions	212.50	41.50	254.00"

Page 6, after line 30, insert:

"**SECTION 10. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$34,806,462	$40,303,241	$1,492,500	$41,795,741
Operating expenses	26,994,056	25,858,095	112,000	25,970,095
Capital assets	2,165,077	2,879,187		2,879,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507		24,815,507
Criminal justice information sharing		5,406,219		5,406,219
Total all funds	$72,657,978	$107,435,176	$1,604,500	$109,039,676
Less estimated income	35,382,450	60,523,643	0	60,523,643
General fund	$37,275,528	$46,911,533	$1,604,500	$48,516,033
FTE	212.50	248.00	6.00	254.00

Department No. 125 - Attorney General - Detail of House Changes

	Adds Funding for Higher Education Attorneys[1]	Total House Changes
Salaries and wages	$1,492,500	$1,492,500
Operating expenses	112,000	112,000
Capital assets		
Grants		
Litigation fees		
Abortion litigation fees		
Medical examinations		
North Dakota lottery		
Arrest and return of fugitives		
Gaming commission		
Accrued leave payments		
Law enforcement grants		
Criminal justice information sharing		
Total all funds	$1,604,500	$1,604,500
Less estimated income	0	0
General fund	$1,604,500	$1,604,500
FTE	6.00	6.00

[1] Adds funding for 6 attorney FTE positions to provide legal services to the Board of Higher Education and its institutions.

SB2001 April 8, 2015 Attachment C

15.8136.02001
Title.

Prepared by the Legislative Council staff for
Representative Skarphol
March 5, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, replace "a" with "two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "attorney general opinions and"

Page 5, after line 6, insert:

"**SECTION 9.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Renumber accordingly

SB 2003
4-20-15
#1

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Senate Version				House Version				House Changes to Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	0.00	$0	$0	$0
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445			$0	$0
Salary increase - Performance		1,580,965	89,515	1,670,480		1,360,255	89,515	1,449,770		(220,710)	0	(220,710)
Salary increase - Market equity				0				0				0
Salary increase - Targeted equity				0				0				0
Retirement contribution increase				0				0				0
Health insurance increase		979,282	56,995	1,036,277		809,278	46,312	855,590		(170,004)	(10,683)	(180,687)
Funding for oil impact law enforcement package												0
Oil impact law enforcement grants			20,000,000	20,000,000			0	0			(20,000,000)	(20,000,000)
New FTE criminal investigators	5.00		1,388,830	1,388,830	0.00		0	0	(5.00)		(1,388,830)	(1,388,830)
New FTE intelligence analysts	3.00		480,946	480,946	0.00		0	0	(3.00)		(480,946)	(480,946)
New FTE BCI agent II	4.00	270,336	495,555	765,891	0.00	0	0	0	(4.00)	(270,336)	(495,555)	(765,891)
New FTE BCI agent I	1.00		189,580	189,580	0.00		0	0	(1.00)		(189,580)	(189,580)
New FTE Assistant Attorney General - Oil-impacted areas	1.00		302,136	302,136	0.00		0	0	(1.00)		(302,136)	(302,136)
New FTE Assistant Attorney General	1.00		198,619	198,619	0.00		0	0	(1.00)		(198,619)	(198,619)
New FTE administrative assistants	2.00		264,380	264,380	0.00		0	0	(2.00)		(264,380)	(264,380)
New FTE grants administrator	1.00		132,190	132,190	0.00		0	0	(1.00)		(132,190)	(132,190)
New FTE forensic scientist	1.00		165,554	165,554	0.00		0	0	(1.00)		(165,554)	(165,554)
New FTE attorney - Criminal/regulatory division	0.50		165,264	165,264	0.00		0	0	(0.50)		(165,264)	(165,264)
Funding for other operating expense in oil-impacted areas			673,254	673,254			0	0			(673,254)	(673,254)
FTE higher education legal staff (HB 1003)				0	6.00	1,599,982		1,599,982	6.00	1,599,982		1,599,982
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592			0	0
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379			0	0
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830			0	0
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766			0	0
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			0	0			(200,000)	(200,000)
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000			0	0
Information technology contractual service and repairs			800,000	800,000			800,000	800,000			0	0
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000			0	0
Building feasibility study			30,000	30,000			0	0			(30,000)	(30,000)
Information technology software and supplies		262,332		262,332		262,332		262,332				0
Operating expenses increase		1,133,418	108,376	1,241,794		1,133,418	108,376	1,241,794			0	0
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)			0	0
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)			0	0
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)				0
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)			0	0
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)			0	0
Transfer criminal justice information sharing	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	881,482	4,151,701			(4,518)	(4,518)
Medicaid fraud unit	4.00	93,539	841,855	935,394	0.00	0	0	0	(4.00)	(93,539)	(841,855)	(935,394)
Increase federal funding for highway traffic safety equipment			300,000	300,000			300,000	300,000			0	0
Total ongoing funding changes	35.50	$8,066,005	$24,941,193	$33,007,198	18.00	$8,911,398	($602,171)	$8,309,227	(17.50)	$845,393	($25,543,364)	($24,697,971)

1.1

One-time funding items												
Replace 10 undercover vehicles		$220,000		$220,000		$132,000		$132,000		($88,000)		($88,000)
Three surveillance vehicles		100,000	200,000	300,000		66,667	133,333	200,000		(33,333)	(66,667)	(100,000)
Transfer criminal justice information sharing projects		1,250,000		1,250,000		1,250,000		1,250,000				0
Total one-time funding changes	0.00	$1,570,000	$200,000	$1,770,000	0.00	$1,448,667	$133,333	$1,582,000	0.00	($121,333)	($66,667)	($188,000)
Total Changes to Base Level Funding	35.50	$9,636,005	$25,141,193	$34,777,198	18.00	$10,360,065	($468,838)	$9,891,227	(17.50)	$724,060	($25,610,031)	($24,885,971)
2015-17 Total Funding	248.00	$46,911,533	$60,523,643	$107,435,176	230.50	$47,635,593	$34,913,612	$82,549,205	(17.50)	$724,060	($25,610,031)	($24,885,971)

Other Sections in Senate Bill No. 2003

	Senate Version	House Version
Appropriation - 2013-15 biennium	Section 3 appropriates $1 million from the general fund to the Attorney General for up to 10 FTE positions to assist with law enforcement activities in areas impacted by oil development for the period beginning with effective date of this Act and ending June 30, 2015.	
Continuing appropriations	Section 4 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Exemption - Grants to law enforcement agencies	Section 5 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.	Section 4 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.
Oil-impacted county law enforcement grants	Section 6 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the Attorney General for oil-impacted areas and $20 million in grants, is for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The Attorney General may spend up to 10 percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the Attorney General's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The Attorney General shall report to the budget section annually and to the appropriations committees of the 65th Legislative Assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.	
Exemption	Section 7 provides an exemption for the amount appropriated for law enforcement grants in the law enforcement grants line item in Section 1 of this Act is not subject to Section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.	

	Senate Version	House Version
New section to chapter 27-05		Section 5 creates a new section to chapter 27-05 requires the district courts to pay for State Crime Lab expert witness travel costs for testifing with the exception of class AA felony cases, and allowing the expert witness to testify via the state's interactive video network service or other interactive computer service.
New section to chapter 54-12		Section 6 creates a new section to chapter 54-12 requiring the Attorney General to notify a requestor within 30 days as to the status of their opinion request.
Amendment to Section 53-12.1-09	Section 8 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.	Section 7 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.
Criminal justice data information sharing system	Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.	Section 8 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.
Amendment to Section 54-12-08		Section 9 amends section 54-12-08 relating to assistant and special assitant Attorneys General to allow access to to review records under the Family Educational Rights and Privacy Act.
Salary of Attorney General	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.
Amendment to Section 54-27-25	Section 11 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.	
Repeal	Section 12 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.	Section 11 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.
Emergency	Section 13 declares Sections 3 and 4 to be an emergency measure.	Section 12 declares Section 4 to be an emergency measure.

~~DPA - 19.4.0~~

SB 2003
4-20-15
2

15.8136.02007
Title.

Fiscal No. 2

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations Division Committee
April 9, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after "enact" insert "a new section to chapter 27-05 and"

Page 1, line 2, replace the second "a" with "two"

Page 1, line 2, replace the second "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, to attorney general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08, and"

Page 1, line 4, remove ", and 54-27-25"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general, and"

Page 1, line 5, remove ", and the"

Page 1, line 6, remove "tobacco settlement trust fund"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$5,947,335	$40,753,797
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,444,463)	25,549,593
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$9,891,227	$82,549,205
Less estimated income	35,382,450	(468,838)	34,913,612
Total general fund	$37,275,528	$10,360,065	$47,635,593
Full-time equivalent positions	212.50	18.00	230.50"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,582,000

Total special funds	0	133,333
Total general fund	$376,100	$1,448,667"

Page 2, remove lines 25 through 30

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness.

SECTION 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 9. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and

insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 7, remove lines 7 through 30

Page 8, remove lines 1 through 18

Page 8, line 20, replace "Sections" with "Section"

Page 8, line 20, remove "and section 4"

Page 8, line 20, replace "are" with "is"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	$34,806,462	$40,303,241	$450,556	$40,753,797
Operating expenses	26,994,056	25,858,095	(308,502)	25,549,593
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507	(24,815,507)	
Criminal justice information sharing		5,406,219	(4,518)	5,401,701
Total all funds	$72,657,978	$107,435,176	($24,885,971)	$82,549,205
Less estimated income	35,382,450	60,523,643	(25,610,031)	34,913,612
General fund	$37,275,528	$46,911,533	$724,060	$47,635,593
FTE	212.50	248.00	(17.50)	230.50

Department No. 125 - Attorney General - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases[1]	Adds Funding for Higher Education Legal Staff[2]	Removes Funding for Oil Impact Law Enforcement Grants[3]	Removes Funding for Medicaid Fraud Unit[4]	Removes Funding for Tobacco Enforcement[5]	Removes Funding for Building Feasibility Study[6]
Salaries and wages	($180,687)	$1,487,982	($131,847)	($724,892)		
Operating expenses		112,000		(190,502)	(200,000)	(30,000)
Capital assets				(20,000)		
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants			(24,815,507)			
Criminal justice information sharing	(4,518)					
Total all funds	($185,205)	$1,599,982	($24,947,354)	($935,394)	($200,000)	($30,000)
Less estimated income	(15,201)	0	(24,456,308)	(841,855)	(200,000)	(30,000)
General fund	($170,004)	$1,599,982	($491,046)	($93,539)	$0	$0
FTE	0.00	6.00	(19.50)	(4.00)	0.00	0.00

	Reduces One-Time Funding for Undercover Vehicles[7]	Reduces One-Time Funding for Surveillance Vehicles[8]	Total House Changes
Salaries and wages			$450,556
Operating expenses			(308,502)
Capital assets	(88,000)	(100,000)	(208,000)
Grants			
Litigation fees			
Abortion litigation fees			
Medical examinations			
North Dakota lottery			
Arrest and return of fugitives			

Gaming commission			
Accrued leave payments			(24,815,507)
Law enforcement grants			(4,518)
Criminal justice information sharing			
Total all funds	($88,000)	($100,000)	($24,885,971)
Less estimated income	0	(66,667)	(25,610,031)
General fund	($88,000)	($33,333)	$724,060
FTE	0.00	0.00	(17.50)

[1] Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of $1,130.22 per month.

