

**Attorney General  
House Bill No. 1003**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2001-03 executive budget (Governor Schafer) (bill as introduced)	158.50	\$14,930,011	\$16,979,504	\$31,909,515
<b>2001-03 legislative appropriations</b>	<b>160.50</b>	<b>14,804,385</b>	<b>17,604,259</b>	<b>32,408,644</b>
Legislative increase (decrease) to executive budget	2.00	(\$125,626)	\$624,755	\$499,129
Legislative increase (decrease) to 1999-2001 appropriations	1.00	\$725,979	\$1,681,694	\$2,407,673
2001-03 Governor Hoeven's recommendation	158.50	\$14,930,011	\$16,979,504	\$31,909,515
Legislative increase (decrease) to Governor Hoeven's recommendation	2.00	(\$125,626)	\$624,755	\$499,129

**GOVERNOR HOEVEN'S RECOMMENDATIONS**

The Hoeven recommendation did not change the Schafer recommendation.

**SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET (SCHAFER) 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. In addition to the above appropriations, agencies may receive additional funding from the \$5 million appropriated in Section 1 of House Bill No. 1015 for special market equity adjustments for classified state employees whose salaries are the furthest from their respective salary range midpoints. The bill includes funding to provide a market adjustment of \$177.67 per month for the Attorney General and \$416.83 per month for the Racing Commissioner effective January 1, 2002.

	<b>Major Items FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
The legislative action:				
Adjusted funding for the market equity salary increase for the Attorney General to provide a \$177.67 per month salary increase effective January 1, 2002, and for the Racing Commissioner to provide a \$416.83 per month salary increase effective January 1, 2002. The executive budget included more funding than was necessary to provide for this increase.		(\$4,345)		(\$4,345)
Added a public information officer for the second year of the biennium	1.00	48,000		48,000
Added a Bureau of Criminal Investigation position (\$81,133) and related operating expenses (\$19,500) and equipment (\$15,000)	1.00	115,633		115,633

Added funding to provide a total of \$200,000 from the general fund for costs associated with rewriting the uniform crime reporting computer system	100,000		100,000
Reduced funding for equipment to reflect lower computer replacement costs	(29,000)		(29,000)
Added funding from the general fund and reduced federal funds relating to the uniform crime reporting research analyst position (\$86,055) and for 1.5 FTE information technology positions required to maintain the law enforcement computer system (National Criminal History Improvement Project) on a 24-hour basis (\$168,190)	254,245	(254,245)	
Reduced general fund support and increased funding from the Attorney General refund fund for a portion of the costs of the Consumer Protection Division	(100,000)	100,000	
Funding for local gaming enforcement grants is increased by \$209,409, from \$419,591 to \$629,000. Funding for these grants is changed from the general fund to the gaming and excise tax allocation fund. (see <b>Local Gaming Enforcement Grants</b> section)	(419,591)	629,000	209,409
Added funding for Racing Commission expenses to provide a total of \$300,000. Of this total, \$150,000 is from the general fund, \$50,000 is from the Racing Commission promotion fund, \$50,000 is from the Racing Commission purse fund, and \$50,000 is from the Racing Commission breeders' fund.	(90,568)	150,000	59,432
Total	2.00	(\$125,626)	\$624,755

#### FTE Changes

The Legislative Assembly restored one FTE public information specialist removed in the executive budget but only for the second year of the biennium and added one FTE Bureau of Criminal Investigation position.

#### Local Gaming Enforcement Grants

The Legislative Assembly changed the local gaming enforcement grants program by providing that the funds appropriated be distributed quarterly to cities and counties in proportion to the gaming taxes collected by each city or county rather than distributing the funds on a competitive basis to cities and counties upon application to the Attorney General, which was the method used during the 1999-2001 biennium.

Funding for the grants was changed from the general fund to the gaming and excise tax allocation fund. The fund consists of three percent of the gaming and excise taxes collected under North Dakota Century Code (NDCC) Section 53-06.1-12. Previously, all the taxes collected under this section were deposited in the general fund. The Attorney General estimates that \$629,000 will be deposited in the gaming and excise tax allocation fund rather than the general fund for the 2001-03 biennium.

Funding for local gaming enforcement grants for recent bienniums is listed below:

Biennium	General Fund	Special Funds	Total
1995-97	\$1,045,216		\$1,045,216
1997-99	\$1,014,155		\$1,014,155
1999-2001	\$419,591 <sup>1</sup>		\$419,591 <sup>1</sup>
2001-03		\$629,000	\$629,000

<sup>1</sup> This amount includes a \$197,714 general fund deficiency appropriation approved by the 2001 Legislative Assembly in Section 11 of House Bill No. 1003.

