

**Attorney General  
Senate Bill No. 2003**

	<b>FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
2003-05 executive budget (bills as introduced)	171.00	\$16,467,405	\$17,349,237	\$33,816,642
<b>2003-05 legislative appropriations</b>	<b>182.00</b>	<b>17,054,217</b>	<b>17,429,474</b>	<b>34,483,691</b>
Legislative increase (decrease) to executive budget	11.00	\$586,812	\$80,237	\$667,049
Legislative increase (decrease) to 2001-03 appropriations	21.50	\$2,174,486	(\$205,548)	\$1,968,938

**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. 2423, which allows agencies to provide salary increases of up to 1 percent on January 1, 2004, and up to 2 percent on January 1, 2005, to be funded in part from pooled savings accumulated from agency FTE position reductions.

	<b>Major Items FTE Positions</b>	<b>General Fund</b>	<b>Other Funds</b>	<b>Total</b>
The legislative action:				
Removed funding recommended in the executive budget for state employee salary increases		(\$172,694)	(\$20,084)	(\$192,778)
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$493 to \$488.70 per month per policy		(15,576)	(2,174)	(17,750)
Reduced funding for information technology. The amount reduced represents a reduction in information technology funding of approximately 5 percent. (See <b>Related Legislation</b> section below)		(98,453)	(12,929)	(111,382)
Added funding for salary equity increases for attorneys to provide a total of \$241,024 of special funds			41,024	41,024
Removed a vacant BCI research analyst II (\$75,402) and a vacant BCI research analyst III (\$89,723)	(2.00)		(165,125)	(165,125)
Restored funding removed in the executive budget for BCI agent overtime		21,980		21,980
Restored funding removed in the executive budget for two law enforcement training positions	2.00	275,572		275,572
Added funding for an additional BCI agent	1.00	155,983		155,983

Added funding for two identification technician positions for conducting additional criminal background checks	2.00	180,000		180,000
Added 2 FTE positions associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations. (See <b>Related Legislation</b> section below) Funding was not added because Section 4 of the bill, which was added, allows the Attorney General to retain \$394,984 of the June 30, 2003, estimated balance in the refund fund to pay for these costs during the 2003-05 biennium.	2.00			
Added 6 FTE positions for administering the North Dakota Lottery pursuant to provisions of House Bill No. 1243. Funding was not added for the positions or for other operating costs of the lottery because funding for these costs are appropriated to the Attorney General pursuant to a continuing appropriation in House Bill No. 1243. (See <b>Related Legislation</b> section below)	6.00			
Added funding from the counties for grants to reimburse rural response teams for tactical assistance provided to local law enforcement pursuant to provisions of House Bill No. 1350 (See <b>Related Legislation</b> section below)			50,000	50,000
Added federal funding to improve Crime Laboratory operations in cases with no suspects			189,525	189,525
Added a contingent appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium		240,000		240,000
Total	<u>11.00</u>	<u>\$586,812</u>	<u>\$80,237</u>	<u>\$667,049</u>

**FTE Changes**

The Legislative Assembly deleted 2 FTE vacant BCI research analyst positions; restored 2 FTE law enforcement training positions removed in the executive budget; and added 1 FTE BCI agent position, 2 FTE identification technician positions, 2 FTE positions associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations, and 6 FTE positions for administering the North Dakota Lottery. The Legislative Assembly did not change the executive recommendation to transfer 14.5 FTE positions from the State Department of Health for the State Crime Laboratory; to add 1 FTE position for the State Crime Laboratory and 1 FTE criminal investigator position; and to delete 2 FTE administrative assistant positions, 1 FTE public information specialist position, and 1 FTE criminal investigator position.

**State Crime Laboratory**

The Legislative Assembly did not change the executive recommendation to transfer the State Crime Laboratory from the State Department of Health to the Attorney General's office pursuant to provisions of Senate Bill No. 2151. The executive budget included \$3,058,388, of which \$1,541,575 is from the general fund for the Crime Laboratory, including 15.5 FTE positions.

### Local Gaming Enforcement Grants

The Legislative Assembly did not change the executive budget which provided \$617,000 from the gaming and excise tax allocation fund for local gaming enforcement grants. 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
2003-05		\$617,000	\$617,000

<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.

### Racing Commission

The Legislative Assembly did not change the executive budget which provided \$298,694, of which \$148,694 is from the general fund, \$50,000 is from the breeders fund, \$50,000 is from the promotion fund, and \$50,000 is from the purse fund for operating costs of the Racing Commission.

The Legislative Assembly approved Senate Bill No. 2285 which reduces the state tax rate on parimutuel racing from either 2 percent on win, place, or show wagers or 2.5 percent on exotic wagers to a rate schedule based on the total amounts wagered annually as follows:

	State Tax Rate
<b>Win, Place, or Show Wagers</b>	
Up to \$35,500,000 in wagers per year	2 %
Over \$35,500,000 in wagers per year	.5 %
<b>Exotic Wagers</b>	
Up to \$102,400,000 in wagers per year	2.5 %
Over \$102,400,000 in wagers per year	.25 %

The percentage of the wagers that is deposited in the breeders', promotion, and purse funds were not changed and remain at .5 percent for the breeders fund, .5 percent for the promotion fund, and .5 percent for the purse fund.

### Other Sections in Bill

**Carryover** - Section 3 of the bill allows the Attorney General to continue up to \$66,000 of the Attorney General's unspent 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium.

**Refund fund exemption** - Section 4 of the bill allows the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$594,984 rather than transferring the balance to the general fund. The March 2003 general fund revenue forecast did not anticipate any funds being transferred from the refund fund on June 30, 2003. The Attorney General anticipates using \$394,984 of the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations and \$200,000 for legal services relating to the State Water Commission. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

**Gaming stamp collections** - Section 9 of the bill allows the Attorney General to use a portion of revenues from gaming stamps for costs of issuing and administering the gaming stamps.

#### **Related Legislation**

**North Dakota Lottery** - House Bill No. 1243 establishes a North Dakota Lottery and creates a Lottery Division in the Attorney General's office. Lottery collections are deposited into a special fund and may be spent by the lottery director pursuant to a continuing appropriation for lottery-related expenses, including administrative costs of the division in the Attorney General's office.

**Special operations team services** - House Bill No. 1350 establishes a special operations team reimbursement fund of up to \$250,000 and allows the Attorney General to spend money in the fund pursuant to a continuing appropriation for reimbursing a city or county that provides special operations team services to rural areas.

**Special funds transfer** - Section 2 of House Bill No. 1505 authorizes the Office of Management and Budget to transfer \$12,929 of special funds reduced from the Attorney General's information technology budget to the Information Technology Department for funding a portion of the Information Technology Department's operating budget.

**State Crime Laboratory** - Senate Bill No. 2151 provided for the transfer of the State Crime Laboratory from the Department of Health to the Attorney General's office.

**Telephone solicitations** - Senate Bill No. 2255 provides that the Attorney General establish and maintain a list of residents who object to telephone solicitations and establish rules and regulations for telemarketers.