

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2003

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Operator's Signature

Y. Herrera

Date

10-14-03

2003 SENATE APPROPRIATIONS

SB 2003

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Cherese A. Lee
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10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

Senate Appropriations Committee

☐ Conference Committee

Hearing Date 1-09-03

Tape Number	Side A	Side B	Meter #
1		X	522-6200 (end)
2	X		0-1535
Committee Clerk Signature			

Minutes: Chairman Holmberg called the hearing to order. Fire drill was issued. Committee returned and hearing was recalled to order. (Meter #716) Wayne Steneheim, Attorney General : Spoke on his department's budget. See written testimony Exhibit #1. Mr. Steneheim also introduced his staff and their respective titles to the committee members to offer any assistance to the committee members. (Meter #1730) Wayne Steneheim had a exhibit on a table with common components used in a meth lab. He invited the members to an exhibit on making meth in the Pioneer room at 3:30 p.m.. He also passed around the committee two baggies containing meth with a street value of approximately \$10,000. (Meter #1850) Wayne Steneheim also referred to a map with designated pins in where meth labs have been discovered and shut down in ND. Also training retail personnel on what items customers would purchase to manufacture meth. His focus was mainly on the costs of agents and training of agents to combat this drug influx. Informed committee members that the AG's office wants to make a video to educated retailers on what to look for. (Meter #2955) Chairman Holmberg: One of the new agents is

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Senate Appropriations Committee
Bill/Resolution Number SB 2003
Hearing Date 1-09-03

already in the budget. What is the total additional cost for the agent \$156,000. (Meter #2986)

Wayne Steneheim: Yes, over and above what is in the budget. (Meter #2991) Senator

Robinson: Referring to the exhibit map, 60% of our population on the east border, why is there relatively few incidents around the Fargo area, is there an explanation for that? (Meter #3065)

Wayne Steneheim : The drugs brought into those areas (eastern ND) is coming from out of state sources - the super labs, California-Mexico-Texas. Stated there is a major player already on trial.

(Meter #3199) Senator Grindberg: Wanted clarification of supply for eastern ND cities coming from out of state comparing to the meth labs discovered in central and northwestern ND. (Meter

3234) Wayne Steneheim: Pointed out on map that the pin points on the map, are just the meth labs, only the labs which meth is made right here in ND. They do not represent all of the meth

activity that we see in ND, just the labs. (Meter #3360) Senator Lindaas: How is this ingested

(meth use)? Smoked, injected? (Meter #3369) Wayne Steneheim: You name it- eat it, inhale it,

smoke it, inject it (the quickest). (Meter #3585) Wayne Steneheim: Had a demonstration of the

outfit the Crime Bureau Lab must wear to clean up these meth labs. It is required by OSHA and

also by good scientific sense, because all of these chemicals put together are often put together in an enclosed space. We have 21 trained BCI agents that can do this work, the outfits cost \$128 a

piece. We have at least 2 agents at each meth lab clean up and the suits are disposable, the

chemicals come in contact with the outside of these suits. (Meter #3680) Senator Bowman:

What happens to the people who work (make) in those places that do not have that type of

equipment (suits)? (Meter # 3758) Wayne Steneheim: Gave an example of a meth lab in Grand

Forks that was operating on the upper floor and the basement of a structure, within that house

was 3 young kids (one a baby) crawling around in those fumes, they were taken to the hospital in

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Senate Appropriations Committee
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severe respiratory distress and critical condition. We are seeing kids all the time in that type of situation. I have another bill to provide a felony offense for a parent to permit their child to be in a place where meth is being manufactured. (Meter #3836) Senator Robinson: To what extent do you have in place educational programs? (Meter #3943) Wayne Stenehjem: We protect our agents from dangerous situation. There are three components: education, adequate treatment programs, trained law enforcement. (Meter #3397) Senator Robinson: People do not realize the importance of the seriousness of the meth. (Meter #4099) Senator Thane: Recently they discovered a meth lab a block away from a middle school in Wahpeton. Is that suit available for example immediately for the law enforcement in Wahpeton or do they have to call and have someone come in when they dismantle that facility? (Meter #4242) Wayne Stenehjem: Referred the answer to Jerry Kemmet, Bureau of Criminal Investigation Division: we have to have certified people to go into those labs (there are 21 agents right now), the problem with these labs, is that one person cannot go into these labs alone, there has to be 2 agents in case one is exposed to the chemicals.

The committee members continued on asking questions on the effects of the psychological aspects of this drug and the prevention of this. What is motivating this usage? The Drug and Alcohol commission handles this type of education. (Meter #6200) Scott Bushing, Williams County Sheriff: The problems the AG is talking about is not only a state problem but a local problem affect my county, I am over budgeted in my jail, I have done over 1,000 bookings this year (I'm not talking about Fargo, this is Williston). Most of them are meth drug busts.

Tape 2 Side A

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Hearing Date 1-09-03

Cont.' Scott Bushing: comments on the cost of training the law enforcement staff, he is not about to train at a local level in addition to the counties surrounding that area. We are only a 3 man department and can't send anyone to Bismarck. The training is extremely important to the rural areas. (Meter #80) Senator Bowman: Could training be done via Internet? (Meter #97) Scott Bushing: The plan we have put together with the AG office addresses this through IVN interactive video but there is still other training that has to be hands on, i.e. Firearms, advanced firearms, training for emergency vehicle operations, wearing these tanks and suits, here it is. We can accomplish a lot but it doesn't cover it all. (Meter #211) Former Senator John Olson, representing the ND Peace Officers Association: Speaks for an organization that umbrella every state and local law enforcement in the state. BCI really is the lead investigative agency on meth enforcement in the state and the local law enforcement agencies look towards the BCI, that's why the meth enhancement program is so important. As far as the training is concerned, law enforcement officers are required as professional people to obtain 60 hours every three years of training, so if they don't get it in the field, they are going to have to get it some place, like Bismarck and create additional expense for the law enforcement. (Meter #3640) Terry Traynor, Association of Counties: Support the AG's budget with the enhancement for meth along with the training academy, as mentioned homeland security is beefed up, we have seen a migration of some of our more experienced officers to federal service and we need the training for our more younger people. (Meter #432) Chairman Holmberg: Committee this will be a budget we will be looking at a some time. There is a number of issues on this budget that needs to be address. (Meter #460) Jerry Hjelmsted, ND League of Cities: Supporting the training coordinator position which is a very important for local law enforcement. (Meter #508) Chad Hagon, State President

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Yvonne A. Bee
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Bill/Resolution Number SB 2003
Hearing Date 1-09-03

of the Fraternal Order of the Police: Also serve as the Sheriff of Williams County Peace Officers standards and training board. I am supportive of the importance of reinstating and getting the training budget back into the AG's budget. One of the things we have seen is the amount of new officers coming into the state of ND. I work as a officer in the city of Fargo and our patrol staff on the street, has less than 50% have less than one year of experience. In order to get the veteran officers back on the street with the training they need combating the meth problem, and all the other problems. We need to ensure they have adequate training to do what they need to do.

(Meter #594) Deborah Ness, Chief of Police of Bismarck: Supportive of the AG's budget, she outlining four points. The first is the meth problem which is indeed a big problem which all points are tied together. Law enforcement is a small group of people in ND, about 1,400 people. We are very depended upon each other. Not only are we exposed to various chemical but often violence that is presented in these situations. We can't send in a person or two like we use to take down a facility or drug house. Now we need the agents and the special incident units (swat teams). You just don't walk into these situations anymore because they are so very dangerous. We're talking about how things are changing and how we are growing into this problem, just as we are growing into the Homeland Security is upon us, so much is presented to us that we never had to deal with before. Meth is new to us and now we have to be sure that our all of our officers are properly trained. Referred to the anthrax scare.

(Meter #892) Senator Andrist: In this war on meth, do you feel you are getting the cooperation of the court system? Referred to a case in the rural county where one district judge provided the enforcement team with a "no knock" search warrant and then another threw it out because he said there was no evidence or threat of violence. (Meter #970) Deborah Ness: It is a very dangerous.

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Deborah A. Ness
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Bill/Resolution Number SB 2003
Hearing Date 1-09-03

Working through our prosecutors, we get good support for our local jurisdiction, I can see some differences across the state. She gave an example of one of the situation she was involved in.

(Meter #1085) Russ Hanson, ND Retail & Petroleum Marketers Association : Echoes the support with Tom Woodmansee from the Grocers Association to support this budget especially the retail meth watch program that the AG talked about. This program just started out last summer for the retail sector that has been very beneficial for the retail employees. (Meter #1180) Senator

Krauter: Referring a question to Wayne Steneheim, AG, can you review the FTE's, the council provided for us a listing where there is ten and one-half FTE's and as I go through those, my interest is, can any of these positions can be located in the rural parts of the state. (Meter #1280)

Wayne Steneheim referred the question to Kathy Roll from his office. She did not have the information but will get it to him. (Meter #1535) Chairman Holmberg closed the hearing on SB 2003. No action was taken, subcommittee was appointed.

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10-14-03
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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003 -Votes

Senate Appropriations Committee

☐ Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
#2	x		0-1244
Committee Clerk Signature <i>Jan Blendrick</i>			

Minutes:

Senator Holmberg, chair, opened the voting on SB 2003, which is the Attorney General budget.

Senator Kringstad stated that the fiscal note had been put into the bill. He stated that the amendments that they should be looking at should be 38026.0103, dated February 11, 2003.

Senator Kringstad explained the amendments which are attached to these minutes.

Questions: (#360)

Senator Robinson: Are these the drug agents on Item 3 (law enforcement training)? Senator Kringstad replied that it was. Senator Krauter He understood that the Attorney general wanted to full fund two agents to address the drug problems and he didn't see that addressed in this amendment. Senator Kringstad stated that the subcommittee took the amendments that the Attorney General's office gave them and went along with them and to transfer this over to the house. There are several other things, bills, that will affect this budget. The recommendation did include one agent and requested one new one that makes 2 new agents for the attorney genera.

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Page 2

Senate Appropriations Committee
Bill/Resolution Number SB 2003 -Votes
Hearing Date February 11, 2003

The amendment has one agent and the recommendation has one agent. There is not a footnote that addresses this. Senator Christmann: He wondered if the bill that he carried yesterday which was to increase the reimbursement the counties for the witness program from the state, is that what number 5 is talking about. The response was that was something different. Number 5 has to do with special operations response team. Several cities in the state have what is called "swat" teams and those teams go to complex situations, such as bombs, etc. These teams have very specific training and these teams are being called more and more by smaller communities to help. Those that are responding are experiencing overtime and all of the costs that go with responding to these calls, so the League of Cities, Association of Counties, and the Attorney General's office and the Bureau got together and talked about to do about the costs and HB 1350 was the answer. It includes a grant for \$50,000 to help with those responses and the counties will put in another \$50,000. The cities that respond to these emergencies will then submit forms to the state and they will get reimbursed for overtime and actual costs, not for salaries (everyday salaries), or training, simply for the actual costs that are incurred when they are called out. That is what number 5 is about. There are a number of bills floating around that will be dealt with in conference committee later.

Motion by Senator Kringstad to accept amendment, seconded heard. (#1141). No discussion on amendments, voice vote was taken, motion passed. Senator Kringstad for a do pass as amended, seconded by Senator Christmann. Roll call vote was taken, which is attached. Motion carried with 13 yes, 0 noes, and 1 absent and not voting. Senator Kringstad will carry the amendments to the Senate Floor. (#1244)

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FISCAL NOTE
Requested by Legislative Council
12/24/2002

Bill/Resolution No.: SB 2003

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

This amendment allows the \$.10 per gaming stamp moneys already deposited in the Attorney General operating fund to be used to administer, as well as issue gaming stamps. The 2001-03 and 2003-05 biennium budgets include the same amount for this purpose. There is no fiscal impact.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

N/A

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

N/A

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

N/A

Name:	Kathy Roll	Agency:	Office of Attorney General
Phone Number:	328-3622	Date Prepared:	01/08/2003

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Date

38026.0103
Title.0200
Fiscal No. 3

Prepared by the Legislative Council staff for
Senator Kringstad
February 11, 2003

903
2-12-03
1 of 2

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, remove "and section 54-12-11"
Page 1, line 3, remove "and the salary of the"
Page 1, line 4, remove "attorney general"
Page 1, line 11, replace "18,294,636" with "18,246,035"
Page 1, line 12, replace "7,831,087" with "8,025,869"
Page 1, line 13, replace "1,784,250" with "1,830,250"
Page 1, line 14, replace "5,841,560" with "5,891,560"
Page 1, line 18, replace "33,816,642" with "34,058,823"
Page 1, line 19, replace "17,349,237" with "17,444,577"
Page 1, line 20, replace "16,467,405" with "16,614,246"

Page 2, remove lines 27 through 31

Page 3, remove lines 1 and 2

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$18,294,636	(\$48,601)	\$18,246,035
Operating expenses	7,831,087	194,782	8,025,869
Capital assets	1,784,250	46,000	1,830,250
Grants	5,841,560	50,000	5,891,560
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
Gaming Commission	5,109		5,109
Total all funds	\$33,816,642	\$242,181	\$34,058,823
Less estimated income	<u>17,349,237</u>	<u>95,340</u>	<u>17,444,577</u>
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00

Dept. 125 - Attorney General - Detail of Senate Changes

2 of 2

	REMOVES RECOMMENDED SALARY INCREASE 1	ADDS BUREAU OF CRIMINAL INVESTIGATION AGENT	RESTORES FUNDING FOR BUREAU OF CRIMINAL INVESTIGATION OVERTIME	ADDS FUNDING FOR EQUITY INCREASES 2	RESTORES TRAINING POSITION 3	ADDS FEDERAL GRANT 4
Salaries and wages	(\$192,778)	\$91,401	\$21,980	\$41,024	\$116,572	\$38,325
Operating expenses		44,582			25,000	125,200
Capital assets		20,000				28,000
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Total all funds	(\$192,778)	\$155,983	\$21,980	\$41,024	\$141,572	\$189,525
Less estimated income	(20,084)			41,024		189,525
General fund	(\$172,894)	\$155,983	\$21,980	\$0	\$141,572	\$0
FTE	0.00	1.00	0.00	0.00	1.00	0.00

	ADDS FUNDING FOR RURAL RESPONSE TEAMS 5	REMOVES VACANT POSITIONS 6	TOTAL SENATE CHANGES
Salaries and wages		(\$165,125)	(\$48,601)
Operating expenses			194,782
Capital assets			46,000
Grants	\$50,000		50,000
Litigation fees			
Arrest and return of fugitives			
Gaming Commission			
Total all funds	\$50,000	(\$165,125)	\$242,181
Less estimated income	50,000	(165,125)	95,340
General fund	\$0	\$0	\$146,841
FTE	0.00	(2.00)	0.00

- 1 This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. Section 7 of the bill is removed, which included the statutory changes relating to the Attorney General's salary increase. The Attorney General's salary will remain at the current level of \$74,668 for the 2003-05 biennium.
- 2 Funding is increased for salary equity adjustments for assistant attorneys general to provide a total of \$241,024 of other funds for the 2003-05 biennium.
- 3 This amendment restores one of the two law enforcement training positions eliminated in the executive budget.
- 4 Federal funding is added to improve crime laboratory operations in cases with no suspects.
- 5 The grants line item is increased by \$50,000 of funding provided by counties to reimburse rural response teams for tactical assistance provided to local law enforcement.
- 6 This amendment eliminates a vacant Bureau of Criminal Investigation research analyst II (\$75,402) and a vacant Bureau of Criminal Investigation research analyst III (\$89,723).

Date: 2/11/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2003

Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38026. ~~0100~~ 0103

Action Taken do pass as amended.

Motion Made By Kringstad Seconded By Christmann

Senators	Yes	No	Senators	Yes	No
Senator Holmberg, Chairman	✓				
Senator Bowman, Vice Chair	✓				
Senator Grindberg, Vice Chair	✓				
Senator Andrist	✓				
Senator Christmann	✓				
Senator Kilzer	✓				
Senator Krauter	✓				
Senator Kringstad	✓				
Senator Lindaas					
Senator Mathern	✓				
Senator Robinson	✓				
Senator Schobinger	✓				
Senator Tallackson	✓				
Senator Thane	✓				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Kringstad

If the vote is on an amendment, briefly indicate intent:

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Cheresea A. Bee
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10-14-03
Date

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 3:44 p.m.

Module No: SR-27-2479
Carrier: Kringstad
Insert LC: 38026.0103 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2003: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and section 54-12-11"

Page 1, line 3, remove "and the salary of the"

Page 1, line 4, remove "attorney general"

Page 1, line 11, replace "18,294,636" with "18,246,035"

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

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Litigation fees	50,000		50,000
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Less estimated income	<u>17,349,237</u>	<u>95,340</u>	<u>17,444,577</u>
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00

Dept. 125 - Attorney General - Detail of Senate Changes

REMOVES RECOMMENDED SALARY INCREASE 1	ADDS BUREAU OF CRIMINAL INVESTIGATION AGENT	RESTORES FUNDING FOR BUREAU OF CRIMINAL INVESTIGATION OVERTIME	ADDS FUNDING FOR EQUITY INCREASES 2	RESTORES TRAINING POSITION 3	ADDS FEDERAL GRANT 4
(2) DESK, (3) COMM		Page No. 1			SR-27-2479

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Date

REPORT OF STANDING COMMITTEE (410)
February 12, 2003 3:44 p.m.

Module No: SR-27-2479
Carrier: Kringstad
Insert LC: 38026.0103 Title: .0200

Salaries and wages	(\$192,778)	\$91,401	\$21,980	\$41,024	\$116,572	\$38,325
Operating expenses		44,882			25,000	125,200
Capital assets		20,000				28,000
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Total all funds	(\$192,778)	\$155,983	\$21,980	\$41,024	\$141,572	\$189,525
Less estimated income	(20,084)			41,024		189,525
General fund	(\$172,694)	\$155,983	\$21,980	\$0	\$141,572	\$0
FTE	0.00	1.00	0.00	0.00	1.00	0.00

	ADDS FUNDING FOR RURAL RESPONSE TEAMS ⁵	REMOVES VACANT POSITIONS ⁶	TOTAL SENATE CHANGES
Salaries and wages		(\$165,125)	(\$48,801)
Operating expenses			194,782
Capital assets			48,000
Grants	\$50,000		50,000
Litigation fees			
Arrest and return of fugitives			
Gaming Commission			
Total all funds	\$50,000	(\$165,125)	\$242,181
Less estimated income	50,000	(165,125)	95,340
General fund	\$0	\$0	\$146,841
FTE	0.00	(2.00)	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. Section 7 of the bill is removed, which included the statutory changes relating to the Attorney General's salary increase. The Attorney General's salary will remain at the current level of \$74,668 for the 2003-05 biennium.

² Funding is increased for salary equity adjustments for assistant attorneys general to provide a total of \$241,024 of other funds for the 2003-05 biennium.

³ This amendment restores one of the two law enforcement training positions eliminated in the executive budget.

⁴ Federal funding is added to improve crime laboratory operations in cases with no suspects.

⁵ The grants line item is increased by \$50,000 of funding provided by counties to reimburse rural response teams for tactical assistance provided to local law enforcement.

⁶ This amendment eliminates a vacant Bureau of Criminal Investigation research analyst II (\$75,402) and a vacant Bureau of Criminal Investigation research analyst III (\$89,723).

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Operator's Signature

Date

2003 HOUSE APPROPRIATIONS

SB 2003

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Operator's Signature

10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date March 6, 2003

Tape Number	Side A	Side B	Meter #
2	xx	xx	
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes:

Attorney General, Wayne Stenehjem shared written testimony in support of SB 2003.

Kathy Roll in response to a question from Rep. Warner advised the committee the AG's office bills 100% of services for all services provided. Human Services and the Health Dept. Are an exception to that. We don't allocate hours to all agencies, (PSC, Tax, High Ed) We no longer offer all agencies our services.

Attorney General Stenehjem shared information regarding the fight against "meth" in the state. A sample was shown and a short presentation was shared regarding the clean up process. It was noted the Fargo arrest involved 400 pounds of the substance, the sample displayed was 2 oz. In response to a question from Rep. Thoreson it was noted 6 FTE's will be needed to establish, setup the examining site for the lottery. These are yet to be determined. There will also be maintenance in the communication network for ticket purchases.

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10-14-03
Date

Page 2

Government Operations Division

Bill/Resolution Number SB 2003

Hearing Date March 6, 2003

Keith Lawler, Gaming Division. There isn't a requirement to meet. We have to be accepted in to the organization that can take place after the bill is signed by the Governor. Multi state lottery has more than one type of game, Mega-Million has the power ball game and others.

Attorney General Stenehjem the bill passed would allow powerful and/or pot lotto. I will do what the law permits, it does permit up to join M.U.S.L.E.

Rep. Timm asked what the upfront costs will be and where is the money coming from. The Attorney General will respond in written form. He also asked about the disparity in the attorney's wages in the department.

Sandi Tabor, Deputy A.G. Made note of pg. 31 of her written testimony. In 1995 an adjustment was made, Central personnel doesn't monitor unclassified employees. We've fallen way behind the curve regarding wages. A written breakdown will follow.