[2] Funding is added from the general fund for 6 FTE positions, related salary increases and health insurance increases ($1,487,982) and related operating expenses ($112,000) for providing legal services to the North Dakota University System.

[3] The funding shown below is removed for oil impact law enforcement grants. The other funds include $24,164,271 from the oil and gas impact grant fund.

	FTE	General Fund	Other Funds	Total
New criminal investigators	(5.00)		($1,388,830)	($1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	($270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance			(220,710)	(220,710)
Total	(19.50)	($270,336)	($24,677,018)	($24,947,354)

[4] Funding for a Medicaid fraud unit is removed as shown below:

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	($72,489)	($652,403)	($724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	($93,539)	($841,855)	($935,394)

[5] Funding has been removed for tobacco enforcement and Section 12 has been removed, which amended Section 54-27-25 to allow tobacco settlement funding to be appropriated to the Attorney General for tobacco enforcement.

[6] Funding is removed from other funds for a building feasibility study.

[7] Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover vehicles approved by the Senate.

[8] Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate.

This amendment also:

- Removes a section to appropriate $1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the

bill, $24,164,271 is from the oil and gas impact grant fund, of which $20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and $4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.

- Removes a section which provided an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education.
- Removes the appropriation of $1 million from the general fund to the Attorney General from the emergency clause.

#3

SB 2003
4-20-15

3.1

OFFICE OF ATTORNEY GENERAL 2015-17 BIENNIUM POSITION PRIORITIZATION

133377

	AMOUNT		FUND	GF	FF	OF	TOTAL
HIGH PRIORITY STAFF BASE SALARY ADJUSTMENTS							
	1,276,301	CRIMINAL INVESTIGATOR BASE SALARY ADJUSTMENTS	SIIF			1,276,301	1,276,301
	199,473	GAMING AUDIT STAFF BASE SALARY ADJUSTMENTS	85% GF / 15% AG REFUND	169,552		29,921	199,473
TOTAL	1,475,774						

	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL
CURRENTLY FILLED POSITIONS								
	1	FILLED PROGRAMMER/ANALYST	172,839	GF/ AG REFUND	150,465		31,314	181,779
	2	FILLED CRIMINAL INTELLIGENCE ANALYSTS (TEMP-SLIC)	266,474	SIIF			266,474	266,474
	1.5	FILLED CRIMINAL REGULATORY ATTORNEYS	432,589	SIIF/FF		218,594	213,995	432,589
	1	FILLED SEX OFFENDER ADMINISTRATIVE ASSISTANT (TEMP)	127,580	SIIF			127,580	127,580
	1	FILLED GRANTS ADMINISTRATIVE ASSISTANT - (TEMP LE GRT)	127,580	SIIF			127,580	127,580
TOTAL	6.5		1,127,062					
				441,227				

	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL
FTE'S IN HOUSE VERSION OF ENGROSSED SENATE BILL NO. 2003								
	1	GAMING AUDITOR	143,077	GF/ AG REFUND	82,470		60,607	143,077
	2	CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	260,260	AG OPERATING			260,260	260,260
	2	PARALEGALS	305,873	AG OPERATING			305,873	305,873
TOTAL	5		709,210					

PRIORITY	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL
NEW LAW ENFORCEMENT FTE'S								
1	2	HUMAN TRAFFICKING/CYBERCRIME CRIMINAL INVESTIGATORS	691,094	SIIF			691,094	691,094
2	2	WATFORD CITY CRIMINAL INVESTIGATORS	592,379	SIIF			592,379	592,379
3	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592
4	2	DICKINSON/SOUTHWEST CRIMINAL INVESTIGATORS	537,185	SIIF			537,185	537,185
5	1	SOUTHEAST CRIMINAL INVESTIGATOR	268,592	GF	268,592			268,592
6	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592
7	1	VICTIM WITNESS ADVOCATE	177,134	SIIF			177,134	177,134
8	1	CRIMINAL INTELLIGENCE ANALYST (SLIC)	177,134	SIIF			177,134	177,134
9	1	DNA FORENSIC SCIENTIST	177,761	SIIF			177,761	177,761
10	1	CRIMINAL REGULATORY ATTORNEY	192,550	SIIF			192,550	192,550
11	1	GRANTS ADMINISTRATIVE ASSISTANT	127,580	SIIF			127,580	127,580
12	1	BCI WORD PROCESSING ADMINISTRATIVE ASSISTANT	127,580	SIIF			127,580	127,580
TOTAL	15		3,606,172					

	QUANTITY	POSITION	FUND	GF	FF	OF	TOTAL
2015 STATE LEGISLATION * & FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT							
	2	CRIMINAL HISTORY IDENTIFICATION TECHNICIANS	310,536 GF	310,536			310,536
	2						

	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL
NEW SENATE ADDED FTE'S								
13	4	MEDICAID FRAUD CONTROL UNIT - 1 ATTORNEY, 1 CRIMINAL INVESTIGATOR, 1 AUDITOR, 1 ADMINISTRATIVE ASSISTANT	932,382	GF/FF	93,238	839,143		932,382
TOTAL	4							
				TOTAL	1,074,853	1,057,737	6,037,486	8,170,077

6.5	CURRENTLY FILLED POSITIONS
5	FIRST ENGROSSMENT SB 2003 WITH HOUSE AMENDMENTS
15	TOTAL NEW LAW ENFORCEMENT POSITIONS
2	NEW STATE & FEDERAL LEGISLATION - CRIMINAL HISTORY RECORD CHECKS
4	NEW POSITIONS - ENGROSSED SB 2003 - SENATE VERSION
32.5	TOTAL ALL REQUESTED POSITIONS

OTHER FUNDS	
SIIF	5,349,511
AG OPERATING	566,133
AG REFUND	121,842
TOTAL OTHER FDS	6,037,486

* 2015 LEGISLATION - HOUSE BILL NO'S 1105,1125, SENATE BILL NO'S 2077, 2085, 2145, 2236

GF	GENERAL FUND
FF	FEDERAL FUNDS
SIIF	STRATEGIC INVESTMENT & IMPROVEMENTS FUND
SLIC	STATE & LOCAL INTELLIGENCE CENTER
LE	LAW ENFORCEMENT OIL GRANT

NOTE: AMOUNTS ARE ADJUSTED BY $753 PER FTE FOR HEALTH INSURANCE CHANGE

2015 LEGISLATIVE BILLS WITH AN IMPACT ON THE OFFICE OF ATTORNEY GENERAL

# OF CHR BILLS	BILL #	DESCRIPTION	# ESTIMATED RECORD CHECKS	FTE'S	GF	FF	OF	TOTAL	STATUS
1	1105	CRIMINAL HISTORY RECORD CHECKS FOR ADJUTANT GENERAL & VOLUNTEERS	400						GOVERNOR SIGNED
2	1125	CRIMINAL HISTORY RECORD CHECKS FOR PARKS & REC & VOLUNTEERS	200						GOVERNOR SIGNED
	1235	ELECTRONIC QUICK SHOT BINGO			20,333			20,333	GOVERNOR SIGNED
3	2077	CRIMINAL HISTORY RECORD CHECKS FOR GAME & FISH EE'S & VOLUNTEERS	60	1	155,268			155,268	GOVERNOR SIGNED
4	2085	CRIMINAL HISTORY RECORD CHECKS FOR MASSAGE THERAPISTS	100						GOVERNOR SIGNED
		INCREASES THE NUMBER OF SCHOOL ENTITIES WHO CAN REQUEST CRIMINAL HISTORY							
5	2145	RECORD CHECKS	0						GOVERNOR SIGNED
6	2236	CRIMINAL HISTORY CHECKS FOR MEDICAL IMAGING , RADIATION THERAPY	0						GOVERNOR SIGNED
TOTAL FISCAL IMPACT OF ABOVE BILLS			**760 ESTIMATED REC CKS**		**175,601**	**-**	**-**	**175,601**	
		FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT - DHS	**7,315**	**2**	**155,268**			**155,268**	
TOTAL ESTIMATED CRIMINAL HISTORY RECORD CHECKS			**8,075**						
TOTAL FISCAL IMPACT OF ABOVE BILLS AND FEDERAL CHILDCARE & DEVELOPMENT BLOCK GRANT				**2.0**	**330,869**		**-**	**330,869**	

SB 2003
4-20-15
#4

H.1

SB 2003
4-20-15
#5

2015-17 BIENNIUM BUDGET INFORMATION

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
AGENT SALARY EQUITY			1,276,301			1,276,301	1,276,301	Office criminal investigators are significanlty underpaid compared to their counterparts (Highway Patrol officers with 5 years experience earn $56,000 per year, Belfield Police Department is paying $57,000 per year, & there are similar salary disparities throughout the state). Starting office criminal investigators (with 5 years experience) are paid $48,235 after probation. The office is requesting $900 per month in additional compensation to increase all investigators' salaries & help ensure the office is able to attract experienced officers to work for this office. **Funding - Oil & Gas Impact fund**
2.0 FTE CRIMINAL INVESTIGATORS	2	38	602,923			602,923	602,923	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: Oil & Gas Impact fund**
1.0 FTE HIDTA ATTORNEY (EXISTING)	1	1	170,289		30,840	139,449	170,289	The requested full-time prosecutor position is spearheading the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts. Of this amount, $131,847 was included in salaries & wages rather than the law enforcement grant line item. **Funding: federal High Intensity Drug Trafficking Act (HIDTA) funds & Oil & Gas Impact fund**
2.0 FTE HUMAN TRAFFICKING & CRIMINAL INVESTIGATORS	2	4	701,639			701,639	701,639	These investigators will be utilized to expand and cover the high demand for assistance with human trafficking and cyber-crime related cases in western North Dakota. **Funding: Oil & Gas Impact fund**
2.0 FTE INTELLIGENCE ANALYSTS	2	2	291,366			291,366	291,366	These two intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases. These 2 full-time temporary criminal intelligence analysts have been funded from federal Community Oriented Policing Services (COPS) funding which will not be avaiable in the 2015-17 biennium. **Funding: Oil & Gas Impact fund**
1.0 SEX OFFENDER REGISTRY ADMINISTRATIVE ASSISTANT	1	3	138,189			138,189	138,189	The increase in population due to the energy industry has greatly impacted the sex offender registration section. Keeping this information updated is imperative to keep citizens informed regarding offenders and the risk they pose to the public. **Funding: Oil & Gas Impact fund**

2015-17 BIENNIUM BUDGET INFORMATION

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
1.0 CRIMINAL INVESTIGATOR - SOUTHWEST	1	See the 2.0 criminal investigators current FTE's	273,864	270,366		3,498	273,864	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: General fund**
1.0 FTE BCI ADMINISTRATIVE ASSISTANT - WORD PROCESSING	1	6	138,189			138,189	138,189	The anticipated substantial increase in the number of criminal investigators due to the heavy demands on western North Dakota law enforcement results in the need for an additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests. **Funding: Oil & Gas Impact fund**
1.0 FTE GRANTS ADMINISTRATIVE ASSISTANT	1	1	138,189			138,189	138,189	Nearly all services provided by the office's grants section have increased beyond any expectations. Further impacting the workload has been the management of the criminal justice oil impact grants. Subgrantee site visits and desk reviews are important, however, current staff simply does not have the hours available to conduct these visits. **Funding: Oil & Gas Impact fund**
1.0 FTE CRIMINAL/REGULATORY ATTORNEY	1	30	207,269			207,269	207,269	In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to due to Speedy Trial constraints, and that victims of crime in oil impact counties will fail to see justice done. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion. **Funding: Oil & Gas Impact fund**
1.0 FORENSIC SCIENTIST	1	19	191,450			191,450	191,450	Two years ago, the number of submissions for biological screening and DNA cases has increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change. **Funding: Oil & Gas Impact fund**
.5 FTE CRIMINAL/REGULATORY ATTORNEY (EXISTING)	0.5	See Criminal/Regulatory attorney above	159,328			159,328	159,328	This position handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. **Funding: Oil & Gas Impact fund**
1.0 CRIMINAL INTELLIGENCE ANALYST	1	See Criminal Intelligence analysts above	189,580			189,580	189,580	These two intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases. **Funding: Oil & Gas Impact fund**

