

15% Reductions that we need to have restored:

3/15/2021

	Priority	General Fund	Federal Funds	Other Funds	Reason for Need:
<b>Operating Line:</b>					
IT operating	1	568,350			Software, IT supplies, contractual services
BCI operating	1	454,562			Travel, equipment, equipment rental, professional development, operating fees
Crime Lab operating	1	126,646			Lab supplies, travel, professional services, repairs for equipment, utilities, travel
Fire Marshal operating	1	145,619			Equipment repairs, IT communications, rent, travel, supplies
		<u>1,295,177</u>			
<b>Law Enforcement Line</b>					
BCI	1	283,227			criminal investigator (Williston area), admin assistant (Bismarck office)
Crime Lab	1	34,377			professional development, operating fees and services, travel, supplies,
Fin Admin	1	26,133			travel and operating for grant staff
		<u>343,737</u>			
CJIS Line - operating	1	271,889			portal, broker, maintenance
IP Attorney Line - salary/operating	1	447,791			Legislature can determine need

Optional requests NOT included in House Version:

		GF	FF	OF	
Gaming regulation salaries - 4 FTE	4			814,863	will leave gaming short-staffed; Fund Gaming Division through gaming taxes.
Gaming regulation operating	4			144,836	Operating expenses for new FTE
Justware - CJIS IT	6	500,000	-	120,000	cannot start legal system replacement; Special fund from SAVIN carryover
Narcotics Buy Fund	7	100,000			
Ammunition	7	21,941			
		<u>621,941</u>	<u>0</u>	<u>1,079,699</u>	

Additional Requests

		GF	FF	OF	
IT maintenance - Fund 250				650,000	To cover additional maintenance costs for several new projects
Increase ABIS - NARIP (NCIS Act Record Improvement Program)			290,000		Additional grant funding available to finish the project in 21-23
tracking system SB 2281 - SAFE ITR			255,000		Need authority and <b>emergency clause</b>
Crime Lab renovation - COVERDELL			98,900		Grant funding to add glass window for evidence drop off; <b>emergency clause</b>
Crime Lab drug analyzers - DOT			100,000		DOT grant additional funding awarded in January 2021; <b>emergency clause</b>
Contingency Attorney Fees					<b>Need emergency clause</b>
Carryover authority for delayed shipment					Desktops, laptops etc - shipping delays on items already ordered.
Litigation fees	1	22,500			If don't get it back, will go to EC
Arrest/return	1	1,500			If don't get it back, will go to EC
Nitrogen Generator - maintenance	6	5,405			Won't have maintenance money for equipment
ELISA Plate Reader - maintenance	6	1,900			Won't have maintenance money for equipment
Gas Cylinders	6	8,235			Need for intoxylizers that were included in budget
<b>House Reduction</b>		<b>210,000</b>			The House removed an additional \$210,000 from base operating.

## 15% Reductions that we need to have restored:

## General Fund

Operating Line:		
IT operating		
Software, IT supplies	(218,350)	
Contractual Services	(350,000)	
Total IT operating reduction		<u>(568,350)</u>
BCI operating		
Travel	(132,543)	
Equipment	(101,636)	
Leases/Rent equip	(100,000)	
Repairs/Service contracts	(6,383)	
Professional Development	(14,000)	
Operating Fees/Services	(100,000)	
Total BCI operating reduction		<u>(454,562)</u>
Crime Lab operating		
Travel	(5,300)	
Supplies	(5,850)	
Equipment	(1,900)	
Utilities	(9,850)	
Repairs/Service Contracts	(28,146)	
Professional Development	(1,600)	
Operating Fees/Services	(25,000)	
Professional Services	(24,000)	
Medical Supplies	(25,000)	
Total Crime Lab operating reductions		<u>(126,646)</u>
Fire Marshal operating		
Travel	(5,000)	
Supplies	(13,500)	
Equipment	(6,000)	
Leases	(50,000)	
Repairs/Service Contracts	(30,000)	
IT Communications	(30,000)	
Operating fees/Services	(11,119)	
Total FM operating reduction		<u>(145,619)</u>
Total Operating Line Reduction		<u><u>(1,295,177)</u></u>
Law Enforcement Line		
BCI		
Agent Salary	(218,762)	
Admin Assistant Salary (50% reduction)	(64,465)	
Crime Lab		
Building maintenance	(8,000)	
Supplies	(10,382)	
Equipment	(8,812)	
Repairs	(7,183)	
Fin Admin		
Travel for grant staff	(10,000)	
Operating for grant staff	(16,133)	
Total Law Enforcement line reduction		<u><u>(343,737)</u></u>
CJIS Line - portal, broker, maintenance		<u><u>(271,889)</u></u>
IP Attorney Line - salary/operating		<u><u>(447,791)</u></u>