Jerry Kemmet, Director, Bureau of Investigation. Employment offers were just made to bring us to full staff. After 9/11 we lost BCI agents to the customs and border patrol, they offer higher wages, one was a task force leader, we compete with Minnesota regularly, there wages average approximately \$15,000 more.

Kathy Roll The AG's office does not anticipate any turn back , She will also respond to the Professional line item in written form.

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10-14-03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date March 20, 2003

Tape Number	Side A	Side B	Meter #
1	XX		
Committee Clerk Signature			

Minutes: Committee Work

Sandy Tabor, Deputy Attorney General, shared an overview of the current bills impacting the Attorney Generals budget (see written testimony) She also informed the committee the Senate amended the lottery bill to increase the amount funding the addiction portion of the bill to \$400,000.

Kathy Roll, AG office 70% of our bill able hours is billed to general fund agencies. The Attorney General turn back will fund the no call bill, they anticipate a \$100,000 turn back.

Sandy Tabor explained the police training issues. (Note: Several lawmakers received a note from the Minot Police Chief in protest that they were not contacted for the hearing on SB 2003, a meeting has been scheduled)

Kathy Roll, in response to a question from Rep. Timm, NDSU and UND have their own attorney's. The university system also has one.

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10-14-03
Date

Page 2
Government Operations Division
Bill/Resolution Number SB 2003
Hearing Date March 20, 2003

Sandy Tabor, made reference was made by the body to SB 2041, The Senate removed all the CJIS funding . The judiciary added new language regarding the Federal Criminal background checks. (See Section 3 of bill) The screening process is labor intensive and 2 FTE's will be needed, part of the funding will be used for data entry, background checks become meaningless without maintaining a data base. We are the only entity able to do this process. The legislature wants us to do this. \$137, 000 would be generated from the fees.

Rep. Skarphol commented, if the service is required they should pay for it instead of the concealed weapon group. There should be a charge to those who want the service.

Sandy Tabor, in response to a question from Rep. Kroeber, background checks include a state and federal check. New teachers are required by law to have one at a fee of \$20 for state check and \$22 for a federal check. The catholic conference added all non profits dealing with minors. This is covered under a federal act.

Rep. Koppelman commented \$175,500 is needed for the 2 FTE's, \$112,000 is offset by fees. The fee should be raised to offset the expense.

Sandy Tabor we favor a 2 tier fee system, Level I would provide a state level check while the level II would provide a federal check.

Rep. Skarphol asked if a special fund could be established to use as a flow through?

Kathy Roll we will check into that.

Rep. DeKrey address the policy issues of the bill

Rep. Kroeber noted line 14, 15, 16, 17, isn't needed because it is already part of the federal language.

Rep. DeKrey concurred.

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10-14-03
Date

Page 3

Government Operations Division

Bill/Resolution Number SB 2003

Hearing Date March 20, 2003

Sandy Tabor in reference to SB 2223, line 14 & 15 can be eliminated to make an easier

reference. In reference to SB 2253 the current language wouldn't cover the associated costs. We

would like to bring back the original bill, and take off the amendment. Rep. Price and I have

visited on this and she concurs.

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Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date March 20, 2003

Tape Number	Side A	Side B	Meter #
NONE			
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: **Committee Work** in Attorney Generals Office, in attendance: Rep. Glassheim, Warner, Carlisle, Timm, Thoreson, Koppelman, Atty. General Stenehjem, and Deputy Atty. General Sandy Tabor. This discussion is in reference to the Police Training Session Plan. **Attorney General, Wayne Stenehjem** commented due to budget restraints and the Governors budget reduction of 5%, training agents were cut from the budget with the understanding they could be included in the optional package. Law enforcement was able to address this issue during the Senate hearing, however did not attend the House hearing, thus this meeting. **Minot Police Chief, Dan Dradvick**, shared with the committee he is concerned with the lose of the training position and Higher Education training issues. 1 trainer does not meet the needs of the law enforcement of the state. There has been an attempt for the last 2-3 sessions to increase the number of trainers. Currently 2 trainers remain in the bill. It is his opinion one trainer needs to be added to the budget or law enforcement will be taking a step backwards.

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10-14-03
Date

Page 2
Government Operations Division
Bill/Resolution Number SB 2003
Hearing Date March 20, 2003

Rep. Timm commented the Peace Officers are aware of the lost trainer. Is there any indication they may assist in the funding, or maybe the AG should charge a small fee.

Dan Dradvick we don't have dollars available, and other agencies don't charge.

Rep. Timm We have been advised by the Attorney Generals Office this program can get along with one less trainer.

Dan Dradvick we need 3 trainers, 60 hours of training is required every 3 years to maintain licenses. We have 6000 officers in the state that need 20 hours of training annual. Small communities can't do that without these trainers.

Rep. Carlisle commented a Drug Agent or a Training Officer, the lean on the floor is toward the drug agent, also a BCI agent is needed. What is the salary and benefit cost for the FTE.

Sandi Tabor \$141,573 per biennium

Attorney General we tried to come to a compromise, the Senate did approve 2, we had removed 1 in the Governors budget, the Senate replaced 1, we lobbied for an additional 1 for a total of 3, we currently sit at 2.

Meeting concluded....written testimony also included.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

House Appropriations Committee
Government Operations Division

☐ Conference Committee

Hearing Date March 24, 2003

Tape Number	Side A	Side B	Meter #
2		x	
3	x		
Committee Clerk Signature <i>Kelly Schmidt</i>			

Minutes: Committee Work

Legislative Council reviewed amendment 38026.0202 with the committee

Rep. Skarphol asked the status of SB 2255, which would effect this budget

Rep. Warner There are 3 house amendments 1) includes a technical change 2) submitted by Rep. Berg, exempts political parties from the call list. 3) Opens us to all nonprofit organizations.

Sandi Tabor, Asst. Attorney General Noted in a conversation with a state telemarketing firm, the majority of their business is out of state, so they would not be effected by this bill. The Attorney General has contacted a portion of them and they were unconcerned, they have not attended a hearing.

Rep. Timm informed the committee there would be a meeting with the Minot Chief of Police regarding the training officer issue. The AG has not funded a training officer and they were upset because they were not made aware of the hearing, therefore they didn't attend.

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10-14-03
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Page 2

Government Operations Division

Bill/Resolution Number SB 2009

Hearing Date March 24, 2003

Sandi Tabor a written response will be distributed to the committee, she also advised the committee of SCR 4014 which addresses the training and funding issue of training officers.

Rep. Timm 1M is the Hwy. Patrol budget for the training academy.

Rep. Skarphol asked if technology is being used for training.

Sandi Tabor yes, but they is also hands on training needs. It's currently not being used. It would be effective in some areas, she also added there is a special certification course for trainers. Trainers are being pulled from their local duties to do training.

Rep. Skarphol Has homeland security money been made available?

Tabor Money has been available for Bio-terrorism and Emergency Management and Human Services. We haven't seen anything.

Rep. Kroeber What are the hours for total certification?

Tabor 60 hours every 3 years, basic training is 12 weeks.

Rep. Glassheim Would the idea of a 1/2 time trainer work?

Tabor that could be a possibility.

Kathy Roll reviewed the legislative changes to engrossed bill 2003, see handout. She noted the Water Commission funding isn't being used for the equity adjustment. The funding isn't there For the adjustments \$241,000 that would have to be made up.

Legislative Council reviewed the .0201 amendment

Rep. Carlson moved a DO PASS on Amendment .0201, second by Rep. Kroeber.

ROLL CALL VOTE 7 yes 0 no 2 absent (Koppelman/Skarphol)

MOTION CARRIES

Rep. Timm moved a DO PASS on Amendment .0202, second by Rep. Glassheim

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Page 3
Government Operations Division
Bill/Resolution Number SB 2009
Hearing Date March 24, 2003

Sandi Tabor This Attorney General is checking into this amendment, Some of the officers
Maybe paying the fee themselves. We will advise at conference committee.

ROLL CALL VOTE 6 yes 2 no 1 absent (Koppelman)

MOTION CARRIES

OMB Noted the water commission pays no fees to the Attorney Generals Office for legal work.

Rep. Warner moved a **DO PASS** as **AMENDED** on SB 2003, second by **Rep. Kroeber**

Rep. Carlson asked if the general fund spending has increased or decreased for the last
Biennium?

Legislative Council advised the committee, as it sits with the amendments the budget is plus
\$250,000.

Kathy Roll, AG office in response to a question from **Rep. Skarphol**. Agent overtime for on
Call to local offices for meth. And other calls, without this funding we can't respond to those
Calls, there was a partial recovery in the governors budget and remained in the senate.

Legislative Council noted the lottery money is a continued appropriation re: HB 1243.

Rep. Glassheim noted for the record, "I'm getting nervous about other department taking cuts
And we are expanding here, I'm hesitant, but will not oppose this bill.

Rep. Skarphol with reference to consolidation, 27 out of 90 state attorneys are no in the
Attorney Generals office and the wage increase.

Sandi Tabor consolidation happened some time ago. Some agencies are exempt by the
Legislation, salary inequality is also part of the issue because Central Personnel doesn't deal with
Non-classified employees.

Roll Call Vote on SB 2003 6 yes 2 no 1 absent (Koppelman)

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10-14-03
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Page 4
Government Operations Division
Bill/Resolution Number SB 2009
Hearing Date March 24, 2003

MOTION CARRIES

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003

House Appropriations Committee

☐ Conference Committee

Hearing Date 03-31-03

Tape Number	Side A	Side B	Meter #
2		X	23.3-end
Committee Clerk Signature			

Minutes:

Chairman Svedjan Opened SB 2003 for discussion. A quorum was present.

Rep. Carlisle I move amendment number .0204 to SB 2003. 2nd by Rep. Skarphol.

Rep. Carlisle We added 5 FTE's with this amendment.

Rep. Gulleon Regarding the FTE increase. Why doesn't the Governor's budget include the FTE increase?

Sandy Peterson, OMB That is their own decision.

Rep. Gulleon None of these 5 new FTE's were brought forward?

Peterson No. When the Attorney General requested meth BCI agents, they weren't given everything they wanted.

Motion Carries.

Rep. Wald I Move to delete section for and amend adopted amendment .0204. 2nd by Rep.

Delzer.

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Date

Page 2
House Appropriations Committee
Bill/Resolution Number SB 2003
Hearing Date 03-31-03

Rep. Carlisle Once our bill kicks in we need people to carry it out. Why pull employees?

Rep. Wald This is not needed.

Rep. Carlisle I hope we resist this.

Rep. Delzer When does this implement?

Sandy Tabor, Deputy Attorney General The emergency clause is for computer work on the no-call list.

Motion Fails 9-13-1.

Rep. Wald I move to remove the continuing appropriation on section 4. 2nd by Rep.

Koppleman.

Rep. Glassheim I see no continuing appropriation.

Rep. Wald I withdraw my motion.

Rep. Carlisle I move a Do Pass As Amended. 2nd by Rep. Koppleman. Motion Carries

21-1-1. Rep. Carlisle will carry this bill.

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10-14-03
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Senator Holmberg clarified that section 4 of the proposed amendments to Engrossed Senate Bill allowed the Attorney General to use up to \$241,000 of the attorney general refund fund to pay for the attorney salary equity increase.

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10-14-03
Date

38026.0201
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations

March 24, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 12, replace "8,025,869" with "8,050,869"

Page 1, line 18, replace "34,058,823" with "34,083,823"

Page 1, line 19, replace "17,444,577" with "17,469,577"

Page 1, after line 20, Insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 26, Insert:

"SECTION 10. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$18,294,036	\$18,246,035		\$18,246,035
Operating expenses	7,831,087	8,025,869	\$25,000	8,050,869
Capital assets	1,784,250	1,830,250		1,830,250
Grants	5,841,560	5,891,560		5,891,560
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000

Page No. 1

38026.0201

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10-14-03
Date

Gaming Commission	5,109	5,109		5,109
Contingent appropriation			240,000	240,000
Total all funds	\$33,816,642	\$34,058,823	\$265,000	\$34,323,823
Less estimated income	17,349,237	17,444,577	25,000	17,469,577
General fund	\$16,467,405	\$16,614,246	\$240,000	\$16,854,246
FTE	171.00	171.00	0.00	171.00

Dept. 125 - Attorney General - Detail of House Changes

	ADDS FUNDING FOR RACING COMMISSION ¹	ADDS CONTINGENT APPROPRIATION ²	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	\$25,000		\$25,000
Capital assets			
Grants			
Litigation fees			
Arrest and return of fugitives			
Gaming Commission			
Contingent appropriation		\$240,000	240,000
Total all funds	\$25,000	\$240,000	\$265,000
Loss estimated income	25,000		25,000
General fund	\$0	\$240,000	\$240,000
FTE	0.00	0.00	0.00

¹ The operating expenses line item is increased by \$25,000 from Racing Commission collections for Racing Commission operating costs. The additional income is estimated to be available as a result of provisions of Senate Bill No. 2028.

² A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting criminal background checks during the 2003-05 biennium.

Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$394,984 rather than transferring the balance to the general fund. The Attorney General will use the funding to hire 2 additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

An emergency clause section is added relating to Sections 3 and 4 which were added to the bill by this amendment.

Date:03-24-03

Roll Call Vote Number #1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2003

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38026.0201

Action Taken Do Pass on Amendment

Motion Made By Rep. Carlson

Seconded By Rep. Kroeber

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman					
Rep. Skarphol					
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 7 No 0

Absent 2
Koppelman/Skarpho

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

See attached amendment

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10-11-03
Date

38026.0202
Title.
Fiscal No. 1

Prepared by the Legislative Council staff for
House Appropriations - Government
Operations

March 25, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to peace officer license fees;"

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 11, replace "18,246,035" with "18,479,051"

Page 1, line 12, replace "8,025,869" with "8,131,853"

Page 1, line 18, replace "34,058,823" with "34,397,823"

Page 1, line 19, replace "17,444,577" with "17,539,592"

Page 1, line 20, replace "16,614,246" with "16,858,231"

Page 1, after line 20, insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 18, insert:

"SECTION 9. A new section to chapter 12-63 of the North Dakota Century Code is created and enacted as follows:

Peace officer training fee. In addition to any fee authorized under section 12-63-05, the board shall assess a peace officer training fee of fifty-five dollars on each application for license, initial license, renewal of license, and late renewal of a license. All collections under this section must be transferred to the attorney general for deposit

Page No. 1

38026.0202

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Yvonnea J. Lee
Operator's Signature

10-14-03
Date

in the attorney general operating fund for the purpose of defraying the expenses of peace officer training programs."

Page 2, after line 26, insert:

"SECTION 11. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$18,294,836	\$18,246,035	\$233,016	\$18,479,051
Operating expenses	7,831,087	8,025,869	105,984	8,131,853
Capital assets	1,784,250	1,830,250		1,830,250
Grants	5,841,560	5,891,560		5,891,560
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	5,109	5,109		5,109
Contingent appropriation			240,000	240,000
Total all funds	\$33,816,842	\$34,058,823	\$579,000	\$34,637,823
Less estimated income	17,349,237	17,444,577	95,015	17,539,592
General fund	\$16,467,405	\$16,614,246	\$483,985	\$17,098,231
FTE	171.00	171.00	5.00	176.00

Dept. 125 - Attorney General - Detail of House Changes

	ADDS FUNDING FOR RACING COMMISSION 1	ADDS CONTINGENT APPROPRIATION 2	ADDS FUNDING FOR BACKGROUND CHECKS 3	RESTORES FUNDING FOR TRAINING POSITION 4	ADDS NEW POSITIONS 5	TOTAL HOUSE CHANGES
Salaries and wages			\$130,600	\$102,416		\$233,016
Operating expenses	\$25,000		49,400	31,584		105,984
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation		\$240,000				240,000
Total all funds	\$25,000	\$240,000	\$180,000	\$134,000	\$0	\$579,000
Less estimated income	25,000			70,015		95,015
General fund	\$0	\$240,000	\$180,000	\$63,985	\$0	\$483,985
FTE	0.00	0.00	2.00	1.00	2.00	5.00

1 The operating expenses line item is increased by \$25,000 from Racing Commission collections for Racing Commission operating costs. The additional income is available as a result of provisions of Senate Bill No. 2028.

2 A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium.

3 Funding is added for two FTE identification technicians for conducting additional criminal background checks during the 2003-05 biennium.

4 The executive budget removed two FTE law enforcement training position. The Senate restored one of the two positions. This amendment restores the other position. Approximately 50 percent of the funding for the position will be provided from an increase in peace officer license fees. Section 9 of the bill is added which requires the Peace Officer Standards and Training Board to collect an additional \$55 fee on each application or license and remit the funds collected to the Attorney General for deposit in the Attorney General operating fund for providing funding for peace officer training programs. The fee is estimated to generate \$70,015 for the 2003-05 biennium.

5 Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$394,984 rather than transferring the balance to the general fund. The Attorney General will use the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium.

An emergency clause section is added relating to Sections 3 and 4 which were added to the bill by this amendment.

Page No. 3

38026.0202

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Cherese A. Bee
Operator's Signature

10-14-03
Date

Date:03-24-03

Roll Call Vote Number #1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2003

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38026.0202

Action Taken Do Pass on Amendment

Motion Made By Rep. Timm

Seconded By Rep. Glassheim

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman					
Rep. Skarphol		x			
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner		x			

Total (Yes) 6 No 2

Absent 1

Koppelman

Floor Assignment

If the vote is on an amendment, briefly indicate intent:
See attached amendment

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Cherissa A. Lee
Operator's Signature

10-14-03
Date

Date:03-24-03

Roll Call Vote Number #1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2003

House Appropriations: Government Operations Division Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38026.0202

Action Taken Do Pass as Amended

Motion Made By Rep. Warner Seconded By Rep. Kroeber

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlisle	x				
Vice Chairman Carlson	x				
Rep. Koppelman					
Rep. Skarphol		x			
Rep. Thoreson	x				
Rep. Timm	x				
Rep. Glassheim	x				
Rep. Kroeber	x				
Rep. Warner	x				

Total (Yes) 7 No 1

Absent 1
Koppelman

Floor Assignment Rep. Carlisle

If the vote is on an amendment, briefly indicate intent:
See attached amendment

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Cherese A. Lee
Operator's Signature

10-14-03
Date

REPORT OF STANDING COMMITTEE (410)
April 1, 2003 1:16 p.m.

Module No: HR-59-6328
Carrier: Carlisle
Insert LC: 38026.0205 Title: .0300

REPORT OF STANDING COMMITTEE

SB 2003, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to peace officer license fees;"

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 11, replace "18,246,035" with "18,461,301"

Page 1, line 12, replace "8,025,869" with "7,738,043"

Page 1, line 18, replace "34,058,823" with "33,986,263"

Page 1, line 19, replace "17,444,577" with "17,537,418"

Page 1, line 20, replace "16,614,246" with "16,448,845"

Page 1, after line 20, insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 18, insert:

"SECTION 9. A new section to chapter 12-63 of the North Dakota Century Code is created and enacted as follows:

Peace officer training fee. In addition to any fee authorized under section 12-63-05, the board shall assess a peace officer training fee of fifty-five dollars on each application for a license, an initial license, a renewal of a license, and a late renewal of a license. All collections under this section must be transferred to the attorney general for deposit in the attorney general operating fund for the purpose of defraying the expenses of peace officer training programs."

(2) DESK, (3) COMM

Page No. 1

HR-59-6328

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Y. Svedjan
Operator's Signature

10-14-03
Date

REPORT OF STANDING COMMITTEE (410)
April 1, 2003 1:16 p.m.

Module No: HR-58-6328
Carrier: Carlisle
Insert LC: 38026.0205 Title: .0300

Page 2, after line 26, Insert:

"SECTION 11. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$18,294,838	\$18,248,035	\$215,268	\$18,461,301
Operating expenses	7,831,087	8,025,869	(287,826)	7,738,043
Capital assets	1,784,250	1,830,250		1,830,250
Grants	5,841,580	5,891,580		5,891,580
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	5,109	5,109		5,109
Contingent appropriation			240,000	240,000
Total all funds	\$33,816,642	\$34,058,823	\$167,440	\$34,226,263
Less estimated income	17,348,237	17,444,577	92,841	17,537,418
General fund	\$16,468,405	\$16,614,246	\$74,599	\$16,688,845
FTE	171.00	171.00	5.00	176.00

Dept. 125 - Attorney General - Detail of House Changes

	ADDS FUNDING FOR RACING COMMISSION 1	ADDS CONTINGENT APPROPRIATION 2	ADDS FUNDING FOR BACKGROUND CHECKS 3	RESTORES FUNDING FOR TRAINING POSITION 4	ADDS NEW POSITIONS 5	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 6
Salaries and wages			\$130,600	\$102,416		(\$17,750)
Operating expenses	\$25,000		48,400	31,584		
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation		\$240,000				
Total all funds	\$25,000	\$240,000	\$180,000	\$134,000	\$0	(\$17,750)
Less estimated income	25,000			70,015		(2,174)
General fund	\$0	\$240,000	\$180,000	\$63,985	\$0	(\$15,576)
FTE	0.00	0.00	2.00	1.00	2.00	0.00

	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 7	TOTAL HOUSE CHANGES
Salaries and wages	(\$393,810)	\$215,268
Operating expenses		(287,826)
Capital assets		
Grants		
Litigation fees		
Arrest and return of fugitives		
Gaming Commission		
Contingent appropriation		240,000
Total all funds	(\$393,810)	\$167,440
Less estimated income		92,841

(2) DESK, (3) COMM

Page No. 2

HR-58-6328

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Operator's Signature

Date

REPORT OF STANDING COMMITTEE (410)
April 1, 2003 1:16 p.m.

