

## ARTICLE 10-01 ORGANIZATION

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### CHAPTER 10-01-01 GENERAL ADMINISTRATION

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#### **10-01-01-01. Organization of office of attorney general.**

1. **History.** The attorney general is a constitutional officer whose duties are primarily legal in nature. The office is not, for most purposes, an administrative agency. However, the legislative assembly has determined that certain licensing functions should be under the administration of the attorney general and some of these functions involve the adoption of rules pursuant to the Administrative Agencies Practice Act, North Dakota Century Code chapter 28-32.

The attorney general is the constitutionally elected head of the office of attorney general. The office includes a general counsel, assistant attorneys general, investigators, licensing regulators, accountants, training officers, statisticians, and other necessary support staff. Some state agencies have legal counsel with the title of special assistant attorney general who are paid by the employing agency but appointed by the attorney general and are legally responsible to the attorney general.

2. **Divisions and functions.** The office of attorney general of the state of North Dakota is divided into the divisions described in this subsection. The organization by divisions provides for supervision at a lower level and allows all of the portfolios to be assigned on a centralized basis rather than by individual subject matter or attorney.

Each division is headed by a director appointed by the attorney general. The director of each division is the primary contact person for that division and is responsible for the overall management of the division.

The office includes the following divisions:

- a. Attorney general administration division. The attorney general division includes the attorney general, the chief deputy attorney general, an executive assistant, and a public information officer for the office of the attorney general. The executive assistant may serve also as the public information officer. The division is primarily responsible for executive staff management, the agency's human resources requirements, constituent resources, and serves as a liaison with the legislative assembly and elected officials.
- b. Finance and administration division. The finance and administration division is responsible for supervising office financial and administrative functions. This division handles office budget matters, bill payments, data and word processing duties, and procurement and support staff duties.
- c. State and local government division. The state and local government division is responsible for the successful and timely preparation, coordination, and distribution of a broad range of legal services to state agencies, and professional and occupational boards and has primary responsibility for all attorney general's opinions and letter responses.

Attorneys assigned to the division are responsible for providing the necessary legal advice and assistance to state governmental agencies, including the university system, and occupational and licensing boards served by the division. When agencies or occupational and licensing boards represented by the state and local government division become involved in civil or administrative litigation, the state and local government division coordinates the litigation with the civil litigation division.

The state and local government division also responds to law-related questions from city attorneys and state's attorneys on noncriminal matters.

- d. Criminal and regulatory division. The criminal and regulatory division is responsible for the administration and enforcement laws dealing with alcoholic beverage licensing, tobacco licensing, gaming licensing, polygraph examiners licensing, and transient merchant licensing. The attorneys assigned to this division provide legal assistance to the divisions of the office of attorney general involved in charitable gaming, sex offender and felony crimes against children registration, and concealed weapons licenses. Attorneys assigned to the criminal and regulatory division are responsible for meeting the office's responsibilities to the state crime laboratory, the peace officer standards and training board, the parole board and pardon advisory board, and state law enforcement agencies, including the bureau of criminal investigation, North Dakota highway patrol, and the North Dakota department of corrections and rehabilitation. The criminal and regulatory division assists state's attorneys in criminal prosecutions, state and federal post-conviction cases, and also assists the United States attorney's office in drug prosecutions, and for other issues relating to the enforcement of the criminal law. The attorneys also represent the attorney general's office with the state child protection team, the child fatality review panel, the domestic violence fatality review panel, the human trafficking commission, the task force on substance exposed newborns, and the sexual assault evidence collection protocol committee.
- e. Civil litigation division. The civil litigation division is supervised by the solicitor general and is responsible for the overall coordination of all civil litigation and all civil appellate cases involving or affecting the state of North Dakota. The civil litigation division's responsibilities include:
  - (1) Civil litigation brought against the state, state agencies, state officials, and state employees, except natural resources and Indian affairs litigation.
  - (2) Representation of agencies at administrative hearings, except natural resources and Indian affairs, gaming, liquor licensing, and consumer protection hearings.
  - (3) Appeals to state and federal courts, except appeals involving cases in natural resources and Indian affairs, gaming, liquor licensing, consumer protection, and state and federal post-conviction cases.
  - (4) Debt collection and foreclosures.
  - (5) Representing and advising state agencies with regard to personnel-related questions and litigation.

It is the solicitor general's responsibility to oversee cases involving or affecting the state of North Dakota so the attorney general may be kept informed of the status of such cases. Finally, the solicitor general is responsible for reviewing requests to the state of North Dakota to join other states in state and federal courts as *amicus curiae* when requested by other states.

