

**Attorney General - Budget No. 125  
House Bill No. 1003  
Base Level Funding Changes**

	House Version				Senate Version				Senate Changes to House Version Increase (Decrease) - House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2021-23 Biennium Base Level</b>	245.00	\$45,604,596	\$35,886,284	\$81,490,880	245.00	\$45,604,596	\$35,886,284	\$81,490,880	0.00	\$0	\$0	\$0
<b>2021-23 Ongoing Funding Changes</b>												
Base payroll changes		\$55,536	\$87,874	\$143,410		\$55,536	\$91,252	\$146,788			\$3,378	\$3,378
Salary increase		781,879	384,469	1,166,348		772,481	431,978	1,204,459		(\$9,398)	\$47,509	38,111
Health insurance increase		7,650	3,718	11,368		7,650	3,718	11,368				0
Adds funding for Bureau of Criminal Investigation salary equity increases			1,007,326	1,007,326			1,249,083	1,249,083			241,757	241,757
Adds funding for Fire Marshal salary equity increases			125,906	125,906			125,906	125,906				0
Adjusts funding for the Gaming Division				0		(1,710,042)	1,710,042	0		(1,710,042)	1,710,042	0
Adds funding for gaming grants to political subdivisions				0			240,000	240,000			240,000	240,000
Adds funding for FTE gaming division positions due to electronic pull tabs activity	4.00	(246,009)	959,699	959,699	7.00	(246,009)	1,679,473	1,679,473	3.00		240,000	240,000
Reduces funding for temporary salaries		(1,489,628)	185,464	(1,304,164)		(1,489,628)	185,464	(1,304,164)			719,774	719,774
Adjusts funding for operating expenses		(210,000)		(210,000)		(210,000)	584,373	374,373			584,373	584,373
Adjusts operating expenses		70,958		70,958		70,958		70,958				0
Adds funding for technology fees, including Microsoft Office 365 license expenses		114,342	80,000	194,342		114,342	80,000	194,342				0
Adds funding for Bureau of Criminal Investigation service contracts and monitoring fees		(12,866)		(12,866)		(12,866)		(12,866)				0
Reduces funding for State Crime Laboratory bond payments		555		555		555		555				0
Reduces funding for capital assets		(152,400)	(152,400)	(152,400)			(152,400)	(152,400)				0
Removes funding for the Lottery Narcotics Task Force		(755,000)	(755,000)	(755,000)			(755,000)	(755,000)				0
Reduces funding for litigation fees		(22,500)		(22,500)		(22,500)		(22,500)				0
Removes funding for 1 FTE position for the intellectual property attorney program	(1.00)	(447,790)		(447,790)	(1.00)	(447,790)		(447,790)	1.00	447,790		447,790
Restores funding for 1 FTE position for the intellectual property attorney program				0				0				0
Reduces funding for the arrest and return of fugitives		(1,500)		(1,500)		(1,500)		(1,500)				0
Adds funding for criminal justice information sharing projects		382,662		382,662		382,662		382,662				0
Reduces funding for criminal justice information sharing IT expenses		(271,889)		(271,889)		(271,889)		(271,889)				0
Reduces funding for law enforcement operating expenses		(340,360)		(340,360)		(340,360)		(340,360)				0
Reduces funding for human trafficking victims grants		(300,000)		(300,000)		(300,000)		(300,000)				0
Total ongoing funding changes	3.00	(\$1,928,960)	\$1,927,056	(\$1,904)	7.00	(\$3,200,610)	\$6,086,138	\$2,885,528	4.00	(\$1,271,650)	\$4,159,082	\$2,887,432
<b>One-time funding items</b>												
Adds funding for criminal history improvement system upgrades			\$400,000	\$400,000			\$400,000	\$400,000				\$0
Adds funding for the charitable gaming technology system			475,000	475,000			475,000	475,000				0
Adds funding for the automated biometric identification system			300,000	300,000			300,000	300,000				0
Adds funding for State Crime Laboratory equipment			1,111,706	1,111,706			1,111,706	1,111,706				0
Adds funding for a statewide litigation funding pool			3,000,000	3,000,000			4,000,000	4,000,000			\$1,000,000	1,000,000
Adds funding for additional income from federal or other sources			250,000	250,000			250,000	250,000				0
Total one-time funding changes	0.00	\$0	\$5,536,706	\$5,536,706	0.00	\$0	\$6,536,706	\$6,536,706	0.00	\$0	\$1,000,000	\$1,000,000
<b>Total Changes to Base Level Funding</b>	3.00	(\$1,928,960)	\$7,463,762	\$5,534,802	7.00	(\$3,200,610)	\$12,622,844	\$9,422,234	4.00	(\$1,271,650)	\$5,159,082	\$3,887,432
<b>2021-23 Total Funding</b>	248.00	\$43,675,636	\$43,350,046	\$87,025,682	252.00	\$42,403,986	\$48,509,128	\$90,913,114	4.00	(\$1,271,650)	\$5,159,082	\$3,887,432
Total ongoing changes as a percentage of base level	1.2%	(4.2%)	5.4%	(0.0%)	2.9%	(7.0%)	17.0%	3.5%				
Total changes as a percentage of base level	1.2%	(4.2%)	20.8%	6.8%	2.9%	(7.0%)	35.2%	11.6%				

Other Sections in Attorney General - Budget No. 125

Appropriation - Additional federal funds or other federal funds

House Version

Section 3 appropriates \$250,000 from federal or other funds to the Attorney General for the purpose of defraying the expenses of the Attorney General for the 2021-23 biennium. The Attorney General is required to report to the Office of Management and Budget and the Legislative Council on the availability of this funding.

