

Impacts of OAG Requests

No.	OAG Request	Included in Governor's budget?	Impact if not approved
1	Attorney Pay Schedule	Yes, at \$446,394 less than needed for 1+2	If the difference between the Attorney General's requested amount and the equity package provided through OMB is not approved, the OAG will not be able to implement a merit-based pay schedule for attorneys. Attorneys' pay will have to continue to be based primarily on years of experience, regardless of merit.
2	Staff Equity		If the difference between the Attorney General's requested amount and the equity package provided through OMB is not approved, high performing, nonattorney staff members whose pay is below the HRMS midpoints for their positions cannot be brought up to those midpoints.
3a	Civil Litigation Attorneys (2.0)	Governor's budget includes 1.0.	The state will have to continue contracting with high-priced, private attorneys to handle cases on behalf of state entities including cases protecting the state's interests in energy development, water rights, land use, election laws, protecting against federal overreach, and other vital interests. Instead of expending approximately \$548,000 in the upcoming biennium, the state will expend millions of dollars in the biennium, based on past experience. The state litigation fund will require additional funds.
3b	General Counsel Attorneys (2.0)	Governor's budget includes 1.0.	The hundreds of state agencies, boards, and commissions served by the General Counsel Division will continue to receive less attorney time than they need or will have to pay high-priced, private attorneys to handle administrative, regulatory, and general counsel matters. Also, Attorney General opinions and open records/open meetings opinions will continue to take significant time to complete.
4a	BCI Cyber Crime Agents (4.0)	Governor's budget includes 2.0.	Investigations of evidence of child sexual exploitation and sexual abuse will be delayed, and the crimes may not be stopped as quickly as they could be with adequate resources. The number of cyber tips of child sexual exploitation and sexual abuse from one source alone increased more than 545% in 6 years. That one source now sends BCI more than 1,070 tips per year. In an era of increasing drug trafficking, investigations of cell phones, computers, USB drives, and other digital equipment used to facilitate narcotics trafficking will be delayed, as will prosecutions of drug crimes.

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4b	BCI Criminal Investigators for narcotics task forces for reservations (3.0)	No	The narcotics task forces being formed with local law enforcement agencies (police departments and sheriffs' offices) and tribal leaders near 3 reservations likely will not come to fruition. Many legislators have voiced strong support for these task forces and encouraged BCI to work with tribal leaders to establish these task forces to help stop narcotics crimes in and around the reservations.
5	Crime Lab Forensic Scientists (7.0) and Equipment	<i>Governor's budget includes 4.0 and the equipment.</i>	The Crime Lab will not be able to reestablish firearms testing and fingerprint testing, despite widespread demand from law enforcement agencies around the state. Law enforcement agencies and prosecutors will continue to have to send firearms to labs outside North Dakota to be tested for a significant fee – or else not prosecute certain crimes. Backlogs in testing narcotics, sexual assault kits, fire debris, and other evidence at the Crime Lab likely will continue, despite lab personnel continuing to work overtime.
6	Medicaid Fraud Control Unit (MFCU) Attorney, Investigator, and Paralegal 75% of MFCU's costs are paid by a federal grant.	<i>Governor's budget includes 2.0.</i>	Investigations and prosecutions of Medicaid fraud, including neglect and abuse of nursing home residents and diversion of opioids, will be delayed or not carried out. The MFCU's Director is the unit's only attorney, and the unit does not have any paralegals. Many cases reported to the unit cannot even be opened due to a lack of staffing. The state will not be able to recoup its Medicaid funds lost through fraud. MFCU has recouped <u>more</u> than enough funds this biennium to cover all the state's share of the unit's costs. The unit more than pays for itself.
7	Funding Source Change for BCI and the Crime Lab	Yes	Legislatively appropriated equity increases for Crime Lab personnel and BCI agents, as well as operating costs for BCI and IT/CJIS, will continue to be paid out of an unsustainable special fund with no regular source of funding, rather than the general fund.
8	IT/CJIS Programmer Analysts and Business Analyst (3.0)	No	The state will have to choose between continuing to have to pay high fees to IT contractors or having delayed IT projects that are necessary for BCI and local law enforcement agencies around the state.
9	Public Services Specialist (1.0)	No	Requests for open records and requests for information from state and local government employees will be delayed due to staff limitations.

