

Attorney General - Budget No. 125  
Senate Bill No. 2003  
Base Level Funding Changes

Senate Version

House Version

Prepared for: 4/17/2023

House Changes to Senate Version  
Increase (Decrease) - Senate Version

	Senate Version			House Version			House Changes to Senate Version Increase (Decrease) - Senate Version					
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Ongoing Funding Changes</b>												
Adds funding for the cost to continue salary increases		\$392,026	\$151,470	\$543,496		\$392,026	\$151,470	\$543,496				\$0
Salary Increase		1,778,318	1,083,827	2,862,145		2,242,589	1,449,551	3,692,140		\$464,271	\$365,724	829,995
Health Insurance Increase		729,268	464,333	1,193,601		712,869	453,892	1,166,761		(16,399)	(10,441)	(26,840)
Retirement contribution increase				0				0				0
Adds funding for salary equity increases			22,368	22,368		223,000	22,368	245,368		\$223,000		223,000
Adds funding to reclassify staff positions				0		21,181	14,487	35,668				35,668
Transfers \$537,297 of prior biennium State Crime Laboratory salary equity funding from a special line item to the salaries and wages line item				0				0				0
Adjusts funding for prior biennium attorney, BCI, MFCU, and State Crime Laboratory salary equity increases		2,404,289	(2,404,289)	0		537,297	(537,297)	0		(1,866,992)	1,866,992	0
Adds funding for FTE attorney positions	2.00	631,836		631,836	4.00	1,189,850		1,189,850	2.00	558,014		558,014
Adds funding for FTE BCI cybercrime positions	3.00	839,976		839,976	3.00	839,976		839,976				0
Adds funding for FTE BCI criminal investigator positions	3.00	840,029		840,029	3.00	840,029		840,029				0
Adds funding for FTE State Crime Laboratory positions	4.00	1,076,981		1,076,981	6.00	1,695,822		1,695,822	2.00	618,841		618,841
Adds funding for State Crime Laboratory building and equipment maintenance contract costs				0		222,000		222,000		222,000		222,000
Adds funding for FTE IT programmers and analysts	2.00	504,543		504,543	2.00	504,543		504,543	2.00	504,543		504,543
Adjusts funding for the MFCU	3.00	204,545	613,627	818,172	3.00	242,017	613,627	855,644	2.00	37,472		37,472
Transfers funding for the State Fire Marshal		341,747	(341,747)	0		341,747	(341,747)	0				0
Removes salary funding for funding pool	(8.00)	(887,685)	(1,275,214)	(2,162,899)	(8.00)	(887,685)	(1,275,214)	(2,162,899)				0
Adjusts funding for operating expenses				0		(6,701,991)	(2,157,983)	(8,859,974)		(6,701,991)	(2,157,983)	(8,859,974)
Adjusts funding for IT Division and CJIS operating expenses				0		809,381	(831,749)	(22,368)		809,381	(809,381)	0
Adds funding for increased software maintenance and subscription costs		856,282	(22,368)	833,914		0	0	833,914		(856,282)	856,282	0
Adds funding for IT rate increases		54,245	7,301	61,546		54,245	7,301	61,546				0
Adds funding for automated biometric identification system and data extraction software		419,297		419,297		453,297		453,297		34,000		34,000
Adds funding for the automated biometric identification system and data extraction software		180,000	180,000	360,000		180,000	180,000	360,000				0
Adds funding for legal case search software, also known as Discovery software		384,000	144,000	528,000		384,000	144,000	528,000				0
Adds funding for BCI, State Crime Laboratory, and Gaming Division inflationary/increases		100,000	20,000	120,000		100,000	20,000	120,000				0
Adds funding for gaming, licensing, and deposit protects operating expenses		125,000	37,000	162,000		125,000	37,000	162,000				0
Adds funding for a new Capitol space rent model		37,000		37,000		37,000		37,000				0
Adds funding for a retired law enforcement dogs program		259,708		259,708		259,708		259,708				0
Reduces funding for bond payments				0		30,000		30,000		30,000		30,000
Adds funding to replace IT servers		(318,055)		(318,055)		(318,055)		(318,055)				0
Adds funding for children's forensic medical examinations		54,000		54,000		54,000		54,000				0
Total ongoing funding changes	7.00	\$10,322,787	(\$2,175,954)	\$8,146,833	13.00	\$4,403,846	(\$1,745,734)	\$2,658,112	6.00	(\$5,918,941)	\$430,220	(\$5,488,721)
<b>One-Time Funding Items</b>												
Adds one-time funding for FTE attorney position operating expenses		\$12,520		\$12,520		\$12,520		\$12,520				\$0
Adds one-time funding for BCI cybercrime operating and capital assets		313,017		313,017		313,017		313,017				0
Adds one-time funding for BCI criminal investigator operating and capital assets		210,942		210,942		210,942		210,942				0
Adds one-time funding for State Crime Laboratory operating expenses		186,338		186,338		186,338		186,338				0
Adds one-time funding for State Crime Laboratory capital assets		886,000	\$754,677	1,640,677		886,000	\$754,677	1,640,677				0
Adds one-time funding for MFCU operating and capital assets				0		250,000		250,000		\$250,000		250,000
Adds one-time funding for BCI, State Crime Laboratory, and Gaming Division inflationary/increases		17,318	51,955	69,273		17,318	51,955	69,273				0
Adds one-time funding for gaming, licensing, and deposit protection investigator vehicles and radios		156,463	102,200	258,663		156,463	102,200	258,663				0
Adds one-time funding for gaming, licensing, and deposit software		177,000	699,000	876,000		177,000	699,000	876,000				0
Adds one-time funding to replace undercover BCI vehicles		200,000		200,000		200,000		200,000				0
Adds one-time funding for the statewide litigation funding pool		4,557,748	442,252	5,000,000		1,797,748	3,202,252	5,000,000		(2,760,000)		(\$2,760,000)
Adds one-time funding for a back the blue grant program		3,500,000		3,500,000		0		0		(3,500,000)		(3,500,000)
Adds one-time funding for a law enforcement resiliency grant program		400,000		400,000		400,000		400,000				0
Adds one-time funding for the COPS anti-methamphetamine program			250,000	250,000			250,000	250,000				0
Total one-time funding changes	0.00	\$10,617,346	\$2,300,084	\$12,917,430	0.00	\$4,607,346	\$6,832,122	\$11,439,468	0.00	(\$6,010,000)	\$1,772,038	(\$4,237,962)