**SECTION \_\_. CONTINGENT FEE ARRANGEMENT.** Notwithstanding section 54-15-08.1 of the North Dakota Century Code, the office of attorney general may contract for legal services which will be compensated for by a contingent fee arrangement, relating to ongoing technology multi-state litigation, during the biennium beginning July 1, 2021, and ending June 30, 2023

**SECTION \_\_. EXEMPTION – STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION PROGRAM.** The sum of \$815,000 from other funds appropriated to the attorney general for the statewide automated victim information and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws and section 9 of chapter 28 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for replacement of the legal case management system, during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION \_\_. EXEMPTION – INFORMATION TECHNOLOGY EQUIPMENT.** The sum of \$43,058 from the general fund appropriated to the attorney general for information technology equipment in section 1 of chapter 28 of the 2019 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for purchase of information technology equipment, during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION \_\_. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM - EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of this Act includes \$475,000 from the attorney general operating fund for the purpose of purchasing equipment and software for a charitable gaming technology system. Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney general shall deposit \$475,000 into the attorney general operating fund during the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION \_\_. GAMING GRANTS.** Notwithstanding subsection 4 of Section 53-06.1-12 of the North Dakota Century Code, the office of attorney general may distribute the 2019-21 biennium seventh and eighth quarter gaming taxes to cities and counties by October 31, 2021.

**SECTION \_\_. REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND.** Notwithstanding section 18-13-03 of the North Dakota Century Code, the office of 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 positions, during the biennium beginning July 1, 2021, and ending June 30, 2023

**SECTION \_\_. EMERGENCY.** Section \_\_ relating to contingent fee arrangements; \$255,000 of other income for a sexual assault evidence collection kit tracking system; and \$100,000 of other income for drug analyzers, included in section 1 of this Act are considered to be emergency measures.

**SECTION 7. ESTIMATED INCOME - SALARY EQUITY INCREASES - ATTORNEY GENERAL REFUND FUND - REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND.** The estimated income line in section 1 of this Act includes ~~\$1,133,232~~ **\$1,007,326** from the attorney general refund fund for the purpose of providing salary equity increases to ~~employees in the attorney general's office, of which \$1,007,326 is for~~ bureau of criminal investigation positions and Medicaid control unit positions and **\$125,906 from the reduced cigarette ignition propensity and firefighter protection act enforcement fund is for the purpose of providing salary equity increases for** fire marshal office positions, for the biennium beginning July 1, 2021, and ending June 30, 2023.

**SECTION 8. LEGISLATIVE INTENT - ATTORNEY GENERAL - SALARY EQUITY INCREASES - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE INVESTMENT BOARD.** The attorney general may invest up to ~~\$2,266,464~~ **\$2,500,000** of funding in the attorney general refund fund, of which ~~\$1,160,896~~ is derived from ~~January 2021~~ lawsuit settlement proceeds **and \$251,812 of funding from the reduced cigarette ignition propensity and firefighter protection act enforcement fund**, under the supervision of the state investment board for the period beginning July 1, 2021, and ending June 30, 2025. It is the intent of the sixty-seventh legislative assembly that ~~\$2,266,464~~ **\$2,500,000** in the attorney general refund fund and any investment earnings on the funding be retained in the attorney general refund fund **and \$251,812 in the reduced cigarette ignition propensity and firefighter protection act enforcement fund and any investment earnings on the funding be retained in the reduced cigarette ignition propensity and firefighter protection act enforcement fund**, for the purpose of providing salary equity increases as provided for in section 7 of this Act and for the cost to continue the salary equity increases for the 2023-25 biennium, subject to legislative appropriations.

**Engrossed House Bill 1025** provides a supplemental general fund appropriation of \$181,152 to the Office for the 2019-21 biennium for lawsuit expenses associated with a constitutional challenge to North Dakota’s corporate farming laws.

**Engrossed House Bill 1162** allows licensed organizations to conduct online raffles in North Dakota. **The impact of this bill is unknown.**

**Engrossed House Bill 1212** changes the gaming tax structure and creates a charitable gaming operation fund for deposit of all gaming taxes. Appropriated Gaming Division administrative and operating costs would be paid from this fund. This bill also provides a continuing appropriation for allocations related to gambling disorder prevention and treatment. Any gaming tax revenue remaining in the fund at the end of the biennium would be transferred to the general fund. **The \$1,756,101 general fund share of the Gaming Division’s appropriation has not been moved to special funds in the Office’s appropriation bill or this bill.**

**Engrossed House Bill 1234** provides authorization of sports betting and the creation of a sports wagering commission within the Attorney General’s office, contingent on adoption of House Concurrent Resolution 3032 by the qualified electors of North Dakota in the November 2022 general election. **The effective date of this bill will be August 1, 2023** so there is no fiscal impact during the 2021-23 biennium.