Module No: HR-58-6328
Carrier: Carlisle
Insert LC: 38026.0205 Title: .0300

General fund	(\$393,810)	\$74,589
FTE	0.00	5.00

- 1 The operating expenses line item is increased by \$25,000 from Racing Commission collections for Racing Commission operating costs. The additional income is available as a result of provisions of Senate Bill No. 2028.
- 2 A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium.
- 3 Funding is added for two FTE identification technicians for conducting additional criminal background checks during the 2003-05 biennium.
- 4 The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. This amendment restores the other position. Approximately 50 percent of the funding for the position will be provided from an increase in peace officer license fees. Section 9 of the bill is added which requires the Peace Officer Standards and Training Board to collect an additional \$55 fee on each application or license and remit the funds collected to the Attorney General for deposit in the Attorney General operating fund for providing funding for peace officer training programs. The fee is estimated to generate \$70,015 for the 2003-05 biennium.
- 5 Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$394,984 rather than transferring the balance to the general fund. The Attorney General will use the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.
- 6 Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.
- 7 This amendment reduces funding for information technology by \$393,810 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium.

An emergency clause section is added relating to Sections 3 and 4 which were added to the bill by this amendment.

2003 SENATE APPROPRIATIONS
CONFERENCE COMMITTEE

SB 2003

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Michael J. Lee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003 Conference Committee

~~Senate Appropriations Committee~~

☒ Conference Committee

Hearing Date 4-10-03

Tape Number	Side A	Side B	Meter #
1	X		0 - 2613
Committee Clerk Signature <i>Sandra Dawson</i>			

Minutes:

Senator Ed Kringstad opened the Conference Committee on SB 2003

All members of the Conference Committee were present. They include **Senators Kringstad, Holmberg, Mathern** and **Representatives Carlisle, Timm and Warner**.

Rep. Carlisle presented a summary of the changes made by the House on SB 2003 (See Exhibit 1 attached).

Discussion was held as to the low salaries paid to the assistant attorney generals as compared to the attorney in the judicial branch and workers comp and the authority that is there but was not exercised because the equity pay discussions

Discussion was held as to the funding of IT and this will be decided by the leadership.

Discussion was held as to how funding can be made available for the second FTE and the possibility in light of the extra turn back maybe this could pickup the difference.

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Operator's Signature

10-14-03
Date

Page 2

Senate Appropriations Committee

Bill/Resolution Number SB 2003

Hearing Date 4-10-03

Senator Kringstad presented to the committee an amendment which relating to adding the
billing of the State Water Commission (See attached).

Discussion was held as to the inconsistency of the salary equity adjustments and that this will be
brought to the attention of the leadership who will have to make the decisions.

Clarifications were made as to funding by turn backs and general funding and refund funds.

It was agreed upon that this was a good conference committee and after review of the
information submitted and after conferring with the leadership the next steps will be taken.

Senator Kringstad closed the Conference Committee on SB 2003.

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Cheresea W. Lee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2003

Senate Appropriation Committee

☒ Conference Committee

Hearing Date April 15, 2003

Tape Number	Side A	Side B	Meter #
2	X		0 - 3,800
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes:

Senator Kringstad opened the conference committee on SB2003. Committee includes; Senator Kringstad, Senator Holmberg, Senator Mathern, Representative Carlisle, Representative Tinum, Representative Warner, all are present.

Representative Carlisle (mtr #3820) - Had amendment 38026.0207 drafted. Handed out to committee members,.

Sandi Tabor, Attorney General's Office (mtr #3886) - Explained the amendment, talked about additional refund money that would be ready for turn back, and may be used to pay for the training officer. Committee had requested an estimate on how much money would be left over. Have identified the amount of general fund turnback, will add refund turnback and gives a greater total. Went over how the House had appropriated that money. At the last meeting of the conference committee, had offered the idea that funds taken from turnback money and used to

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Operator's Signature

10-14-03
Date

Hearing Date April 15, 2003

Continued with explanation of the amendment.

Senator Kringstad - Clarified that all committee members are in agreement of the amendment except for the IT portion.

10-14-03
Date

Page 3

Senate Finance and Taxation Committee

Bill/Resolution Number SB2003

Hearing Date April 15, 2003

Senator Mathern (mtr #4974) - Expressed reservations about taking IT issues out of other agency budgets but not this one.

Senator Kringstad (mtr #5180) - Senate will agree with the amendment.

Some discussion on how to move forward with this bill.

Senator Kringstad (mtr #5435) - Adjourned the meeting.

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Cheresea A. Bee
Operator's Signature

10-14-03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2003 Conference Committee & Vote

Senate Appropriations Committee

☒ Conference Committee

Hearing Date 4-21-03

Tape Number	Side A	Side B	Meter #
1	X		0-350
Committee Clerk Signature <i>Sandra Davison</i>			

Minutes: CHAIRMAN KRINGSTAD opened the conference committee hearing to SB 2003.

The Attorney General's office budget. Amendments were handed out by REPRESENTATIVE CARLISLE (38026.0208). Roll was taken and REPRESENTATIVE GLASSHEIM sitting in for REPRESENTATIVE WARNER.

(Meter 202) REPRESENTATIVE CARLISLE explained the amendments (38026.0208) Sandi Tabor from AG's office handed out an exhibit that explained the three changes that were made. He referred to #7, the 6 FTE's for the lottery was added (House bill 1243) and it clarified where all these positions would be from no call to the criminal background check. The other change was the 5% IT.

(Meter 271) SENATOR HOLMBERG moved that the House recedes from the House amendments and adopt amendment (38026.0208) and REPRESENTATIVE TIMM seconded.

(Meter 300) A roll call vote concluded as a **DO PASS AS AMENDED** with 6 yeas.

SENATOR KRINGSTAD and REPRESENTATIVE CARLISLE will carry.

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Yubersova A. Ilee
Operator's Signature

10-14-03
Date

38026.0207
Title.
Fiscal No. 2

Prepared by the Legislative Council staff for
Representative Carlisle
April 11, 2003

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1128-1130 of the Senate Journal and pages 1233-1235 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 11, replace "18,246,035" with "18,461,301"

Page 1, line 12, replace "8,025,869" with "7,713,043"

Page 1, line 18, replace "34,058,823" with "33,961,263"

Page 1, line 19, replace "17,444,577" with "17,442,403"

Page 1, line 20, replace "16,614,246" with "16,518,860"

Page 1, after line 20, insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 26, insert:

"SECTION 10. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Page No. 1

38026.0207

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yvonnea W. Lee
Operator's Signature

10-14-03
Date

Senate Bill No. 2003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$18,294,836	\$18,246,035	\$215,268	\$18,461,301	\$18,461,301	
Operating expenses	7,831,087	8,025,869	(312,826)	7,713,043	7,738,043	(\$25,000)
Capital assets	1,784,250	1,830,250		1,830,250	1,830,250	
Grants	5,841,560	5,891,560		5,891,560	5,891,560	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Contingent appropriation			240,000	240,000	240,000	
Total all funds	\$33,816,642	\$34,058,823	\$142,440	\$34,201,283	\$34,226,283	(\$25,000)
Less estimated income	17,349,237	17,444,577	(2,174)	17,442,403	17,637,418	(95,015)
General fund	\$16,467,405	\$16,614,246	\$144,814	\$16,758,860	\$16,688,845	\$70,015
FTE	171.00	171.00	5.00	176.00	176.00	0.00

Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADDS CONTINGENT APPROPRIATION 1	ADDS FUNDING FOR BACKGROUND CHECKS 2	RESTORES FUNDING FOR TRAINING POSITION 3	ADDS NEW POSITIONS 4	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 5	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COST 6
Salaries and wages		\$130,600	\$102,418		(\$17,760)	
Operating expenses		49,400	31,584			(\$393,810)
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriations	\$240,000					
Total all funds	\$240,000	\$180,000	\$134,000	\$0	(\$17,760)	(\$393,810)
Less estimated income					(2,174)	
General fund	\$240,000	\$180,000	\$134,000	\$0	(\$15,576)	(\$393,810)
FTE	0.00	2.00	1.00	2.00	0.00	0.00

	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$215,268
Operating expenses	(312,826)
Capital assets	
Grants	
Litigation fees	
Arrest and return of fugitives	
Gaming Commission	
Contingent appropriation	240,000
Total all funds	\$142,440
Less estimated income	(2,174)
General fund	\$144,814
FTE	5.00

- 1 A section is added providing a \$240,000 contingent general fund appropriation for defending the states school finance system if a lawsuit is filed during the 2003-05 biennium, the same as the House version.
- 2 Funding is added for two FTE identification technicians for conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.
- 3 The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. The House restored the other position with approximately 50 percent of the funding for the position being from the general fund and approximately 50 percent from an increase in peace officer license fees. This amendment restores the second position with funding from the general fund.
- 4 Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$594,984 rather than transferring the balance to the general fund. The March 2003 general fund revenue forecast did not anticipate any funds being transferred from the refund fund on June 30, 2003. The Attorney General will use \$394,984 of the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations and \$200,000 for legal services relating to the State Water Commission. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.
- 5 Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month, the same as the House version.

⁶ This amendment reduces funding for information technology by \$393,810 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent, the same as the House version.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

An emergency clause section is added relating to Sections 3 and 4 which were added to the bill by this amendment, the same as the House version.

Page No. 3

38026.0207

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Operator's Signature

Cherese A. Lee

Date

10-14-03

38026.0208
Title.0400
Fiscal No. 3

Prepared by the Legislative Council staff for
Representative Carlisle
April 18, 2003

903
4-21-03
10f3

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1128-1130 of the Senate Journal and pages 1233-1235 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 11, replace "18,246,035" with "18,461,301"

Page 1, line 12, replace "8,025,869" with "7,995,471"

Page 1, line 18, replace "34,058,823" with "34,243,691"

Page 1, line 19, replace "17,444,577" with "17,429,474"

Page 1, line 20, replace "16,614,246" with "16,814,217"

Page 1, after line 20, insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 26, insert:

"SECTION 10. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Page No. 1

38026.0208

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Cheresea W. Lee
Operator's Signature

10-14-03
Date

2015

Senate Bill No. 2003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$18,294,838	\$18,246,035	\$215,266	\$18,461,301	\$18,461,301	
Operating expenses	7,831,087	8,025,868	(30,398)	7,995,471	7,738,043	\$257,428
Capital assets	1,784,250	1,830,250		1,830,250	1,830,250	
Grants	5,841,560	5,891,560		5,891,560	5,891,560	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Contingent appropriation			240,000	240,000	240,000	
Total all funds	\$33,816,642	\$34,058,823	\$424,868	\$34,483,691	\$34,228,263	\$257,428
Less estimated income	17,349,237	17,444,577	(15,103)	17,429,474	17,537,418	(107,944)
General fund	\$16,487,405	\$16,614,248	\$439,971	\$17,054,217	\$16,888,845	\$365,372
FTE	171.00	171.00	11.00	182.00	176.00	6.00

Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADDS CONTINGENT APPROPRIATION ¹	ADDS FUNDING FOR BACKGROUND CHECKS ²	RESTORES FUNDING FOR TRAINING POSITION ³	ADDS NEW POSITIONS ⁴	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ⁵	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ⁶
Salaries and wages		\$130,600	\$102,416		(\$17,750)	
Operating expenses		49,400	31,584			(\$111,382)
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation	\$240,000					
Total all funds	\$240,000	\$180,000	\$134,000	\$0	(\$17,750)	(\$111,382)
Less estimated income					(2,174)	(12,929)
General fund	\$240,000	\$180,000	\$134,000	\$0	(\$15,576)	(\$98,453)
FTE	0.00	2.00	1.00	2.00	0.00	0.00
	RECOGNIZES POSITIONS FOR LOTTERY ⁷	TOTAL CONFERENCE COMMITTEE CHANGES				
Salaries and wages		\$215,266				
Operating expenses		(30,398)				
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation		240,000				
Total all funds	\$0	\$424,868				
Less estimated income		(15,103)				
General fund	\$0	\$439,971				
FTE	6.00	11.00				

- ¹ A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium, the same as the House version.
- ² Funding is added for two FTE identification technician positions for conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.
- ³ The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. The House restored the other position with approximately 50 percent of the funding for the position being from the general fund and approximately 50 percent from an increase in peace officer license fees. This amendment restores the second position with funding from the general fund.
- ⁴ Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$594,984 rather than transferring the balance to the general fund. The March 2003 general fund revenue forecast did not anticipate any funds being transferred from the refund fund on June 30, 2003. The Attorney General will use \$394,984 of the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations and \$200,000 for legal services relating to the State Water Commission. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.
- ⁵ Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month, the same as the House version.

367

⁶ This amendment reduces funding for information technology by \$111,382, of which \$98,453 is from the general fund and \$12,929 is from the Attorney General's operating fund, which represents a reduction in information technology funding from the general fund and special funds of approximately 5 percent.

⁷ An additional six FTE positions are authorized for administering the North Dakota lottery pursuant to provisions of House Bill No. 1243. Funding for the positions and other operating costs of the lottery are appropriated to the Attorney General pursuant to a continuing appropriation in House Bill No. 1243.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

An emergency clause is added relating to Sections 3 and 4 which were added by this amendment, the same as the House version.

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Cheresa A. Lee
Operator's Signature

10-14-03
Date

Amendment

Date *4-21-03*
Roll Call Vote #: *1*

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2003

Senate APPROPRIATIONS

Committee

☒ Check here for Conference Committee

House recedes House amend adopt

Legislative Council Amendment Number *0208*

Action Taken *Do PASS*

Motion Made By *Mike Holmberg* Seconded By *Anna*

Senators	Yes	No	Representatives	Yes	No
Senator Kringstad	✓		Representative Carlisle	✓	
Senator Holmberg	✓		Representative Timm	✓	
Senator Mathern	✓		Representative Warner	✓	

Total (Yes) *6* No

Absent

Floor Assignment *Kringstad*

If the vote is on an amendment, briefly indicate intent:

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Y. Beresova
Operator's Signature

10-14-03
Date

REPORT OF CONFERENCE COMMITTEE

SB 2003, as engrossed: Your conference committee (Sens. Kringstad, Holmberg, Mathern and Reps. Carlisle, Timm, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1128-1130, adopt amendments as follows, and place SB 2003 on the Seventh order:

That the House recede from its amendments as printed on pages 1128-1130 of the Senate Journal and pages 1233-1235 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 3, replace "and" with "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 4, after "expenses" insert "; and to declare an emergency"

Page 1, line 11, replace "18,246,035" with "18,461,301"

Page 1, line 12, replace "8,025,869" with "7,995,471"

Page 1, line 18, replace "34,058,823" with "34,243,691"

Page 1, line 19, replace "17,444,577" with "17,429,474"

Page 1, line 20, replace "16,614,246" with "16,814,217"

Page 1, after line 20, insert:

"SECTION 2. CONTINGENT APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$240,000, or so much of the sum as may be necessary, to the attorney general for the purpose of defraying the expenses of defending the state's school finance system for the biennium beginning July 1, 2003, and ending June 30, 2005. These funds may be spent only if the attorney general is required to defend the state in a lawsuit involving the state's school finance system during the 2003-05 biennium.

SECTION 3. EXEMPTION. The appropriation contained in section 1 of chapter 3 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$66,000, and this amount may be used by the attorney general for defraying the expenses associated with conducting criminal background checks during the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. ATTORNEY GENERAL REFUND FUND - EXCEPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2003."

Page 2, after line 26, insert:

"SECTION 10. EMERGENCY. Sections 3 and 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

REPORT OF CONFERENCE COMMITTEE (420)
April 21, 2003 2:29 p.m.

Module No: SR-72-7990

Insert LC: 38026.0208

Senate Bill No. 2003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$18,294,838	\$18,248,035	\$215,280	\$18,461,301	\$18,461,301	
Operating expenses	7,831,087	8,025,889	(30,398)	7,995,471	7,738,043	\$257,428
Capital assets	1,784,250	1,830,250		1,830,250	1,830,250	
Grants	5,841,580	5,891,580		5,891,580	5,891,580	
Litigation fees	50,000	50,000		50,000	50,000	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Contingent appropriation			240,000	240,000	240,000	
Total all funds	\$33,816,642	\$34,058,823	\$424,868	\$34,483,691	\$34,226,263	\$257,428
Less estimated income	17,349,237	17,444,577	(16,103)	17,429,474	17,537,418	(107,944)
General fund	\$16,467,405	\$16,614,246	\$439,971	\$17,054,217	\$16,688,845	\$365,372
FTE	171.00	171.00	11.00	182.00	176.00	6.00

Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADDS CONTINGENT APPROPRIATION 1	ADDS FUNDING FOR BACKGROUND CHECKS 2	RESTORES FUNDING FOR TRAINING POSITION 3	ADDS NEW POSITIONS 4	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 5	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 6
Salaries and wages		\$130,600	\$102,416		(\$17,750)	
Operating expenses		49,400	31,584			(\$111,382)
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation	\$240,000					
Total all funds	\$240,000	\$180,000	\$134,000	\$0	(\$17,750)	(\$111,382)
Less estimated income					(2,174)	(12,929)
General fund	\$240,000	\$180,000	\$134,000	\$0	(\$15,576)	(\$98,453)
FTE	0.00	2.00	1.00	2.00	0.00	0.00
	RECOGNIZES POSITIONS FOR LOTTERY 7	TOTAL CONFERENCE COMMITTEE CHANGES				
Salaries and wages		\$215,280				
Operating expenses		(30,398)				
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming Commission						
Contingent appropriation		240,000				
Total all funds	\$0	\$424,868				
Less estimated income		(16,103)				
General fund	\$0	\$439,971				
FTE	6.00	11.00				

1 A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium, the same as the House version.

2 Funding is added for two FTE identification technician positions for conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

3 The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. The House restored the other position with approximately 50 percent of the funding for the position being from the general fund and approximately 50 percent from an increase in peace officer license fees. This amendment restores the second position with funding from the general fund.

(2) DESK, (2) COMM

Page No. 2

SR-72-7990

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Operator's Signature

Date

REPORT OF CONFERENCE COMMITTEE (420)
April 21, 2003 2:29 p.m.

Module No: SR-72-7990

Insert LC: 38026.0208

⁴ Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$594,984 rather than transferring the balance to the general fund. The March 2003 general fund revenue forecast did not anticipate any funds being transferred from the refund fund on June 30, 2003. The Attorney General will use \$394,984 of the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations and \$200,000 for legal services relating to the State Water Commission. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

⁵ Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month, the same as the House version.

⁶ This amendment reduces funding for information technology by \$111,382, of which \$98,453 is from the general fund and \$12,929 is from the Attorney General's operating fund, which represents a reduction in information technology funding from the general fund and special funds of approximately 6 percent.

⁷ An additional six FTE positions are authorized for administering the North Dakota lottery pursuant to provisions of House Bill No. 1243. Funding for the positions and other operating costs of the lottery are appropriated to the Attorney General pursuant to a continuing appropriation in House Bill No. 1243.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium, the same as the House version.

An emergency clause is added relating to Sections 3 and 4 which were added by this amendment, the same as the House version.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

2003 TESTIMONY
SB 2003

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Cherese A. Lee
Operator's Signature

10-14-03
Date

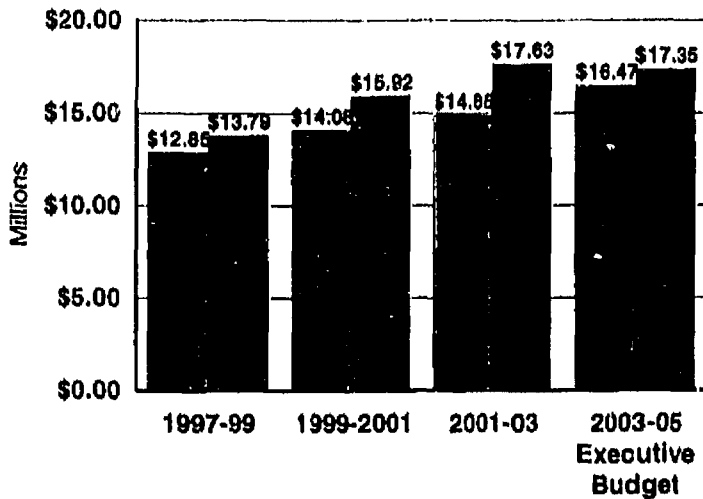
Department 125 - Attorney General
Senate Bill No. 2003

	FTE Positions	General Fund	Other Funds	Total
2003-05 Executive Budget	171.00	\$16,467,405	\$17,349,237	\$33,816,642
2001-03 Legislative Appropriations	160.50	14,879,731 ¹	17,635,022	32,514,753 ²
Increase (Decrease)	10.50	\$1,587,674	(\$285,785)	\$1,301,889

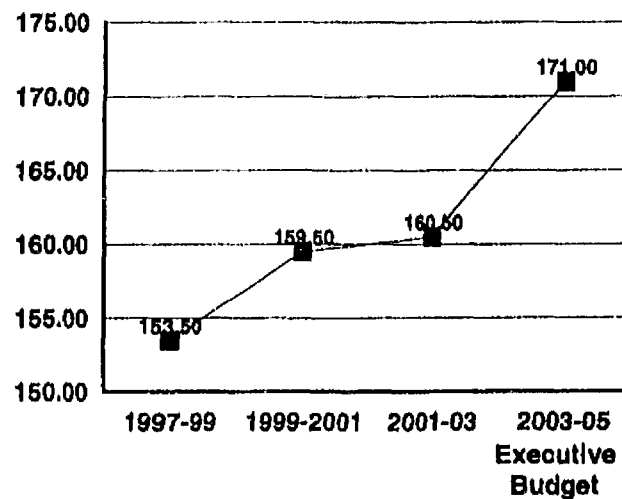
¹ The 2001-03 general fund appropriation is the amount appropriated by the 2001 Legislative Assembly and does not include a reduction of \$156,237 relating to the 1.05 percent budget allotment ordered by Governor Hoeven in July 2002.

