

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

Prepared for: 3/8/2023

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget Increase (Decrease) - Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
<b>2023-25 Biennium Base Level</b>	253.00	\$42,646,718	\$42,509,719	\$85,156,437	253.00	\$42,646,718	\$42,509,719	\$85,156,437	0.00	\$0	\$0	\$0
<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		2,297,062	1,503,134	3,800,196		1,778,318	1,083,827	2,862,145		(\$518,744)	(\$419,307)	(938,051)
Health insurance increase		736,474	471,438	1,207,912		729,268	464,333	1,193,601		(7,206)	(7,105)	(14,311)
Adds funding for salary equity increases			22,368	22,368			22,368	22,368				0
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		2,404,289	(2,404,289)	0				0
Adds funding for FTE attorney positions	2.00	631,836		631,836	2.00	631,836		631,836				0
Adds funding for FTE BCI cybercrime positions	2.00	559,991		559,991	3.00	839,976		839,976	1.00	279,985		279,985
Adds funding for FTE BCI criminal investigator positions				0	3.00	840,029		840,029	3.00	840,029		840,029
Adds funding for FTE State Crime Laboratory positions	4.00	1,076,981		1,076,981	4.00	1,076,981		1,076,981				0
Adds funding for FTE MFCU positions	2.00	149,865	449,588	599,453	3.00	204,545	613,627	818,172	1.00	54,680	164,039	218,719
Adjusts funding for the MFCU		341,747	(341,747)	0		341,747	(341,747)	0				0
Transfers funding for the State Fire Marshal				0	(8.00)	(887,685)	(1,275,214)	(2,162,899)	(8.00)	(887,685)	(1,275,214)	(2,162,899)
Reduces funding for operating expenses			(22,368)	(22,368)			(22,368)	(22,368)				0
Adjusts funding for IT Division and CJIS operating expenses		856,262	(856,262)	0		856,262	(856,262)	0				0
Adds funding for IT rate increases		54,245	7,301	61,546		54,245	7,301	61,546				0
Adds funding for increased software maintenance and subscription costs		419,297		419,297		419,297		419,297				0
Adds funding for sexual assault kit tracking system software maintenance			180,000	180,000			180,000	180,000				0
Adds funding for the automated biometric identification system and data extraction software		384,000	144,000	528,000		384,000	144,000	528,000				0
Adds funding for legal case search software, also known as Discovery software		100,000		100,000		100,000		100,000				0
Adds funding for BCI, State Crime Laboratory, and Gaming Division inflationary increases		125,000	20,000	145,000		125,000	20,000	145,000				0
Adds funding for gaming, licensing, and deposit projects operating expenses		37,000	37,000	74,000		37,000	37,000	74,000				0
Adds funding for a new Capitol space rent model		259,708		259,708		259,708		259,708				0
Reduces funding for bond payments		(318,055)		(318,055)		(318,055)		(318,055)				0
Adds funding to replace IT servers		54,000		54,000		54,000		54,000				0
Total ongoing funding changes	10.00	\$10,561,728	(\$638,367)	\$9,923,361	7.00	\$10,322,787	(\$2,175,954)	\$8,146,833	(3.00)	(\$238,941)	(\$1,537,587)	(\$1,776,528)
<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		185,999		185,999		313,017		313,017		\$127,018		127,018
Adds one-time funding for BCI criminal investigator operating and capital assets				0		210,942		210,942		210,942		210,942
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		17,318	51,955	69,273		17,318	51,955	69,273				0
Adds one-time funding for BCI, State Crime Laboratory, and Gaming Division inflationary increases		156,463		156,463		156,463		156,463				0
Adds one-time funding for gaming and consumer protection investigator vehicles and radios			102,200	102,200			102,200	102,200				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		4,557,748	442,252	5,000,000				0
Adds one-time funding for a back the blue grant program		5,000,000		5,000,000		3,500,000		3,500,000		(1,500,000)		(1,500,000)
Adds funding for a law enforcement resiliency grant program				0		400,000		400,000		400,000		400,000
Adds funding for additional income from federal or other sources				0			250,000	250,000			\$250,000	250,000
Total one-time funding changes	0.00	\$11,379,386	\$2,050,084	\$13,429,470	0.00	\$10,617,346	\$2,300,084	\$12,917,430	0.00	(\$762,040)	\$250,000	(\$512,040)
<b>Total Changes to Base Level Funding</b>	10.00	\$21,941,114	\$1,411,717	\$23,352,831	7.00	\$20,940,133	\$124,130	\$21,064,263	(3.00)	(\$1,000,981)	(\$1,287,587)	(\$2,288,568)
<b>2023-25 Total Funding</b>	263.00	\$64,587,832	\$43,921,436	\$108,509,268	260.00	\$63,586,851	\$42,633,849	\$106,220,700	(3.00)	(\$1,000,981)	(\$1,287,587)	(\$2,288,568)
<i>Federal funds included in other funds</i>			\$14,569,773				\$14,926,647				\$356,874	
<i>Total ongoing changes as a percentage of base level</i>	4.0%	24.8%	(1.5%)	11.7%	2.8%	24.2%	(5.1%)	9.6%				
<i>Total changes as a percentage of base level</i>	4.0%	51.4%	3.3%	27.4%	2.8%	49.1%	0.3%	24.7%				