2015-17 BIENNIUM BUDGET INFORMATION

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
1.0 VICTIM WITNESS ADVOCATE	1	0	189,580			189,580	189,580	The need for personnel assisting these crime victims, while the trained investigators work on the criminal elements of the case, has increased significantly. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes. **Funding: Oil & Gas Impact fund**
4.0 CRIMINAL INVESTIGATORS	4	See 2 Criminal Investigators above	1,612,859		129,350	1,483,509	1,612,859	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: Oil & Gas Impact fund**
$ 20 MILLION FOR LAW ENFORCEMENT GRANTS, OF WHICH 10% CAN BE USED BY THE ATTORNEY GENERAL TO ADDRESS REGIONAL ISSUES SUCH AS TRAINING, MANUALS, EQUIPMENT AND OTHER NEEDS			20,000,000			20,000,000	20,000,000	The office requests funding of $20 million for local law enforcement oil impact grants to assist in addressing criminal activity in oil-producing counties by providing funding for requests such as overtime, additional officers and staff, addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues, adequately equipping local law enforcement, and offering assistance to affordably house law enforcement staff. **Funding: Oil & Gas Impact fund**
TOTAL OIL IMPACT LAW ENFORCEMENT FUNDING			26,281,014	270,366	160,190	25,850,458	26,281,014	25,178,275 131,847 25,310,122 25,327,527 17,405
PROGRAMMER/ ANALYST (EXISTING)	1	5	173,592	142,278	-	31,314	173,592	This continues the position permanently for BCI & Crime Lab IT projects. **Funding: GF & AG Refund fund**
.5 FTE PARALEGAL - STATE & LOCAL GOVERNMENT	0.5		72,354	-	-	72,354	72,354	Two paralegals are added due to the influx of people in the state increasing various state boards workload, the number of Labor Department wage claims more than doubling in two years, and the number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues. **Funding: AG operating fund - legal billings**
.5 FTE PARALEGAL - NATURAL RESOURCES	0.5	5	81,626	-	-	81,626	81,626	
1.0 FTE PARALEGAL - CIVIL LITIGATION	1		153,399	-	-	153,399	153,399	
1.0 FTE GAMING AUDITOR	1	11	143,830	82,907		60,923	143,830	The current staff can audit each gaming organization only every 5-7 years and with that some audits are only a review of one game type rather than a complete comprehensive audit. **Funding: General fund and AG Refund fund**
2.0 FTE CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	2	3	261,766	-	-	261,766	261,766	Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily required time. **Funding: AG Operating fund - concealed weapon license fees**

Provided by this office
SB 2003
4-21-15
4/4/15
#1

NDUS Office - Legal and Internal Audit
Supported by State General Fund
Prepared for Legislative Council, 01/28/15

	(1) Legal		(2) Internal Audit	
2013-15 transfer from UND and NDSU for staff located at their campuses	$2,354,102		$771,964	
NDUS Office 2013-15 original appropriation 1/	$204,038	2/		3/
Estimated general fund base funding	$2,558,140		$771,964	
2015-17 Increases in Executive Recommendation:				
Increase to fund existing 7FTE & eliminate campus assessments			$929,942	
Increase to add 3 new FTE funded from general fund			$820,419	
2015-17 compensation adjustments	$113,431		$36,001	
2015-17 Est health increase	$37,131		$30,223	
Total Estimated 2015-17 State Appropriated Funding for Legal and Internal Audit, Included in the Executive Budget Recommendation	$2,708,702	4/, 6/	$2,588,550	5/, 7/

1/ General funding included in 13-15 budget request for specific legal and audit positions

2/ Two 0.30 FTE positions + operating paid from general fund

3/ in 13-15 no state funding included in original appropriation fo audit

4/ Legal FTE - Includes 8.6 FTE currently filled positions

5/ Audit FTE - Includes 3 FTE currently filled positions, 4 FTE current vacant positions and 3 FTE new 2015-17 positions. Assumes that 100% of audit function is paid from state general fund per 15-17 Exec. Budget Recommendation, and assessment is discontinued.

6/ The above totals represent only general fund estimated costs, and do not include the costs of 70% of 2 legal positions currently assessed to the campuses and CTS. Estimated salaries and operating costs of those positions total $438,061 for 2015-17.

7/ Does not include $219,486 GF committed from "general" NDUS Office budget to support audit positions as filled; however, most of funds were not used due to position vacancies.

Legal Internal Audit LG.xlsx]

2013-15 Estimated Actual Costs for Legal Positions

2013-15 Estimated Salaries & Fringe Benefits		
Evans, Charles (UND-L)		$267,929
Evans, Julie (UND-L)		388,190.00
Jenkins, Jason (UND-L)		373,794.00
Hammer, Matthew (NDSU-L)		214,155.00
Wilson, Chris (NDSU-L)		424,936.00
Brisbin, Noah		203,544.00
Kolb, Tracy		103,188.00
Goulet, Cynthia		330,212.00
Ness, Claire		104,040.00
Michael, Michele UND L Admin Assist		20,086.00
Crystal Olson (UND-L Admin Assist)		52,462.00
Monson, Mimi (NDSU-L Admin Asst)		112,429.00
Harrington, Karen UND L Admin Assist		66,327.00
* Rohleder, Mary (UND Paralegal) Estimated salary paid hourly		24,000.00
Subtotal - Salaries & Fringe Benefits		**2,685,292**
2013-15 Estimated Operating		167,587
Total 2013-15 Estimated Cost		**$2,852,879**
2013-15 Funding Sources:		
General Fund	1/	**$2,401,715**
Campus and CTS Assessments		**$451,164**
Total 2013-15 Funding Sources		**$2,852,879**

Potential Additional Expenses for 13-15			
Included but not limited to ITD, Rent, Equipment, NACUAA Conference FY15	1/	**$156,000**	**($145,800 GF; $10,200 Assessments)**

1/ Total 2013-15 estimated potential GF cost $2,547,515 ($2,401,715+$145,800). HB1003 eliminated $2,558,140 from NDUS Office base for legal positions.

2015-17 Estimated Costs for Legal Positions

	Est 2015-17 Salary & FB	Est 2015-17 Operating expense	Est 2015-17 Rent expense	Total Est 2015-17 Expenses
Evans, Charles (UND-L)	$287,804	$23,470	$14,400	$325,674
Evans, Julie (UND-L)	429,619	23,470	14,400	467,489
Jenkins, Jason (UND-L)	399,124	23,470	14,400	436,994
Hammer, Matthew (NDSU-L)	230,198	23,470	14,400	268,068
Wilson, Chris (NDSU-L)	454,442	23,470	14,400	492,312
Brisbin, Noah	216,500	23,470	13,914	253,884
Kolb, Tracy	317,335	23,470	22,562	363,367
Goulet, Cynthia	376,760	23,470	17,800	418,030
Crystal Olson (UND-L Admin Assist)	129,092	1,800	14,400	145,292
Monson, Mimi (NDSU-L Admin Asst)	121,798	1,800	14,400	137,998
* Rohleder, Mary (UND Paralegal) Estimated salary paid hourly	24,000	500	0	24,500
Total 2015-17 Estimated Cost	$2,986,671	$191,860	$155,076	$3,333,607

Salary & FB assumes 3% annual salary increase and health insurance increase
Rent is an estimate at UND and NDSU assuming they will be charging for each staff member
Rent is actual at NDUS, subject to rate increases eff 7-1-2015
Equipment estimated at $1,000 per yr per staff (assumes a 3 year replacement cycle)
Travel Estimated at $5500 per yr per staff (includes in-state and out-of state exp)
Operating etsimated at $1667 per year per staff(e.q. supplies, printing, etc)
Dues/Sub estimated at 3568 per year per staff (e.q. westlaw, Thompson Media subs, NACUA, ND State Board, etc.)

C:\Users\laura.glatt\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\NY529AQQ\[Legal Positions 2015-17 Est Cost - AG 4 2 15.xlsx]Summary 15-17 Est Sal&FB

SB 2003
4-21-15
#2

2015-17 BIENNIUM BUDGET INFORMATION - UPDATED AMOUNTS 4/20/15

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
AGENT BASE SALARY ADJUSTMENT			1,276,301			1,276,301	1,276,301	Office criminal investigators are significantly underpaid compared to their counterparts (Highway Patrol officers with 5 years experience earn $56,000 per year, Belfield Police Department is paying $57,000 per year, & there are similar salary disparities throughout the state). Starting office criminal investigators (with 5 years experience) are paid $48,235 after probation. The office is requesting $900 per month in additional compensation to increase all investigators' salaries & help ensure the office is able to attract experienced officers to work for this office. **Funding - Strategic Investment & Improvements fund**
2.0 FTE CRIMINAL INVESTIGATORS	2	38	592,379			592,379	592,379	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: Strategic Investment & Improvements fund**
1.0 FTE HIDTA ATTORNEY (EXISTING)	1	1	285,310		162,687	122,623	285,310	The requested full-time prosecutor position is spearheading the HIDTA drug prosecution efforts in the Bakken region in both state and federal courts. Of this amount, $131,847 was included in salaries & wages rather than the law enforcement grant line item. **Funding: federal High Intensity Drug Trafficking Act (HIDTA) funds & Strategic Investment & Improvements fund**
2.0 FTE HUMAN TRAFFICKING & CRIMINAL INVESTIGATORS	2	4	691,094			691,094	691,094	These investigators will be utilized to expand and cover the high demand for assistance with human trafficking and cyber-crime related cases in western North Dakota. **Funding: Strategic Investment & Improvements fund**
2.0 FTE INTELLIGENCE ANALYSTS	2	2	266,474			266,474	266,474	These two intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases. These 2 full-time temporary criminal intelligence analysts have been funded from federal Community Oriented Policing Services (COPS) funding which will not be available in the 2015-17 biennium. **Funding: Strategic Investment & Improvements fund**
1.0 SEX OFFENDER REGISTRY ADMINISTRATIVE ASSISTANT	1	3	127,580			127,580	127,580	The increase in population due to the energy industry has greatly impacted the sex offender registration section. Keeping this information updated is imperative to keep citizens informed regarding offenders and the risk they pose to the public. **Funding: Strategic Investment & Improvements fund**