² The 2001-03 appropriation amounts include \$106,109, \$75,346 of which is from the general fund, for the agency's share of the \$5 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees. The 2001-03 appropriation amounts do not include \$10,000 of state contingencies funding provided by the Emergency Commission for additional prosecution witness fees during the 2001-03 biennium.

Agency Funding



FTE Positions



First House Action

Attached is a summary of the first house changes.

Executive Budget Highlights
(With First House Changes Noted)

	General Fund	Other Funds	Total
1. Transfers the State Crime Laboratory from the State Department of Health, including 14.5 FTE positions	\$1,378,377	\$1,380,013	\$2,758,390
2. Increases funding for the State Crime Laboratory, including 1 FTE position	\$163,198	\$136,800	\$299,998
3. Provides funding for market equity salary increases for assistant attorneys general from legal services billing revenue. The Senate increased this amount by \$41,024 of other funds.		\$200,000	\$200,000
4. Adds 1 FTE criminal investigator III (BCI)	\$91,401		\$91,401
5. Deletes 2 FTE administrative assistants (finance and administration)	(\$100,675)		(\$100,675)
6. Deletes 1 FTE public information specialist (administration)	(\$54,881)		(\$54,881)

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Operator's Signature

Date

7. Deletes 2 FTE training officers (BCI). The Senate restored 1 FTE training officer position.	(\$220,119)	(\$220,119)
8. Deletes 1 FTE criminal investigator II (BCI)	(\$90,432)	(\$90,432)
9. Provides funding for local gaming enforcement grants, \$12,000 less than the \$629,000 provided for the 2001-03 biennium. Funding for the grants is from the gaming and excise tax allocation fund, which consists of 3 percent of gaming and excise tax collections.	\$617,000	\$617,000
10. Reduces federal funding anticipated to be available for programs in the Bureau of Criminal Investigation to \$11,234,589	(\$1,763,430)	(\$1,763,430)
11. Continues to provide funding for a portion of the Racing Commission's administrative and operating costs from the Racing Commission's special funds--the breeders' fund (\$50,000), the promotion fund (\$50,000), and the purse fund (\$50,000), the same as the 2001-03 biennium	\$150,000	\$150,000
12. Increases the general fund share of costs of the State Fire Marshal due to Fire Marshal fee collections being less than anticipated	\$95,000	(\$95,000) \$0

Major Related Legislation

House Bill No. 1243 establishes a North Dakota lottery and creates a North Dakota lottery division in the Attorney General's office. Lottery collections are deposited into a special fund and may be spent by the lottery director pursuant to a continuing appropriation for lottery-related expenses, including administrative costs of the division in the Attorney General's office.

House Bill No. 1252 requires the Information Technology Department to obtain fingerprints and perform criminal background checks on certain employees of the department.

House Bill No. 1350 establishes a special operations team reimbursement fund and allows the Attorney General to spend money from the fund pursuant to a continuing appropriation for reimbursing a city or county that provides special operations team services to rural areas.

Senate Bill No. 2028 provides that any money collected by the Racing Commission from license fees and fines be deposited in the Racing Commission operating fund rather than the general fund and, subject to legislative appropriations, be spent for operating costs of the commission.

Senate Bill No. 2041 establishes a criminal justice information sharing board. The bill also provides that criminal background checks be performed on employees and volunteers of nonprofit organizations engaged in activities involving children.

Senate Bill No. 2103 authorizes the State Fire Marshal to charge fees for services provided to entities insured by the state fire and tornado fund and the petroleum tank release compensation fund and for inspecting, upon request from a political subdivision, a publicly or privately owned building. All fees collected are deposited in the Attorney General's operating fund and may be spent pursuant to a continuing appropriation.

Senate Bill No. 2151 includes statutory changes relating to the transfer of the State Crime Laboratory from the State Department of Health to the Attorney General's office. The funding changes associated with this transfer are included in the executive budget.

Senate Bill No. 2223 allows cities and counties to require criminal background checks for certain employees of the city or county.

Senate Bill No. 2253 allows the State Board of Medical Examiners to perform criminal background checks on certain applicants or licensees of the board.

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Operator's Signature

Date

02/25/03

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2003 - Funding Summary**

	Executive Budget	Senate Changes	Senate Version
Attorney General			
Salaries and wages	\$18,294,636	(\$48,601)	\$18,246,035
Operating expenses	7,831,087	194,782	8,025,869
Capital assets	1,784,250	46,000	1,830,250
Grants	5,841,560	50,000	5,891,560
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
Gaming commission	5,109		5,109
Total all funds	\$33,816,642	\$242,181	\$34,058,823
Less estimated income	17,349,237	95,340	17,444,577
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00
Bill Total			
Total all funds	\$33,816,642	\$242,181	\$34,058,823
Less estimated income	17,349,237	95,340	17,444,577
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00

Senate Bill No. 2003 - Attorney General - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$18,294,636	(\$48,601)	\$18,246,035
Operating expenses	7,831,087	194,782	8,025,869
Capital assets	1,784,250	46,000	1,830,250
Grants	5,841,560	50,000	5,891,560
Litigation fees	50,000		50,000
Arrest and return of fugitives	10,000		10,000
Gaming commission	5,109		5,109
Total all funds	\$33,816,642	\$242,181	\$34,058,823
Less estimated income	17,349,237	95,340	17,444,577
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00

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Operator's Signature

Date

02/25/03

Department No. 125 - Attorney General - Detail of Senate Changes

	Removes Recommended Salary Increase ¹	Adds BCI Agent	Restores Funding for BCI Overtime	Adds Funding for Equity Increases ²	Restores Training Position ³	Adds Federal Grant ⁴
Salaries and wages	(\$192,778)	\$91,401	\$21,980	\$41,024	\$116,572	\$38,325
Operating expenses		44,582			25,000	125,200
Capital assets		20,000				26,000
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming commission						
Total all funds	(\$192,778)	\$155,983	\$21,980	\$41,024	\$141,572	\$189,525
Less estimated income	(20,084)	0	0	41,024	0	189,525
General fund	(\$172,694)	\$155,983	\$21,980	\$0	\$141,572	\$0
FTE	0.00	1.00	0.00	0.00	1.00	0.00

	Adds Funding for Rural Response Teams ⁵	Removes Vacant Positions ⁶	Total Senate Changes
Salaries and wages		(\$165,125)	(\$48,601)
Operating expenses			194,782
Capital assets			46,000
Grants	50,000		50,000
Litigation fees			
Arrest and return of fugitives			
Gaming commission			
Total all funds	\$50,000	(\$165,125)	\$242,181
Less estimated income	50,000	(165,125)	95,340
General fund	\$0	\$0	\$146,841
FTE	0.00	(2.00)	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. Section 7 of the bill is removed, which included the statutory changes relating to the Attorney General's salary increase. The Attorney General's salary will remain at the current level of \$74,668 for the 2003-05 biennium.

² Funding is increased for salary equity adjustments for assistant attorneys general to provide a total of \$241,024 of other funds for the 2003-05 biennium.

³ This amendment restores 1 of the 2 law enforcement training positions eliminated in the executive budget.

⁴ Federal funding is added to improve crime laboratory operations in cases with no suspects.

⁵ The grants line item is increased by \$50,000 of funding provided by counties to reimburse rural response teams for tactical assistance provided to local law enforcement.

⁶ This amendment eliminates a vacant Bureau of Criminal Investigation research analyst II (\$75,402) and a vacant Bureau of Criminal Investigation research analyst III (\$89,723).

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Operator's Signature

Date

04/09/03

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2003 - Funding Summary**

	Executive Budget	Senate Version	House Changes	House Version
Attorney General				
Salaries and wages	\$18,294,636	\$18,246,035	\$215,266	\$18,461,301
Operating expenses	7,831,087	8,025,869	(287,826)	7,738,043
Capital assets	1,784,250	1,830,250		1,830,250
Grants	5,841,560	5,891,560		5,891,560
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	5,109	5,109		5,109
Contingent appropriation			240,000	240,000
Total all funds	\$33,616,642	\$34,058,823	\$167,440	\$34,226,263
Less estimated income	17,349,237	17,444,577	92,841	17,537,418
General fund	\$16,467,405	\$16,614,246	\$74,599	\$16,688,845
FTE	171.00	171.00	5.00	176.00
Bill Total				
Total all funds	\$33,616,642	\$34,058,823	\$167,440	\$34,226,263
Less estimated income	17,349,237	17,444,577	92,841	17,537,418
General fund	\$16,467,405	\$16,614,246	\$74,599	\$16,688,845
FTE	171.00	171.00	5.00	176.00

Senate Bill No. 2003 - Attorney General - Senate Action

	Executive Budget	Senate Changes	Senate Version
Salaries and wages	\$18,294,636	(\$48,601)	\$18,246,035
Operating expenses	7,831,087	194,782	8,025,869
Capital assets	1,784,250	46,000	1,830,250
Grants	5,841,560	50,000	5,891,560
Litigation fees	50,000		50,000
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Gaming commission	5,109		5,109
Total all funds	\$33,616,642	\$242,181	\$34,058,823
Less estimated income	17,349,237	95,340	17,444,577
General fund	\$16,467,405	\$146,841	\$16,614,246
FTE	171.00	0.00	171.00

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Cheresea A. Bee
Operator's Signature

10-14-03
Date

04/09/03

Department No. 125 - Attorney General - Detail of Senate Changes

	Removes Recommended Salary Increase ¹	Adds BCI Agent	Restores Funding for BCI Overtime	Adds Funding for Equity Increases ²	Restores Training Position ³	Adds Federal Grant ⁴
Salaries and wages	(\$192,778)	\$91,401	\$21,980	\$41,024	\$116,572	\$38,325
Operating expenses		44,582			25,000	125,200
Capital assets		20,000				26,000
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming commission						
Total all funds	(\$192,778)	\$155,983	\$21,980	\$41,024	\$141,572	\$189,525
Less estimated income	(20,084)	0	0	41,024	0	189,525
General fund	(\$172,694)	\$155,983	\$21,980	\$0	\$141,572	\$0
FTE	0.00	1.00	0.00	0.00	1.00	0.00

	Adds Funding for Rural Response Teams ⁵	Removes Vacant Positions ⁶	Total Senate Changes
Salaries and wages		(\$165,125)	(\$48,601)
Operating expenses			194,782
Capital assets			46,000
Grants	50,000		50,000
Litigation fees			
Arrest and return of fugitives			
Gaming commission			
Total all funds	\$50,000	(\$165,125)	\$242,181
Less estimated income	50,000	(165,125)	95,340
General fund	\$0	\$0	\$146,841
FTE	0.00	(2.00)	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums. Section 7 of the bill is removed, which included the statutory changes relating to the Attorney General's salary increase. The Attorney General's salary will remain at the current level of \$74,668 for the 2003-05 biennium.

² Funding is increased for salary equity adjustments for assistant attorneys general to provide a total of \$241,024 of other funds for the 2003-05 biennium.

³ This amendment restores 1 of the 2 law enforcement training positions eliminated in the executive budget.

⁴ Federal funding is added to improve crime laboratory operations in cases with no suspects.

⁵ The grants line item is increased by \$50,000 of funding provided by counties to reimburse rural response teams for tactical assistance provided to local law enforcement.

⁶ This amendment eliminates a vacant Bureau of Criminal Investigation research analyst II (\$75,402) and a vacant Bureau of Criminal Investigation research analyst III (\$89,723).

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10-14-03
Date

04/09/03

Senate Bill No. 2003 - Attorney General - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$18,294,636	\$18,246,035	\$215,266	\$18,461,301
Operating expenses	7,831,087	8,025,869	(287,826)	7,738,043
Capital assets	1,784,250	1,830,250		1,830,250
Grants	5,841,560	5,891,560		5,891,560
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	5,109	5,109		5,109
Contingent appropriation			240,000	240,000
Total all funds	\$33,816,642	\$34,058,823	\$167,440	\$34,226,263
Less estimated income	17,349,237	17,444,577	92,841	17,537,418
General fund	\$16,467,405	\$16,614,246	\$74,599	\$16,688,845
FTE	171.00	171.00	5.00	176.00

Department No. 125 - Attorney General - Detail of House Changes

	Adds Funding for Racing Commission ¹	Adds Contingent Appropriation ²	Adds Funding for Background Checks ³	Restores Funding for Training Position ⁴	Adds New Positions ⁵	Reduces Recommended Funding for Health Insurance ⁶
Salaries and wages			\$130,600	\$102,416		(\$17,750)
Operating expenses	25,000		49,400	31,584		
Capital assets						
Grants						
Litigation fees						
Arrest and return of fugitives						
Gaming commission						
Contingent appropriation		240,000				
Total all funds	\$25,000	\$240,000	\$180,000	\$134,000	\$0	(\$17,750)
Less estimated income	25,000	0	0	70,015	0	(2,174)
General fund	\$0	\$240,000	\$180,000	\$63,985	\$0	(\$15,576)
FTE	0.00	0.00	2.00	1.00	2.00	0.00

	Reduces Funding for Information Technology Costs ⁷	Total House Changes
Salaries and wages		\$215,266
Operating expenses	(393,810)	(287,826)
Capital assets		
Grants		
Litigation fees		
Arrest and return of fugitives		
Gaming commission		
Contingent appropriation		240,000
Total all funds	(\$393,810)	\$167,440
Less estimated income	0	92,841
General fund	(\$393,810)	\$74,599
FTE	0.00	5.00

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04/09/03

¹ The operating expenses line item is increased by \$25,000 from Racing Commission collections for Racing Commission operating costs. The additional income is available as a result of provisions of Senate Bill No. 2028.

² A section is added providing a \$240,000 contingent general fund appropriation for defending the state's school finance system if a lawsuit is filed during the 2003-05 biennium.

³ Funding is added for two FTE identification technicians for conducting additional criminal background checks during the 2003-05 biennium.

⁴ The executive budget removed two FTE law enforcement training positions. The Senate restored one of the two positions. This amendment restores the other position. Approximately 50 percent of the funding for the position will be provided from an increase in peace officer license fees. Section 9 of the bill is added which requires the Peace Officer Standards and Training Board to collect an additional \$55 fee on each application or license and remit the funds collected to the Attorney General for deposit in the Attorney General operating fund for providing funding for peace officer training programs. The fee is estimated to generate \$70,015 for the 2003-05 biennium.

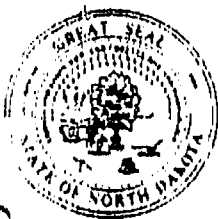
⁵ Section 4 is added allowing the Attorney General to retain the June 30, 2003, balance in the Attorney General refund fund estimated at \$394,984 rather than transferring the balance to the general fund. The Attorney General will use the funding to hire two additional FTE positions and for other costs associated with enforcing provisions of Senate Bill No. 2255 relating to telephone solicitations. The Attorney General's 2003-05 biennium appropriation is not changed because the funds in the refund fund may be spent by the Attorney General pursuant to a continuing appropriation.

⁶ Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

⁷ This amendment reduces funding for information technology by \$393,810 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 20 percent.

Section 3 is added allowing the Attorney General to continue up to \$66,000 of the Attorney General's 2001-03 biennium general fund appropriation for the purpose of defraying the expenses associated with conducting additional criminal background checks during the 2003-05 biennium.

An emergency clause section is added relating to sections 3 and 4 which were added to the bill by this amendment.



OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

Wayne Stenehjem
ATTORNEY GENERAL

CAPITOL TOWER
State Capitol
600 E. Boulevard Ave.
Dept. 125
Bismarck, ND 58505-0040
701-328-2210
800-366-6888 (TTY)
FAX 701-328-2226

**Consumer Protection
and Antitrust Division**
701-328-3404
Toll Free In North Dakota
800-472-2600
FAX 701-328-3535

Gaming Division
701-328-4848
FAX 701-328-3535

Licensing Section
701-328-2329
FAX 701-328-3535

CIVIL OFFICE BUILDING
N. 9th St.
Bismarck, ND 58501-4509
FAX 701-328-4300

Civil Litigation
701-328-3640

Natural Resources
701-328-3640

Racing Commission
701-328-4290

**Bureau of Criminal
Investigation**
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5500
Toll Free In North Dakota
800-472-2185
FAX 701-328-5510

Fire Marshal
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5555
FAX 701-328-5510

Information Technology
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5500
FAX 701-328-5510

www.ag.state.nd.us

Senator Bob Stenehjem
Senate Majority Leader

Representative Rick Berg
House Majority Leader

Gentlemen:

In response to your letter regarding the purpose of our agency and what we do to achieve those purposes, I have attached a review of our functions and accomplishments during the last year.

Our mission is to provide quality law enforcement, regulatory, legal and informational services for the benefit of North Dakota's citizens. We accomplish this mission by providing consistent and reliable service to the citizens of North Dakota through our eleven divisions:

- bureau of criminal investigations
- consumer protection and antitrust
- natural resources
- criminal & regulatory
- finance
- information technology
- gaming
- civil litigation
- state & local government
- administration
- fire marshal

The achievement of this mission is reflected in the statistics provided on the following pages, and in our Biennial Report, which is published on our web site. The report serves as a tool to educate citizens about the work of our agency, and serves as a report card regarding our efforts. To facilitate the continued success of our programs, we urge the Legislative Assembly to maintain necessary funding for our existing programs, and ensure adequate funding for any new initiatives.

If you have any questions, please contact me.

Sincerely,

Wayne Stenehjem
Wayne Stenehjem
Attorney General

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10-14-03
Date

Bureau of Criminal Investigation ... Provides support and investigative services in the areas of narcotics and major crimes to local law enforcement agencies; compiles criminal justice information and offender registration information and serves as the state's central repository for each; oversees federal grants for state and local criminal justice agencies; and administers training and licensing of state and local peace officers. The bureau accomplished the following:

- Seized 275 methamphetamine laboratories in 2002;
- Handled 826 cases of which 507 were drug-related (July 2001 - June 2002)
- Assessed 366 sex offenders for possible inclusion on the sex offender web site and placed 125 offenders on the sex offender web site (2002);
- Tracked sex offenders and offenders against children who are required to register, with the total number of offenders increasing from 1,123 in June 2000 to 1,345 as of December 2002;
- Processed approximately 11,000 criminal history record information requests (2002), and issued 2,007 concealed weapon permits (July 2001 - June 2002);
- Added 11,748 fingerprints of state citizens to the automated fingerprint identification system (AFIS) (July 2001 - June 2002) ... the system presently contains approximately 74,260 fingerprints; and
- Provided over 1,015 hours of community drug awareness training to 20,344 adults and children the last two years.

Legal Services ... Provides comprehensive general counsel and litigation services to state officials and agencies, and to political subdivisions as requested.

- Provided more than 101,000 hours of legal services (July 2001 - December 2002);
- Provide a full-range of legal services to more than 110 state agencies, boards, commissions and political subdivisions, responding to thousands of requests for advice;
- Issued 176 Attorney General opinions, including 30 open records or open meetings opinions;
- Handled 90 cases relating to agriculture, oil and gas, water, and environmental issues (July 2001 - June 2002);
- Worked on 3,558 cases most of which were for the Bank of North Dakota, Department of Human Services, Department of Transportation, and Job Service, and included 35 open Risk Management Fund cases (July 2001 - June 2002); and
- Reviewed 93 sets of administrative rules.

AG Administration ... Provides quality legal and informational services to the citizens of our state.

- Addressed 699 written and over 1,500 electronic mail citizen inquiries; and
- Monitored the cost of services paid for special Assistant Attorneys General who work outside of the Office of Attorney General -- \$1.77 million was paid from July 2001 - June 2002; and
- Distributed over 46,000 brochures to citizens of the state on topics ranging from identity theft and open records/meetings to the dangers of methamphetamine.

Gaming ... Regulates and enforces laws and rules, processes tax returns, and collects taxes related to gaming activity in North Dakota.

- Completed 14 gaming organization audits (July 2001 - June 2002);

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Yherosa W. Bee
Operator's Signature

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- Worked with 12 gaming organizations in establishing sufficient internal control manuals for gaming operations;
- Trained 91 individuals representing 52 organizations (July 2001 – June 2002); and
- Revised the office's standardized record-keeping system used by gaming organizations throughout the state.