**Engrossed House Bill 1389** provides for licensing and regulation of live poker contingent on adoption of House Concurrent Resolution 3012 by the qualified electors of North Dakota in the November 2022 general election. This bill would be effective for the last six months of the 2021-23 biennium. It is estimated a new division would be required within the Attorney General’s office. The fiscal impact of this bill cannot be determined at this time, so **no funding has been added to the Office’s appropriation bill or this bill.**

**Engrossed Senate Bill 2281** requires the State Crime Lab to develop and implement a statewide sexual assault evidence collection kit tracking system and provides an emergency clause. Federal funds of \$255,000 are available under the SAFE ITR grant for this project but an appropriation has not been added to this bill. **The \$255,000 and an emergency clause have not been added to the Office’s appropriation bill.**

**Criminal history record checks:** Several bills require the Office to conduct criminal history record checks. The Office estimates one FTE per 3,000 record checks per year. The current number of new record checks being requested is **938**. These additional record checks will be absorbed by existing staff. The Office will continue to monitor the number of record checks being requested.

Bills including criminal record history checks:

	# per Year		# per Year
HB 1122 Reserve Peace Officers	100	SB 2062 State Historical Society	30
HB 1253 Secretary of State	5	SB 2110 Dept of Transportation	10
HB 1347 DHS - Early Childhood Services	578	SB 2131 DHS - Children's Advocacy	30
HB 1359 Dept of Health - medical marijuana	20	SB 2174 Commission on Legal Counsel	10
HB 1420 Dept of Health - retail edible marijuana	<u>125</u>	SB 2187 Board of Dietetic Practice	10
	828	SB 2338 Public Service Commissioner	<u>20</u>
			110

## Cost of Gaming Division:

	FTE	17.00
Engrossed HB 1003		
Salaries and wages	3,506,256	
Operating	459,483	
Gaming Grants	510,000	
Gaming Commission	<u>7,489</u>	
	4,483,228	
Four Addt'l FTE not included by House:		
Salaries <sup>1</sup>	814,863	4.00
Operating	144,836	
Gaming System Phases 3 and 4	475,000	
Total Gaming Tax Revenue needed	<u>5,917,927</u>	21.00

<sup>1</sup> Amount does not include compensation increase.

Current Funding Spread	Gen Fund	Oth Funds	Total
	1,749,241	2,733,987	4,483,228

**New Gaming FTE:**

Auditor I	3.00	Gaming auditors; one auditor would assist the auditor-in-charge for audits of distributors and manufacturers
Auditor III	1.00	Auditor with IT background to assist with drafting technical standards for the manufacturers, operations of electronic devices and assist with technical changes with state forms and the state gaming system
Auditor III	1.00	Special projects manager to assist with drafting rules and regulations and to assist with legislative items and other projects as needed
Auditor IV	1.00	Auditor-in-charge to audit distributors and manufacturers and to assist with licensing and rule writing
Investigators	2.00	Licensed peace officers with accounting background to assist local law enforcement with regulation, compliance, and prosecution. Will conduct covert operations and train local law enforcement, city and county auditors on gaming rules and regulations.
	<hr/> 8.00	

	Average Salary		Starting Salary	
	Toxicologist	DNA	FS I	FS II
Salaries	118,344	138,648	93,000	123,600
Benefits	57,642	61,514	55,363	60,100
Total	<u>175,986</u>	<u>200,162</u>	<u>148,363</u>	<u>183,700</u>
Travel	4,000	4,000	4,000	4,000
It Software/Supp.	1,155	1,155	1,155	1,155
Professional Supp. & Materials	1,500	1,500	1,500	1,500
Food & Clothing	1,000	1,000	1,000	1,000
Bldg./Equip. Supp.	1,000	1,000	1,000	1,000
Misc. Supplies	1,500	1,500	1,500	1,500
Office Supplies	500	500	500	500
Postage	500	500	500	500
Printing	500	500	500	500
It Equip. Under \$5,000	1,815	1,815	1,815	1,815
Other Equip. Under \$5,000	-	-	-	-
Office Equip. Under \$5,000	5,500	5,500	5,500	5,500
Insurance	300	300	300	300
Lease/Rent Equip	300	300	300	300
Lease/Rent Bldgs.	-	-	-	-
Repairs/Service Contracts	3,000	3,000	3,000	3,000
It - Data Proc.	3,000	3,000	3,000	3,000
It - Communications	3,000	3,000	3,000	3,000
Professional Develop.	5,000	5,000	5,000	5,000
Operating Fees & Services	2,000	2,000	2,000	2,000
Profess. Serv.	2,000	2,000	2,000	2,000
Med., Dent. Optical Supplies	5,000	5,000	5,000	5,000
TOTAL	<u>42,570</u>	<u>42,570</u>	<u>42,570</u>	<u>42,570</u>
TOTAL EST, COST	218,556	242,732	190,933	226,270



