

**Attorney General
Budget No. 125
House Bill Nos. 1003 and 1024 and Senate Bill Nos. 2191 and 2203**

	FTE Positions	General Fund	Other Funds	Total
2017-19 legislative appropriations	237.00	\$44,795,840	\$48,214,320	\$93,010,160
2017-19 base budget	250.00	48,466,861	35,247,452	83,714,313
Legislative increase (decrease) to base budget	(13.00)	(\$3,671,021)	\$12,966,868	\$9,295,847

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2017-19 legislative appropriations	\$44,695,840	\$100,000	\$44,795,840
2015-17 adjusted legislative appropriations	48,466,861	3,282,824	51,749,685
2017-19 legislative increase (decrease) to 2015-17 adjusted appropriations	(\$3,771,021)	(\$3,182,824)	(\$6,953,845)
Percentage increase (decrease) to 2015-17 adjusted appropriations	(7.8%)	(97.0%)	(13.4%)

SUMMARY OF LEGISLATIVE CHANGES TO THE BASE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The Legislative Assembly did not include funding for employee salary increases.

	Changes to Base Budget FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Adjusted funding for base payroll changes for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.		(\$522,049)	\$1,106,134	\$584,085
Added funding for employee health insurance premiums to reflect a revised premium rate of \$1,240.83 per month.		590,945	54,129	645,074
Removed 13 undesignated FTE positions.	(13.00)	(130,782)	(60,722)	(191,504)
Reduced salaries and wages in anticipation of savings from vacant positions and employee turnover.		(929,297)		(929,297)
Changed funding source for 8 FTE positions from the general fund to federal and other funds.		(1,120,322)	1,120,322	0
Removed funding for the 24/7 sobriety program (The Attorney General has a continuing appropriation, authorized in North Dakota Century Code Section 54-12-29, from the revenues received for the 24/7 sobriety program).			(6,375,572)	(6,375,572)
Reduced funding for criminal justice information sharing to provide total funding of \$3,391,562.		(188,741)	(291,482)	(480,223)

Reduced funding for law enforcement programs.	(219,348)		(219,348)
Reduced funding for operating expenses.	(1,029,271)	(1,026,220)	(2,055,491)
Removed funding for abortion litigation fees of \$400,000 and added \$100,000 to operating expenses and \$100,000 to litigation fees.	(200,000)		(200,000)
Adjusted funding for equipment.	(194,388)	606,882	412,494
Increased funding from the Attorney General refund fund for Indian gaming audit expenses.		37,500	37,500
Added funding for information technology disaster recovery system.	46,703		46,703
Increased federal funds spending authority.		228,897	228,897
Added funding for the State Crime Laboratory building bond payments.	529		529
Added additional income appropriation (Section 7 of House Bill No. 1003).		250,000	250,000
Added contingent funding from other funds from a grant from the Department of Trust Lands for the statewide automated victim information and notification program enhancement project (SAVIN).		500,000	500,000
Added funding to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims (Senate Bill No. 2203).	125,000		125,000
Added one-time funding for DOS-based deposit system rewrite.	100,000		100,000
Added one-time funding from federal and other funds for the uniform crime reporting system rewrite.		280,000	280,000
Added one-time spending authority from other funds received from cities and counties for the SAVIN cost-share program.		315,000	315,000
Added one-time funding of other funds received from Adjutant General loan proceeds for law enforcement costs relating to unlawful activity associated with the construction of the Dakota Access Pipeline (House Bill No. 1024).		200,000	200,000
Added one-time funding from the strategic investment and improvements fund, contingent upon order of the court, for providing any court-ordered payments to a bankruptcy estate or payments to be made pursuant to the terms of a settlement agreement approved by order of the court (House Bill No. 1024).		15,872,000	15,872,000
Added one-time funding from the strategic investment and improvements fund for the purpose of providing grants through the domestic violence and rape crisis program for community-based or hospital-based sexual assault examiner programs (Senate Bill No. 2191).		150,000	150,000
Total	<u>(13.00)</u>	<u>(\$3,671,021)</u>	<u>\$12,966,868</u>

FTE Changes

The 2017-19 biennium appropriation includes funding for 237 FTE positions, a decrease of 13 unspecified FTE positions from the 2015-17 biennium authorized level of 250 FTE positions.

