

**Attorney General
Budget No. 125
House Bill Nos. 1003, 1306, 1368, 1575, Senate Bill Nos. 2162, 2216**

| | FTE Positions | General Fund | Other Funds | Total |
|---|----------------------|--------------------------|--------------------------|--------------------------|
| 2009-11 executive budget (bills as introduced) | 198.50 | \$29,815,200 | \$21,908,977 | \$51,724,177 |
| 2009-11 legislative appropriations | 202.50 | 28,060,432 | 25,061,409 | 53,121,841 |
| Legislative increase (decrease) to executive budget | 4.00 | (\$1,754,768) | \$3,152,432 | \$1,397,664 |
| Legislative increase (decrease) to 2007-09 appropriations | 14.00 | \$3,340,136 ¹ | \$3,795,239 ¹ | \$7,135,375 ¹ |

¹This amount reflects a 2007-09 deficiency appropriation of \$94,000 from the general fund and \$340,000 from other funds to the Attorney General for litigation fees, capital assets, and operating expenses.

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

| | Ongoing General Fund Appropriation | One-Time General Fund Appropriation | Total General Fund Appropriation |
|---|---|--|---|
| 2007-09 legislative appropriations | \$23,183,456 | \$1,536,840 | \$24,720,296 |
| 2009-11 legislative appropriations | 28,060,432 | 0 | 28,060,432 |
| 2009-11 legislative increase (decrease) to 2007-09 appropriations | \$4,876,976 | (\$1,536,840) | \$3,340,136 |
| Percentage increase (decrease) to 2007-09 appropriations | 21.0% | (100.0%) | 13.5% |
| 2009-11 legislative increase (decrease) to executive budget | (\$1,754,768) | \$0 | (\$1,754,768) |
| Percentage increase (decrease) to executive budget | (5.9%) | N/A | (5.9%) |

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.

| | Major Items | | | |
|---|----------------------|---------------------|--------------------|---------------|
| | FTE Positions | General Fund | Other Funds | Total |
| The legislative action: | | | | |
| Removed funding added in the executive budget for state employee salary equity adjustments | | (\$1,225,443) | (\$144,416) | (\$1,369,859) |
| Added 1 FTE evidence technician position (\$81,053) and related operating expenses (\$63,706) | 1.00 | 144,759 | | 144,759 |

| | | | | |
|---|-------------|----------------------|--------------------|--------------------|
| Added a .5 FTE concealed weapons permit administrator position (\$64,504) and related operating expenses (\$117,461) | .50 | | 181,965 | 181,965 |
| Added funding from the federal American Recovery and Reinvestment Act of 2009 (see Federal Fiscal Stimulus Funding section below) | 8.00 | | 2,259,188 | 2,259,188 |
| Reduced funding for travel | | | (200,000) | (200,000) |
| Reduced funding for local gaming enforcement grants as a result of provisions of House Bill No. 1317 to provide a total of \$510,000 | | | (107,000) | (107,000) |
| Added funding for the 24/7 Sobriety Program, including \$100,000 in House Bill No. 1306 (see 24/7 Sobriety Program section below) | | 329,826 | | 329,826 |
| Removed the following FTE positions: | (7.50) | (1,278,812) | (42,680) | (1,321,492) |
| • Background check positions (5.50 FTE) (\$906,481) | | | | |
| • Civil commitment position (1.00 FTE) (\$231,387) | | | | |
| • Forensic scientist position (1.00 FTE) (\$183,624) | | | | |
| Reduced general fund support and increased special funds support for operating expenses | | (132,000) | 472,307 | 340,307 |
| Added funding for increasing the Attorney General's salary from \$96,304 to \$113,266 effective January 1, 2011 (see Attorney General's salary in the Other Sections in House Bill No. 1003 section below) | | 10,100 | | 10,100 |
| Added funding in House Bill No. 1368 from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for processing, testing, enforcement, and oversight activities relating to reduced ignition propensity standards for cigarettes (\$200,000) and from the fire prevention and public safety fund for supporting fire safety and prevention programs (\$25,000) | | | 225,000 | 225,000 |
| Added funding in House Bill No. 1575 to allow participation by peace officers employed by the Bureau of Criminal Investigation in the defined benefit retirement plan | | 185,946 | 15,164 | 201,110 |
| Added funding for conducting additional background checks as a result of the provisions of Senate Bill No. 2162 | 2.00 | 210,856 | 82,904 | 293,760 |
| Added funding from the insurance regulatory trust fund in Senate Bill No. 2216 for reimbursing health care providers for the costs of performing forensic medical examinations on victims of criminal sexual conduct | | | 410,000 | 410,000 |
| Total | 4.00 | (\$1,754,768) | \$3,152,432 | \$1,397,664 |