Fire Marshal ... Provides leadership in fire prevention and fire investigation to increase the level of life safety and reduce property loss by supporting local fire departments, emergency response agencies; protects citizens through fire prevention services, fire scene investigations, supporting mitigation of hazardous materials/weapons of mass destruction incidents, fire data compilation, and specialized training.

- Conducted 207 school fire safety inspections – 171 of which occurred during the period of July 2001 to June 2002 --- repeat fire deficiencies requiring follow-up inspections were identified at 150 schools;
- Conducted 76 on-scene fire investigations to determine origin and cause (July 2001 - June 2002);
- Developed and implemented a program for conducting fire safety inspections on occupied state-owned buildings; inspecting 161 state-owned buildings (July 2001 - June 2002); and
- Provided training to 1,028 students (July 2001 - June 2002).

Consumer Protection ... Protects North Dakota consumers from misleading, deceptive, fraudulent and unfair trade practices in connection with the sale or advertisement of goods and services.

- Opened 1,817 consumer complaint and investigation files, and closed 2,082 consumer complaint and investigation files;
- Conducted 61 consumer fraud prevention training and educational presentations to law enforcement, senior, professional, community, student and consumer groups throughout the state;
- Handled approximately 22,500 telephone calls, an average of 90 per day; and
- Handled 40 cases, which included 40 multi-state actions and consumer fraud, antitrust & nonprofit corporations issues (July 2001 - December 2002); and
- Collected \$1.7 million on behalf of the state and consumers.

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Yherosa W. Lee
Operator's Signature

10-14-03
Date

Exhibit 1

2003-05 Budget Presentation
to the
Senate Appropriations Committee

Office of Attorney General
State of North Dakota

Wayne Stenehjem
Attorney General

*With exception
of these
pages same
testimony given
to House as
to Senate*

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Cherese A. Lee
Operator's Signature

10-14-03
Date

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Date

**STATEMENT OF WAYNE STENEHJEM
ATTORNEY GENERAL**

For the record, my name is Wayne Stenehjem. I am the Attorney General for the state of North Dakota. Along with me today are the division directors from my office.

During the last two years, we have continued to provide quality legal, regulatory, and law enforcement services to state agencies and protection to North Dakota's citizens. We have met with considerable success.

Legal Services Divisions

- Staff enforced N.D.C.C. chapter 51-25 against tobacco product manufacturers that are not signatories to the Tobacco Master Settlement Agreement (MSA) and participated with other states in defending lawsuits challenging the MSA and the Model Statute. This action helps ensure payments by the settling tobacco companies to the state of North Dakota and other settling states, and that there will be funds to satisfy future judgments against tobacco manufacturers in favor of North Dakota citizens. **As a result of this settlement, North Dakota has received payments of approximately \$85,551,180 for the period from December 1999 through January 2, 2003.**
- Brought suit against the U.S. Forest Service challenging the legality of the Forest Service's Roadless Rule, which limits access to, and uses of, the National Grasslands. The suit also seeks a declaration that the state's section line access law applies to federal land.
- Assisted the Office of Management and Budget in administering the state's Risk Management Fund to handle claims and lawsuits against the State and its employees.
- Successfully obtained injunctive relief against the U.S. Corps of Engineers prohibiting the Corps from lowering Lake Sakakawea in the spring of 2002 and thereby protected the lake's forage fish spawn, which is crucial to the lake's sport fishery.
- Successfully represented state agencies in administrative hearings and appeals and lawsuits in state and federal courts.
- Prosecuted or assisted in the prosecution of a wide variety of criminal cases, including assault, theft, gaming, drug, and adult and child sex offenses.
- Issued 176 Attorney General opinions, including 30 opinions in response to allegations of open records or open meetings violations.

Yvonne A. Bee
Operator's Signature

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- Provided legal advice on the interaction of the federal bank privacy law, Gramm Leach Bliley, and North Dakota financial institutions customer information privacy laws.
- Brought suit against the U.S. Corps of Engineers challenging the way in which the Corps manages the Missouri River.
- Assisted the Health Department in ongoing negotiations with the Canadian Pacific Railway over the railroad's ammonia anhydrous spill in Minot.
- Brought an administrative action and lawsuit against the Burlington Northern Santa Fe Railroad over the fuel spill under downtown Mandan.
- Filed an administrative appeal with the U.S. Forest Service asking that the Service reconsider provisions of its Revised Management Plan for the Dakota Prairie National Grasslands.
- Worked with the lignite industry, Governor's office, and U.S. Environmental Protection Agency to address air quality issues raised by existing and proposed power plants.
- Successfully defended the state in a federal suit brought by the Spirit Lake Nation over title to Devils Lake.
- Assisted the State Water Commission to ensure that the proposed outlet to Devils Lake is built in compliance with state and federal law.
- Provided training to local and state officials in the application of sex offender registration, open records and meetings law.
- Presided over several hundred oil and gas hearings.
- Assisted the Conference of Western Attorneys General in drafting its annual supplements to The American Indian Law Deskbook.
- Assisted the State Water Commission in the further development of the Southwest Water Pipeline Project and initial construction of the Northwest Area Water Supply project.
- Assisted in the prosecution of civil forfeitures in drug offense cases.
- Prosecuted or assisted in the prosecution of a wide variety of criminal cases, including assault, theft, gaming, drug, and adult and child sex offenses.

Cheresa A. Lee

10-14-03

- Assisted in the defense of the constitutionality of statutes relating to sex offender registration, DNA testing requirements, luring minors by computer, and other state statutes.
- Successfully defended a federal habeas corpus action brought by Kyle Bell seeking to overturn his convictions and to obtain a new trial.

Bureau of Criminal Investigation Division

- Shared Automated Fingerprint Identification System (AFIS) information within the Midwest Automated Fingerprint Identification Network (MAFIN), a regional program with Minnesota and South Dakota. The system presently contains fingerprint images on approximately 1.1 million persons, of which 80,000 are from North Dakota.
- Monitored the whereabouts of identified sex offenders and offenders against children, who numbered 994 in July 1998; 1,123 in June 2000; and 1,345 in December 2002.
- Created and maintained an Internet web page that provides information on registered sex offenders. As of December 2002, there were 125 offenders listed on that site because they are either high-risk offenders or lifetime registrants.
- Processed approximately 11,000 requests each year from the general public for criminal history record information.
- Dismantled 270 meth labs in 2002, and 89 labs in 2001. This is an increase from 46 labs in 2000 and 19 labs in 1999.
- Provided community drug awareness training to 13,400 adults and children in 2002, 6,944 in 2001, and 5,521 in 2000.
- Presented a Retailers Meth Watch program to 500 members of the retail community in an effort to educate merchants on what types of purchases should be considered suspicious and reported to law enforcement.

Crime Laboratory

- The Lab's top priority is to obtain additional space to adequately perform statutory mandates. We encourage your support of an appropriation in a future legislative session for a new crime laboratory facility.
- It is very important to continue training for law enforcement agencies in proper evidence collection and packaging techniques.

Consumer Protection and Antitrust Division

- Obtained refunds for consumers and businesses in North Dakota, recovering \$639,170 on behalf of consumers, since the beginning of the biennium.
- Collected \$1,443,278 in civil penalties, investigative costs, attorney's fees and legal recoveries since the beginning of the biennium.
- Participated in a multi-state and Department of Justice investigation of the proposed merger of the nation's two largest direct broadcast satellite services. These efforts contributed to preventing a merger with anti-competitive effects for North Dakota consumers that rely on direct broadcast satellite services.
- Participated in two historic multi-state nationwide settlements with Bridgestone Firestone and Ford Motor Company in regard to advertising and safety issues that will benefit North Dakota consumers for many years.
- Participated in multi-state settlements with Citibank and First USA/Bank One, two large national credit card issuers, regarding the sale of customer lists to telemarketers that engaged in deceptive solicitations and these settlements have resulted in sweeping consumer protection reforms in regard to telemarketing transactions involving credit cards.

Gaming Division

- In the 2001-03 biennium, there will be about 1,000 gaming sites, \$550 million wagered, \$32 million earned for charitable uses, \$21 million paid in gaming and excise taxes, \$5 million paid in bingo sales tax, and \$500,000 collected for license fees, interest, penalties, gaming stamps, fines, and record checks. From 1977 through June 30, 2003, about \$366 million will have been raised for charitable uses and \$173 million paid in gaming tax, excise tax, and sales tax on bingo.
- Senate Bill No. 2003 provides funding for local gaming enforcement grants of \$617,000 for the 2003-05 biennium. By law, the source of the funding is from 3% of the gaming and excise tax revenues. Background information on these grants is on page 56.

Fire Marshal Division

- Imported 9,823 fire department incidents (for 2001) into the National Fire Incident Reporting System (NFIRS)
- Developed and implemented a program for conducting fire safety inspections on occupied state-owned buildings.
- For the period from July 1, 2001, through December 31, 2002, 209 state-owned buildings have been inspected.

Before I discuss the requested budget enhancements I want to let you know about several bills that will impact our Office's appropriation.

- **Lottery** – Lottery legislation is being introduced to provide for a Lottery Division in the Office of Attorney General. An early estimate indicates that approximately 5 FTE's and associated expenses will be needed. Anticipated lottery revenues will fund this proposal. This change will impact the Office appropriation.
- **Transfer of Crime Laboratory** – 2003 Senate Bill No. 2151 transfers the Crime Laboratory from the Health Department to the Office of Attorney General. This office was strongly urged to pursue this transfer by local law enforcement throughout the state. We contacted the Governor's Office and the Health Department regarding this transfer. Both encouraged this Office to proceed with the Crime Laboratory transfer.
- **Deficiency Appropriation Needed for Prosecution Witness Fees** – Historically the Office's appropriation for prosecution witness fees has been insufficient to reimburse counties and cities for these expenses. Once again we find ourselves in a situation where this appropriation will be deficient prior to the end of this biennium. This Office estimates \$33,000 in General Fund moneys will be required to cover these costs.
- **Fire Marshal Billing Authorization** – 2003 Senate Bill No. 2103 codifies language included in our current appropriation bill, providing for the Fire Marshal to bill its investigation and inspection services provided to entities insured by the Fire and Tornado Fund and the Petroleum Tank Release Compensation Fund. The Fire Marshal has been billing for these services since the 1999-2001 biennium. If this bill passes, the duplicate language included in the Office's appropriation bill can be eliminated (portions of sections 3 and 4).
- **No-Call Legislation** – A bill is being introduced to significantly limit the ability of telemarketers to call consumers who have requested that their telephone number be added to a list of consumers that telemarketers are unable to contact. A 2003-05 budget estimate for this proposal includes two FTE's and associated expenses, which is to be funded from the Consumer Protection Refund Fund. For the 2005-07 biennium, this program will require General Fund funding.

Requested Enhancements

- As you all know methamphetamine is the greatest criminal justice challenge facing this state. While the Executive Recommendation addresses some of the very real issues facing this Office, I am concerned about the need to do more. To adequately meet this challenge, there are several enhancements I feel are crucial. Several legislators have asked me "What more can we do to help in the meth battle?" I

asked my staff to prepare a meth enhancement plan, outlining how we would utilize any additional resources provided to us by the legislature.

First, to address the growing problem of methamphetamine use and, in particular, the manufacturing of this drug in rural North Dakota, I am requesting an enhancement to fund two additional BCI agents, one of which is included in the Executive Recommendation. These two new agents would be placed in areas of the state where the need is the most critical.

- Increased drug trafficking has resulted in a number of seized computers and requests to analyze this information. It is not uncommon for our current cyber crime agent to have a backlog of ten to twelve computers waiting to be analyzed.

In addition, cyber crime and child pornography are growing rapidly. Cyber crime investigator became certified as a forensic computer examiner and is one of only 350 in the world to accomplish that goal.

The total General Fund cost for each new agent is approximately \$156,000.

While clandestine methamphetamine labs continue to increase and represent a multi-faceted health hazard, as well as a drain on manpower, they only produce a small amount of the overall methamphetamine in the state. Methamphetamine trafficking into our state represents a significant threat to North Dakota as well. As a result, reducing the importation of multiple pounds of methamphetamine and minimizing the profit of this money-generating industry must remain a high priority of the BCI. We also cannot forget about the importation and distribution of the other controlled substances that have not gone away, but unfortunately are becoming less pursued due to resource-consuming demands of methamphetamine.

As an aside, I want to briefly discuss the importance of the public education done by our BCI agents. Although the number of labs highlights the severity of the problem, the willingness of local residents and businesses to report suspicious drug activity accounts for much of the success of law enforcement efforts in these areas. This is largely due to the efforts of agents throughout the state who are actively involved in their communities educating adults and children about the signs of methamphetamine abuse and manufacture. Because they work in the middle of the meth crisis, agents are current on the latest trends and can share anecdotal stories with the public that are extremely effective in proving the danger of this drug. BCI agents have provided community awareness training to 13,400 adults and children in 2002; 6,944 in 2001; and 5,521 in 2000. Their credibility and expertise has resulted in ever-increasing demands for public awareness presentations on methamphetamine and labs, as well as other drugs, and it is critical that we continue to provide this service.

Another important aspect of the public awareness campaign is our Retail Meth Watch program. Through this program for retailers, we presented information to 500 members of the retail community in an effort to educate merchants on what types of purchases should be suspicious and reported to law enforcement. Anhydrous ammonia is also a necessary ingredient in the manufacture of meth. The rise in anhydrous ammonia thefts is an increasing concern to farmers, law enforcement and health officials, especially in the isolated rural areas favored by meth cooks.

Second, agent overtime/temporary salary moneys were eliminated in order to maintain current salaries for the 2003-05 biennium and submit a hold-even salary budget. I request the complete reinstatement of BCI overtime/temporary salaries. These funds are critical to our agency's ability to respond to calls for assistance from local agencies to investigate meth labs and other crimes. BCI has the only lab certified officers in the state who can respond to lab situations, and as a result, local agencies rely heavily on BCI's 21 lab-trained agents. Reinstating the overtime/temporary funds will allow our agency to continue to respond to local agencies' requests for investigative assistance, provide public education, and allow us to move forward as quickly as possible with the important task of classifying sex offenders.

Third, I request that the attorney market equity adjustment be fully funded at \$241,000 in other funds. As unclassified employees, our attorneys are not eligible for market adjustments. These salaries are significantly below the salaries of their counterparts in other state agencies, not to mention significantly lower than the private market. The attorneys have not received a market adjustment since 1995. Classified attorneys at other state agencies do receive market adjustments. In addition it is easier for other state agencies to increase attorney salaries due to sheer numbers - we have 30 attorneys; most agencies have fewer than 5 attorneys.

For example, attorneys in this office with 11 - 15 years of experience are paid 13% less than attorneys with similar experience in the Department of Human Services; 26% less than attorneys at the Legislative Council; and 54% less than attorneys at Workers Compensation. Similar differences are found at nearly every experience level.

Fourth, in an effort to address concerns raised by local law enforcement officers about the budget training reduction, my staff, along with representatives from the Association of Counties and the League of Cities met with law enforcement officials to redesign the training program. A more focused approach, calling for more efficient use of technology, has been developed. The new approach, however, requires a training coordinator position. Our request includes the reinstatement of one of the two occupied training positions, as well as \$25,000 in operating expenses to allow our agency to continue providing training which is important to law enforcement.

Fifth, I am requesting your support of the following Crime Laboratory enhancements:

- a. The Executive Recommendation included 1.0 forensic scientist FTE in the Crime Laboratory to assist with the significantly expanded workload due to the phenomenal increase in meth samples casework.
- b. No Suspect Casework DNA Backlog Reduction Grant – The Crime Laboratory received notice (too late for inclusion in the Executive budget process) of an additional \$190,000 in federal funding available through the federal No Suspect Casework Grant. This grant is intended to streamline processes and automate routine procedures to handle no suspect casework. It is estimated that there are 100-150 cases each year across the state for which there is no known suspect. I request that the Office budget be adjusted to accommodate receipt of this grant.

Lastly, sparsely populated rural areas, which cover much of the state, often find it difficult to provide specialized law enforcement services, such as tactical response, because they cannot afford to hire extra personnel or purchase state-of-the-art equipment. As a result, there are no rural tactical response teams. Federal funding of \$50,000 (from the Byrne Grant) has been secured to certify and reimburse up to six existing regional response teams from around the state in order to provide these services to rural law enforcement agencies and the local narcotics task forces when called upon. In addition, each county will contribute funding to the Attorney General's operating fund, for a total of an additional \$50,000, to reimburse the regional response teams for services provided. I request special fund authorization to receive and reimburse these teams, with the local match to be deposited in the Attorney General operating fund. Geographical regions will be designated, and each certified team will agree to respond to requests for tactical assistance from agencies within their designated region. Team commanders from each region will provide operational guidance, and the BCI will serve as the subgrantee/implementing agency.

In the Division Summaries section of our budget presentation, we provide a brief description of the various functions the Office of Attorney General performs and highlight other significant accomplishments over the past two years.

BUREAU OF CRIMINAL INVESTIGATION

JERALD C. KEMMET, DIRECTOR

Methamphetamine

Methamphetamine is by far the biggest problem challenging North Dakota law enforcement. The following statistics demonstrate the phenomenal increase that North Dakota is experiencing.

Clandestine laboratories seized:

- o Prior to 1995 -- one methamphetamine lab was seized in North Dakota.
- o Between 1996 and 1998 -- ten labs were seized in our state.
- o 1999 -- 19 labs
- o 2000 -- 46 labs
- o 2001 -- 89 labs
- o 2002 -- 270 labs

Laboratory samples sent to the Crime Lab for analysis:

- o 1992 -- 14 suspected methamphetamine samples sent for analysis
- o 1999 -- 494
- o 2000 -- 1,218
- o 2001 -- 1,505
- o 2002 -- 2,137 - This is an increase of approximately 400% over the past three years.

While clandestine methamphetamine labs continue to increase and represent a multi-faceted health hazard, as well as a drain on manpower, they only produce a small amount of the overall methamphetamine in the state. Methamphetamine trafficking into our state represents a significant threat to North Dakota as well. As a result, reducing the importation of multiple pounds of methamphetamine and minimizing the profit of this money-generating industry must remain a high priority of the BCI. We also cannot forget about the importation and distribution of the other controlled substances that have not gone away, but unfortunately are becoming less pursued due to resource-consuming demands of methamphetamine.

During the 1999-2001 biennium, 48% of BCI investigations were drug related. That has increased to 65% in 2001-03, and meth was involved in almost two-thirds of those cases. We currently participate in and coordinate the activities of eight regional task forces that are located in Williston, Minot, Stanton, Bismarck, Jamestown, Wahpeton, Grand Forks, and Fargo. A BCI agent is also assigned to the Fargo area's Drug Enforcement Agency (DEA) task force bringing our participation to nine task forces throughout the state.

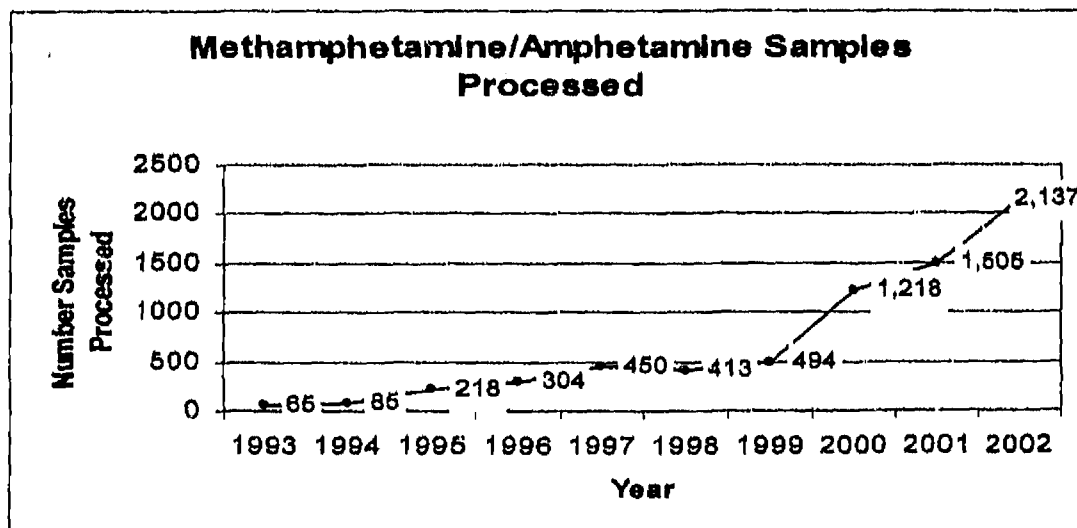
CRIME LABORATORY DIVISION

HOPE OLSON, DIRECTOR

2003 Senate Bill No. 2151 transfers the Crime Laboratory from the Health Department to the Office of Attorney General. This office was strongly urged to pursue this transfer by local law enforcement throughout the state. We contacted the Governor's Office and the Health Department regarding this transfer. Both encouraged this Office to proceed with the Crime Laboratory transfer.

In order to ensure continued services in the areas of investigation, prosecution, and adjudication, the Crime Laboratory requested additional staff to meet the growing demands of the criminal justice system, a portion of which was included in the Executive Recommendation.

