

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Attorney General - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool		4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514
Prosecution witness fees		360,056	360,056
Capital assets	606,000	1,089,000	1,695,000
Grants	3,903,440	110,000	4,013,440
Litigation fees	127,500		127,500
Human trafficking victims grants	1,110,614	656,900	1,767,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool		8,000,000	8,000,000
Medical examinations	660,000		660,000
Children's forensic interviews	304,560		304,560
North Dakota Lottery	5,413,453	167,152	5,580,605
Arrest and return of fugitives	8,500		8,500
Gaming Commission	7,489		7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	3,377,659	289,999	3,667,658
Additional income		250,000	250,000
Total all funds	\$90,939,085	\$27,864,335	\$118,803,420
Less estimated income	41,914,820	13,813,444	55,728,264
General fund	\$49,024,265	\$14,050,891	\$63,075,156
FTE	266.00	4.00	270.00

Department 125 - Attorney General - Detail of House Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for FTE Positions ³	Adds Funding to Replace 2023-25 new and Vacant FTE Pool ⁴	Transfers Funding for 2025-27 New and Vacant FTE Pool ⁵	Adjusts Funding from Other Funds to the General Fund ⁶
Salaries and wages	\$1,460,327	\$3,643,138	\$851,254	\$8,411,787	(\$5,556,432)	
New and vacant FTE pool					4,455,869	
Operating expenses			146,590			
Prosecution witness fees						
Capital assets						
Grants						
Litigation fees						
Human trafficking victims grants	685	6,980		7,814	(8,579)	
Forensic nurse examiners grants	162	1,677		1,788	(2,059)	
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	54,627	150,725		150,552	(190,746)	
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	26,982	78,293		76,802	(100,432)	
Law enforcement	142,094	209,311		211,231	(272,637)	
Additional income						
Total all funds	\$1,684,877	\$4,090,124	\$997,844	\$8,859,974	(\$1,675,016)	\$0
Less estimated income	664,389	1,454,317	527,193	2,157,983	(597,771)	(2,744,134)
General fund	\$1,020,488	\$2,635,807	\$470,651	\$6,701,991	(\$1,077,245)	\$2,744,134
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Adjusts Base Level Funding⁷	Adds Funding for Prosecution Witness Fees⁸	Adds Funding from Gaming Tax Revenues⁹	Adds One-Time Funding for Operating and Capital Assets¹⁰	Adds One-Time Funding for a Retired Law Enforcement Dogs Program¹¹	Adds One-Time Funding for Human Trafficking Victims Grants¹²
Salaries and wages						
New and vacant FTE pool						
Operating expenses	(\$1,622,340)		\$2,000,000	\$400,000		
Prosecution witness fees	95,056	\$265,000				
Capital assets	(330,000)			1,419,000		
Grants					\$110,000	
Litigation fees						
Human trafficking victims grants						\$650,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	1,994					
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	517,822					
Law enforcement						
Additional income						
Total all funds	(\$1,337,468)	\$265,000	\$2,000,000	\$1,819,000	\$110,000	\$650,000
Less estimated income	(785,533)	0	2,000,000	1,387,000	0	0
General fund	(\$551,935)	\$265,000	\$0	\$432,000	\$110,000	\$650,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for the Statewide Litigation Funding Pool¹³	Adds One-Time Funding for CJIS IT Replacement Projects¹⁴	Adds One-Time Funding for Additional Income¹⁵	Total House Changes
Salaries and wages				\$8,810,074
New and vacant FTE pool				4,455,869
Operating expenses				924,250
Prosecution witness fees				360,056
Capital assets				1,089,000
Grants				110,000
Litigation fees				
Human trafficking victims grants				656,900
Forensic nurse examiners grants				1,568
Statewide litigation funding pool	\$8,000,000			8,000,000
Medical examinations				
Children's forensic interviews				
North Dakota Lottery				167,152
Arrest and return of fugitives				
Gaming Commission				
Criminal justice information sharing		\$2,150,000		2,749,467
Law enforcement				289,999
Additional income			\$250,000	250,000
Total all funds	\$8,000,000	\$2,150,000	\$250,000	\$27,864,335
Less estimated income	8,000,000	1,500,000	250,000	13,813,444
General fund	\$0	\$650,000	\$0	\$14,050,891
FTE	0.00	0.00	0.00	4.00

¹ Funding is added for cost to continue 2023-25 biennium salary increases.

