

**Attorney General
Budget 125
House Bill Nos. 1003, 1306, 1368, 1575; Senate Bill Nos. 2162, 2216**

	FTE Positions	General Fund	Other Funds	Total
2009-11 legislative appropriation	202.50	\$28,960,432	\$25,201,409	\$54,161,841
2007-09 legislative appropriation	188.50	24,720,296 ¹	21,266,170 ¹	45,986,466 ¹
2009-11 appropriation increase (decrease) to 2007-09 appropriation	14.00	\$4,240,136	\$3,935,239	\$8,175,375

¹The 2007-09 biennium appropriation reflects \$94,000 of general fund and \$340,000 of special funds deficiency appropriations approved by the 2009 Legislative Assembly in House Bill No. 1023.

NOTE: The 2009-11 legislative appropriation amounts include \$1,040,000, of which \$900,000 is from the general fund, for the agency's share of the \$16 million funding pool appropriated to the Office of Management and Budget (OMB) for special market equity adjustments for executive branch employees.

Item Description

FTE changes - The Legislative Assembly authorized the Attorney General's office a total of 202.5 FTE positions, an increase of 14 FTE positions from the 2007-09 authorized level of 188.5 FTE positions. The increase in the total number of FTE positions authorized consists of 15.5 new FTE positions, including 8 FTE positions relating to funding available from the American Recovery and Reinvestment Act of 2009, and the removal of 1.5 FTE positions.

Status/Result

As of April 14, 2010, the Attorney General's office has filled 12.5 of the 15.5 new FTE positions authorized for the 2009-11 biennium. The following is a summary of the areas in which new FTE positions were authorized and the number of positions filled:

	Number of Positions Authorized	Number of Positions Filled
Crime Laboratory forensic scientists	3.00	3.00
Evidence technician	1.00	1.00
Background checks	2.00	
Concealed weapons permit administrator	.50	.50
Information technology position	1.00	1.00
Edward J. Byrne Memorial Justice Assistance Grant	4.00	4.00
Internet Crimes Against Children Grant	1.00	1.00
Rural Law Enforcement Assistance Act grant - Intelligence analysts	3.00	2.00 ¹
Total	15.50	12.50

¹The Attorney General received approval from the federal government to use a portion of the funding provided for a temporary account technician to assist with managing federal funds rather than for 1 FTE intelligence analyst.

Federal fiscal stimulus funding - In Section 11 of House Bill No. 1003, the Legislative Assembly appropriated \$2,259,188 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the Attorney General for Edward J. Byrne Memorial Justice Assistance Grant funding (\$1,652,426 and 4 FTE positions), Internet Crimes Against Children Grant funding (\$216,174 and 1 FTE position), and Rural Law Enforcement Assistance Act funding (\$390,588 and 3 FTE positions).

In Section 12 of House Bill No. 1003, the Legislative Assembly authorized the Attorney General to seek Emergency Commission and Budget Section

approval under North Dakota Century Code Chapter 54-16 for authority to accept and spend federal funds received under the American Recovery and Reinvestment Act of 2009 for the Community Oriented Policing Services Grant program and to seek authority to hire up to 2 additional FTE positions for the 2011-13 biennium.

Background checks - Senate Bill No. 2162 provides an appropriation of \$210,856 from the general fund and \$82,904 from other funds to the Attorney General and authorizes 2 FTE positions to conduct additional background checks.

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 Attorney General established a 24/7 sobriety pilot program in 12 counties in the South Central Judicial District. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment.

The 2009 Legislative Assembly in House Bill No. 1306 created five new sections to Chapter 54-12 authorizing the Attorney General to establish a statewide 24/7 sobriety program, establishing guidelines and program fees, and creating and providing a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The 2009 Legislative Assembly also provided funding of \$329,826 from the general fund in House Bill Nos. 1003 (\$229,826) and 1306 (\$100,000) to the Attorney General for costs incurred to operate the sobriety program.