Over the last few years, the number of narcotic cases has steadily increased. In 2000, the number of narcotic cases increased over 10%. In 2001, the increase was over 15%. In 2002, the increase is just over 7%. Along with the increasing casework, the composition of exhibits has changed and methamphetamine casework is increasing progressively. To illustrate this point, the number of exhibits processed for 2002 was over 9,600. This represents a 39% increase over the number of exhibits processed in 2001. The number of methamphetamine exhibits processed for 2002 is 2,137. This is an increase of over 400% in the past three years. The graph below demonstrates the dramatic increase of methamphetamine samples processed from 1993 to 2002. This change represents a major shift in workload. Methamphetamine (powder) and clandestine lab cases require more of the analyst's time than plant material (i.e. marijuana) cases. Due to the high demand for methamphetamine analysis, a disproportional amount of time is spent on methamphetamine casework, which causes delays in criminalistic analyses.



Cheresea W. Lee
Operator's Signature

10-14-03
Date

PREPARED BY THE OFFICE OF
ATTORNEY GENERAL
FOR SENATE APPROPRIATIONS
January 8, 2003

PROPOSED AMENDMENTS TO 2003 SENATE BILL NO. 2003

Page 1, line 1, after the semicolon Insert: " to create and enact a new section to Chapter 54-12 of the North Dakota Century Code, relating to the creation of a special weapons and tactical response team reimbursement fund, and to provide an appropriation;"

Page 1, line 11, replace "\$18,294,636" with "\$18,603,938"

Page 1, line 12, replace "7,831,087" with "8,025,869"

Page 1, line 13, replace "1,784,250" with "1,830,250"

Page 1, line 18, replace "\$33,816,642" with "\$34,366,726"

Page 1, line 19, replace "\$17,349,237" with "\$17,601,766"

Page 1, line 19, replace "\$16,467,405" with "\$16,764,960"

Page 2, after line 18, Insert the following new section:

"Section 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Special Weapons and Tactical Response Team Reimbursement Fund – Created – Purpose – Continuing appropriation. The attorney general special weapons and tactical response team reimbursement fund consists of funds obtained from cities and counties. The funds are appropriated as a standing and continuing appropriation to the attorney general for reimbursement to city and county governments that provide special weapons and tactical response team services to rural areas.

The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPT. 125 – OFFICE OF ATTORNEY GENERAL

Salaries and wages are increased by \$91,401 from the General Fund for 1.0 FTE BCI special agent. In addition, related operating expenses and capital assets are increased by \$44,582 and \$20,000 respectively, from the General Fund.

Salaries and wages are increased by \$38,325, operating expenses are increased by \$125,200, and equipment is increased by \$26,000, from the federal No Suspect Casework DNA reduction backlog grant.

Salaries and wages are increased by \$21,980 in federal funds to fully restore BCI agent overtime and temporary salaries.

Salaries and wages are increased by \$41,024 from other funds to fully fund the requested market equity adjustments for assistant attorneys general.

Salaries and wages are increased by \$116,572 to restore 1.0 filled training officer FTE and operating expenses are increased by \$25,000, from the General Fund, to restore a portion of the BCI training program provided to law enforcement officers throughout the state.

A new section to NDCC Chapter 54-12 is created to allow reimbursement to regional tactical teams providing these services to rural North Dakota.

Yubersa J. Bee
Operator's Signature

10-14-03
Date

LINE ITEM	COLUMN 1 PRESENT BUDGET 2001-02	COLUMN 2 % GENERAL BUDGET REDUCTION	COLUMN 3 FEDERAL FUNDS CHANGES	COLUMN 4 CRIME LAB. TRANSFER	COLUMN 5 METH EFFORTS, AGENT OVERTIME	COLUMN 6 ATTORNEY SALARY EQUITY	COLUMN 7 FREE MARSHAL REVENUE SHORTFALL	COLUMN 8 TRAINING PROGRAM APPS MANT	COLUMN 9 RACING COMMISSION CONTRACT	COLUMN 10 TOTAL 2001-2005 BUDGET WITH ENHANCEMENTS	COLUMN 11 EXEC. RECOMMEND. CHANGES	COLUMN 12 SALARY & HEALTH INSURANCE INCREASE	COLUMN 13 2001-02 APPROP. AND EXEC. RECOMMEND. CHANGES	COLUMN 14 EXEC. RECOMMEND. 2001-2005 BUDGET	COLUMN 15 DIFFERENCE - COLUMN 14 VS. COLUMN 10
SALARIES AND WAGES	16,440,894	(540,290)	49,543	1,317,122	436,891	240,973		213,868		16,180,502	1,314,782	539,160	16,284,536	18,294,536	1,853,942
OPERATING EXPENSES	8,912,382	(478,874)	(1,440,251)	763,208	188,224			116,000	47,500	8,127,225	11,001,776		7,831,067	7,831,067	(1,081,279)
CAPITAL ASSETS	1,198,250	(12,000)	(270,000)	658,000	286,000					1,600,250	596,000		1,774,250	1,784,250	686,000
GRANTS	5,890,336	(12,000)	(44,776)							5,841,560	(56,776)		5,841,560	5,841,560	(56,776)
LITIGATION FEES	50,000									50,000			50,000	50,000	-
ARREST & RETURN OF FUGITIVES	10,000									10,000			10,000	10,000	-
SAVING COMMISSION	5,109									5,109			5,109	5,109	-
TOTAL	32,514,753	(1,043,173)	(1,705,486)	2,758,390	913,115	240,973		328,868	47,500	34,054,740	782,729	539,160	33,816,642	33,816,642	1,301,899
FTE	160.5	(6.0)		14.6	4.8					173.0	12.5		171.0	171.0	10.5
GENERAL FUND	14,879,731	(844,230)	111,411	1,378,377	730,863	241,024	118,000	328,868	47,500	16,901,366	1,111,030	478,644	16,467,405	18,467,405	1,687,039
FEDERAL FUNDS	13,482,382	(256,388)	(1,868,703)	1,380,013	182,222	(61)	(118,000)			12,899,536	(582,580)	57,817	12,867,848	12,867,848	(594,743)
SPECIAL FUNDS	4,172,630	57,453	51,806	2,758,390	913,115	240,973				4,163,638	214,259	4,666	4,391,598	4,391,598	210,968
TOTAL ALL FUNDS	32,514,753	(1,043,173)	(1,705,486)	2,758,390	913,115	240,973		328,868	47,500	34,054,740	782,729	539,160	33,816,642	33,816,642	1,301,899

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Operator's Signature

10-14-03
Date

STATUS OF OPTIONAL ADJUSTMENTS IN SENATE BILL NO. 2863 FOR THE 2003-06 BUDGET
OFFICE OF ATTORNEY GENERAL

DESCRIPTION	SALARY	OPERATING	CAPITAL ASSETS	GRANTS	TOTAL	GENERAL FUND	SPECIAL FUND	TOTAL FUNDS	RECOMMENDATION STATUS	EXECUTIVE CHANGES
METHAMPHETAMINE EFFORTS	178,838	170,804	58,000		443,840	443,840		443,840	183,000 GF, 1 FTE	183,000
REINSTATE AGENT OVERTIME	121,980				121,980	78,888	45,422	121,980	100,000 GF, 1 FTE	100,000
ATTORNEY SALARY EQUITY	240,973				240,973	241,024		240,973	200,000 GF, 1 FTE	200,000
FIRE MARSHAL REVENUE SHORTFALL						118,000		118,000	95,000 GF, 1 FTE	95,000
AIDS MAINTENANCE COST		75,000			75,000	75,000		75,000		
RESTORE TRAINING PROGRAM	213,868	40,000			253,868	253,868		253,868	274,000 - 138,100 GF, 135,900 FF	274,000
CRIME LABORATORY ES: DRUGS	140,075	17,420	180,000		347,495	210,866	136,600	347,466	25,000 GF	25,000
CRIME LABORATORY SALARY EQUITY						47,500		47,500		
RACING COMMISSION CONTRACT		47,500			47,500	47,500		47,500		
TOTAL ORIGINAL OPTIONAL ADJUSTMENTS	863,632	350,724	288,000		1,530,256	1,486,085	182,222	1,530,256		360,559

NEW REQUESTS:

NO CASEWORK DNA GRANT	38,325	125,200	26,000		189,525		189,525	189,525		
RURAL TACTICAL TEAMS				50,000	50,000		50,000	50,000		
TOTAL NEW REQUESTS	38,325	125,200	26,000	50,000	239,525		189,525	239,525		

TOTAL ALL REQUESTS - SENATE

600,084

GF
FF
OF
TOTAL

485,481
182,517
106,330
52,996

237,555
211,505
91,024
600,084

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10-14-03
Date

OFFICE OF ATTORNEY GENERAL 2003-06 BUDGET - REQUESTED SENATE CHANGES - SENATE BILL NO. 2003

	2003-06 EXECUTIVE RECOMMENDATION	METHAMPHETAMINE EFFORTS	RESTORE INVESTMENT EFFORTS	FUND ASSISTANT ATTORNEY GENERAL EQUITY ADJUSTMENT	NO SUSPECT CASEWORK DNA GRANT	RURAL TACTICAL TEAMS TRAINING PROGRAM	RESTORE A PORTION OF DOJ TRAINING PROGRAM	TOTAL REQUESTED CHANGES	REQUESTED 2003-06 BUDGET
SALARIES AND WAGES	18,294,836	91,601	21,980	41,024	38,325		116,572	308,302	18,803,838
OPERATING EXPENSES	7,831,067	44,582			125,200		25,000	194,782	8,025,849
CAPITAL ASSETS	1,794,250	20,000			25,000			45,000	1,839,250
GRANTS	5,841,580					50,000		50,000	5,891,580
LITIGATION FEES	90,000								90,000
ARREST & RETURN OF FUGITIVES	10,000								10,000
GAMING COMMISSION	5,108								5,108
TOTAL	33,816,642	155,883	21,980	41,024	188,525	50,000	141,572	880,084	34,418,726
FTE	171.0	1.0					1.0	2.0	173.0
GENERAL FUND	16,467,405								16,467,405
FEDERAL FUNDS	12,957,648	155,883	21,980		188,525		141,572	297,555	13,189,154
SPECIAL FUNDS	4,391,588			41,024		50,000		91,024	4,482,612
TOTAL ALL FUNDS	33,816,642	155,883	21,980	41,024	188,525	50,000	141,572	880,084	34,418,726

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Y. Berzosa W. Bee
Operator's Signature

10-14-03
Date

REQUESTED CHANGES TO 2003 SENATE BILL NO. 2003 - SENATE APPROPRIATIONS COMMITTEE

1. ALLOW 1.0 ADDITIONAL NARCOTICS AGENT AND ASSOCIATED OPERATING COSTS TO ASSIST WITH METHAMPHETAMINE EPIDEMIC

GENERAL FUND	\$	155,983
TOTAL	\$	155,983

2. RESTORE TO 100% THE AGENT OVERTIME REDUCED TO MEET THE 5% GENERAL FUND REDUCTION

FEDERAL FUNDS	\$	21,980
TOTAL	\$	21,980

3. FULLY FUND ATTORNEY SALARY EQUITY ADJUSTMENT

OTHER FUNDS	\$	41,024
TOTAL	\$	41,024

4. RESTORE 1.0 BCI TRAINING FTE AND CONTRACT TRAINING OPERATING

GENERAL FUND	\$	141,572
TOTAL	\$	141,572

5. ALLOW ADDITIONAL NO SUSPECT CASEWORK GRANT - CRIME LABORATORY

FEDERAL FUNDS	\$	189,525
TOTAL	\$	189,525

6. RURAL TACTICAL TEAMS GRANTS

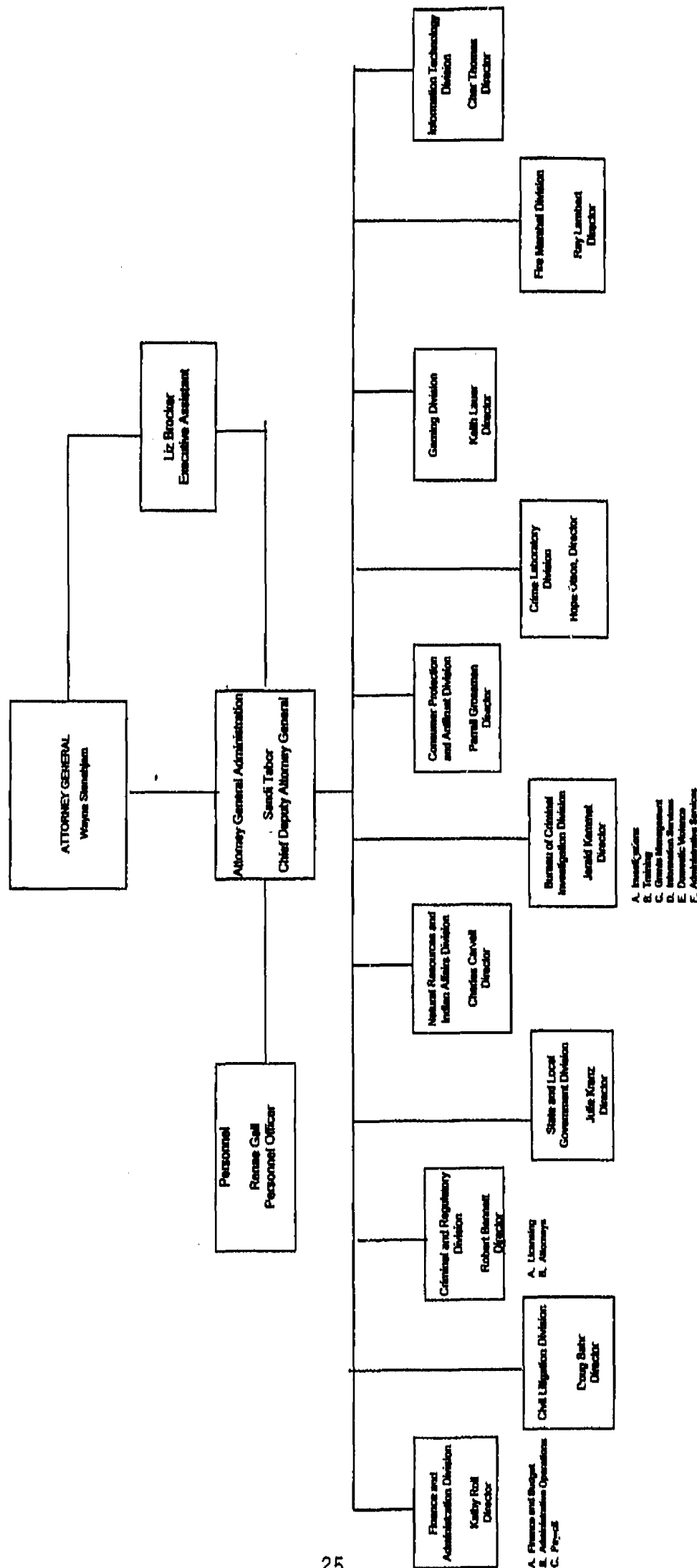
OTHER FUNDS	\$	50,000
TOTAL	\$	50,000

SUMMARY OF REQUESTED CHANGES

GENERAL FUND CHANGES	\$	297,555
FEDERAL FUNDS CHANGES	\$	211,505
OTHER FUNDS CHANGES	\$	91,024
TOTAL REQUESTED CHANGES	\$	600,084

TOTAL FTE'S REQUESTED	2.0
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**NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL**



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Operator's Signature

Cheresea J. Bee

Date

10-14-03

DIVISION SUMMARIES

LEGAL SERVICES

Douglas Bahr, Director, Civil Litigation Division
Robert Bennett, Director, Criminal and Regulatory Division
Charles Carvell, Director, Natural Resources and Indian Affairs Division
Julie Krenz, Director, State and Local Government Division

MAJOR FUNCTIONS AND DUTIES:

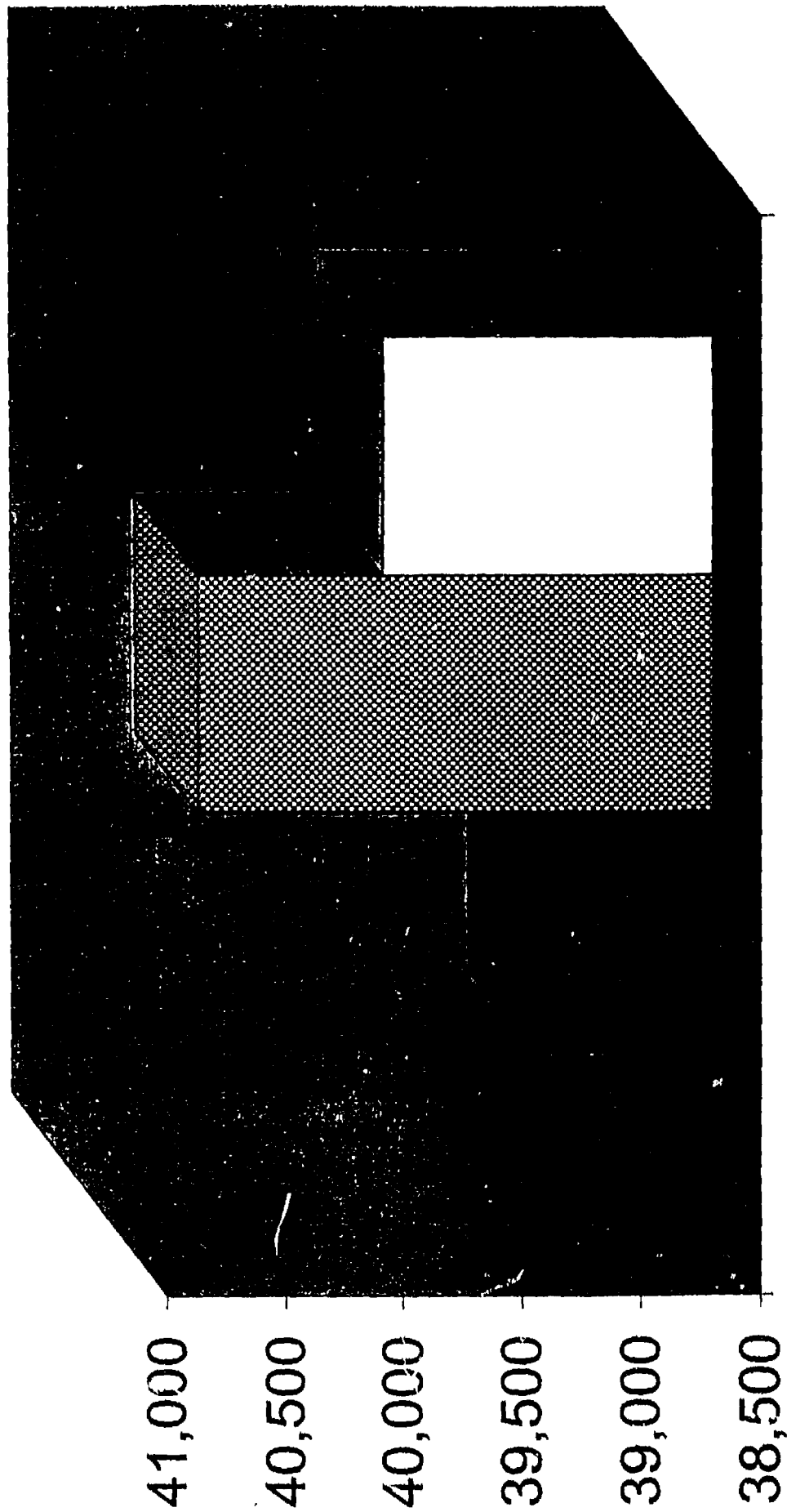
- Provide a full range of legal services to over 100 state agencies, boards, and commissions, including assistance in drafting and negotiating contracts; drafting and reviewing rules; drafting and reviewing legislation; giving legal advice; providing formal written opinions on questions of law; representing agencies, boards and commissions in administrative hearings and appeals and in lawsuits in state and federal courts; and negotiating resolution of disputes.
- Provide legal opinions to legislators, county state's attorneys, and city attorneys.
- Assist county state's attorneys and city attorneys in criminal prosecutions.
- Provide legal advice in hundreds of subject areas, including Indian law, gaming, water, municipalities, criminal law, habeas corpus, extradition, contracts, torts, North Dakota and federal constitutional law, environmental law, agricultural law, energy law, real property law, oil and gas law, TANF (Temporary Assistance for Needy Families), child welfare, mental health law, HIPAA (The Health Insurance Portability and Accountability Act), eminent domain, hunting, prisoner issues, contract bidding, education, health, game and fish, food stamps, nursing home rate regulation, professional licensure and discipline, bankruptcy, employment law, civil rights, wage claims, implied consent, personnel, GATT and NAFTA, banking, child support, collections, unclaimed property, debtor/creditor, sexual harassment, the Americans with Disabilities Act, administrative law, alcoholic beverage law, consumer protection, anti-trust, public benefits law, public finance law, and pension law, including ERISA (Employer Retirement Income Security Act).
- Provide training on legal matters for state agencies, law enforcement, local government officials, and state's attorneys.
- Give presentations and provide written material to the public on legal matters of general interest including brochures on small claims courts, state employee defense and liability, open meetings and open records, concealed weapons permits, avoiding identity theft, methamphetamine, anhydrous ammonia theft, lemon law, and sex offenses.