² The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,644,886	\$883,866	\$2,528,752
Health insurance increase	<u>990,921</u>	<u>570,451</u>	<u>1,561,372</u>
Total	\$2,635,807	\$1,454,317	\$4,090,124

³ The following FTE positions and related salaries and wages and operating expenses are added as follows:

	FTE Positions	General Fund	Other Funds	Total
State Crime Laboratory evidence technician	1.00	\$189,393	\$0	\$189,393
Medicaid Fraud Control Unit attorney	1.00	85,826	257,477	343,303
Executive staff officer	1.00	195,432	0	195,432
Tobacco compliance auditor	1.00	0	239,716	239,716
Reclassification of a paralegal position to an attorney position	<u>0.00</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
Total	4.00	\$470,651	\$527,193	\$997,844

⁴ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
New FTE positions	\$4,066,038	\$536,813	\$4,602,851
Vacant FTE positions	<u>2,635,953</u>	<u>1,621,170</u>	<u>4,257,123</u>
Total	\$6,701,991	\$2,157,983	\$8,859,974

⁵ Funding of \$6,130,885 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$4,455,869 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$403,125)	(\$418,128)	(\$821,253)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$3,859,562)	(\$2,271,323)	(\$6,130,885)
Funding pool line item	<u>2,782,317</u>	<u>1,673,552</u>	<u>4,455,869</u>
Net savings	(\$1,077,245)	(\$597,771)	(\$1,675,016)

⁶ Funding of \$2,744,134 is transferred from the Attorney General refund fund to the general fund, including \$1,790,559 for prior biennium salary equity increases and \$953,575 for operating expenses.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Reduces funding for operating expenses	(\$1,531,995)	(\$806,359)	(\$2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance	192,000	0	192,000
Adds funding for software hosting and maintenance and other information technology costs	1,118,060	20,826	1,138,886
Transfers \$95,056 from the general fund for prosecution witness fees from the operating expenses line item to a new line item	0	0	0
Removes funding for bond payments related to the State Crime Laboratory	<u>(330,000)</u>	<u>0</u>	<u>(330,000)</u>
Total	(\$551,935)	(\$785,533)	(\$1,337,468)

⁸ Funding of \$265,000 is added from the general fund for prosecution witness fees to provide a total of \$360,056 from the general fund.

⁹ Funding of \$2 million is added for operating expenses. A section is added to the bill to provide for a transfer of \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than being transferred to the general fund at the end of the 2023-25 biennium. An emergency clause is added to provide for the transfer before the end of the 2023-25 biennium.

¹⁰ One-time funding of \$1,819,000 is added for operating expenses and capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory equipment and supplies, including \$233,000 from federal funds and \$321,000 from the strategic investment and improvements fund (SIIF)	\$400,000	\$554,000	\$954,000
Information technology network switches	32,000	0	32,000
Bureau of Criminal Investigation (BCI) undercover vehicles (SIIF)	0	540,000	540,000
Portable handheld dual-band radios (SIIF)	0	105,000	105,000
Intoxilyzers (federal funds)	<u>0</u>	<u>188,000</u>	<u>188,000</u>
Total	\$432,000	\$1,387,000	\$1,819,000

¹¹ One-time funding of \$110,000 is added from the general fund for a retired law enforcement dogs program. A section is added to the bill to provide for program requirements.

¹² One-time funding of \$650,000 is added from the general fund for human trafficking victims grants to provide a total of \$1.77 million from the general fund.

¹³ One-time funding of \$8 million is added from SIIF for the statewide litigation funding pool.

¹⁴ One-time funding of \$2,150,000 is added for criminal justice information sharing information technology projects, including \$650,000 from the general fund to replace the jail management system and \$1,500,000 from SIIF to replace the statewide automated victim identification notification (SAVIN) system.

¹⁵ One-time funding of \$250,000 is added from federal funds or special funds received during the 2025-27 biennium, the same amount provided for since the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

1. Adds a section regarding the use of funding in the new and vacant FTE pool line item.
2. Adds a section to appropriate one-time funding of \$250,000 from federal or special funds to the Attorney General that is in excess of the amount appropriated in Section 1.
3. Adds a section to transfer \$2 million of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses, including litigation expenses, and identifies \$2 million appropriated in Section 1 in the operating expenses line item. This section will result in a \$2 million reduction in general fund revenue.
4. Adds a section to identify \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.
5. Amends a section regarding the amount of funding appropriated in Section 1 for human trafficking victims grants.
6. Amends a section regarding the amount of funding appropriated in Section 1 for forensic nurse examiner grants.
7. Adds a section to identify \$110,000 appropriated from the general fund in Section 1 is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
8. Adds a section to identify \$239,716 appropriated from the electronic smoking fund for the purpose of enforcing the master settlement agreement and any related disputes.
9. Adds a section to amend Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.
10. Adds a section to create a new chapter to Title 51 to require the Attorney General to establish and maintain a

directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.

11. Adds a section to amend North Dakota Century Code Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.
12. Adds a section to 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 2025-27 biennium.
13. Adds a section authorizing an exemption providing, 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, 2027.
14. Adds a section authorizing an exemption to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
15. Adds a section authorizing 6 exemptions to allow the Attorney General to continue any remaining funding from prior biennium appropriations for the legal case management system, criminal history improvement project, federal State Fiscal Recovery Fund projects, charitable gaming technology system, licensing and deposit system, and anti-methamphetamine program, into the 2025-27 biennium.