One-Time Funding

In House Bill Nos. 1003 and 1024 and Senate Bill No. 2191, the Legislative Assembly identified the following as one-time funding items:

	General Fund	Other Funds	Total
DOS-based deposit system rewrite (House Bill No. 1003)	\$100,000		\$100,000
Uniform crime reporting system rewrite (House Bill No. 1003)		\$280,000	280,000
SAVIN cost-share program (House Bill No. 1003)		315,000	315,000
Law enforcement costs related to the construction of the Dakota Access Pipeline (House Bill No. 1024)		200,000	200,000
Court-ordered payments to a bankruptcy estate or payments to be made pursuant to the terms of a settlement agreement approved by order of the court (House Bill No. 1024)		15,872,000	15,872,000
Sexual assault examiner program grants (Senate Bill No. 2191)		150,000	150,000
Total	\$100,000	\$16,817,000	\$16,917,000

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 April 30, 2017, the program included 17,344 participants, of which 11,213 graduated from the program, 3,347 failed the program, 717 reoffended, and 2,067 were still active in the program.

Human Trafficking

The 2015 Legislative Assembly in Senate Bill No. 2107 created Chapter 12.1-41 relating to the Uniform Act on Prevention of and Remedies for Human Trafficking, which provided a penalty for human trafficking, and authorized the Attorney General to grant or contract with service providers to develop or expand service programs for victims of human trafficking. The 2017 Legislative Assembly appropriated \$125,000 from the general fund, in Senate Bill No. 2203, to the Attorney General to provide human trafficking victims grants during the 2017-19 biennium.

Statewide Automated Victim Information and Notification Program

The 2017 Legislative Assembly amended Section 27-01-10 related to fee assessments for funding crime victim and witness programs and changed the assessment of a fee from optional to mandatory. The Legislative Assembly appropriated \$315,000 from funds received from political subdivisions and directed the Attorney General to consult with the North Dakota Association of Counties and the North Dakota League of Cities to establish a cost-sharing program to provide for each political subdivision to share in the cost of the SAVIN program enhancement project. The Legislative Assembly authorized the Attorney General to use up to \$500,000 of rent savings as the result of an expected move of employees into space available in the Job Service North Dakota central office building for the SAVIN program enhancements and provided a contingent appropriation of \$500,000 from a Department of Trust Lands grant, from funds provided for law enforcement grants during the 2015-17 biennium, for the 2017-19 biennium, if the move does not occur, for a total appropriation of \$815,000 for the SAVIN program.

Other Sections in House Bill No. 1003

Health insurance increase - Section 2 identifies the amount of funding included in the agency budget for state employee health insurance premium rate increases during the 2017-19 biennium.

Tobacco settlement trust fund - Section 4 identifies \$200,000 in the estimated income line item from the tobacco settlement trust fund for the purpose of enforcing the Master Settlement Agreement and any disputes with the agreement.

Industrial Commission litigation funds - Attorney General protest-related expenses - Section 5 authorizes the Attorney General to submit litigation-related expenses to the Industrial Commission to be paid from litigation funding available to the Industrial Commission for expenses incurred by the Attorney General as a result of the protests and related activities associated with the Dakota Access Pipeline project and requires the Attorney General to report to the Budget Section quarterly regarding expenditures submitted to be paid from the Industrial Commission's litigation fund.

Legislative intent - Dakota Access Pipeline project protest-related costs - Section 6 provides legislative intent that the Attorney General pursue all reasonable and available options to recoup all costs and expenses incurred by the state and its political subdivisions as a result of the protests and related activities associated with the Dakota Access Pipeline project.

SAVIN program enhancements - Contingent appropriation - Section 8 authorizes the Attorney General to use up to \$500,000 of rent savings as the result of an expected move of employees into space available in the Job Service North Dakota central office building for SAVIN program enhancements. The section also provides a contingent appropriation of \$500,000 from a Department of Trust Lands grant, from funds provided for law enforcement grants during the 2015-17 biennium, for the 2017-19 biennium, if the move does not occur. Section 9 directs the Attorney General to consult with the North Dakota Association of Counties and the North Dakota League of Cities to establish a cost-sharing program to provide for each political subdivision to share in the cost of the SAVIN program enhancement project. The section authorizes the Attorney General to allocate \$315,000 of the cost among the political subdivisions of the state. Section 10 provides legislative intent that the funding for the political subdivisions' cost-sharing program is from additional income collected from the victim witness fee required in Section 27-01-10. Section 11 amends Section 27-01-10 related to fee assessments for funding crime victim and witness programs and changed the assessment of a fee from optional to mandatory.