Thirty attorneys and four legal assistants provide all of the services mentioned above.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- To ensure payments by the settling tobacco companies to the state of North Dakota and other settling states, staff enforced N.D.C.C. chapter 51-25 against tobacco product manufacturers that are not signatories to the Tobacco Master Settlement Agreement (MSA), and participated with other states in defending lawsuits challenging the MSA and the Model Statute. The state also participated with other states in monitoring and enforcing the MSA to ensure tobacco companies did not violate its measures designed to protect the public health and reduce youth smoking.
- Brought suit against the U.S. Forest Service challenging the legality of the Forest Service's Roadless Rule, which limits access to, and uses of, the National Grasslands. The suit also seeks a declaration that the state's section line access law applies to federal land.
- Coordinated and monitored work of special assistant attorneys general providing services on behalf of state agencies.
- Assisted the Office of Management and Budget in administering the state's Risk Management Fund to handle claims and lawsuits against the state and its employees.
- Successfully represented the state and its employees in lawsuits stemming from state employees' job-related actions.
- For the period from July 1, 2001, through December 31, 2002, collected for the Bank of North Dakota approximately \$1,178,101 through farm foreclosures, \$1,013,026 through residential foreclosures, \$125,911 through farm bankruptcies, and \$8,710 through student loan state court proceedings.
- Continued to reduce legal costs to the state by making greater use of legal assistants to provide legal services.
- Prosecuted, negotiated, and settled a wide variety of professional licensure actions on behalf of numerous state licensing boards.
- Issued 176 Attorney General opinions, including 30 opinions in response to allegations of open records or open meetings violations.
- Responded to thousands of requests for the Attorney General's advice by state agencies and political subdivisions; reviewed 93 sets of administrative rules; addressed 699 written and over 1,500 e-mail citizen inquiries.

Salary Comparisons - Attorneys with 1 - 3 Years Experience



☒ Attorney General
 ☒ Human Services
 ☐ Supreme Court

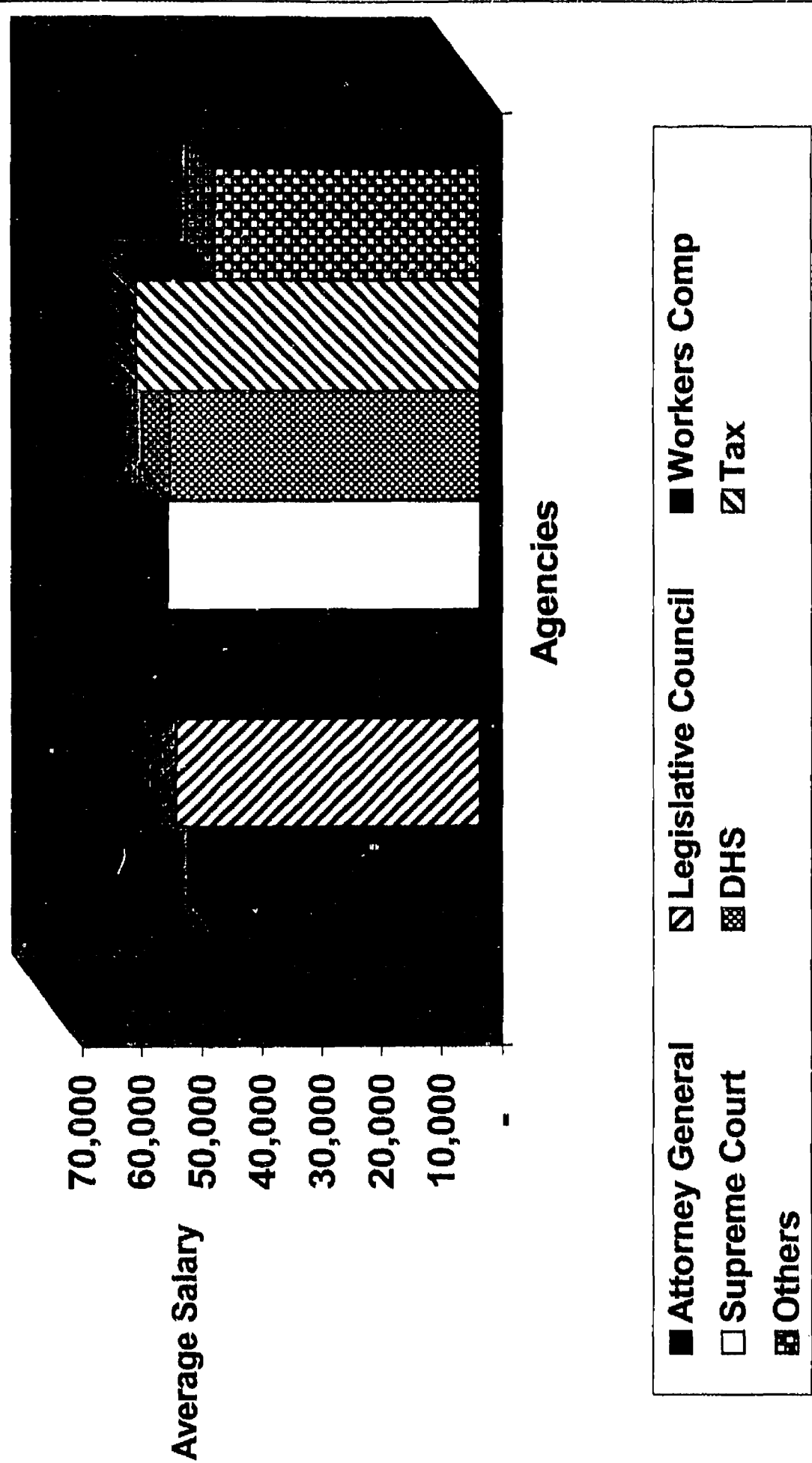
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Operator's Signature

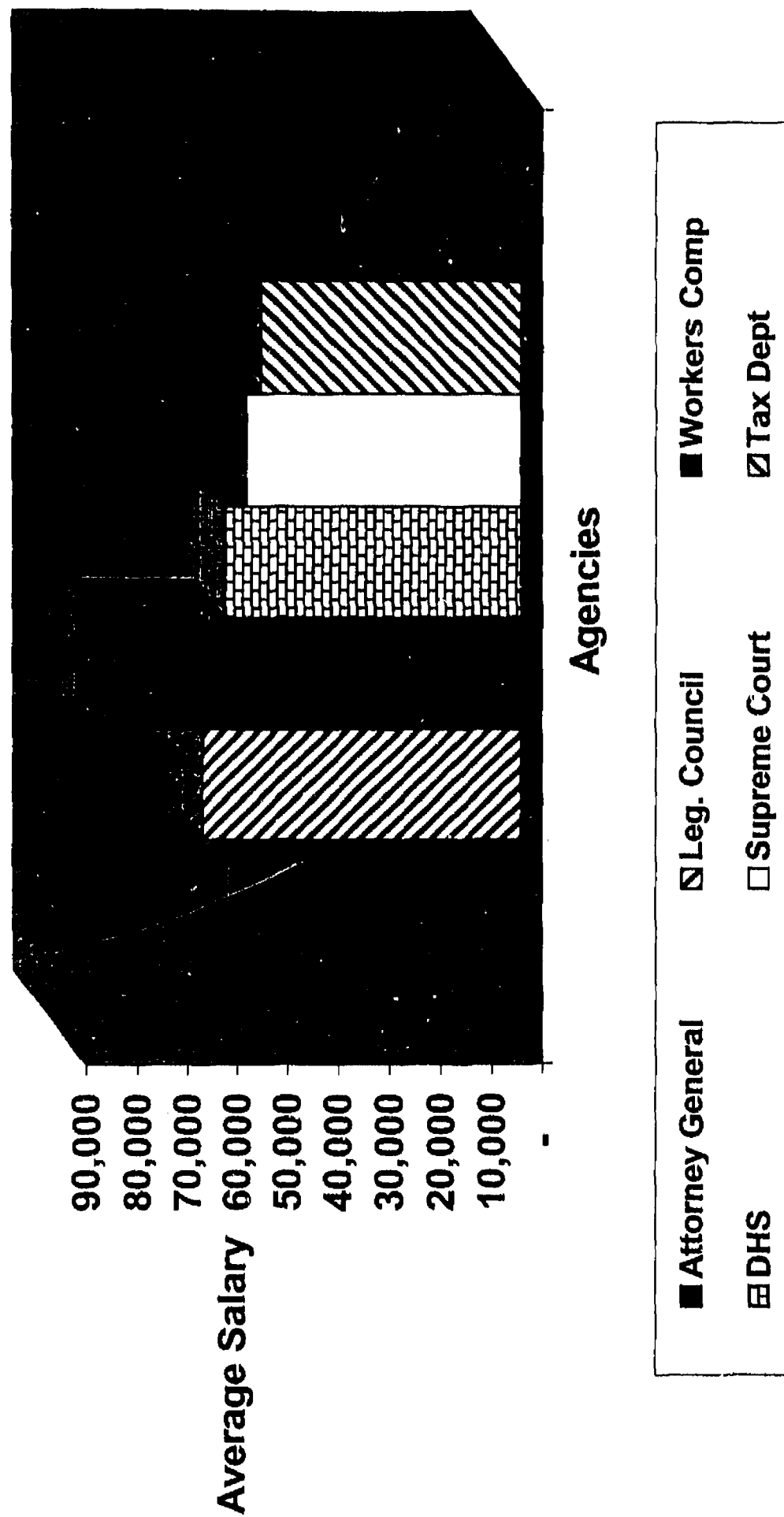
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Salary Comparison - Attorneys with 4 - 10 Years Experience



Salary Comparison - Attorneys with 11 - 15 Years of Experience

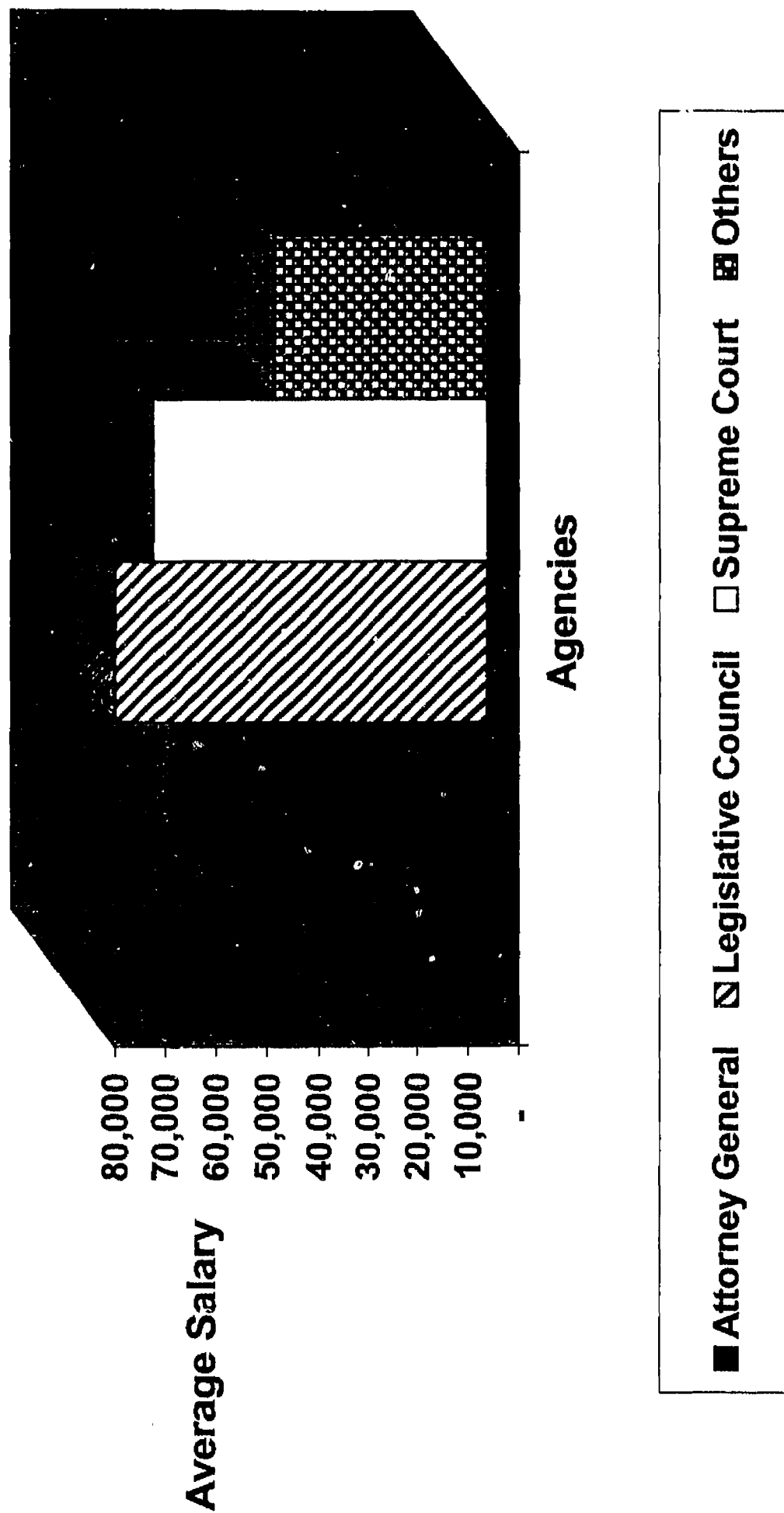


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10-14-03
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Salary Comparison - Attorneys with 16 - 20 Years Experience



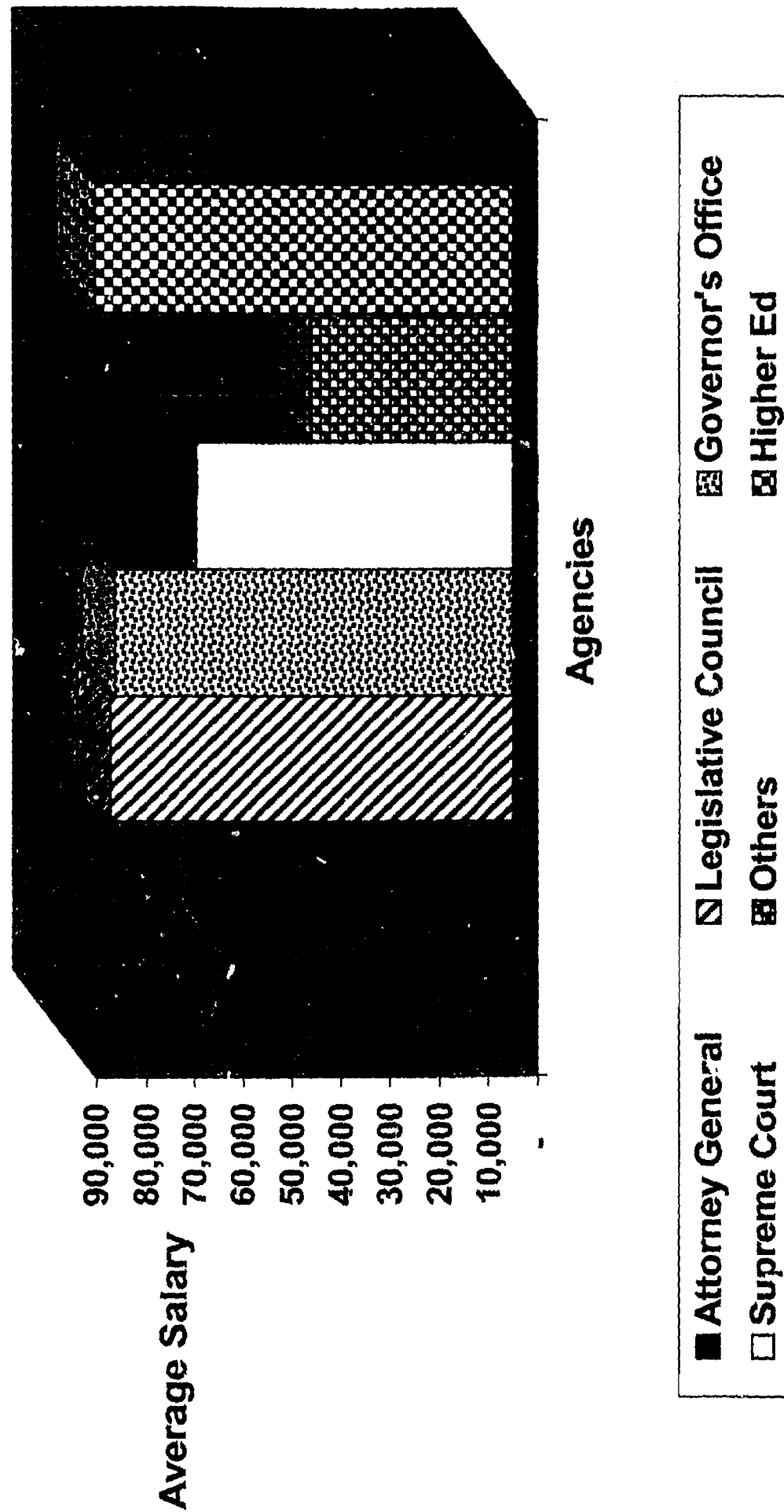
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Salary Comparison - Attorneys with 21 - 25 Years Experience



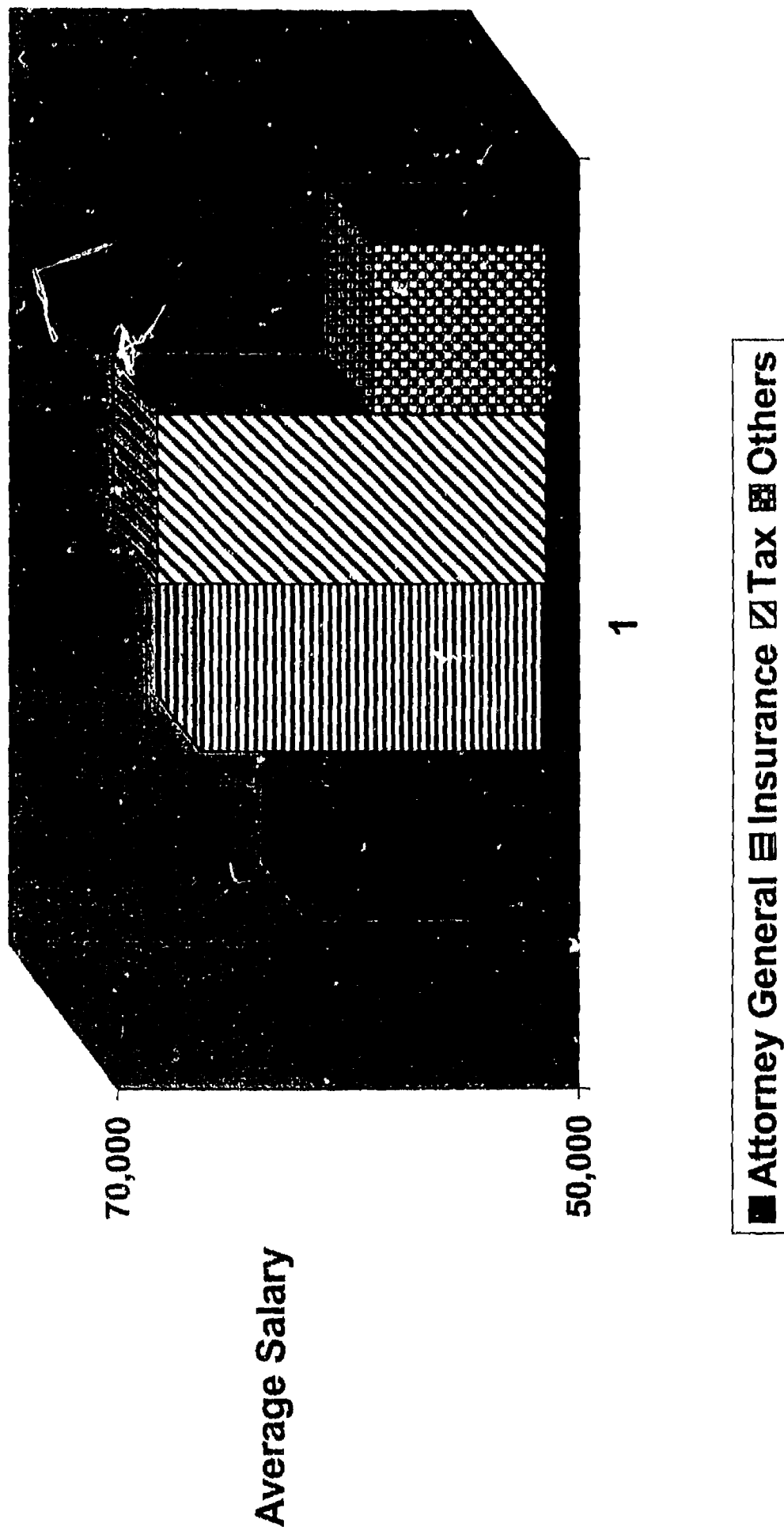
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Salary Comparison - Attorneys with More than 25 Years Experience