Total Changes to Base Level Funding

2023-25 Total Funding

Federal funds included in other funds

Total ongoing changes as a percentage of base level  
Total changes as a percentage of base level

Other Sections in Attorney General - Budget No. 125

Appropriation - Additional federal funds or other funds

Transfer - Lottery operating fund - Gaming and excise tax allocation fund

Transfer - Statewide litigation funding pool to state agencies - Estimated income - Gaming and excise tax allocation fund

Estimated income - Charitable gaming technology system - Charitable gaming operating fund

Human trafficking victims grant program - Requirements - Reports

Forensic nurse examiners grant program - Reports

Matching funds requirement - Back the blue grant program - Report

7.00	\$20,940,133	\$124,130	\$21,064,263
260.00	\$63,586,851	\$42,633,849	\$106,220,700
		\$14,926,647	
2.8%	24.2%	(5.1%)	9.6%
2.8%	49.1%	0.3%	24.7%

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 2023-25 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.

Section 4 requires the Attorney General to transfer funds appropriated in the statewide litigation funding pool line item to eligible state agencies for litigation expenses during the 2023-25 biennium and identifies \$442,252 appropriated in the estimated income line item for the statewide litigation funding pool is one-time funding from the gaming excise tax allocation fund.

Section 5 identifies \$736,000 appropriated in the estimated income line item is from the charitable gaming operating fund for the continued development and implementation of the charitable gaming technology system.