Electronic pull tab device requirements - Section 12 creates a new section to Chapter 53-06.1 relating to electronic pull tab device requirements. The section requires an electronic pull tab device to display an electronic pull tab and it may not directly dispense coins, cash, tokens, or anything of value.

Criminal history record checks fees - Section 13 requires any person or entity requesting a criminal history record check from the Bureau of Criminal Investigation, as a result of legislation enacted by the 65th Legislative Assembly, to pay a reasonable fee as set by the Attorney General for the 2017-19 biennium. The fees collected are to be deposited in the general fund and are estimated to total \$180,000 for the 2017-19 biennium.

Exemption - Strategic investment and improvements fund - Section 14 provides that the appropriation from the strategic investment and improvements fund for law enforcement grants for the 2015-17 biennium is not subject to Section 54-44.1-11 and may be continued into the 2017-19 biennium.

Exemption - Human trafficking grants - Section 15 provides that funding appropriated for human trafficking grants during the 2015-17 biennium is not subject to Section 54-44.1-11 and may be continued into the 2017-19 biennium.

Exemption - Refund fund - Section 16 allows the Attorney General to retain the June 30, 2017, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Exemption - Additional funding for litigation fees - Section 17 provides that \$100,000 of funding appropriated to the Attorney General for the 2015-17 biennium for contracted higher education legal fees is not subject to Section 54-44.1-11 and authorizes that funding to be used during the 2017-19 biennium in the Attorney General's litigation fees line item.

Emergency - Section 16 declares Sections 5, 8, and 9 to be an emergency measure.

Related Legislation

House Bill No. 1024 - Provides an appropriation of \$200,000 to the Attorney General from special funds received from the Adjutant General for law enforcement support which were incurred after June 30, 2015, related to unlawful activity associated with the construction of the Dakota Access Pipeline project and an appropriation of \$15,872,000 to the Attorney General from the strategic investment and improvements fund for providing any court-ordered payments to a bankruptcy estate or payments to be made pursuant to the terms of a settlement agreement approved by order of the court. The bill also authorizes the Attorney General to transfer \$75,000 to the litigation fees line item and \$5,000 to the arrest and return of fugitives line item for the 2015-17 biennium, which were appropriated for the continuation of contracted higher education legal services in Section 6 of Chapter 3 of the 2015 Session Laws.

House Bill No. 1194 - Requires the Attorney General to develop a card containing the rights of victims as provided in Chapter 12.1-34 and Section 26 of Article I of the Constitution of North Dakota.

House Bill No. 1226 - Requires the Department of Human Services, with the cooperation of the Governor and the Attorney General, to study the feasibility and desirability of establishing a Medicaid fraud control unit during the 2017-18 interim.

Senate Bill No. 2191 - Provides an appropriation of \$150,000 to the Attorney General from the strategic investment and improvements fund to provide grants through the domestic violence and rape crisis program for community-based or hospital-based sexual assault examiner programs during the 2017-19 biennium.

Senate Bill No. 2203 - Provides an appropriation of \$125,000 to the Attorney General from the general fund to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims during the 2017-19 biennium. The bill also directs the Board of University and School Lands to award, based on recommendations from the Attorney General, up to \$700,000 in grants to organizations involved in providing prevention and treatment services related to human trafficking victims, from funds designated in subsection 3 of Section 5 of Chapter 463 of the 2015 Session Laws, provided for grants to law enforcement agencies impacted by oil and gas development, and in addition to the funds designated in Section 2 of Chapter 375 of the 2015 Session Laws, provided for grants to organizations involved in providing prevention and treatment services related to human trafficking victims, for the 2017-19 biennium.

Senate Bill No. 2302 - Amends Sections 12-60-05 and 12.1-29-07 and subsection 1 of Section 29-06-05.2 to authorize the Attorney General to appoint the Bureau of Alcohol, Tobacco, Firearms and Explosives agents and the Homeland Security Investigations Unit of the Department of Homeland Security agents as ad hoc special agents. The bill amends Section 54-12-01.1 to authorize the Attorney General to publish online information in place of pamphlets regarding eminent domain and Section 54-12-28 to authorize the Attorney General to gather 24/7 Sobriety program records and statistics, and requires agencies and companies participating in the program to provide record and statistic information within 30 days of the Attorney General requesting it. The bill also repeals Section 19-03.1-44, which required the Attorney General to report the current status and trends of unlawful drug use and abuse and drug control and enforcement efforts in the state.