2015-17 BIENNIUM BUDGET INFORMATION - UPDATED AMOUNTS 4/20/15

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
1.0 CRIMINAL INVESTIGATOR - SOUTHEAST	1	See Criminal Investigators above	268,592	268,592			268,592	This investigator will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: General fund**
1.0 FTE BCI ADMINISTRATIVE ASSISTANT - WORD PROCESSING	1	6	138,189			127,580	127,580	The anticipated substantial increase in the number of criminal investigators due to the heavy demands on western North Dakota law enforcement results in the need for an additional support staff to process investigative reports, transcribe verbatim interviews and undercover conversations, manage increased informant files and buy fund activities, and process open record requests. **Funding: Strategic Investment & Improvements fund**
1.0 FTE GRANTS ADMINISTRATIVE ASSISTANT	1	1	127,580			127,580	127,580	Nearly all services provided by the office's grants section have increased beyond any expectations. Further impacting the workload has been the management of the criminal justice oil impact grants. Subgrantee site visits and desk reviews are important, however, current staff simply does not have the hours available to conduct these visits. **Funding: Strategic Investment & Improvements fund**
1.0 FTE CRIMINAL/REGULATORY ATTORNEY	1	30	192,550			192,550	192,550	In a growing number of incidents the office needs to tell state's attorneys that the office is unable to assist them. The prospect is very real that cases may go uncharged, that those that are charged may get dismissed or pled down due to due to Speedy Trial constraints, and that victims of crime in oil impact counties will fail to see justice done. A bottleneck of cases at the prosecution stage will be inevitable unless both county and state agencies address the need for more prosecutors to bring criminal cases to a conclusion. **Funding: Strategic Investment & Improvements fund**
1.0 FORENSIC SCIENTIST	1	18	177,761			177,761	177,761	Two years ago, the number of submissions for biological screening and DNA cases has increased from 732 to 957, a 31% increase. Within the past two years DNA evidence analysis turn-around time for law enforcement averaged 83 days. The current average DNA turn-around time has increased to 175 days, a 110% change. **Funding: Strategic Investment & Improvements fund**
.5 FTE CRIMINAL/REGULATORY ATTORNEY (EXISTING)	0.5	See Criminal/Regulatory attorney above	147,279			147,279	147,279	This position handles more of the regulatory duties, thereby freeing up time for the other attorneys in the division to spend more time helping the oil impacted counties. **Funding: Strategic Investment & Improvements fund**
1.0 CRIMINAL INTELLIGENCE ANALYST	1	See Criminal Intelligence analysts above	177,134			177,134	177,134	These two intelligence analysts provide vital investigative support to various law enforcement agencies in North Dakota. Over the last year, the office has received numerous requests for case support, especially in the Bakken area, for serious felony level cases. **Funding: Strategic Investment & Improvements fund**

2015-17 BIENNIUM BUDGET INFORMATION - UPDATED AMOUNTS 4/20/15

LAW ENFORCEMENT POSITIONS	POSITION REQUESTED & APPROVED	CURRENT FTE'S	AMOUNT	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL	
1.0 VICTIM WITNESS ADVOCATE	1	0	177,134			177,134	177,134	The need for personnel assisting these crime victims, while the trained investigators work on the criminal elements of the case, has increased significantly. This advocate will work with local and county initiated crime victim witness advocates to provide crisis intervention and support services for victims of violent crimes. **Funding: Strategic Investment & Improvements fund**
4.0 CRIMINAL INVESTIGATORS	4	See Criminal Investigators above	1,074,369		129,350	945,019	1,074,369	These investigators will be responsible for conducting criminal, narcotic and human trafficking investigations and obtaining intelligence information which includes conducting interviews and surveillance, working with confidential informants and all criminal justice agencies, operating specialized equipment, gathering and maintaining evidence and working in an undercover capacity. The length and intensity of criminal investigations are beyond normal expectations. Investigators are investigating crimes that have not traditionally occurred in this state, including: gang activity, murder for hire, organized crime including drug trafficking. **Funding: Strategic Investment & Improvements fund**
$ 20 MILLION FOR LAW ENFORCEMENT GRANTS, OF WHICH 10% CAN BE USED BY THE ATTORNEY GENERAL TO ADDRESS REGIONAL ISSUES SUCH AS TRAINING, MANUALS, EQUIPMENT AND OTHER NEEDS			20,000,000			20,000,000	20,000,000	The office requests funding of $20 million for local law enforcement oil impact grants to assist in addressing criminal activity in oil-producing counties by providing funding for requests such as overtime, additional officers and staff, addressing and educating law enforcement and the public on human trafficking and domestic violence/sexual assault issues, adequately equipping local law enforcement, and offering assistance to affordably house law enforcement staff. **Funding: Strategic Investment & Improvements fund**
TOTAL OIL IMPACT LAW ENFORCEMENT FUNDING			25,719,726	268,592	292,037	25,148,488	25,709,117	
PROGRAMMER/ ANALYST (EXISTING)	1	5	173,592	141,525	-	31,314	172,839	This continues the position permanently for BCI & Crime Lab IT projects. **Funding: General Fund & AG Refund fund**
2.0 FTE PARALEGALS	2	5	153,399	-	-	305,873	305,873	Two paralegals are added due to the influx of people in the state increasing various state boards workload, the number of Labor Department wage claims more than doubling in two years, and the number of litigation cases and general counsel work has increased as a result of the oil boom (Health Department and Oil & Gas Division, Industrial Commission); western oil counties criminal litigation; EPA complex rulemaking (greenhouse gas emissions & Clean Water Act), federal air quality cases; Forest Service section line case (ongoing since 2001); legal disputes regarding mineral rights; and corporate farming issues. **Funding: AG operating fund - legal billings**
1.0 FTE GAMING AUDITOR	1	11	143,830	82,470		60,607	143,077	The current staff can audit each gaming organization only every 5-7 years and with that some audits are only a review of one game type rather than a complete comprehensive audit. **Funding: General fund & AG Refund fund**
2.0 FTE CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	2	3	261,766	-	-	260,260	260,260	Workload demands are beyond what these staff can handle, making it difficult to issue licenses within the statutorily required time. **Funding: AG Operating fund - concealed weapon license fees**

SB 2003
4-22-15 #1

Attorney General
Budget No. 125
Senate Bill No. 2003, House Bill No. 1269

	FTE Positions	General Fund	Other Funds	Total
2011-13 executive budget (bills as introduced)	202.50	$31,609,538	$26,841,318	$58,450,856
2011-13 legislative appropriations	**204.00**	**31,542,245**	**27,427,177**	**58,969,422**
Legislative increase (decrease) to executive budget	1.50	($67,293)	$585,859	$518,566
Legislative increase (decrease) to 2009-11 appropriations	1.50	$2,581,813	$2,225,768	$4,807,581

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 legislative appropriations	$28,960,432	$0	$28,960,432
2011-13 legislative appropriations	**31,229,845**	**312,400**	**31,542,245**
2011-13 legislative increase (decrease) to 2009-11 appropriations	$2,269,413	$312,400	$2,581,813
Percentage increase (decrease) to 2009-11 appropriations	7.8%	N/A	8.9%
2011-13 legislative increase (decrease) to executive budget	($67,293)	$0	($67,293)
Percentage increase (decrease) to executive budget	(0.2%)	0.0%	(0.2%)

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Attorney General is in accordance with legislative salary and fringe benefits guidelines as contained in Senate Bill No. 2015.

Major Items	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Removed salary equity funding for forensic staff.		($105,401)		($105,401)
Increased funding for salary increases for forensic staff upon certification to provide a total of $125,000 from the general fund.		38,108		38,108

1.1

Added 1.5 FTE positions and funding from the NICS Improvement Act of 2007 for salaries and wages and operating expenses associated with maintaining information received from the judicial system regarding individuals with mental disability and their rights to possess firearms.	1.50		$585,859	585,859
Total	1.50	($67,293)	$585,859	$518,566

FTE Changes

The 2011-13 biennium appropriation includes funding for 204 FTE positions, an increase of 1.5 FTE positions from the executive recommendation and the 2009-11 biennium authorized level of 202.5 FTE positions. The Legislative Assembly added 1.5 FTE positions for implementation of House Bill No. 1269 (2011) which relates to individuals with mental disability and their rights to possess firearms. The FTE positions must be removed when grant funding is no longer available.

One-Time Funding

In Section 2 of Senate Bill No. 2003, the Legislative Assembly identified $312,400 of one-time funding from the general fund for the 2011-13 biennium for crime lab equipment and Bureau of Criminal Investigation vehicles, and $2,355,708 from federal stimulus funds for 7 FTE positions for the 2011-13 biennium for the justice assistance grant program ($1,702,160 and 4 FTE positions), Internet Crimes Against Children Grant program ($192,547 and 1 FTE position), Rural Law Enforcement Assistance Act funding ($413,326 and 2 FTE positions), and compensation adjustments for the 7 FTE positions ($47,675). These amounts are not to be considered part of the agency's base budget for preparing the 2013-15 executive budget, and the Attorney General is to report to the Appropriations Committees during the 2013 legislative session on the use of this funding.

Federal Fiscal Stimulus Funding

In Section 1 of Senate Bill No. 2003, the Legislative Assembly appropriated $2,355,708 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the Attorney General for 7 FTE positions for the 2011-13 biennium for the justice assistance grant program ($1,702,160 and 4 FTE positions), Internet Crimes Against Children Grant program ($192,547 and 1 FTE position), Rural Law Enforcement Assistance Act funding ($413,326 and 2 FTE positions), and compensation adjustments for the 7 FTE positions ($47,675).

In Section 11 of Senate Bill No. 2003, the Legislative Assembly provided legislative intent that the Attorney General's base budget for the 2013-15 biennium not include funding or FTE positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The Attorney General may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium.

24/7 Sobriety Program

The 2007 Legislative Assembly authorized the Attorney General to establish a sobriety program pilot project during the 2007-09 biennium. The pilot program began on January 1, 2008. The Attorney General established a 24/7 sobriety pilot program in 12 counties in the South Central Judicial District. The 2009 Legislative Assembly, in House Bill No. 1306, authorized the Attorney General to establish a statewide 24/7 sobriety program, established guidelines and program fees, and created and provided a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment. From January 1, 2008, through May 2, 2011, the program included 1,720 participants, of which 1,114 graduated from the program, 236 failed the program, 109 reoffended, and 261 were still active in the program.

Other Sections in Senate Bill No. 2003

Gaming enforcement grants - Section 3 provides $510,000 from the gaming and excise tax allocation fund for local gaming enforcement grants for the 2011-13 biennium.

Missing children - Section 4 amends North Dakota Century Code Section 12-60-25 relating to lost, missing, or runaway children.

1.2

State Fire Marshal services - Sections 5 and 6 create new sections to Chapter 18-01 to provide that the Attorney General shall charge and collect fees for services provided by the State Fire Marshal program to entities covered by the fire and tornado fund and the petroleum release compensation fund.

Attorney General's salary - Section 7 provides the statutory changes increasing the Attorney General's salary. The Attorney General's annual salary is increased from the current level of $113,266 to $134,135 effective July 1, 2011, and to $138,159 effective July 1, 2012.

Refund of tax - Section 8 amends Section 57-43.1-03.2 relating to the refund of tax for fuel purchased by Native Americans to remove references to the Attorney General.

Refund fund - Section 9 allows the Attorney General to retain the June 30, 2011, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Project planning and implementation - Section 10 requires the Attorney General to involve the Information Technology Department in the study and planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The Attorney General shall include Information Technology Department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the Information Technology Department before proceeding with any study recommendations relating to the project.

Related Legislation

House Bill No. 1269 provides an appropriation of NICS Improvement Act of 2007 funds for 1.5 FTE positions for implementing provisions relating to individuals with mental disability and their rights to possess firearms.