Section 6 identifies \$1,111,480 appropriated from the general fund is for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2023-25 biennium. The Attorney General may 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 69th Legislative Assembly on the use of the funds received and the outcomes of its program.

Section 7 identifies \$252,872 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2023-25 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 69th Legislative Assembly on the use of the funds received and the outcomes of its programs.

Section 8 identifies \$3.5 million appropriated from the general fund in the law enforcement line item is for a back the blue grant program. Of this amount, \$1.5 million is available exclusively to local law enforcement agencies employing 10 or fewer employees working in a law enforcement capacity. The Attorney General may spend funding for this program only to the extent the applicant has secured \$1 for every \$4 provided by the Attorney General.

13.00	\$9,011,192	\$5,086,388	\$14,097,580
266.00	\$51,657,910	\$47,596,107	\$99,254,017
		\$15,966,849	
5.1%	10.3%	(4.1%)	3.1%
5.1%	21.1%	12.0%	16.6%

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 2023-25 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.

Section 4 transfers \$2,760,000 from the lottery operating fund to the gaming and excise tax allocation fund for the statewide litigation funding pool for the 2023-25 biennium, resulting in a decrease of general fund revenue.

Section 5 requires the Attorney General to transfer funds appropriated in the statewide litigation funding pool line item to eligible state agencies for litigation expenses during the 2023-25 biennium and identifies \$3,202,252 appropriated in the estimated income line item for the statewide litigation funding pool is one-time funding from the gaming excise tax allocation fund.

Section 6 identifies \$736,000 appropriated in the estimated income line item is from the charitable gaming operating fund for the continued development and implementation of the charitable gaming technology system.

Section 7 identifies \$1,105,404 appropriated from the general fund is for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2023-25 biennium. The Attorney General may 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 69th Legislative Assembly on the use of the funds received and the outcomes of its program.

Section 8 identifies \$251,482 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2023-25 biennium. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 69th Legislative Assembly on the use of the funds received and the outcomes of its programs.

6.00	(\$11,928,941)	\$4,962,258	(\$6,966,683)
6.00	(\$11,928,941)	\$4,962,258	(\$6,966,683)
		\$1,040,202	

Other Sections in Attorney General - Budget No. 125

Law enforcement resiliency grant program - Reports

Senate Version

Section 9 identifies \$400,000 appropriated from the general fund in the law enforcement line item is for a law enforcement resiliency grant program to be provided to defray the administrative, therapeutic, training, and outreach-related costs of providing mental health and wellness support services to current and retired correctional and law enforcement personnel.

House Version

Section 9 identifies \$400,000 appropriated from the general fund in the law enforcement line item is for a law enforcement resiliency grant program to be provided to defray the administrative, therapeutic, training, and outreach-related costs of providing mental health and wellness support services to current and retired correctional and law enforcement personnel.

Amendment - Opioid settlement fund

Section 10 creates a new section in Chapter 50-06 to create an opioid settlement fund and provides money received by the state as a result of opioid litigation be deposited in the fund.

Amendment - Gaming tax revenues - Attorney General operating fund - General fund

Retired law enforcement dogs

Section 10 amends Section 53-06.1-11.2 to provide up to \$4 million of gaming tax revenues be deposited in the Attorney General operating fund instead of the general fund.

Amendment - Lottery fund transfers

Section 11 amends Section 53-12.1-09 to increase transfers from the lottery operating fund to the multijurisdictional drug task force grant fund by \$50,000, from \$200,000 to \$250,000 each quarter.

Section 11 creates a new section to Chapter 54-12 to establish a retired law enforcement dog program

Attorney General salary

Section 12 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$169,162 to \$175,928 effective July 1, 2023, and \$182,965 effective July 1, 2024, to reflect the 4 percent and 4 percent approved salary increases.

