

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

Prepared for: 3/30/2023

	Senate Version				House Version				House Changes to Senate Version Increase (Decrease) - Senate Version			
	FTE	General	Other	Total	FTE	General	Other	Total	FTE	General	Other	Total
	Positions	Fund	Funds		Positions	Fund	Funds		Positions	Fund	Funds	
2023-25 Biennium Base Level	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
2023-25 Ongoing Funding Changes												
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		1,778,318	1,083,827	2,862,145				0
Health insurance increase		729,268	464,333	1,193,601		729,268	464,333	1,193,601				0
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		21,181	\$14,487	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				0	2.00	504,543		504,543	2.00	504,543		504,543
Adds funding for FTE MFCU positions	3.00	204,545	613,627	818,172	3.00	242,017	613,627	855,644		37,472		37,472
Adjusts funding for the MFCU		341,747	(341,747)	0		341,747	(341,747)	0				0
Transfers funding for the State Fire Marshal	(8.00)	(887,685)	(1,275,214)	(2,162,899)	(8.00)	(887,685)	(1,275,214)	(2,162,899)				0
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		0	0	0		(856,262)	856,262	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		453,297		453,297		34,000		34,000
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
Adds funding for a retired law enforcement dogs program				0		30,000		30,000		30,000		30,000
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	7.00	\$10,322,787	(\$2,175,954)	\$8,146,833	13.00	\$9,848,584	\$561,787	\$10,410,371	6.00	(\$474,203)	\$2,737,741	\$2,263,538
One-Time Funding Items												
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 State Crime Laboratory capital improvements				0		250,000		250,000		\$250,000		250,000
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		1,797,748	3,202,252	5,000,000		(2,760,000)	\$2,760,000	0
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 additional income from federal or other sources			250,000	250,000			250,000	250,000				0
Adds one-time funding for the COPS anti-methamphetamine program				0			1,772,038	1,772,038			1,772,038	1,772,038
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)	\$4,532,038	(\$1,477,962)
Total Changes to Base Level Funding	7.00	\$20,940,133	\$124,130	\$21,064,263	13.00	\$14,455,930	\$7,393,909	\$21,849,839	6.00	(\$6,484,203)	\$7,269,779	\$785,576
2023-25 Total Funding	260.00	\$63,586,851	\$42,633,849	\$106,220,700	266.00	\$57,102,648	\$49,903,628	\$107,006,276	6.00	(\$6,484,203)	\$7,269,779	\$785,576

<i>Federal funds included in other funds</i>									
			\$14,926,647			\$16,698,685			\$1,772,038
<i>Total ongoing changes as a percentage of base level</i>	2.8%	24.2%	(5.1%)	9.6%	5.1%	23.1%	1.3%	12.2%	
<i>Total changes as a percentage of base level</i>	2.8%	49.1%	0.3%	24.7%	5.1%	33.9%	17.4%	25.7%	

Other Sections in Attorney General - Budget No. 125

	<u>Senate Version</u>	<u>House Version</u>
Appropriation - Additional federal funds or other funds	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 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 - Lottery operating fund - Gaming and excise tax allocation fund		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.
Transfer - Statewide litigation funding pool to state agencies - Estimated income - Gaming and excise tax allocation fund	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 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.
Estimated income - Charitable gaming technology system - Charitable gaming operating 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 \$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 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 \$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 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 \$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.	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.

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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.

Retired law enforcement dogs

Section 10 creates a new section to Chapter 54-12 to establish a retired law enforcement dog program

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 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.

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 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.

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 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 - 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 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 - Gaming tax revenue grants

Section 15 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 - 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 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.

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 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 18 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 that 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.

Exemption - Criminal history improvement project

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 19 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 20 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.

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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 21 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 22 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 23 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 24 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.