

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

Prepared for: **2/14/2023**

|   | Executive Budget Recommendation |              |              |               | Senate Version |              |              |              | Senate Changes to Executive Budget     |                |               |                |
|---|---------------------------------|--------------|--------------|---------------|----------------|--------------|--------------|--------------|--|----------------|---------------|----------------|
|   | FTE Positions                   | General Fund | Other Funds  | Total         | FTE Positions  | General Fund | Other Funds  | Total        | Increase (Decrease) - Executive Budget |                |               |                |
|   |                                 |              |              |               |                |              |              |              | 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     |                |              |              | \$0          |  | (\$392,026)    | (\$151,470)   | (\$543,496)    |
| Salary increase   |                                 | 2,297,062    | 1,503,134    | 3,800,196     |                |              |              | 0            |  | (2,297,062)    | (1,503,134)   | (3,800,196)    |
| Health insurance increase   |                                 | 736,474      | 471,438      | 1,207,912     |                |              |              | 0            |  | (736,474)      | (471,438)     | (1,207,912)    |
| Adds funding for salary equity increases  |                                 |              | 22,368       | 22,368        |                |              |              | 0            |  |                | (22,368)      | (22,368)       |
| Adjusts funding for prior biennium BCI, MFCU, and State Crime Laboratory salary equity increases  |                                 | 2,404,289    | (2,404,289)  | 0             |                |              |              | 0            |  | (2,404,289)    | 2,404,289     | 0              |
| Adds funding for FTE attorney positions   | 2.00                            | 631,836      |              | 631,836       |                |              |              | 0            | (2.00)                                 | (631,836)      |               | (631,836)      |
| Adds funding for FTE BCI cybercrime positions   | 2.00                            | 559,991      |              | 559,991       |                |              |              | 0            | (2.00)                                 | (559,991)      |               | (559,991)      |
| Adds funding for FTE MFCU positions   | 2.00                            | 149,865      | 449,588      | 599,453       |                |              |              | 0            | (2.00)                                 | (149,865)      | (449,588)     | (599,453)      |
| Adjusts funding for the MFCU  |                                 | 341,747      | (341,747)    | 0             |                |              |              | 0            |  | (341,747)      | 341,747       | 0              |
| Adds funding for FTE State Crime Laboratory positions   | 4.00                            | 1,076,981    |              | 1,076,981     |                |              |              | 0            | (4.00)                                 | (1,076,981)    |               | (1,076,981)    |
| Reduces funding for operating expenses  |                                 |              | (22,368)     | (22,368)      |                |              |              | 0            |  |                | 22,368        | 22,368         |
| Adjusts funding for IT Division and CJIS operating expenses                                       |                                 | 856,262      | (856,262)    | 0             |                |              |              | 0            |  | (856,262)      | 856,262       | 0              |
| Adds funding for IT rate increases  |                                 | 54,245       | 7,301        | 61,546        |                |              |              | 0            |  | (54,245)       | (7,301)       | (61,546)       |
| Adds funding for increased software maintenance and subscription costs                            |                                 | 419,297      |              | 419,297       |                |              |              | 0            |  | (419,297)      |               | (419,297)      |
| Adds funding for sexual assault kit tracking system software maintenance                          |                                 |              | 180,000      | 180,000       |                |              |              | 0            |  |                | (180,000)     | (180,000)      |
| Adds funding for the automated biometric identification system and data extraction software       |                                 | 384,000      | 144,000      | 528,000       |                |              |              | 0            |  | (384,000)      | (144,000)     | (528,000)      |
| Adds funding for legal case search software   |                                 | 100,000      |              | 100,000       |                |              |              | 0            |  | (100,000)      |               | (100,000)      |
| Adds funding for BCI, State Crime Laboratory, and Gaming Division inflationary increases          |                                 | 125,000      | 20,000       | 145,000       |                |              |              | 0            |  | (125,000)      | (20,000)      | (145,000)      |
| Adds funding for gaming, licensing, and deposit projects operating expenses                       |                                 | 37,000       | 37,000       | 74,000        |                |              |              | 0            |  | (37,000)       | (37,000)      | (74,000)       |
| Adds funding for a new Capitol space rent model   |                                 | 259,708      |              | 259,708       |                |              |              | 0            |  | (259,708)      |               | (259,708)      |
| Reduces funding for bond payments   |                                 | (318,055)    |              | (318,055)     |                |              |              | 0            |  | 318,055        |               | 318,055        |
| Adds funding to replace IT servers  |                                 | 54,000       |              | 54,000        |                |              |              | 0            |  | (54,000)       |               | (54,000)       |
| Total ongoing funding changes   | 10.00                           | \$10,561,728 | (\$638,367)  | \$9,923,361   | 0.00           | \$0          | \$0          | \$0          | (10.00)                                | (\$10,561,728) | \$638,367     | (\$9,923,361)  |
| <b>One-Time Funding Items</b>   |                                 |              |              |               |                |              |              |              |  |                |               |                |
| Adds one-time funding for FTE attorney position operating expenses                                |                                 | \$12,520     |              | \$12,520      |                |              |              | \$0          |  |                | (\$12,520)    | (\$12,520)     |
| Adds one-time funding for BCI cybercrime operating and capital assets                             |                                 | 185,999      |              | 185,999       |                |              |              | 0            |  | (185,999)      |               | (185,999)      |
| Adds one-time funding for MFCU operating and capital assets                                       |                                 | 17,318       | \$51,955     | 69,273        |                |              |              | 0            |  | (17,318)       | (51,955)      | (69,273)       |
| Adds one-time funding for State Crime Laboratory operating expenses                               |                                 | 186,338      |              | 186,338       |                |              |              | 0            |  | (186,338)      |               | (186,338)      |
| Adds one-time funding for State Crime Laboratory capital assets                                   |                                 | 886,000      | 754,677      | 1,640,677     |                |              |              | 0            |  | (886,000)      | (754,677)     | (1,640,677)    |
| Adds one-time funding for BCI, State Crime Laboratory, and Gaming Division inflationary increases |                                 | 156,463      |              | 156,463       |                |              |              | 0            |  | (156,463)      |               | (156,463)      |
| Adds one-time funding for gaming and consumer protection investigator vehicles and radios         |                                 |              | 102,200      | 102,200       |                |              |              | 0            |  |                | (102,200)     | (102,200)      |
| Adds one-time funding for gaming, licensing, and deposit software                                 |                                 | 177,000      | 699,000      | 876,000       |                |              |              | 0            |  | (177,000)      | (699,000)     | (876,000)      |
| Adds one-time funding to replace undercover BCI vehicles  |                                 | 200,000      |              | 200,000       |                |              |              | 0            |  | (200,000)      |               | (200,000)      |
| Adds one-time funding for the statewide litigation funding pool                                   |                                 | 4,557,748    | 442,252      | 5,000,000     |                |              |              | 0            |  | (4,557,748)    | (442,252)     | (5,000,000)    |
| Adds one-time funding for back the blue grants  |                                 | 5,000,000    |              | 5,000,000     |                |              |              | 0            |  | (5,000,000)    |               | (5,000,000)    |
| Total one-time funding changes  | 0.00                            | \$11,379,386 | \$2,050,084  | \$13,429,470  | 0.00           | \$0          | \$0          | \$0          | 0.00                                   | (\$11,379,386) | (\$2,050,084) | (\$13,429,470) |
| <b>Total Changes to Base Level Funding</b>  | 10.00                           | \$21,941,114 | \$1,411,717  | \$23,352,831  | 0.00           | \$0          | \$0          | \$0          | (10.00)                                | (\$21,941,114) | (\$1,411,717) | (\$23,352,831) |
| <b>2023-25 Total Funding</b>  | 263.00                          | \$64,587,832 | \$43,921,436 | \$108,509,268 | 253.00         | \$42,646,718 | \$42,509,719 | \$85,156,437 | (10.00)                                | (\$21,941,114) | (\$1,411,717) | (\$23,352,831) |
| <i>Federal funds included in other funds</i>  |                                 |              | \$14,569,773 |               |                |              | \$12,989,284 |              |  |                | (\$1,580,489) |                |
| <i>Total ongoing changes as a percentage of base level</i>  | 4.0%                            | 24.8%        | (1.5%)       | 11.7%         | 0.0%           | 0.0%         | 0.0%         | 0.0%         |  |                |               |                |
| <i>Total changes as a percentage of base level</i>  | 4.0%                            | 51.4%        | 3.3%         | 27.4%         | 0.0%           | 0.0%         | 0.0%         | 0.0%         |  |                |               |                |