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10	Federal Fund Change	Yes	The MFUCU – addressed in request #6 – will not be able to continue operations. The MFUCU recoups much more money than it costs, but the state must provide a match for the federal grant it receives. As with the MFUCUs in every other state, the federal share of the unit’s costs has settled at 75% from its initial 90%. The difference in the match needs to be included in the budget for MFUCU.
11	Software Maintenance and Subscription Increases	Yes – at \$70,000 less than requested	Several software applications that the Office of Attorney General and law enforcement agencies around the state depend upon will not continue. The maintenance costs for these applications has increased beyond what is currently appropriated. Also, NDTF has increased its fees for vital services and accounts significantly.
12	MAFIN, GrayKey, Cellebrite	Yes	BCI’s shared fingerprint identification system with Minnesota will not continue, and BCI’s Cyber Crime agents will not be able to investigate evidence of crimes on mobile phones.
13	Inflationary Increases	Yes – at \$75,000 less than requested	BCI will not have as much ammunition for training and the performance of their duties and supplies for undercover agents and multijurisdictional narcotics task forces. The office will have to find other sources of funds for the increased lease costs for the 3 off-site office locations.
14	Discovery Software	Yes	The Civil Litigation Division and the Natural Resources and Native American Affairs Division will not be able to use their discovery records management software for as many cases as they need. The divisions will have to manage thousands of pages of discovery records by hand.
15	Vehicles and Radios for BCI Agents assigned to Gaming and CPAT Divisions	Yes	The BCI agents assigned to the Gaming and CPAT Divisions will not have BCI vehicles or radios to use in their investigations. The agents will have to continue renting state fleet vehicles, which is inefficient.
16	Gaming, Licensing, and Deposit Projects	Yes	The software development projects for gaming manufacturers and distributors, the Gaming Division, and the Finance Division will be halted before completion. Licensing, record submission, responses to records requests, deposits, and other functions will be by hand and less efficient.
17	IT Servers	Yes	The necessary replacement of 2 of the 8 IT servers for the office will not be funded.

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18	Staff Reclassifications	No	The salaries for the employees who have been reclassified according to the state's HRMS criteria will not be fully funded.
19	BCI Agent Multiplier	No	The change in the PERS multiplier for BCI agents in House Bill No. 1309 will be an unfunded mandate.
20	National Forensics Academy for BCI Agents	No	BCI agents will not be able to attend the National Forensics Academy for specialized training.
21	Internet Crimes Against Children (ICAC) Lab Renovation	No	Modular walls will not be added to the current Internet Crimes Against Children location in Fargo to increase the number of work spaces / labs.
22	Sexual Assault Kit Tracking System Software Support	Yes	The yearly maintenance fee for the sexual assault kit tracking system mandated by Legislative Assembly will not be included in the base budget. A federal grant should cover the cost for the 2023-2025 biennium, but the office must have an appropriation to use the funds.
23	BCI Undercover Vehicle Replacement	Yes	BCI will not be able to maintain the 6-year replacement cycle for undercover vehicles. Using that cycle, 15 vehicles are replaced each biennium.
24	Litigation Pool	Yes	State agencies, boards, and commissions will have to find the funds to pay for legal services that otherwise are covered by the litigation pool, which was established by the Legislative Assembly to more efficiently manage the costs of legal services.
25	Contingent IT Maintenance Increase	No	If request #8 and this request both are denied, the office will not be able to maintain all of the IT systems that this office and local law enforcement agencies around the state rely on.
26	Legislatively Requested Supplement	No	Legislators requested these supplements to ensure BCI has the resources it needs to address the increase in violent crimes, narcotics trafficking, and crimes against children.