

Claire Ness

3-12-25

HB 1003

SENATE APPROPRIATIONS COMMITTEE
GOVERNMENT OPERATIONS SUBCOMMITTEE
MARCH 12, 2025

TESTIMONY OF CLAIRE NESS
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1003

Chairman Wanzek and members of the Committee:

For the record, my name is Claire Ness, and I am the Chief Deputy Attorney General, testifying on behalf of the Attorney General in favor of House Bill 1003. The Attorney General regrets that he is unable to join you today. He is called away due to family commitments.

The Office of Attorney General (OAG) has 14 divisions, including the Administration, and I am joined by several of our Division Directors. Our Divisions and their responsibilities are summarized in the booklet you received, starting on page 13. Each of our Division Directors carries a heavy workload including supervising staff, managing a budget, performing their own subject matter duties, executing administrative tasks, and managing several other responsibilities. Those who are here today can answer any of question you may have. Also, please feel free to contact any of our Division Directors directly if you have questions for them after the hearing. They are all named on page 2 of the booklet and slide 2 in the attached slide deck. Our office is committed to transparency and accountability for our budget.

Thank You to the Legislative Assembly

During the last session, the Legislative Assembly was very gracious in granting us equity funds to start bringing OAG salaries in line with other state agencies and to implement performance-based pay systems in the OAG for the first time in decades. This had a particularly significant impact on our attorney salaries, and we developed and implemented a tiered pay system based on the achievement of specific metrics assessed by the legal Division Directors, our Human

Resources Director, and myself. Attorneys are now rewarded for accomplishments (not just how long they have been lawyers) and can anticipate actual career progression in this office. We look forward to fine tuning this system over time and deeply appreciate your support that made it possible.

The Legislative Assembly also appropriated funds for some new FTEs last session, and these FTEs have made it possible for some of our divisions to make tremendous strides. Some of the results include:

- BCI obtained the necessary designation to work on the Fort Berthold Reservation and the Turtle Mountain Reservation, in addition to the designation it held for the Spirit Lake Nation Reservation. BCI continues to work toward that designation for the Standing Rock Sioux Reservation.
- BCI has conducted many educational outreach activities as well as successful narcotics and other criminal investigations in and around tribal lands in conjunction with partner agencies.
- BCI's Cyber Crime agents have identified a tremendous number of individuals in the state who possess and distribute child sexual abuse materials. They also extract and analyze data from electronic devices used by narcotics traffickers and other criminals in many different types of crimes and train other law enforcement agencies' personnel to conduct forensic investigations on computers, phones, and other equipment. The need for these highly specialized agents continues to grow rapidly.
- The General Counsel and Civil Litigation Divisions have been able to provide more legal services to client agencies with faster turnaround times and saved the state

millions of dollars in money that would have otherwise been spent on outside contract attorneys. (See attachment)

- The Medicaid Fraud Control Unit (MFCU) has significantly increased its ability to accept and manage cases, bring cases to a close, and prepare for trials – leading to better financial recoveries for the state and better safety and justice for Medicaid patients, including nursing home residents.
- The Crime Lab has eliminated the backlog on rape kits. Turnaround times on other samples submitted to the lab are decreasing. Morale has increased, and staff turnover has decreased.
- The Crime Lab has re-established two new units – one for latent fingerprints and one for firearms – to serve law enforcement agencies around the state. New procedures, and protocols have been developed and validated, and new equipment has been acquired and calibrated.
- Despite the difficulty in hiring IT staff, our IT/CJIS Division has tackled several large IT projects and maintained the interconnected criminal justice document drafting, storage, and sharing system used by state’s attorneys, law enforcement agencies, and corrections agencies around the state.

BUDGET REQUEST FOR 2025-2027

Development

Just as we did for the last biennium, the Attorney General and I followed a “ground up” approach to building the OAG budget. We reviewed the current budget; analyzed where the office’s responsibilities were growing, changing, or staying the same; meet with each Division Director multiple times to get their input and understand the needs of their divisions; and then

worked with the Division Directors to prioritize the office's needs. Several requests did not make the cut for our budget, and each cut was openly discussed with the appropriate Division Director.

Optional Requests

The optional requests are detailed in the attached slide deck and the booklet we handed out. Each request is described, and you can see whether it was included in the budget passed by the House. You can also see what the amount of each request is.

1. Cost to continue salaries – included by House
2. Attorney and non-attorney equity - \$291,777
3. Funding source changes for BCI, Crime Lab, IT/CJIS salaries from unpredictable, depleting refund fund to another source – included by House
4. IT systems replacement and maintenance and NDIT rate increases – included by House
5. Statewide Automated Victim Information and Notification System (SAVIN) replacement – included by House

We request an emergency clause for the SAVIN replacement.

6. ID printer, computer replacement, subscription, storage (servers) - \$166,000
7. Crime Lab supplies and maintenance agreements – included by House
8. Crime Lab equipment – included by House
9. Crime Lab evidence technician – included by House
Quality Assurance Manager – \$274,000
10. Executive staff officer – included by House
11. MFCU attorney - included by House
12. Operating cost increases (rent, travel, expert witnesses, BCI supplies) - included by House
13. Litigation pool - included by House
14. Finance Division administrative assistant - \$186,740
15. National Forensic Academy training for BCI agents - \$50,000

16. Reclassification of CPAT FTE from paralegal to attorney – included by House
17. Change 2 Victim Witness Advocates from temps to FTEs - \$475,204
18. Cyber crime administrative assistant - \$177,104
19. BCI agent for the State and Local Intelligence Center - \$387,330
20. 2 administrative assistants for BCI (tribal areas, sex offender registration)¹ - \$354,208
21. Discovery and redaction software - \$300,000
22. Portable handheld dual band radios – included by House
23. BCI undercover vehicle replacement (6-year replacement schedule) – included by House
24. PACER/Westlaw/Quickbooks/OSINT tool - \$241,000
25. Tobacco tax settlement compliance auditor – included by House
26. BCI's Fargo cyber office remodel - \$100,000
27. 3 BCI tribal area agents - \$1,161,990
28. Crime Lab overtime - \$130,000
29. Restoration of Governor Burgum's 3% reduction - \$2,338,354

Other Bills Impacting the OAG Budget

There are many bills that assign mandatory or discretionary duties to the OAG this session. We are not aware of any that provide new FTEs to the office.

- Reengrossed Senate Bill 2029 – new Office of Guardianship
 - OAG is tasked with serving as legal counsel in the new office's investigations and proceedings and with defending the new office's employees and the new board's members. BCI will have primary responsibility for all investigations related to guardianship or conservatorship. Many if not all of the investigations will require

forensic accounting training and proficiency and likely will be very time consuming for our criminal investigators.

- OAG requested 4 BCI agents and 1 prosecutor – along with a \$1.9 million appropriation – to carry out OAG’s new statewide duties under this bill.
- **Our understanding from the Senate Appropriations Committee is that OAG’s FTEs were cut from the bill and are to be included in House Bill 1003.**
- Engrossed Senate Bill 2292 – screenings and examinations for adult and child sexual assault survivors
 - Under the bill, N.D.C.C. Section 12.1-34-07 is amended so OAG will reimburse, “from the general fund,” the costs of medical exams and forensic interviews related to sexual assaults.
 - **General fund appropriations for these costs have not yet been included in our budget.**

Thank you for your time today. The Division Directors and I would be happy to answer any questions you may have.