Senate Bill No. 2070 increases the amounts provided by the 2009 Legislative Assembly which the Attorney General can charge and collect from the fire and tornado fund and the petroleum release fund for State Fire Marshal services for the 2009-11 biennium. Fees to be collected from the fire and tornado fund were increased by $140,000 for a total of $450,000, and fees to be collected from the petroleum release fund were increased by $60,000 for a total of $95,000.

Senate Bill No. 2247 provides that the Attorney General may create a Domestic Violence Fatality Review Commission to review domestic violence deaths that have occurred in the state.

SB [illegible]3
4-22-15 #2

Attorney General
Budget No. 125
House Bill Nos. 1003, 1302, 1358

	FTE Positions	General Fund	Other Funds	Total
2013-15 executive budget (bills as introduced)	211.50	$37,358,136	$29,012,463	$66,370,599
2013-15 legislative appropriations	**213.50**	**38,851,628**	**44,982,450**	**83,834,078**
Legislative increase (decrease) to executive budget	2.00	$1,493,492	$15,969,987	$17,463,479
Legislative increase (decrease) to 2011-13 appropriations	9.50	$7,239,383[1]	$17,555,273	$24,794,656[1]

[1]The amount shown reflects a $70,000 general fund appropriation approved by the Legislative Assembly in 2013 for supplemental reimbursements to cities and counties for prosecution witness fees for the 2011-13 biennium.

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2011-13 legislative appropriations	$31,299,845	$312,400	$31,612,245
2013-15 legislative appropriations	**37,453,628**	**1,398,000**	**38,851,628**
2013-15 legislative increase (decrease) to 2011-13 appropriations	$6,153,783	$1,085,600	$7,239,383
Percentage increase (decrease) to 2011-13 appropriations	19.7%	347.5%	22.9%
2013-15 legislative increase (decrease) to executive budget	$428,582	$1,064,910	$1,493,492
Percentage increase (decrease) to executive budget	1.2%	319.7%	4.0%

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Attorney General is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1015. Consistent with the guidelines, a portion of salaries and wages funding from the general fund ($835,225) and from other funds ($222,022) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying accrued annual leave and sick leave for eligible employees.

Major Items

	FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Adjusted funding for state employee salaries and benefits consistent with the legislative compensation package guidelines included in House Bill No. 1015.		($382,450)	($82,924)	($465,374)

2.1

Removed funding for oil impact assistance for employees in areas impacted by oil development. Agencies may request funding from a funding pool appropriated to the Office of Management and Budget for oil impact assistance.		(135,090)		(135,090)
Added an FTE position to maintain the sexual offender registry.	1.00		116,413	116,413
Added funding for increased Workforce Safety and Insurance premiums.		79,568		79,568
Added funding for salary equity increases for forensic scientists.		171,000		171,000
Added funding for potential litigation fees relating to abortion-related legislation approved by the Legislative Assembly.		400,000		400,000
Added an FTE position and moved $486,856 from the operating line item to the salaries and wages line item for computerized business projects. The FTE position is authorized for the 2013-15 biennium only.	1.00			0
Added funding for operating expenses for the following initiatives approved by the Legislative Assembly: House Bill No. 1302 - Increases participation in 24/7 sobriety program - $6,243,901. House Bill No. 1327 - Requires criminal history record checks for concealed weapons licenses - $232,761. House Bill No. 1389 - Requires fingerprint record checks for appraisal management companies and employees - $5,800. Senate Bill No. 2304 - Requires fingerprint record checks for insurance producers - $14,500.		121,390	6,375,572	6,496,962
Added funding for secure continuous remote alcohol monitors (House Bill No. 1302).		1,200,000		1,200,000
Added funding from the strategic investment and improvements fund for law enforcement needs in oil-impacted areas (House Bill No. 1358).			9,600,000	9,600,000
The funding source for a .5 FTE administrative assistant position was changed from other funds to the general fund.		39,074	(39,074)	0
Total	2.00	$1,493,492	$15,969,987	$17,463,479

FTE Changes

The 2013-15 biennium appropriation includes funding for 213.5 FTE positions, an increase of 2 FTE positions from the executive recommendation and an increase of 9.5 FTE positions from the 2011-13 biennium authorized level of 204 FTE positions. The following table summarizes FTE position changes included in the 2013-15 executive budget and the legislative appropriation:

Position	Executive Budget FTE Changes	Legislative FTE Changes	Legislative Increase (Decrease) From Executive Budget
Criminal investigators to address law enforcement needs in western North Dakota	2.00	2.00	0.00
Administrative assistant to address law enforcement needs in western North Dakota	1.00	1.00	0.00
Forensic scientist to address use of synthetic drugs in the state	1.00	1.00	0.00
Administrative assistant for uniform crime reporting system	1.00	1.00	0.00
Attorney for work related to the Department of Trust Lands	1.00	1.00	0.00
Investigator for organized crime	1.00	1.00	0.00
FTE positions previously paid by federal fiscal stimulus funds	7.00	7.00	0.00
Administrative assistants for processing concealed weapons permits in association with the National Instant Check System (NICS)	2.00	2.00	0.00
7 FTE positions previously paid by federal fiscal stimulus funds and 1.5 FTE positions previously paid with federal funds related to NICS	(8.50)	(8.50)	0.00
Sexual offender registry	0.00	1.00	1.00
Computerized business projects (for 2013-15 biennium only)	0.00	1.00	1.00
Total	7.50	9.50	2.00

One-Time Funding

In Section 2 of House Bill No. 1003, the Legislative Assembly identified $198,000 of one-time funding from the general fund for Bureau of Criminal Investigation vehicles, and in House Bill No. 1302, $1,200,000 was provided from the general fund for secure continuous remote alcohol monitors, for the 2013-15 biennium. These amounts are not to be considered part of the agency's base budget for preparing the 2015-17 executive budget, and the Attorney General is to report to the Appropriations Committees during the 2015 legislative session on the use of this funding.

24/7 Sobriety Program

The Legislative Assembly in 2007 authorized the Attorney General to establish a sobriety program pilot project during the 2007-09 biennium. The pilot program began on January 1, 2008. The Attorney General established a 24/7 sobriety pilot program in 12 counties in the South Central Judicial District. The Legislative Assembly in 2009 House Bill No. 1306 authorized the Attorney General to establish a statewide 24/7 sobriety program, established guidelines and program fees, and created and provided a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment. From January 1, 2008, through May 7, 2013, the program included 4,857 participants, of which 3,348 graduated from the program, 800 failed the program, 268 reoffended, and 441 were still active in the program.

Other Sections in House Bill No. 1003

Refund fund - Section 3 allows the Attorney General to retain the June 30, 2013, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Attorney General's salary - Section 4 provides the statutory changes increasing the Attorney General's salary by 4 percent for the first year of the biennium and 3 percent for the second year. The Attorney General's annual salary is increased from the current level of $138,159 to $143,685 effective July 1, 2013, and to $147,996 effective July 1, 2014.

FTE position - Limited authorization - Section 5 provides that 1 FTE position relating to computerized business projects is authorized for the 2013-15 biennium only. The Attorney General must reevaluate the position and determine if the position will be requested as part of the agency's 2015-17 biennium request as an optional item.

Related Legislation

Senate Bill No. 2056 provides victims or witnesses must be able to opt-out of the statewide automated victim information and notification system.

2-3

Senate Bill No. 2106 requires permits and registrations of persons using roll-your-own cigarette machines. Cigarettes made on these machines are subject to wholesale tobacco taxes.

Senate Bill No. 2185 requires Job Service North Dakota to enter a data sharing agreement with the Attorney General for the purpose of monitoring individuals who are required to register as sexual offenders or offenders against children.

SB 2003 # 1
4-23-15

OFFICE OF ATTORNEY GENERAL 2015-17 BIENNIUM POSITION PRIORITIZATION - REVISED 4/23/15 9:50 AM

FUNDED POSITIONS WITH $3.4 MILLION - $900,000 LE, $2.5 MILLION GENERAL FUND

	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL	GF/SIIF	AG REFUND	FF
CURRENTLY FILLED POSITIONS											
	1	FILLED PROGRAMMER/ANALYST	172,839	GF/ AG REFUND	141,525			141,525		31,314	
	2	FILLED CRIMINAL INTELLIGENCE ANALYSTS (TEMP-SLIC)	266,474	SIIF			266,474	266,474			
	1.5	FILLED CRIMINAL REGULATORY ATTORNEYS	432,589	SIIF/FF			213,995	213,995			218,594
	1	FILLED SEX OFFENDER ADMINISTRATIVE ASSISTANT (TEMP)	127,580	SIIF			127,580	127,580			
	1	FILLED GRANTS ADMINISTRATIVE ASSISTANT - (TEMP LE GRT)	127,580	SIIF			127,580	127,580			
TOTAL	6.5		1,127,062						877,154	31,314	218,594

PRIORITY	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL	GF/SIIF	
NEW LAW ENFORCEMENT FTE'S										
1	2	HUMAN TRAFFICKING/CYBERCRIME CRIMINAL INVESTIGATORS	691,094	SIIF			691,094	691,094		
2	2	WATFORD CITY CRIMINAL INVESTIGATORS	592,379	SIIF			592,379	592,379		
3	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592		
4	1	DICKINSON/SOUTHWEST CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592		
5	1	SOUTHEAST CRIMINAL INVESTIGATOR	268,592	GF	268,592			268,592		
6	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592		
7	1	CRIMINAL REGULATORY ATTORNEY	192,550	SIIF			192,550	192,550	2,550,391	
		7 INVESTIGATORS INCLUDING SOUTHEAST CI			410,117	-	3,017,429	3,427,546	3,427,546	TOTAL
8	1	DNA FORENSIC SCIENTIST	177,761	SIIF			177,761	177,761		
9	1	DICKINSON AREA CRIMINAL INVESTIGATOR	268,592	SIIF			268,592	268,592		
10	1	CRIMINAL INTELLIGENCE ANALYST (SLIC)	177,134	SIIF			177,134	177,134		
11	1	VICTIM WITNESS ADVOCATE	177,134	SIIF			177,134	177,134		
12	1	GRANTS ADMINISTRATIVE ASSISTANT	127,580	SIIF			127,580	127,580		
13	1	BCI WORD PROCESSING ADMINISTRATIVE ASSISTANT	127,580	SIIF			127,580	127,580		
TOTAL	15		3,606,172		-		1,055,781	1,055,781		

CRIMINAL JUSTICE INFORMATION SHARING BUSINESS ANALYST										
	1	CRIMINAL JUSTICE INFORMATION SHARING BUSINESS ANALYST	250,000	GF	250,000			250,000		
	1									AG REFUND
	1	GAMING AUDITOR	143,830	GF/ AG REFUND	82,470		-	82,470		60,607

	QUANTITY	POSITION	AMOUNT	FUND	GF	FF	OF	TOTAL	GF/SIIF
2015 STATE LEGISLATION * & FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT									
	2	CRIMINAL HISTORY IDENTIFICATION TECHNICIANS	310,536	GF	310,536			310,536	
	2				**643,006**	-	-	**643,006**	

SELF - FUNDED POSITIONS				
2	CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	260,260	AG OPERATING	
2	PARALEGALS	305,873	AG OPERATING	
TOTAL	4	**566,133**		566,133	566,133

	AMOUNT		FUND	GF	FF	OF	TOTAL
CLASSIFICATION SALARY REALIGNMENTS							
	1,276,301	CRIMINAL INVESTIGATOR CLASSIFICATION SALARY REALIGNMENT	SIIF			1,276,301	1,276,301
	270,000	GAMING AUDIT STAFF CLASSIFICATION SALARY REALIGNMENT	AG REFUND			270,000	270,000
TOTAL	1,546,301						
			TOTAL	-	-	**1,546,301**	**1,546,301**