Other Sections in Attorney General - Budget No. 125

|   | Executive Budget Recommendation   | Senate Version |
|---|---|----------------|
| Attorney General salary   | 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.  |                |
| Exemption - Attorney General refund fund  | 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.   |                |
| Appropriation - Transfer - Attorney General refund fund to Department of Health and Human Services - Opioid addiction prevention and treatment program - One-time funding | 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.  |                |
| Transfer - Statewide litigation funding pool to state agencies  | 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.   |                |
| Transfer - Statewide litigation funding pool to state agencies - Gaming and excise tax allocation fund - One-time funding   | Section 7 would identify \$442,252 appropriated in the estimated income line item in Section 1 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.  |                |
| 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.   |                |
| Criminal history record checks - Fees   | 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.  |                |
| Estimated income - Charitable gaming technology system - Charitable gaming operating fund   | Section 10 would identify \$736,000 appropriated in the estimated income line item in Section 1 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 in Section 1 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. |                |

Other Sections in Attorney General - Budget No. 125

Forensic nurse examiners grant program - Reports

Executive Budget Recommendation

Section 12 would identify \$250,889 appropriated from the general fund in Section 1 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.

Senate Version

Amendment - Lottery fund transfers

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.

Exemption - Contingent fee arrangement

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 multi-state technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2025.

Exemption - Concealed weapon rewrite project

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.

Exemption - Criminal history improvement project

Section 16 would allow the Attorney General to continue any remaining funding of \$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 - Coronavirus emergency supplemental funding

Section 17 would allow 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 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.