#### State Fire Marshal Services

The Legislative Assembly did not change the executive recommendation which provided that the Attorney General bill entities insured by the fire and tornado fund for State Fire Marshal services provided to them and that, for informational purposes, a memorandum billing be provided to entities not insured by the fire and tornado fund. (Section 3)

Section 7 was added requiring the State Fire Marshal, as requested by a political subdivision, to conduct inspections of publicly or privately owned buildings. The Fire Marshal will charge a fee for these inspections, and the proceeds will be deposited in the general fund.

Sections 6 and 20 were added authorizing the Attorney General to charge fees totaling up to \$35,000 for the 1999-2001 biennium and up to \$35,000 for the 2001-03 biennium for services provided by the State Fire Marshal to entities covered by the petroleum release compensation fund. Collection of these fees will be deposited in the Attorney General's operating fund.

#### Attorney General Refund Fund

Section 8 was added allowing the Attorney General to retain \$100,000 in the Attorney General refund fund that otherwise would be transferred to the general fund on June 30, 2001, to use for defraying the expenses of the Consumer Protection Division as shown on the **Major Items** schedule as a legislative change.

Section 19 was added amending NDCC Section 54-12-18 to provide that any excess moneys in the Attorney General refund fund be transferred to the general fund at the end of each biennium rather than at the end of each fiscal year.

The Legislative Assembly appropriated from the refund fund anticipated proceeds of \$640,000 from a multistate lawsuit settlement involving Indirect Vitamin Products. The Attorney General anticipates the settlement agreement will require the proceeds to be used for:

1. Improving the health and nutrition of North Dakota residents; or
2. The advancement of nutritional, dietary, or agricultural science.

Bills appropriating funds for the 2001-03 biennium from this lawsuit settlement include:

Bill No.	Agency/Purpose	Appropriation
HB 1200	Agricultural Experiment Station - Land purchases at the North Central (\$260,000) and Williston (\$61,000) Research Extension Centers	\$321,000
HB 1249	Agriculture Department - Johne's disease	177,500
HB 1349	Agriculture Department - Ag in the Classroom	75,000
SB 2004	State Department of Health - Grant to Stockmen's Association for environmental impact activities involving livestock	50,000
	Total appropriations	\$623,500

### **Racing Commission**

Section 14 was added providing for a Legislative Council study of the Racing Commission.

Section 16 was added providing that the Racing Commission is under the supervision of the Attorney General and that the Attorney General may charge the Racing Commission for services provided to the commission. The section also increases the compensation of Racing Commission members for conducting commission business by \$35 per day, from \$40 to \$75.

Section 17 was added providing that the Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend up to 25 percent of the moneys in the promotion fund for operating expenses of the commission.

### **Other Sections in Bill**

**Attorney General salary** - Section 18 includes statutory changes relating to the increase in the Attorney General's annual salary. The Attorney General's salary is increased from \$69,002 to \$71,072 on July 1, 2001, to \$73,204 on January 1, 2002, and to \$74,668 on July 1, 2002.

**Clandestine laboratory cleanup costs** - Section 10 was added providing legislative intent that the Attorney General request Emergency Commission approval for funding from the state contingencies appropriation if additional funding is needed for cleanup costs relating to clandestine laboratories and if federal funds are not available for paying these costs.

**Additional litigation fees** - Section 12 provides legislative intent that the Attorney General request Emergency Commission approval for funding from the state contingencies appropriation if funding, in excess of the \$50,000 appropriated in the litigation fees line item, is needed.

### **Related Legislation**

**Deficiency appropriation** - House Bill No. 1026 provides a \$47,000 general fund deficiency appropriation to the Attorney General for paying prosecution witness fees (\$40,000) and for costs associated with the arrest and return of fugitives (\$7,000) for the 1999-2001 biennium.

**Detection of deception examiner license fee** - House Bill No. 1159 increases the detection of deception examiner license fee by \$10, from \$25 to \$35, for an examiner that is licensed in another state and is seeking to be licensed in North Dakota. The bill is expected to generate less than \$5,000 per biennium.

**Concealed weapons license fees** - House Bill No. 1160 increases the maximum amount of funding that is retained in the Attorney General's operating fund before additional collections from concealed weapons license fees are transferred to the general fund by \$25,000, from \$50,000 to \$75,000, per biennium.