*** 2015 LEGISLATION - HOUSE BILL NO'S 1105,1125, SENATE BILL NO'S 2077, 2085, 2145, 2236**

SIIF	STRATEGIC INVESTMENT & IMPROVEMENTS FUND	GF	GENERAL FUND
SLIC	STATE & LOCAL INTELLIGENCE CENTER	FF	FEDERAL FUNDS
LE	LAW ENFORCEMENT OIL GRANT		

2015 House Bill No. 1003 - North Dakota University System Information - 4/21/15

SB 2003
4-23-15
#2

CURRENT SB 2003 TOTAL	AMOUNT TO ADD IN SB 2003	TOTAL NEEDED IN SB 2003
1,599,982	1,479,742	3,079,724

	Salaries & Wages	Operating Expenses	Total Costs	Annual & Sick Leave
Transfer 7 attorneys to Office of Attorney General	2,495,282	276,652	2,771,934	252,862
2 administrative assistants	274,890	32,900	307,790	10,738
TOTAL	**2,770,172**	**309,552**	**3,079,724**	**263,600**

NOTE: 70% OF 2 ATTORNEY POSITIONS ARE FUNDED FROM CAMPUS ASSESSMENTS WHICH WERE NOT REMOVED FROM HB 1003 - $438,061

2.1

SB 2003
4-24-15
#1

15.8136.02010
Title.

Prepared by the Legislative Council staff for
Senator Hogue

April 23, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 4, after line 2, insert:

"**SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $300,000, or so much of the sum as may be necessary, to the attorney general for the purpose of seeking compliance by the Three Affiliated Tribes with that portion of the agreement with the state under chapter 57-51.2 providing that "The Tribes agree to impose no additional tax or fees on any oil and gas exploration or production activity or interest within the Reservation, except for the one-time $100,000 fee . . . ", for the biennium beginning July 1, 2015, and ending June 30, 2017."

Renumber accordingly

State / Three Affiliated Tribes Agreement

SB2003
4-24-15
#2

allocations for the unknown or unidentified mineral ownership interests are equal to the Trust and Non-Trust ratios, subject to correction by the State Tax Commissioner based on future identification of the mineral ownership interests as the information becomes available. The revised tax rates will become effective and applied in the next production reporting period following revision.

9. The Tribes agree to impose no additional tax or fees on any oil and gas exploration or production activity or interest within the Reservation, except for the one-time $100,000.00 fee that includes the Tribal Employment Rights Office ("TERO") fee and tribal application fee assessed on wells on Trust Land to offset the costs of oil and gas regulation and impacts. TERO employment regulations apply only to wells located on Trust Land. For the purposes of this subsection, a well is determined to be on Trust Land if the majority of the Spacing Unit is comprised of Trust Lands. In exercise of its pre-existing authority to impose taxes of a general nature, the Tribes agree that no such taxes will be imposed that target or disproportionally impact the oil and gas industry. By way of illustration and not by way of limitation, the impact of a generally applicable commercial vehicle registration fee is not disproportionate if the generally applicable tax applies equally to vehicles of the same weight or other classification regardless of the type of commercial activity in which the vehicles are used.

10. The State and the Tribes agree to collaborate in mutual efforts to reduce impacts to sites of cultural or archaeological significance to the Tribes. These collaborative efforts supplement and do not diminish existing tribal authority to manage trust lands within the reservation.

E. Administration and Collection of Taxes

1. The State Tax Commissioner is responsible for the administration of the taxes covered by this Agreement. The State Tax Commissioner may use production data by pool from the State Industrial Commission for Trust Lands and Non-Trust Lands covered by this Agreement in addition to other sources of information necessary to ensure compliance with the terms of this Agreement.

2. The Tribes retain exclusive jurisdiction and authority to file and prosecute civil and criminal enforcement actions as needed with respect to the tribal taxes, according to tribal and federal laws, and engage in any collection or enforcement action necessary to implement the requirements of this Agreement.

3. The State and Tribes agree to the imposition of the taxes at the rates set forth in this Agreement. Neither party will adjust, raise or lower the production and extraction taxes on oil and gas activities within the exterior boundaries of the Fort Berthold Reservation during the term of the Agreement.

4. The Tribes will not impose any additional tribal tax or fees on future production of oil and gas on the Fort Berthold Reservation during the term of the Agreement.

21

The Bisma[illegible]andan area can expect be[illegible]verage temperatures to continue into the weekend with a low chance for rain.

Bill Abeling, meteorologist at the National Weather Service, said that North Dakota is seeing [illegible] Abeling said.

High temperatures through Sunday are expected to be in the 50s with some chance of hitting 60 degrees on Thursday.

Residents will see a warming up into next week with temperatures [illegible] temperatures in[illegible] because frost is expected th[illegible]ek.

There is a 30 percent chance of rain on Saturday, but it is unlikely to fill the state's need for moisture, according to Abeling.

"For a good wetting rain, you and Abeling said the National Weather Service isn't seeing any larger storm systems in the near future.

(Reach Karee Magee at 701-250-8251 or karee.magee@bismarcktribune.com.)

The Bismarck Tribune 4/22/2015

Company to see temporary gas flaring relief

Lack of pipeline puts XTO in a bind

LAUREN DONOVAN
Bismarck Tribune

A major oil company will get some temporary gas flaring relief because the Three Affiliated Tribes refused a $10 million-per-mile easement to cross the tribe's Figure Four ranch near Mandaree with a gas pipeline.

The tribes were holding out for what would have been the state's first-ever tariff, meaning a payment for every cubic foot of gas that passed through the line on their property, a distance of slightly less than 2 miles.

Because of the impasse, Oneok is unable to build a pipeline to its gas processing facility. That put XTO Energy without a way to completely capture the gas surging from its flare stacks.

This series of consequences unfolded at a meeting of Tuesday's State Industrial Commission, where the commission's new gas flaring rules requiring companies to capture 77 percent of all their natural gas were put to the test.

A concerning tariff

The commission did blink at the mention of a tariff, which would have applied for the lifetime of the pipeline and been a first for North Dakota.

"The precedent is more of a concern than the price," said Wayne Stenehjem, the state's attorney general and a member of the three-man commission.

Doug Goehring, the state's ag commissioner, said the potential for tariffs on other utilities, such as water or power, was worrisome.

Continued on xA

TOM STROMME, Tribune

Lynn Helms, director of North Dakota Department of Mineral Resources, reported an 81 percent capture rate for natural gas in the month of February to members of the state industrial commission.

need it.

"If justified, the vehicle is purchased with the understanding the agency will comply with the usage and payment criteria by state fleet," Olson said in a statement to The Associated Press.

Democratic Rep. Tracy Boe said during a higher education conference committee meeting Tuesday that he has unsuccessfully tried to find out who signed off on the bus deal.

"The beginning of the story is 'once upon a time' and the end is 'happily ever after,' and I'm missing something in the middle," Boe said. "Somebody obviously said this was a good idea."

Added Holmberg, "And someone bought that idea as being good."

The issue came up when the House agreed to cover $700,000 of the losses in its version of the higher education budget bill. The Senate left it out of its measure and opted to "kick the can down the road," Holmberg said. As it stands, the payment will come out of the Transportation Department budget for the next two years.

"There's blame to go around. All the way around," Holmberg said. "Even the Legislature isn't totally free of that because we were the ones who told the campus some years ago that you can't have your own buses and you have to go through this process."

Rescue gone bad
Smuggling ship's mistake dooms 850 migrants — 2A

Industrial
Burleigh aims to halt assessment for project — 1B

Thursday
Ski resorts become a destination for summer fun

Classified 6C
Crossword 8C, 10C
Deaths 6A, 8A, 9A
Money 6D
Morning Briefing 4C
Movies 5C

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SB 2003
4-24-15 #3

OFFICE OF ATTORNEY GENERAL 2015-17 BIENNIUM POSITION PRIORITIZATION - REVISED 4/24/15 10:00 AM

NO COLOR, BOLDED ITEMS CONFERENCE COMMITTEE AGREED TO AS OF 4/24/15 10:00 AM

PRIORITY	QUANTITY	POSITION	AMOUNT	FUND				APPROPRIATION NEEDED	
		NEW LAW ENFORCEMENT FTE'S							
1	2	HUMAN TRAFFICKING/CYBERCRIME CRIMINAL INVESTIGATORS	691,094	SIIF		691,094	691,094		
2	2	WATFORD CITY CRIMINAL INVESTIGATORS	592,379	SIIF		592,379	592,379		
3	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF		268,592	268,592		
4	1	DICKINSON/SOUTHWEST CRIMINAL INVESTIGATOR	268,592	SIIF		268,592	268,592		
5	1	SOUTHEAST CRIMINAL INVESTIGATOR	268,592	GF	268,592		268,592		
6	1	WILLISTON CRIMINAL INVESTIGATOR	268,592	SIIF		268,592	268,592		
7	1	CRIMINAL REGULATORY ATTORNEY	192,550	SIIF		192,550	192,550		
8	1	DNA FORENSIC SCIENTIST	177,761	SIIF		177,761	177,761		
	2	FILLED CRIMINAL INTELLIGENCE ANALYSTS (TEMP-SLIC)	266,474	SIIF		266,474	266,474	FF	
	1.5	FILLED CRIMINAL REGULATORY ATTORNEYS	432,589	SIIF/FF		213,995	213,995	218,594	432,589
	1	FILLED SEX OFFENDER ADMINISTRATIVE ASSISTANT (TEMP)	127,580	SIIF		127,580	127,580		
	1	FILLED GRANTS ADMINISTRATIVE ASSISTANT - (TEMP LE GRT)	127,580	SIIF		127,580	127,580	TOTAL W/ FF	
	15.5	SUBTOTAL			268,592	- 3,195,190	3,463,781	3,682,375	
9	1	DICKINSON AREA CRIMINAL INVESTIGATOR	268,592	SIIF		268,592	268,592		
10	1	CRIMINAL INTELLIGENCE ANALYST (SLIC)	177,134	SIIF		177,134	177,134		
11	1	VICTIM WITNESS ADVOCATE	177,134	SIIF		177,134	177,134		
12	1	BCI WORD PROCESSING ADMINISTRATIVE ASSISTANT	127,580	SIIF		127,580	127,580	TOTAL W/ FF	
TOTAL	19.5		4,432,816		268,592	3,945,630	4,214,222	4,432,816	
		CURRENTLY FILLED POSITIONS						AG REFUND	TOTAL W/ OF
	1	FILLED PROGRAMMER/ANALYST	172,839	GF/ AG REFUND	141,525		141,525	31,314	172,839
		SELF - FUNDED POSITIONS							
	2	PARALEGALS	305,873	AG OPERATING		305,873	305,873		
		GAMING AUDITOR POSITION						AG REFUND	W/ OF
	1	GAMING AUDITOR	143,830	GF/ AG REFUND	82,470	-	82,470	60,607	143,077
		SELF - FUNDED POSITIONS							
	2	CONCEALED WEAPONS ADMINISTRATIVE ASSISTANTS	260,260	AG OPERATING		260,260	260,260		
		CRIMINAL JUSTICE INFORMATION SHARING POSITIONS TRANSFER							
	5	CURRENT CJIS POSITIONS			4,520,219	886,000	5,406,219		
		CRIMINAL JUSTICE INFORMATION SHARING BUSINESS ANALYST							
	1	CRIMINAL JUSTICE INFORMATION SHARING BUSINESS ANALYST	250,000	GF	250,000		250,000		
		NEW SENATE ADDED FTE'S							
	0	MEDICAID FRAUD CONTROL UNIT - 4 FTE'S - 1 ATTORNEY, 1 CRIMINAL INVESTIGATOR, 1 AUDITOR, 1 ADMINISTRATIVE ASSISTANT - AMOUNT WAS $932,382 GF/FF	STUDY						
		ND UNIVERSITY SYSTEM LEGAL SERVICES TRANSFER							
	7	ATTORNEYS	2,771,934	GF/OF	2,333,873	438,061	2,771,934		
	2	ADMINISTRATIVE ASSISTANTS	307,790	GF	307,790		307,790		
	9		3,079,724						
		2015 STATE LEGISLATION * & FEDERAL CHILD CARE & DEVELOPMENT BLOCK GRANT ACT							
	2	CRIMINAL HISTORY IDENTIFICATION TECHNICIANS	310,536	GF	310,536		310,536		
	AMOUNT			FUND					
		CLASSIFICATION SALARY REALIGNMENTS							
	1,276,301	CRIMINAL INVESTIGATOR CLASSIFICATION SALARY REALIGNMENT		SIIF		1,276,301	1,276,301	750,000	
	270,000	GAMING AUDIT STAFF CLASSIFICATION SALARY REALIGNMENT		AG REFUND		270,000	270,000		
TOTAL	1,546,301								
TOTAL CONFERENCE COMMITTEE POSITIONS	37.5	OF THESE POSITIONS, 9 ARE TRANSFERRED FROM NDUS AND 5 ARE TRANSFERRED FROM CJIS & WERE NOT ORIGINALLY REQUESTED BY THE OFFICE OF ATTORNEY GENERAL			3,612,316	- 6,105,824	8,562,140		
TOTAL ALL POSITIONS	42.5	OF THESE POSITIONS, 9 ARE TRANSFERRED FROM NDUS AND 5 ARE TRANSFERRED FROM CJIS & WERE NOT ORIGINALLY REQUESTED BY THE OFFICE OF ATTORNEY GENERAL			3,694,786	7,382,125	11,076,911		