Reduced cigarette ignition propensity standards - The Legislative Assembly in House Bill No. 1368 provided an appropriation of \$200,000 from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund to the Attorney General to be made available to the State Fire Marshal for processing, testing, enforcement, and oversight activities related to reduced ignition propensity standards for cigarettes. Funding from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund is provided from certification fees submitted by cigarette manufacturers. This bill also provides an appropriation of \$25,000 from the fire prevention and public safety fund to the Attorney General to be made available to the State Fire Marshal for supporting fire safety and prevention programs. Funding from the fire prevention and public safety fund is provided from penalties paid by manufacturers, wholesale dealers, agents, or any other person that knowingly sells cigarettes that do not meet the provisions included in Chapter 18-13 relating to ignition propensity for cigarettes.

The Attorney General's office has not filled the 2 FTE identification technician positions. State record checks have increased by 6.2 percent and federal background checks have increased 23.9 percent from the previous year. The agency is completing the additional background checks with existing staff.

As of April 12, 2010, the 24/7 sobriety program has been implemented in four of the seven judicial districts. The agency anticipates implementing the program in the remaining three judicial districts by June 30, 2010.

From January 1, 2008, through April 12, 2010, the program included 546 participants, of which 352 graduated from the program, 89 failed the program, 15 reoffended, and 90 were still active in the program. During this same period, 37,420 breath tests were scheduled, of which 35,867 passed, 226 failed, 1,021 were excused absences, and 306 were unexcused absences. Seventy-one individuals were monitored by a secure continuous remote alcohol monitor (SCRAM) device for a total of 2,926 monitored days.

The department's information technology staff is developing a program for processing, testing, enforcement, and oversight activities related to reduced ignition propensity standards for cigarettes. The department anticipates the program will be implemented by July 2010.

Forensic medical examination reimbursements - The Legislative Assembly in Senate Bill No. 2216 provided an appropriation of \$410,000 from the insurance regulatory trust fund to the Attorney General to reimburse health care providers for the cost of performing preliminary medical screening examinations, child forensic medical examinations, and acute medical examinations on alleged victims of criminal sexual conduct.

Lost, missing, or runaway children file system - Senate Bill No. 2161 (2009) requires the Bureau of Criminal Investigation to establish and maintain a statewide file system relating to lost, missing, or runaway children.

Salary equity adjustments - The Attorney General's office received an allocation of \$1,040,000, of which \$900,000 is from the general fund, for the agency's share of the \$16 million funding pool appropriated to OMB for special market equity adjustments for executive branch employees.

Multijurisdictional task force grant fund - House Bill No. 1330 (2007) created a multijurisdictional task force grant fund within the Attorney General's office from lottery revenue and provides a continuing appropriation to the Attorney General from money in the fund to be used for drug task forces throughout the state. Net lottery proceeds of \$105,625 are transferred each quarter to the State Treasurer for deposit in the multijurisdictional task force grant fund.

Through April 30, 2010, the Attorney General's office has spent \$161,700 for reimbursing health care providers for the cost of performing preliminary medical screening examinations and forensic and acute medical examinations on alleged victims of criminal sexual conduct. The number of reimbursements has increased by 67 percent from the previous year.

The department's Bureau of Criminal Investigation and information technology divisions are developing a statewide file system relating to lost, missing, or runaway children.

The table below provides information relating to the salary equity adjustments provided to employees of the Attorney General's office beginning July 1, 2009:

	Amount	Number of Employees
Accounting staff	\$26,457	4
Administrative assistant/staff officer	67,839	21
Administrative staff	50,389	6
Bureau of Criminal Investigation staff	205,622	26
Crime Laboratory forensic staff	86,160	15
Consumer protection investigator	26,345	4
Fire Marshal staff	57,871	6
Gaming audit staff	130,124	14
Identification technician	26,092	4
Information technology staff	67,327	9
Legal staff	292,849	28
Lottery staff	2,925	2
Total	\$1,040,000	139

The Attorney General's office awarded task force grants totaling \$324,563 to eight task forces throughout the state in calendar year 2009 and \$346,161 to nine task forces in calendar year 2010 through April 12, 2010. Each task force must provide matching funds of 35 percent of the grant award.