Section 12 amends Section 53-12.1-09 to increase transfers from the lottery operating fund to the multijurisdictional drug task force grant fund by \$50,000, from \$200,000 to \$250,000 each quarter.

Criminal history record checks - Fees

Section 13 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2023-25 biennium.

Section 13 amends Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$169,162 to \$179,312 effective July 1, 2023, and \$186,484 effective July 1, 2024, to reflect the 6 percent and 4 percent approved salary increases.

Exemption - Contingent fee arrangement

Section 14 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 multistate technology litigation, during the 2023-25 biennium.

Section 14 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2023-25 biennium.

Exemption - Gaming tax revenue grants

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 multistate technology litigation, during the 2023-25 biennium.

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 multistate technology litigation, during the 2023-25 biennium.

Exemption - Attorney General refund fund

Section 15 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2021-23 biennium to be used during the 2023-25 biennium, rather than transferring the balance to the general fund.

Section 16 provides, notwithstanding Section 53-06.1-12, the Attorney General may distribute quarters seven and eight 2021-23 biennium gaming tax revenues to cities and counties through October 31, 2023.

Exemption - Concealed weapon rewrite project

Section 16 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, 2019-21, and 2021-23 bienniums for a concealed weapon rewrite project into the 2023-25 biennium.

Section 17 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2021-23 biennium to be used during the 2023-25 biennium, rather than transferring the balance to the general fund.

Section 18 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, 2019-21, and 2021-23 bienniums for a concealed weapon rewrite project into the 2023-25 biennium.

Exemption - Legal case management system

Section 19 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was carried into the 2021-23 biennium for the legal case management system to be continued into the 2023-25 biennium for the legal case management system.

Section 19 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was carried into the 2021-23 biennium for the legal case management system to be continued into the 2023-25 biennium for the legal case management system.

Other Sections in Attorney General - Budget No. 125

Exemption - Criminal history improvement project

Senate Version  
Section 17 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium for the criminal history improvement project into the 2023-25 biennium.

House Version  
Section 20 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium for the criminal history improvement project into the 2023-25 biennium.

Exemption - Automated biometric identification system

Section 21 allows the Attorney General to continue any remaining funding of the \$300,000 appropriated from the federal funds during the 2021-23 biennium for the automated biometric identification system, formerly known as the automated fingerprint identification system, into the 2023-25 biennium.

Exemption - COVID-19 funds

Section 18 allows the Attorney General to continue any remaining funding of the \$2,082,871 appropriated from federal COVID-19 funds during the 2019-21 biennium and continued into the 2021-23 biennium for justice assistance grants into the 2023-25 biennium.

Section 22 allows the Attorney General to continue any remaining funding of the \$2,082,871 appropriated from federal COVID-19 funds during the 2019-21 biennium and continued into the 2021-23 biennium for justice assistance grants into the 2023-25 biennium.

Exemption - Federal State Fiscal Recovery Fund

Section 19 allows the Attorney General to continue any remaining funding appropriated from the federal State Fiscal Recovery Fund during the 2021-23 biennium for a missing persons database (\$300,000), the replacement of the prosecuting case management system (\$1 million), and charitable gaming information technology costs (\$50,000) into the 2023-25 biennium.

Section 23 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the federal State Fiscal Recovery Fund during the 2021-23 biennium for the replacement of the prosecuting case management system into the 2023-25 biennium.

Legislative Management study - State Crime Laboratory

Section 20 provides for a Legislative Management study of the services and needs of the State Crime Laboratory.

Section 24 provides for a Legislative Management study of the services and needs of the State Crime Laboratory.

Attorney cost savings - Report to 69th Legislative Assembly

Section 25 requires the Attorney General to provide a report to the 2025 Legislative Assembly regarding cost savings realized by hiring FTE attorney positions instead of contracting for third party legal counsel during the 2023-25 biennium.

Emergency

Section 26 declares \$250,000 appropriated in Section 1 for State Crime Laboratory capital improvements and Sections 4 and 16 to be an emergency measure.