*** 2015 LEGISLATION - HOUSE BILL NO'S 1105,1125, SENATE BILL NO'S 2077, 2085, 2145, 2236**

SIIF	STRATEGIC INVESTMENT & IMPROVEMENTS FUND	GF	GENERAL FUND
SLIC	STATE & LOCAL INTELLIGENCE CENTER	FF	FEDERAL FUNDS
LE	LAW ENFORCEMENT OIL GRANT		

SB 2003
4-24-15
#4

FTE

	Exec Rec	Senate Version	House version	Potential Committee Conf
Law enforcement grant program [1]	19.50	19.50		14.50
criminal investigator				3.00
Programmer analyst position	1.00	1.00	1.00	1.00
Legal FTE	2.00	2.00	2.00	2.00
Gaming FTE	1.00	1.00	1.00	
Concealed weapons FTE	2.00	2.00	2.00	2.00
CJIS		5.00	5.00	5.00
CJIS business analyst		1.00	1.00	1.00
Medicaid fraud unit		4.00		
NDUS Legal transfer			6.00	9.00
crim hist id technicians				2.00
total	25.50	35.50	18.00	39.50

[1] AC 15/RA 2 included 19.5 FTE

assist att gen - legal	2.50	2.50		2.50
criminal investigator bci gen	9.00	9.00		8.00
grants admin - bci gen	1.00	1.00		1.00
inf proc admin asst bci gen	1.00	1.00		0.00
Intel analyst bci gen	3.00	3.00		2.00
sex offender admin asst bci gen	1.00	1.00		1.00
vict witn advocate bci gen	1.00	1.00		0.00
forensic scientist - crime lab	1.00	1.00		0.00
total	19.50	19.50	0.00	14.50

SB 2003
4-24-15

15.8136.02011
Title.

Prepared by the Legislative Council staff for
Representative Skarphol
April 23, 2015

#5

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1434-1438 of the Senate Journal and pages 1576-1580 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 7, after the semicolon insert "to provide for a legislative management study;"

Page 8, after line 19, insert:

"**SECTION 13. LEGISLATIVE MANAGEMENT STUDY - MEDICAID FRAUD UNIT.** During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of establishing a medicaid fraud unit in the state. The study must include a review of the requirements for and the estimated costs and benefits of developing a medicaid fraud unit as well as any statutory requirements and changes necessary for the realization of the full benefit of a medicaid fraud unit. As part of the study, the legislative management shall seek input from the medical community, the department of human services, and any other relevant professions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

5.1

SB 2003 #1
4-27-15

April 25, 2015

Attorney General - Senate Bill No. 2003 - Proposed FTE Schedule									
Position	Description	Senate version	House version	Conference committee	General Fund	Federal Funds	Attorney General Operating Fund	Attorney General Refund Fund	Total
Filled FTE Positions Provided by Both Chambers									
Programmer/analyst		1.00	1.00	1.00	$142,278			$31,314	$173,592
New FTE Positions Provided by Both Chambers									
Paralegals		2.00	2.00	2.00			$307,379		307,379
Gaming auditor		1.00	1.00	1.00	82,907			60,923	143,830
Administrative assitant	Concealed weapons	2.00	2.00	2.00	261,766				261,766
	Total Positions Provided by Both Chambers	**6.00**	**6.00**	**6.00**	**$486,951**	**$0**	**$307,379**	**$92,237**	**$886,567**
Filled FTE Law Enforcement Positions									
Intelligence analyst	SLIC	2.00	-	2.00	$266,474				$266,474
Attorney	Criminal regulatory	1.50	-	1.50	213,995	$218,594			432,589
Administrative assitant	Sex offender	1.00	-	1.00	127,580				127,580
Administrative assitant	Grants	1.00	-	1.00	127,580				127,580
	Sub-total Law Enforcement Filled FTE	5.50	-	5.50	$735,629	$218,594	$0	$0	$954,223
New FTE Law Enforcement Positions									
Criminal investigator	Human trafficking/cybercrime	2.00	-	2.00	$691,094				$691,094
Criminal investigator	Watford City	2.00	-	2.00	592,379				592,379
Criminal investigator	Dickinson/Southwest	1.00	-	1.00	268,592				268,592
Attorney	Criminal regulatory	1.00	-	1.00	192,550				192,550
Forensic scientist	DNA	1.00	-	1.00	177,761				177,761
Criminal investigator	Williston	2.00	-	2.00	537,184				537,184
Criminal investigator	Southeast	1.00	-	1.00	268,592				268,592
	Sub-total New Law Enforcement FTE	10.00	-	10.00	$2,728,152	$0	$0	$0	$2,728,152
	Total Law Enforcement	**15.50**	**-**	**15.50**	**$3,463,781**	**$218,594**	**$0**	**$0**	**$3,682,375**
CJIS Transfer from ITD[1]									
CJIS positions	Existing	5.00	5.00	3.00	$4,270,219		$886,000		$5,156,219
Business analyst	New to CJIS	1.00	1.00	1.00	250,000				250,000
	Total Transfer from ITD	**6.00**	**6.00**	**4.00**	**$4,520,219**	**$0**	**$886,000**	**$0**	**$5,406,219**
ND University System Legal Services									
Attorneys		-	6.00	6.00	$1,896,879		$438,061		$2,334,940
Attorney	Intellectual properties **(HB 1003)**	-	-	1.00	436,994				436,994
Administrative assitant		-	-	2.00	307,790				307,790
	Total Transfer from NDUS	**-**	**6.00**	**9.00**	**$2,641,663**	**$0**	**$438,061**	**$0**	**$3,079,724**
Legislative "Mandate"									
Criminal history identification technicians		-	-	**2.00**	**$310,536**				**$310,536**
	Sub-total Filled FTE	6.50	1.00	6.50	$877,907	$218,594	$0	$31,314	$1,127,815
	Sub-total Transferred FTE	5.00	11.00	12.00	6,911,882	0	1,324,061	0	8,235,943
	Sub-total New FTE ("Mandated")	-	-	2.00	310,536	0	0	0	310,536
	Sub-total New FTE (Not "Mandated")	16.00	6.00	16.00	3,322,825	0	307,379	60,923	3,691,127
	Total FTE	**27.50**	**18.00**	**36.50**	**$11,423,150**	**$218,594**	**$1,631,440**	**$92,237**	**$13,365,421**

[1] Current CJIS positions in Attorney General office - May reduce special funds by $360,173 and not add the 2 FTE that currently exist in the Attorney Generals office.

1.1

SB 2003
4-27-15 #2

15.8136.02008
Title.

Prepared by the Legislative Council staff for
Representative Boehning
April 15, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1434-1438 of the Senate Journal and pages 1576-1580 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after the "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, to attorney general opinions, and"

Page 1, line 4, after "sections" insert "53-06.2-07,"

Page 1, line 4, after the first comma insert "54-12-08, and"

Page 1, line 4, remove ", and 54-27-25"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys general, the issuance of racing licenses, and"

Page 1, line 5, remove ", and the"

Page 1, line 6, remove "tobacco settlement trust fund"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	$34,806,462	$5,947,335	$40,753,797
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,444,463)	25,549,593
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	$72,657,978	$9,891,227	$82,549,205
Less estimated income	35,382,450	(468,838)	34,913,612
Total general fund	$37,275,528	$10,360,065	$47,635,593
Full-time equivalent positions	212.50	18.00	230.50"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	$198,000	$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000

Computerized business projects FTE	178,100	0
Total all funds	$376,100	$1,582,000
Total special funds	0	133,333
Total general fund	$376,100	$1,448,667"

Page 2, remove lines 25 through 30

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness.

SECTION 6. AMENDMENT. Section 53-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-07. Issuance of licenses - Applications.

1. On compliance by an applicant with this chapter and the approval of the attorney general, the commission may issue a license to conduct races. The attorney general may not grant a license denied by the commission.

2. An application for a license to conduct a racing meet must be signed under oath and filed with the commission. The application must contain at least the following:

   a. The name and post-office address of the applicant.

   b. The location of the racetrack and whether it is owned or leased. If the racetrack is leased, a copy of the lease must be included.

   c. A statement of the applicant's previous history and association sufficient to establish that the applicant is an eligible organization.

   d. The time, place, and number of days the racing meet is proposed to be conducted.

   e. The type of racing to be conducted.

   f. Other information the commission requires.

3. If the number of racing days requested by applicants for a license exceeds the total number of racing days the commission determines to be available in a single racing season, the commission shall award the racing days by

dividing the days equally among the applicants. If one applicant requests fewer racing days than the number that would be that applicant's equal share, the commission may award that applicant's remaining unrequested racing days to the other applicants.

4. At least thirty days before the commission issues or renews a license to conduct races, the applicant shall deliver a complete copy of the application to the local jurisdiction governing body. The application to the commission must include a certificate verified by a representative of the applicant, indicating delivery of the application copy to the governing body. If the governing body of the local jurisdiction adopts a resolution disapproving the application for license or renewal and so informs the director within thirty days of receiving a copy of the application, the license to conduct races may not be issued or renewed."

Page 6, after line 30, insert:

"**SECTION 9.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination.