Other Sections in Attorney General - Budget No. 125

	<u>Executive Budget Recommendation</u>	<u>Senate Version</u>
Appropriation - Additional federal funds or other funds	Section 8 would appropriate \$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 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.
Transfer - Statewide litigation funding pool to state agencies - Estimated income - Gaming and excise tax allocation fund	Section 7 would identify \$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, which the Attorney General shall transfer to eligible state agencies for litigation expenses during the 2023-25 biennium.	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.
Estimated income - Charitable gaming technology system - Charitable gaming operating fund	Section 10 would identify \$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 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.
Human trafficking victims grant program - Requirements - Reports	Section 11 would identify \$1,102,815 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 would be 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 would be 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 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.
Forensic nurse examiners grant program - Reports	Section 12 would identify \$250,889 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 would be 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 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.
Matching funds requirement - Back the blue grant program - Report		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.
Law enforcement resiliency grant program - Reports		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.

Other Sections in Attorney General - Budget No. 125

Amendment - Lottery fund transfers

Attorney General salary

Criminal history record checks - Fees

Exemption - Contingent fee arrangement

Exemption - Attorney General refund fund

Exemption - Concealed weapon rewrite project

Exemption - Criminal history improvement project

Exemption - COVID-19 funds

Exemption - Federal State Fiscal Recovery Fund

Legislative Management study - State Crime Laboratory

Appropriation - Transfer - Attorney General refund fund to DHHS - Opioid addiction prevention and treatment program - One-time funding

Executive Budget Recommendation

Section 13 would amend 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 3 would amend 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 annual recommended salary increases.

Section 9 would require 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 14 would provide, 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 period beginning with the effective date of this Act and ending June 30, 2025.

Section 4 would allow 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 15 would allow 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 16 would allow 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.

Section 17 would allow the Attorney General to continue any remaining funding of the \$2,082,871 appropriated from federal COVID-19 relief funds during the 2019-21 biennium and continued into the 2021-23 biennium for justice assistance grants into the 2023-25 biennium.

Section 18 would allow 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 5 would authorize the Office of Management and Budget to transfer up to \$30 million from opioid-related lawsuit settlement proceeds deposited in the Attorney General refund fund to DHHS, which is appropriated to DHHS for an opioid addiction prevention and treatment program. The Attorney General is required to notify the Legislative Council and Office of Management and Budget of any lawsuit settlement proceeds that become available for transfer to DHHS for the program. The funding is considered a one-time funding item.

Senate Version

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 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 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 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 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 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 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.

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

Other Sections in Attorney General - Budget No. 125

Transfer - Statewide litigation funding pool to state agencies

Executive Budget Recommendation

Section 6 would require the Attorney General to transfer funds appropriated in the statewide litigation funding pool line item in Section 1 to eligible state agencies for litigation expenses during the 2023-25 biennium.

Senate Version

---