Senate Version

Section 3 appropriates \$250,000 from federal or other funds to the Attorney General for the purpose of defraying the expenses of the Attorney General for the 2021-23 biennium. The Attorney General is required to report to the Office of Management and Budget and the Legislative Council on the availability of this funding.

Appropriation - 2019-21 biennium - Sexual assault evidence collection kit tracking system  
Drug analyzers - Exemption - One-time funding

Section 4 provides a 2019-21 biennium supplemental appropriation of \$355,000 to the Attorney General from federal funds, of which \$255,000 is for the development and implementation of a sexual assault evidence collection kit tracking system and \$100,000 is for drug analyzers received from the Department of Transportation and granted to the Attorney General. The section includes an exemption to allow the Attorney General to continue the funding into the 2021-23 biennium. Section 26 declares this section to be an emergency measure.

Transfer - Lawsuit settlement proceeds - Opioid addiction prevention and treatment program - Appropriation - Department of Human Services - One-Time Funding - Report

Section 5 provides for a transfer of up to \$2,000,000 from opioid related lawsuit settlement proceeds deposited in the Attorney General refund fund to the Department of Human Services, which is appropriated to the Department of Human Services for the purposes of defraying the expenses of an opioid addiction prevention and treatment program during the 2021-23 biennium. The Department of Human Services is required to consult with the Attorney General regarding the use of this funding. The Attorney General is required to notify the Legislative Council and the Office of Management and Budget of any lawsuit settlement proceeds that become available for transfer to the Department of Human Services for this program.

Strategic investment and improvements fund - Transfer - Litigation pool to state agencies  
One-time funding

Section 4 identifies \$3 million of one-time funding in the statewide litigation funding pool line item in Section 1 is from the strategic investment and improvements fund and requires the Attorney General to transfer funds from this line item to eligible state agencies for litigation expenses during the 2021-23 biennium.

Section 6 identifies \$4 million of one-time funding in the statewide litigation funding pool line item in Section 1 is from the strategic investment and improvements fund and requires the Attorney General to transfer funds from this line item to eligible state agencies for litigation expenses during the 2021-23 biennium.

Estimated income - Charitable gaming technology system - Gaming tax allocation fund

Section 7 identifies \$475,000 in Section 1 is from the gaming tax allocation fund for the purpose of defraying expenses related to the continued development and implementation of the charitable gaming technology system during the 2021-23 biennium.



Human trafficking victims grant program

House Version

Section 5 identifies \$1,101,834 from the general fund in Section 1 for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the 2021-23 biennium. The Attorney General is allowed to provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its program. The Attorney General is required to report to the Legislative Management during the 2021-22 interim on the status and results of the grant program.

Senate Version

Section 8 identifies \$1,101,879 from the general fund in Section 1 for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the 2021-23 biennium. The Attorney General is allowed to provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its program. The Attorney General is required to report to the Legislative Management during the 2021-22 interim on the status and results of the grant program.

Forensic nurse examiners grant program

Section 6 identifies \$250,674 from the general fund in Section 1 for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs for the 2021-23 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its programs. The Attorney General is required to report to Appropriations Committees of the 68th Legislative Assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

Section 9 identifies \$250,691 from the general fund in Section 1 for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs for the 2021-23 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 68th Legislative Assembly on the use of the funds received and the outcomes of its programs. The Attorney General is required to report to Appropriations Committees of the 68th Legislative Assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

Estimated income - Salary equity increases - Attorney General refund fund - Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund

Section 7 identifies \$1,133,232 in the estimated income line item in Section 1 is from the Attorney General refund fund for providing salary equity increases to Attorney General staff, of which \$1,007,326 is for Bureau of Criminal Investigation and Medicaid Fraud Control Unit positions and \$125,906 is for Fire Marshal office positions, for the 2021-23 biennium.

Section 10 identifies \$1,374,989 in the estimated income line item in Section 1 is for providing salary equity increases to Attorney General staff during the 2021-23 biennium, of which \$1,249,083 is from the Attorney General refund fund for Bureau of Criminal Investigation and Medicaid Fraud Control Unit positions and \$125,906 is from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for Fire Marshal office positions.