Estimated Cost for Agent  
2021-23 Biennium

3/15/2021

**Criminal  
Investigator  
6,110**

**SALARIES & WAGES**

PERMANENT	146,640
TEMPORARY	-
OVERTIME	6,500
BENEFITS	71,277
TOTAL	<u>224,417</u>

**OPERATING EXPENSES**

TRAVEL	16,065
IT SOFTWARE/SUPP.	865
PROFESSIONALSUPP. & MATERIALS	1,427
FOOD & CLOTHING	510
BLDG./EQUIP. SUPP.	2,550
MISC. SUPPLIES	765
OFFICE SUPPLIES	1,224
POSTAGE	2,550
PRINTING	1,836
IT EQUIP. UNDER \$5,000	3,200
OTHER EQUIP. UNDER \$5,000	3,060
OFFICE EQUIP. UNDER \$5,000	4,590
INSURANCE	1,020
LEASE/RENT EQUIP	-
LEASE/RENT BLDGS.	11,340
REPAIRS/SERVICE CONTRACTS	6,120
ITD - DATA PROC.	4,882
ITD - COMMUNICATIONS	7,560
PROFESSIONAL DEVELOP.	6,120
OPERATING FEES & SERVICES	-
PROFESS. SERV.	6,000
MED., DENT. OPTICAL SUPPLIES	-
TOTAL	<u>81,684</u>

IT OVER \$5,000	
SOFTWARE OVER \$5,000	-
EQUIP. OVER \$5,000	-
MOTOR VEHICLE	35,000
TOTAL	<u>35,000</u>

**TOTAL ESTIMATED COSTS** 341,101

On 10/01/20, NDBCI opened the hiring process for NDBCI to fill (4) vacant agent positions. NDBCI tested for these openings on 11/13/20. NDBCI interviewed for the positions on 12/16-12/18/20. NDBCI offered positions to (4) persons. The details are below per location:

1. Williston Criminal Narcotics Investigator

- a. Vacant since S/A Mike Mees transferred to Bismarck MANTF in August 2019.
- b. NDBCI tested for this position, but due to low starting NDBCI wage, no applicants accepted the Williston vacancy. The applicants would have had to take a pay cut of approximately \$10,000.00 per year.

2. Williston Criminal Narcotics Investigator

- a. Vacated when S/A Rob Sanderson transferred to Social Security Administration Cooperative Disability Investigative Unit (SSA CDIU) in Bismarck on 09/03/20.
- b. NDBCI tested for this position, but due to low starting NDBCI wage, no applicants accepted the Williston vacancy. The applicants would have had to take a pay cut of approximately \$10,000.00 per year.

3. Wahpeton Criminal Narcotics Investigator

- a. Vacated when S/A Ward Williams left NDBCI on 04/30/20 to work for Minnesota BCA for approximately \$8,000.00 more per year.
- b. NDBCI tested for this position, but due to low starting NDBCI wage, no applicants accepted the Wahpeton vacancy. The primary applicant would need to take a pay cut of approximately \$20,000.00 per year.

4. Dickinson Criminal Narcotics Investigator

- a. Vacated when S/A Philip Worley left NDBCI on 05/01/20 to work for Georgia BCI for approximately \$6,000.00 more per year.
- b. NDBCI tested for this position and hired S/A Karmen Kupper on Monday, 03/01/21.

NDBCI has (3) remaining open positions as outlined above.

## IT OPERATING REDUCTION CONSEQUENCES

### \$271,889 CJIS

Loss of funding would result in the loss of the CJIS Portal used by law enforcement and criminal justice agencies across the state to increase public and officer safety by accessing comprehensive data, such as warrants, driver's license, criminal records, and concealed weapons information on potential criminals. It would also result in a loss of funding for the Victim Notification Protection Order system that provides notification on the status of the protection orders.

### \$568,350 IT

Loss of funding would have a statewide impact on state and local agencies. The gaming project, criminal history enhancement project, and federal grant-funded projects would halt. Maintenance on OAG systems, such as the sex offender registry, criminal history, and concealed weapon licensing systems, would slow, putting these systems at high risk for failure. Other state and local agencies that rely on data from these systems would risk losing access. Specialized software used by all AG divisions would be eliminated.