FTE Changes

The Legislative Assembly removed 1 FTE legal staff position, 1 FTE forensic scientist position, and 5.5 FTE background check positions included in the executive budget and added 1 FTE evidence technician position and a .5 FTE concealed weapons permit administrator position. The Legislative Assembly added 8 FTE positions to be funded from federal fiscal stimulus funding. In Section 28 of Senate Bill No. 2162, the Legislative Assembly added 2 FTE positions for conducting background checks and legislative intent that the Attorney General fill the background check positions only as necessary to meet workload demand.

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 federal 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). The Attorney General may seek Emergency Commission and Budget Section approval for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated. The Attorney General may accept federal fiscal stimulus funding for programs that continue into the 2011-13 biennium. This funding is not to be considered part of the agency's base budget for the 2013-15 biennium.

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 (NDCC) Chapter 54-16 for authority to accept and spend federal funds received under the federal 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.

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. From January 1, 2008, through May 19, 2009, the program included 206 participants, of which 134 graduated from the program, 35 failed the program, 2 reoffended, and 35 were still active in the program. During this same period, 14,198 breath tests were scheduled, of which 13,375 passed, 90 failed, 543 were excused absences, and 190 were unexcused absences. Twenty-two individuals were monitored by a SCRAM (secure continuous remote alcohol monitoring) device for a total of 1,873 monitored days, which included only one violation.

The 2009 Legislative Assembly, in House Bill No. 1306, created five new sections to NDCC 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.

Other Sections in House Bill No. 1003

Additional federal funds - Limit on general fund expenditures - Section 6 provides that if additional federal funds become available, the Attorney General may not spend general fund money appropriated for similar purposes.

Lottery Advisory Commission - Section 8 amends NDCC Section 53-12.1-04(1) to remove the two-term limit for members of the Lottery Advisory Commission.

Attorney General's salary - Section 9 provides the statutory changes increasing the Attorney General's salary. The Attorney General's annual salary is increased from the current level of \$87,351 to \$91,719 effective July 1, 2009, to \$96,304 effective July 1, 2010, to \$113,266 effective January 1, 2011, and to \$130,228 effective July 1, 2011.

Legal service travel costs - Section 10 provides legislative intent that the Attorney General continue the practice of state agencies paying directly for requested legal services staff travel.

Refund fund - Section 13 allows the Attorney General to retain the June 30, 2009, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Related Legislation

House Bill No. 1040 - This bill provides for a procedure for missing person investigations.

House Bill No. 1041 - This bill relates to statutory changes necessary for the implementation of a statewide automated victim information and notification (SAVIN) system.

House Bill No. 1306 - This bill authorizes the Attorney General to establish a statewide 24/7 sobriety program and develop guidelines and program fees, creates the 24/7 sobriety program fund, and provides a continuing appropriation to the Attorney General from the fund for program expenses.

House Bill No. 1368 - This bill provides 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. 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.

House Bill No. 1575 - This bill provides an appropriation of \$185,946 from the general fund and \$15,164 from other funds to the Attorney General to allow participation of peace officers employed by the Bureau of Criminal Investigation in the defined benefit retirement plan.

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

Senate Bill No. 2162 - This bill 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.

Senate Bill No. 2216 - This bill provides 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 forensic medical examinations on victims of criminal sexual conduct.