Other Sections in Attorney General - Budget No. 125

House Version

Legislative intent - Attorney General - Salary equity increases - Investment of lawsuit settlement proceeds - State Investment Board

Section 8 allows the Attorney General to invest up to \$2,266,464 of funding available in the Attorney General refund fund, of which \$1,160,896 is derived from lawsuit settlement proceeds received by the Attorney General and deposited in the Attorney General refund fund in January 2021 and any investment earnings on the settlement amount, under the supervision of the State Investment Board for the 2021-23 and 2023-25 bienniums. Legislative intent is provided that this funding and any investment earnings on the funding be retained in the Attorney General refund fund for the purpose of providing salary equity increases for the 2021-23 biennium as authorized in Section 7 and for the cost to continue the salary equity increases during the 2023-25 biennium.

Senate Version

Section 11 allows the Attorney General to invest up to \$2,577,624 of funding in the Attorney General refund fund, which is derived from lawsuit settlement proceeds received by the Attorney General and was deposited in the Attorney General refund fund in January 2021 (\$1,160,896) and March 2021 (\$1,416,728) and any investment earnings on the settlement amount, and \$251,812 of funding in the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund, under the supervision of the State Investment Board for the 2021-23 and 2023-25 bienniums. Legislative intent is provided that this funding and any investment earnings on the funding be retained in the Attorney General refund fund and Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for the purpose of providing salary equity increases for the 2021-23 biennium as authorized in Section 10 and for the cost to continue the salary equity increases during the 2023-25 biennium.

Gaming tax - Gaming tax allocation fund - Attorney general - State Treasurer - Allocations - Transfer to the general fund

Section 12 amends Section 53-06.1-12 to authorize the Attorney General to use gaming tax revenues for the administration and operating costs of the Gaming Division.

Attorney General salary

Section 9 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$163,394 to \$165,845 effective July 1, 2021, and \$168,333 effective July 1, 2022, to reflect the 1.5 percent annual salary increase approved by the House.

Section 13 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$163,394 to \$165,845 effective July 1, 2021, and \$169,162 effective July 1, 2022, to reflect annual salary increases of 1.5 percent and 2 percent.

Criminal history record checks - Fees

Section 10 requires any person or entity requesting a criminal record check from the Bureau of Criminal Investigation to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the state general fund during the 2021-23 biennium.

Section 14 requires any person or entity requesting a criminal record check from the Bureau of Criminal Investigation to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the state general fund during the 2021-23 biennium.

Exemption - Contingent fee arrangement

Section 15 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multi-state technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2023. Section 26 declares this section an emergency measure.

Exemption - Gaming tax revenue grants

Section 16 provides, notwithstanding Section 53-06.1-12, the Attorney General may distribute quarters seven and eight 2019-21 biennium gaming tax revenues to cities and counties through October 31, 2021.

Exemption - Attorney General refund fund

Section 11 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.

Section 17 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.



Other Sections in Attorney General - Budget No. 125

Exemption - Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund

House Version

Senate Version

Section 18 provides, notwithstanding Subsection 6 of Section 18-13-03, the Attorney General may invest \$125,906 from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund, for the purpose of providing salary equity increases to Fire Marshal office positions during the 2021-23 biennium.

Exemption - Concealed weapon rewrite project

Section 12 allows the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.

Section 19 allows the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.

Exemption - Statewide automated victim information and notification program

Section 20 allows the Attorney General to continue any remaining funding appropriated from other funds for the 2017-19 biennium and continued into the 2019-21 biennium for the statewide automated victim information and notification system into the 2021-23 biennium for the legal case management system, which is used to track attorney time and billing within the agency.

Exemption - Information technology equipment

Section 21 allows the Attorney General to continue any remaining funding appropriated from the general fund for the 2019-21 biennium for the purchase of information technology equipment into the 2021-23 biennium.

Legislative intent - Gaming Division

Section 22 provides legislative intent that the Attorney General's Gaming Division be paid for using gaming tax revenues.

Legislative Management study - State government attorneys

Section 23 provides for a Legislative Management study regarding the feasibility and desirability of consolidating attorney and legal related positions in state government. The study must include an analysis of the number of attorney and legal-related positions in state government, the agency the positions are assigned to, the nature of the work performed by the positions, and any efficiencies that may be gained through the consolidation of these positions into the attorney general's office. The study must include consultation with the attorney general and any agency with attorney and legal-related positions in state government authorized for the 2021-23 biennium.

Legislative Management study - State government litigation funding

Section 24 provides for a Legislative Management study regarding the feasibility and desirability of consolidating litigation-related funding in state government. The study must include an analysis of litigation-related funding in state government agency budgets, including the nature and source of funding for the litigation and any efficiencies that may be gained through the consolidation of the litigation funding into the attorney general's office. The study must include consultation with the attorney general and any agency with litigation-related funding appropriated for the 2021-23 biennium.

Legislative Management study - Charitable gaming laws

Section 25 provides for a Legislative Management study regarding the state's charitable gaming taxation laws and the use of net proceeds for eligible organizations.

Emergency measure

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**House Version**

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**Senate Version**

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Section 26 declares sections 4 and 15 an emergency measure.

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