SECTION 10. AMENDMENT. Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education,~~ and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant

attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.

3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.

4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 7, remove lines 7 through 30

Page 8, remove lines 1 through 18

Page 8, line 20, replace "Sections" with "Section"

Page 8, line 20, remove "and section 4"

Page 8, line 20, replace "are" with "is"

Renumber accordingly

SB 2003
4-27-15
#1

Attorney General - Budget No. 125
Senate Bill No. 2003
Base Level Funding Changes

	Senate Version				House Version				Conference Committee Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2015-17 Biennium Base Level	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978	212.50	$37,275,528	$35,382,450	$72,657,978
2015-17 Ongoing Funding Changes												
Base payroll changes		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445		$251,098	$17,347	$268,445
Salary increase - Performance		1,580,965	89,515	1,670,480		1,360,255	89,515	1,449,770		1,360,255	89,515	1,449,770
Salary increase - Market equity				0				0				0
Salary increase - Targeted equity				0				0				0
Retirement contribution increase				0				0				0
Health insurance increase		979,282	56,995	1,036,277		809,278	46,312	855,590		809,278	46,312	855,590
Funding for oil impact law enforcement package												
Oil impact law enforcement grants			20,000,000	20,000,000			0	0			0	0
New FTE criminal investigators	5.00		1,388,830	1,388,830	0.00		0	0	8.00	2,357,841	0	2,357,841
New FTE intelligence analysts	3.00		480,946	480,946	0.00		0	0	3.00	443,608	0	443,608
New FTE BCI agent II	4.00	270,336	495,555	765,891	0.00	0	0	0	0.00	0	0	0
New FTE BCI agent I	1.00		189,580	189,580	0.00		0	0	0.00		0	0
New FTE Assistant Attorney General - Oil-impacted areas	1.00		302,136	302,136	0.00		0	0	1.00	134,655	162,688	297,343
New FTE Assistant Attorney General	1.00		198,619	198,619	0.00		0	0	1.00	192,550	0	192,550
New FTE administrative assistants	2.00		264,380	264,380	0.00		0	0	1.00	127,580	0	127,580
New FTE grants administrator	1.00		132,190	132,190	0.00		0	0	1.00	127,580	0	127,580
New FTE forensic scientist	1.00		165,554	165,554	0.00		0	0	1.00	177,761	0	177,761
New FTE attorney - Criminal/regulatory division	0.50		165,264	165,264	0.00		0	0	0.50	163,123	0	163,123
Funding for other operating expense in oil-impacted areas			673,254	673,254			0	0			0	0
FTE higher education legal staff (HB 1003)				0	6.00	1,599,982		1,599,982	8.00	2,642,730	438,061	3,080,791
Restore FTE programmer analyst	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592	1.00	142,278	31,314	173,592
New FTE legal staff	2.00		307,379	307,379	2.00		307,379	307,379	2.00		307,379	307,379
New FTE gaming staff	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830	1.00	82,907	60,923	143,830
New FTE concealed weapons license staff	2.00		261,766	261,766	2.00		261,766	261,766	2.00		261,766	261,766
Tobacco enforcement increase (tobacco settlement trust fund)			200,000	200,000			0	0			200,000	200,000
North Dakota Lottery changes			1,030,000	1,030,000			1,030,000	1,030,000			1,030,000	1,030,000
Information technology contractual service and repairs			800,000	800,000			800,000	800,000			800,000	800,000
BCI, State Crime Laboratory applications			1,604,000	1,604,000			1,604,000	1,604,000			1,604,000	1,604,000
Building feasibility study			30,000	30,000			0	0			0	0
Information technology software and supplies		262,332		262,332		262,332		262,332		262,332		262,332
Operating expenses increase		1,133,418	108,376	1,241,794		1,133,418	108,376	1,241,794		1,133,418	108,376	1,241,794
Other funds changes			(140,000)	(140,000)			(140,000)	(140,000)			(140,000)	(140,000)
Federal funds changes			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)			(1,082,479)	(1,082,479)
Reduce State Crime Laboratory capital payments		(369)		(369)		(369)		(369)		(369)		(369)
Remove equipment			(163,198)	(163,198)			(163,198)	(163,198)			(163,198)	(163,198)
Remove completed information technology projects			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)			(4,754,908)	(4,754,908)
Transfer criminal justice information sharing	6.00	3,270,219	886,000	4,156,219	6.00	3,270,219	881,482	4,151,701	4.00	3,270,219	547,906	3,818,125
Medicaid fraud unit	4.00	93,539	841,855	935,394	0.00	0	0	0	0.00	0	0	0
Increase federal funding for highway traffic safety equipment			300,000	300,000			300,000	300,000			300,000	300,000
Total ongoing funding changes	35.50	$8,066,005	$24,941,193	$33,007,198	18.00	$8,911,398	($602,171)	$8,309,227	34.50	$13,678,844	($134,998)	$13,543,846

1.1

One-time funding items													
Replace 10 undercover vehicles		$220,000		$220,000		$132,000		$132,000		$132,000			$132,000
Three surveillance vehicles		100,000	200,000	300,000		66,667	133,333	200,000		66,667	133,333		200,000
Transfer criminal justice information sharing projects		1,250,000		1,250,000		1,250,000		1,250,000		1,250,000			1,250,000
Target equity criminal investigators				0				0		1,026,301	250,000		1,276,301
Target equity gaming audit staff				0				0			270,000		270,000
Total one-time funding changes	0.00	$1,570,000	$200,000	$1,770,000	0.00	$1,448,667	$133,333	$1,582,000	0.00	$2,474,968	$653,333		$3,128,301
Total Changes to Base Level Funding	35.50	$9,636,005	$25,141,193	$34,777,198	18.00	$10,360,065	($468,838)	$9,891,227	34.50	$16,153,812	$518,335		$16,672,147
2015-17 Total Funding	248.00	$46,911,533	$60,523,643	$107,435,176	230.50	$47,635,593	$34,913,612	$82,549,205	247.00	$53,429,340	$35,900,785		$89,330,125

Other Sections in Senate Bill No. 2003

	Senate Version	House Version	Conference Committee Version
Appropriation - 2013-15 biennium	Section 3 appropriates $1 million from the general fund to the Attorney General for up to 10 FTE positions to assist with law enforcement activities in areas impacted by oil development for the period beginning with effective date of this Act and ending June 30, 2015.		
Section 3			Section 3 provides that Of the funds appropriated in the salaries and wages line item in section 1 of this Act, $270,000 is one-time funding from the attorney general refund fund for providing target equity to gaming audit staff and $1,276,301 is one-time target equity funding for criminal investigators, to include $250,000 provided by the exemption in section 5 of this Act, and up to $1,026,301 from the general fund, with the exception that roll-up funding for salaries and wages during the 2015-17 biennium must be used to reduce the total amount of general fund dollars. The attorney general must report to budget section in September 2015 and September 2016 regarding the amount of roll-up funding used to offset general fund dollars and to report on the number and duration of vacant full-time equivalent positions.
Continuing appropriations	Section 4 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 3 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.	Section 4 allows the Attorney General to retain the balance in the Attorney General refund fund rather than transferring the balance to the general fund.
Exemption - Grants to law enforcement agencies	Section 5 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.	Section 4 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.	Section 5 provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated by the 2013 Legislative Assembly for grants to law enforcement agencies for the 2013-15 biennium.

	Senate Version	House Version	Conference Committee Version
Oil-impacted county law enforcement grants	Section 6 provides that $24,487,085 from the oil and gas impact grant fund, of which $4,487,085 relates to salaries and wages and equipment for the Attorney General for oil-impacted areas and $20 million in grants, is for law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those other counties. The Attorney General may spend up to 10 percent of the funding provided under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the Attorney General's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The Attorney General shall report to the budget section annually and to the appropriations committees of the 65th Legislative Assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.		
Exemption	Section 7 provides an exemption for the amount appropriated for law enforcement grants in the law enforcement grants line item in Section 1 of this Act is not subject to Section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.		
New section to chapter 27-05		Section 5 creates a new section to chapter 27-05 requires the district courts to pay for State Crime Lab expert witness travel costs for testifing with the exception of class AA felony cases, and allowing the expert witness to testify via the state's interactive video network service or other interactive computer service.	Section 6 creates a new section to chapter 27-05 requires the district courts to pay for State Crime Lab expert witness travel costs for testifing with the exception of class AA felony cases, and allowing the expert witness to testify via the state's interactive video network service or other interactive computer service.
New section to chapter 54-12		Section 6 creates a new section to chapter 54-12 requiring the Attorney General to notify a requestor within 30 days as to the status of their opinion request.	Section 7 creates a new section to chapter 54-12 requiring the Attorney General to notify a requestor within 30 days as to the status of their opinion request and requires an opinion or determination that no opinion will be issued within 120 days.
Amendment to Section 53-12.1-09	Section 8 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.	Section 7 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.	Section 8 amends the continuing appropriation from $50,000 to $100,000 each quarter to be deposited in the compulsive gambling prevention and treatment fund.
Criminal justice data information sharing system	Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.	Section 8 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.	Section 9 creates a new section to Chapter 54-12 which transfers the criminal justice data information sharing system into the Attorney General's office from the Information Technology Department.
Amendment to Section 54-12-08		Section 9 amends section 54-12-08 relating to assistant and special assitant Attorneys General to allow access to to review records under the Family Educational Rights and Privacy Act.	Section 10 amends section 54-12-08 relating to assistant and special assitant Attorneys General to allow access to to review records under the Family Educational Rights and Privacy Act.

	Senate Version	House Version	Conference Committee Version
Salary of Attorney General	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.	Section 10 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.	Section 11 provides the statutory changes necessary to increase the Attorney General's salary from $147,996 in state fiscal year 2015 to $152,436 (3 percent) in state fiscal year 2016 and to $157,009 (3 percent) in state fiscal year 2017.
Amendment to Section 54-27-25	Section 11 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.		Section 12 amends Section 54-27-25 relating to the tobacco settlement trust fund to allow an appropriation to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
Repeal	Section 12 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.	Section 11 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.	Section 13 repeals Section 54-59-21 relating to the criminal justice data information sharing system within the Information Technology Department.
Emergency	Section 13 declares Sections 3 and 4 to be an emergency measure.	Section 12 declares Section 4 to be an emergency measure.	Section 14 declares Section 4 and subsection 4 of Section 54-12-08 as amended in Section 10 of this Act to be an emergency measure.

SB 2003
4-27-15 #2

OFFICE OF ATTORNEY GENERAL - SENATE BILL NO. 2003 - CHANGE REQUESTED

1.5 ASSISTANT ATTORNEY GENERAL POSITIONS - CURRENTLY FILLED

	SALARIES	OPERATING	TOTAL	GENERAL FUND	FEDERAL FUNDS	TOTAL
.5 FTE CRIMINAL ATTORNEY	135,603	27,520	163,123	163,123		163,123
1 FTE HIDTA ATTORNEY	210,097	87,246	297,343	134,655	162,688	297,343
TOTAL	345,700	114,766	460,466	297,778	162,688	460,466
AMOUNT APPROVED BY CONFERENCE COMMITTEE			432,589	213,995	218,594	432,589
DIFFERENCE NEEDED			**27,877**	**83,783**	**(55,906)**	**27,877**

SB 2003 6:30pm
4-27-15
#1

Report Budget Section

The Attorney General must report to budget section regarding any fees charged to a campus in excess of the campus assessment for legal fees charged by the Attorney General by September 30, 2016.