- f. Natural resources and Indian affairs division. The natural resources and Indian affairs division is responsible for legal issues involving agriculture, water, oil and gas, the land department, environmental law, the game and fish department, the parks and recreation department, and Indian law. The division's duties include litigation and appeals in these areas, environmental law enforcement, and the preparation of attorney general opinions and letter responses concerning natural resources, agriculture, and Indian affairs.
- g. Bureau of criminal investigation. The bureau of criminal investigation is the state criminal investigative agency that responds to requests from sheriffs, chiefs of police, prosecutors, judges, and public officials for assistance in criminal investigations. The bureau is involved in the investigation, arrest, detection, prosecution, or suppression of crimes when directed by the attorney general. The bureau of criminal investigation also participates in the drug task forces and cooperates with and assists federal law enforcement agencies and cooperates with and assists the federal bureau of investigation and similar law enforcement agencies in other states in carrying on a complete system of criminal identification. In addition, the bureau of criminal investigation works with all North Dakota judges, prosecutors, and other law enforcement to establish a system of criminal identification. The bureau serves as the state repository for criminal history record information and maintains and publishes an annual crime report. The bureau assists with the blue alert notice system and with information for lost, missing, or runaway children. The bureau conducts or schedules training of all types for law enforcement in North Dakota. The bureau operates the following sections in carrying out its duties:
  - (1) Investigation, including general criminal investigations and narcotics investigations.
  - (2) Cyber-crime unit, including the investigation of internet crimes against children.
  - (3) State and local intelcenter, which provides criminal intelligence information to state and local law enforcement agencies.
  - (4) Finance, including grant administration and business operations.
  - (5) Information services, including criminal records, uniform crime reporting, and the automated fingerprint identification system.
  - (6) Sex offender and felony crimes against children registration.
  - (7) Concealed weapons license administration.
  - (8) Administration and support for the peace officer standards and training board.
  - (9) Support for the twenty-four seven sobriety program.
  - (10) Information processing.
- h. Fire marshal division. The state fire marshal is appointed by the attorney general and supervises the operation of the fire marshal division. The division is responsible for enforcing state laws for prevention of fires; coordinating resources for large rural wild-land fires; storage, sale, and use of combustibles and explosives; installation and maintenance of fire alarms and fire extinguishing equipment; adequacy of exits from public buildings; investigation of arson and the cause and origin of fires and education on hazards of fire. The division also has responsibility for the state's emergency response to hazardous materials incidents and hazardous materials training.
- i. Consumer protection and antitrust division. The consumer protection and antitrust division is responsible for enforcing the state consumer fraud laws, investigating claims

of fraud, misrepresentation, and deceptive practices in the sale or advertisement of merchandise, and mediating consumer complaints against businesses. The division plays an important role in educating members of the public regarding consumer issues. The division is also responsible for investigating antitrust violations and enforcing state antitrust laws.

- j. Gaming division. The gaming division is responsible for regulating, enforcing, and administering charitable gaming activity in North Dakota. The gaming division performs office and field audits and investigations of gaming organizations, distributors, and manufacturers; ensures that the receipt, control, and disbursement of gaming funds are accurate and according to law; reviews gaming tax returns; issues administrative complaints; conducts criminal history background checks of applicants and officers and stockholders of distributors, manufacturers, and Indian casino management companies; provides guidance and trains representatives of organizations, distributors, manufacturers, and local law enforcement agencies; and ensures compliance with five tribal-state Indian casino gaming compacts.
- k. Crime laboratory division. The crime laboratory division provides forensic criminal examinations, including firearms testing, fiber analysis, latent fingerprint analysis, DNA analysis, biological screening, and drug analysis. The crime laboratory also performs toxicology analysis, including testing blood samples for alcohol concentration and samples from the North Dakota medical examiner. The crime laboratory is also responsible for training law enforcement to conduct breath testing to determine alcohol concentration and to certify and repair breath alcohol testing equipment for the entire state of North Dakota.
- l. Lottery division. The lottery division is responsible for administering, regulating, enforcing, and promoting the state's lottery. The lottery division selects and licenses retailers, trains employees of retailers to use lottery terminals, sell tickets and redeem winning tickets, assists retailers in promoting lottery games, pays high-tier prizes to players, ensures that retailers and players comply with the lottery law and rules, and provides full accountability to the public and legislature.
- m. Criminal justice information sharing division. The criminal justice information sharing division is responsible for developing policies, processes, and statewide information systems to capture and provide complete, accurate, and timely criminal justice data. The criminal justice information sharing division administers the portal, which is a secure criminal justice information sharing hub, and the broker, which allows sharing of criminal justice information in information technology systems. Additionally, the division supports several statewide information systems, including a law enforcement records management system, a jail records management system, and a state's attorney case management system. Other programs within the criminal justice information sharing division include automated victim notification and the common statute table.
- n. Information technology division. The information technology division provides technology planning and assistance services to all divisions of the office of the attorney general. The division maintains data repositories for the key information obtained by the various divisions of the office, including: sex offender and felony crimes against children registration; concealed weapon licenses; gaming and other various licenses; criminal history and other criminal justice repositories, including biometrics; crime laboratory management system; lottery management; consumer protection management; twenty-four seven sobriety management; crime statistics; and fire marshal and legal billing. The division also provides information from these repositories in response to open-record requests. The division maintains a helpdesk to support technology requests for the entire office and for criminal justice organizations across the state that have

access to the data repositories. The division is also responsible to maintain a high level of security for the computer infrastructure in accordance with federal bureau of criminal investigation security policy; to forward appropriate criminal justice information to the federal bureau of criminal investigation; to maintain real-time communications with law enforcement across the state and the nation through North Dakota state radio and criminal justice data information sharing for access to the information in the state's criminal justice repositories; and to support those communications twenty-four hours a day, seven days a week.

**History:** Amended effective September 1, 1982; June 1, 1986; September 1, 1989; May 1, 1992; May 1, 1994; January 1, 2016.

**General Authority:** NDCC 28-32-02, 54-12-01

**Law Implemented:** NDCC 12-60-01, 12-60-05, 12-60-07, 18-01-01, 53-06.1-03, 53-12.1-02, 54-12-01, 54-12-17, 54-12-24, 54-12-26, 54-12-27, 54-12-32, 54-12-33, 54-12-34, 62.1-04-03

#### **10-01-01-02. Inquiries.**

All inquiries, requests for records, and correspondence is to be addressed to the office of the attorney general as follows:

Office of the Attorney General  
600 East Boulevard Avenue, Department 125  
Bismarck, ND 58505-0040

**History:** Effective January 1, 2016.

**General Authority:** NDCC 28-32-02, 54-12-01

**Law Implemented:** NDCC 28-32-02