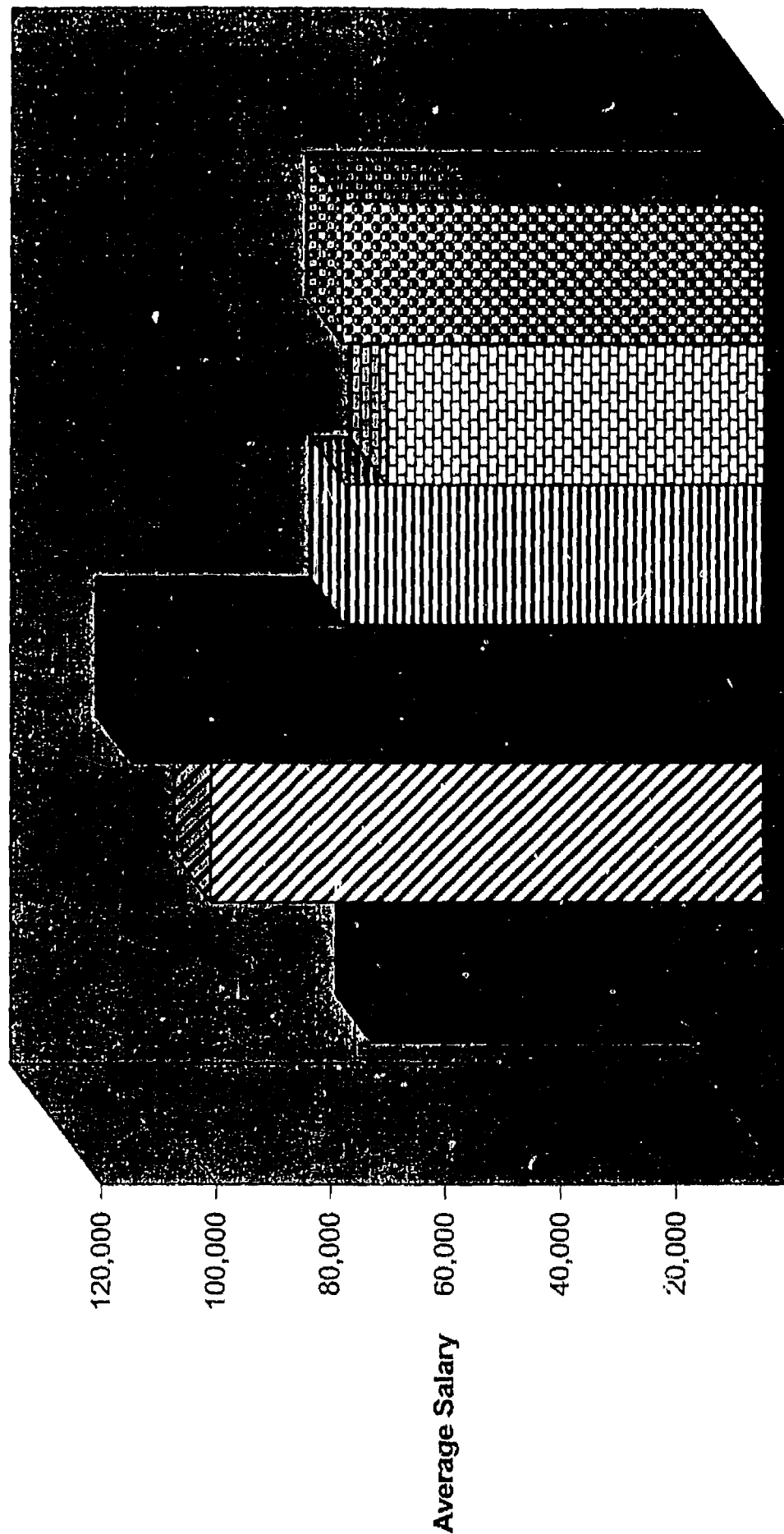
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Shirley A. Lee
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Salary Comparison - Attorneys in Management Positions



☒ Attorney General
 ☒ Legislative Council
 ☒ Workers Comp
 ☒ Insurance
 ☒ DHS
 ☒ Others

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10-11-03
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INFORMATION TECHNOLOGY

Cher Thomas, Director

Computers can be used to track criminals, provide valuable information to law enforcement, and help ensure the safety of North Dakota citizens. The ability to create computer applications quickly and efficiently in an ever-changing technical world is a challenge. Keeping the Information Technology (IT) organization staffed with highly qualified and trained employees is a challenge that cannot be ignored. As the business of the agency grows, with more emphasis being put on the sharing of information with the public, as well as our other customers, there is an expectation for IT resources to provide these additional services in a timely manner without additional resources.

IT continues to look at improving processes as we have this biennium to help ease the workload of the IT staff. However, as this agency continues to add functions and to pursue e-government initiatives, more IT staff is needed to support these efforts. It is very costly to contract for these services and with contracted services the service provided must be managed by internal staff with a thorough understanding of the business. This is true whether the service is contracted through ITD or an outside contractor. In this budget we are requesting the transfer of the crime lab to this office. That means that IT will be supporting an additional 42 computers and 16 FTEs. If the Lottery bill passes there will be additional responsibilities and additional FTEs to support for IT. One of the positions requested in this bill is for an IT person and it is critical that this position be approved in the bill. We are also introducing new legislation to address telemarketing calls received by consumers (no call). We have identified a half-time temporary IT position in this bill. If this bill passes, it is also critical that the temporary support person be approved. To provide the service of no-call to the public, IT will need to build a database to contain the telephone numbers of consumers who want this service. The application may also make the list of telephone numbers available to consumers for a fee. This would be the first interactive WEB application for our office providing a service to the public. To ensure excellent customer service to the public, 24 hours/7 days per week support of this application would be required. IT is already providing this level of support for State Radio communications for local obtaining warrant, sex offender, protection order, and criminal history checks. This additional support requirement would put more pressure on our already strained resources without the additional requested resources.

A new sex offender system was implemented this biennium. When law enforcement officers check driver's licenses through State Radio, they receive sex offender information in addition to obtaining the warrant information requested.

The IT Division worked with the Bureau of Criminal Investigation and the Attorney General to create a high-risk sex offender web site, to provide the public with information regarding these individuals, the crime they were convicted of, and their current address. The site also provides pictures of these offenders.

The Consumer Protection Division has better search capabilities with their new complaint tracking system implemented this biennium. It is also much easier to identify businesses that operate under different names.

The new Legal Mail Tracking application allows the State and Local Government Division to track their correspondence and to track the workflow on their responses.

The IT staff is currently updating the protection order system so the courts enter the order into the database when the protection order is issued via State Radio communications. This Office has been working with the Supreme Court on this project and it should be available within the next few months. Local law enforcement offices will then update the record when the order has been served. Law enforcement officers will also be able to request through State Radio a copy of the full text of the issued protection order when the system is in place. This will allow an officer to see the conditions of the order, which is something they do not have available currently.

For several years, the BCI and IT Divisions have been developing a program that will simultaneously search six different databases for information about a subject (person). This program allows law enforcement to search the:

- Criminal History Record Information (CHRI) System
- Offender Registration
- Parole/Probation Information
- Central Warrant Information System (CWIS)
- Protection Order System, and
- Concealed Weapons

Based on:

- Name
- Date of birth, and
- Social security number

Previously either the information was not available or law enforcement had to search each system individually. This program brings a lot of valuable information to the law enforcement patrol officer in a very efficient manner. The Office continues to make improvements to this process. We are also working with the Criminal Justice Information System (CJIS) to share information and to reduce or eliminate duplication of data entry where applicable with various criminal justice agencies across the state. The Uniform Crime Reporting program rewrite is included in the CJIS work and is currently progressing.

The Automated Fingerprint Identification System (AFIS) is another very beneficial law enforcement tool that is supported by the IT Division. It allows law enforcement agencies to access a multi-state file of fingerprint images in a manner that is extremely fast and reliable. It has changed the way BCI manages its fingerprint-based criminal history record files, and has allowed larger jails in the state to electronically transfer

fingerprint images from "live-scan" equipment and receive responses while the fingerprint subject is still in custody. These are great improvements for the law enforcement community, and require the ongoing assistance of the IT Division to assure that the systems remain interconnected and functioning properly.

Keeping the staff we have is very important. The demand for IT people exceeds the supply. The best computer staff to maintain a project is the computer staff that developed it. Keeping this staff is also important because of the diversity of programs we have in the Office of Attorney General. It takes time to learn all the systems and the software that is used.

We have staff that sue people, staff that arrest people, staff that return consumer moneys and staff that help local fire departments solve arsons and train firefighters and police officers. With the broad responsibilities of our office, our computer support staff must have a broad understanding of many subject areas and be able to support multiple applications used by many different users. In the past we have not had the staff to adequately maintain our systems. As we move forward in developing new applications and rewriting old applications, it is still important to maintain the applications that are currently being used and it is important to maintain adequate staff levels to be successful. IT is very closely tied with the business side of the Office, and when the business side expands it affects the IT division and our ability to provide the level of support needed.

We have spent considerable time and internal resources to develop the Office's strategic plan. Developing the plan is one thing; implementing it is quite another. We are unable to implement the plan and maintain the systems without adequate staff, software, and hardware. If we are unable to implement our plan, our problems will grow and we will be at a competitive disadvantage with criminals and in court. As we progress with implementation of this plan, more information is being shared with other agencies and entities. All of this adds to the complexity of the technical environment being supported. We also desire to move more strategically towards e-government and sharing information with the public through the Web. This requires 24 hour/7 days a week support from our staff more than ever before. When funding and personnel levels are not maintained, this affects the ability to support such information and give Office customers the kind of support they need.

MAJOR FUNCTIONS AND DUTIES:

- Provide computer support for four Bismarck locations and 12 remote locations, which also includes task force personnel.
- Provide and maintain computer applications for the major functions of the agency, allow sharing of information as needed between divisions, other state agencies, and other entities.

- Provide strategic technological planning for the agency.
- Provide training for agency staff.
- Provide tools for agency staff that will make them more effective and efficient in their jobs.
- Provide agency staff with the computer equipment they need to perform their jobs.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-2003 BIENNIUM:

- Implemented a High-Risk Sex Offender Web Site.
- Implemented a new Sex Offender application that integrates with Criminal History. Provide sex offender information to law enforcement through State Radio communications when a driver's license check is done.
- Implemented a full text version of protection orders. Also, the protection order process is being changed so the courts enter the order when the order is issued. Local law enforcement will subsequently update the record when the order is served.
- The new Consumer Protection complaint tracking application was implemented giving the Consumer Protection Division much better search capabilities.
- Updated AG Home pages to follow Americans with Disabilities Act (ADA) standards.
- The new Legal Mail Tracking application was implemented.
- Two additional BCI offices were set up, and all task force members who are co-located in our offices across the state were added to our network in order to share information with our BCI agents.
- Upgraded our servers to Windows 2000 and joined Information Technology Department's (ITD's) domain. This process makes it easier to share information between agencies.
- Participated in the enterprise architecture meetings and processes with ITD.
- Participated in the Criminal Justice Integrated System (CJIS) process with other criminal justice agencies.
- The Gaming Data Entry application was completely revamped and implemented.
- The Gaming Tax Return module has been implemented. The project to bar-code state gaming stamps to track games of pull-tabs, sports pool boards, calcuttas,

punchboards, and series of paddlewheel ticket cards is scheduled to be completed before the end of the biennium.

- Created an agency Intranet site for internal use.

FUTURE DIRECTIONS:

- Continue to work with other law enforcement agencies to define and implement upgraded security that will allow us to share information safely between agencies and locations. Some of these agencies, such as the FBI, already have strict security regulations that we must adhere to if we share information.
- Provide more information over the Internet in order to be responsive to our customers in a more timely and efficient manner.
- Continue to rewrite the outdated, inefficient and deteriorating applications that are necessary.
- Retain and recruit competent and knowledgeable staff.
- Continue to stay current with hardware/software technology to be as effective as possible in providing information to our customers.

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CONSUMER PROTECTION AND ANTITRUST (CPAT)

Parrell Grossman, Director

MAJOR FUNCTIONS AND DUTIES:

- Protect North Dakota consumers from misleading, deceptive, fraudulent and unfair business practices by enforcing the state's consumer fraud, false advertising and antitrust laws through the initiation of civil and criminal investigations and legal actions and the implementation of consumer education.
- Mediate consumer complaints between consumers and businesses.
- Educate North Dakota consumers on fraud prevention by conducting consumer fraud training and educational presentations and warning consumers through the media of current consumer fraud scams and crimes.
- Coordinate criminal and civil investigations with local, state, and national law enforcement.
- Research state and federal consumer fraud and consumer law issues and assist legislators in the development and implementation of legislation.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- Opened 1,817 consumer complaint and investigation files. Closed 2,082 consumer complaint and investigation files.
- Recovered \$639,170 on behalf of consumers.
- Conducted 34 civil or criminal consumer fraud and/or antitrust legal actions.
- Collected \$1,443,278 in civil penalties (or payment in lieu of civil penalties), investigative costs, attorney's fees and legal recoveries.
- Conducted 61 consumer fraud prevention training and educational presentations to law enforcement, senior, professional, community, student and consumer groups throughout the state.
- Sponsored and conducted, in coordination with the Attorney General's Consumer Education Advisory Committee, the fifth annual LifeSmarts competition, a game show style team competition testing the knowledge of high school students on consumer and life skills issues ranging from personal finances to health and technology. This competition emphasizes and encourages education in financial management and decision-making skills so necessary and critical for our youth.

RACING COMMISSION

Paul Bowlinger, Director

Since the House transferred the funding source for the Racing Commission from the General Fund to the special funds administered by the Racing Commission, this office has been inundated by phone calls from the horsemen concerned that these special funds by statute had been appropriated to benefit and promote horse racing, and not contribute to the regulatory aspect of horse racing. The Racing Commission office has received dozens of phone calls and with unanimity the horsemen have indicated that their position is horse racing has contributed its part to the General Fund through the tax on horse racing, and that the regulatory aspect of the industry should not be funded out of previously statutorily mandated funds directed to encourage the breeding, purse structure, and promotion of the industry.

MAJOR FUNCTIONS AND DUTIES:

- License and regulate pari-mutuel racing at live tracks and at simulcast racing sites.
- Investigate and license all race participants and employees of live and simulcast racing.
- Promote live and simulcast racing and the breeding of racehorses within the state.
- Collect pari-mutuel taxes for deposit in the General Fund.
- Collect monies from the industry for deposit in three special funds and administer these funds: Breeders' Fund, Purse Fund, and Promotion Fund.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-2003 BIENNIUM:

- Generated in excess of \$5,700,000 to the General Fund for the period from July 1, 2002, through December 31, 2002.
- Increased the number of North Dakota bred racehorses in the Breeders' Fund program to 2,222.
- Created and funded a system to construct and operate a new major racing facility in Fargo, North Dakota.
- Funded and assisted in the operation of the race meet with the largest purse structure to date at a racing facility in Belcourt, North Dakota, benefiting the owners of North Dakota quarter horses and thoroughbreds.
- Assisted with the operation and promotion of simulcast racing and opened a new site in Fargo, North Dakota.

FUTURE DIRECTIONS:

- Assist in the completion, operation and regulation of a major racing facility as proposed.
- Continue to support live and simulcast racing in North Dakota with an anticipated increase in live racing days and continued development of simulcast and account wagering.
- Continue an affiliation with the national regulating authority to assure the integrity of the sport. Dues to this association will increase from approximately \$13,000 last biennium to approximately \$20,000 this biennium because of the increased simulcast handle.

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10-14-03
Date

2003-05 Budget Presentation
to the
House Appropriations – Government
Operations Division

Office of Attorney General
State of North Dakota

Wayne Stenehjem
Attorney General

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10-14-03
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**STATEMENT OF WAYNE STENEHJEM
ATTORNEY GENERAL**

For the record, my name is Wayne Stenehjem. I am the Attorney General for the state of North Dakota. Along with me today are the division directors from my office.

During the last two years, we have continued to provide quality legal, regulatory, and law enforcement services to state agencies and protection to North Dakota's citizens. We have met with considerable success.

Legal Services Divisions

- Staff enforced N.D.C.C. ch. 51-25 against tobacco product manufacturers that are not signatories to the Tobacco Master Settlement Agreement (MSA) and participated with other states in defending lawsuits challenging the MSA and the Model Statute. This action helps ensure payments by the settling tobacco companies to the State of North Dakota and other settling states, and that there will be funds to satisfy future judgments against tobacco manufacturers in favor of North Dakota citizens. **As a result of this settlement, North Dakota has received payments of approximately \$87,511,350 for the period from December 1999 through January 10, 2003.**
- Brought suit against the U.S. Forest Service challenging the legality of the Forest Service's Roadless Rule, which limits access to, and uses of, the National Grasslands. The suit also seeks a declaration that the state's section line access law applies to federal land.
- Assisted the Office of Management and Budget in administering the state's Risk Management Fund to handle claims and lawsuits against the State and its employees.
- Successfully obtained injunctive relief against the U.S. Corps of Engineers prohibiting the Corps from lowering Lake Sakakawea in the spring of 2002 and thereby protected the lake's forage fish spawn, which is crucial to the lake's sport fishery.
- Brought suit against the U.S. Corps of Engineers challenging the way in which the Corps manages the Missouri River.
- Successfully represented state agencies in administrative hearings and appeals and lawsuits in state and federal courts.
- Prosecuted or assisted in the prosecution of a wide variety of criminal cases, including assault, theft, gaming, drug, and adult and child sex offenses.

Wayne Stenehjem
Operator's Signature

10-14-03
Date

- Issued 163 Attorney General opinions, including 28 opinions in response to allegations of open records or open meetings violations.
- Provided legal advice on the interaction of the federal bank privacy law, Gramm Leach Bliley, and North Dakota financial institutions customer information privacy laws.
- Assisted the Health Department in ongoing negotiations with the Canadian Pacific Railway over the railroad's anhydrous ammonia spill in Minot.
- Brought an administrative action and lawsuit against the Burlington Northern Santa Fe Railroad over the fuel spill under downtown Mandan.
- Filed an administrative appeal with the U.S. Forest Service asking that the Service reconsider provisions of its Revised Management Plan for the Dakota Prairie National Grasslands.
- Worked with the lignite industry, Governor's office, and U.S. Environmental Protection Agency to address air quality issues raised by existing and proposed power plants.
- Successfully defended the state in a federal suit brought by the Spirit Lake Nation over title to Devils Lake.
- Assisted the State Water Commission to ensure that the proposed outlet to Devils Lake is built in compliance with state and federal law.
- Provided training to local and state officials in the application of sex offender registration, open records and meetings law.
- Presided over several hundred oil and gas hearings.
- Assisted the State Water Commission in the further development of the Southwest Water Pipeline Project and initial construction of the Northwest Area Water Supply project.
- Assisted in the prosecution of civil forfeitures in drug offense cases.
- Assisted in the defense of the constitutionality of statutes relating to sex offender registration, DNA testing requirements, luring minors by computer, and other state statutes.
- Successfully defended a federal habeas corpus action brought by Kyle Bell seeking to overturn his convictions and to obtain a new trial.

- The Legal Services Divisions provided more than 101,000 hours of legal services to state entities for the period from July 1, 2001, through December 31, 2002.

Bureau of Criminal Investigation Division

- Shared Automated Fingerprint Identification System (AFIS) information within the Midwest Automated Fingerprint Identification Network (MAFIN), a regional program with Minnesota and South Dakota. The system presently contains fingerprint images on approximately 1.1 million persons, of which 80,000 are from North Dakota.
- Monitored the whereabouts of identified sex offenders and offenders against children, who numbered 994 in July 1998; 1,123 in June 2000; and 1,345 in December 2002.
- Created and maintained an Internet web page that provides information on registered sex offenders. As of December 2002, there were 125 offenders listed on that site because they are either high-risk offenders or lifetime registrants.
- Processed approximately 11,000 requests each year from the general public for criminal history record information.
- Dismantled 275 meth labs in 2002, and 89 labs in 2001. This is an increase from 46 labs in 2000 and 19 labs in 1999. *to date 3-6-03 (62)*
- Provided community drug awareness training to 13,400 adults and children in 2002, 6,944 in 2001, and 5,521 in 2000.
- Presented a Retailers Meth Watch program to 500 members of the retail community in an effort to educate merchants on what types of purchases should be considered suspicious and reported to law enforcement.

Crime Laboratory

- The Lab's top priority is to obtain additional space to adequately perform statutory mandates. We encourage your support of an appropriation in a future legislative session for a new crime laboratory facility.
- In 2002, the laboratory received 7,503 total cases: 4,441 blood/breath alcohol (driving under the influence), 2,391 narcotics, 404 urine/blood drug screens, 75 fatality screens, 34 arson, 34 latent fingerprint cases, 105 serology/DNA, 13 firearm/toolmark, and 6 miscellaneous cases. This is a 9% increase over the previous year's submissions.
- During 2002, Toxicology held 18 classes and trained 228 law enforcement officers in the use of breath alcohol instruments. This represents over a 43% increase in the

Yvonnea A. Fee
Operator's Signature

10-14-03
Date

number of officers trained over the previous year. An additional 630 officers received certification for breath equipment remotely via the use of video training tapes.

Consumer Protection and Antitrust Division

- Obtained refunds for consumers and businesses in North Dakota, recovering \$639,170 on behalf of consumers, since the beginning of the biennium.
- Collected \$1,443,278 in civil penalties, investigative costs, attorney's fees and legal recoveries since the beginning of the biennium.
- Participated in a multi-state and Department of Justice investigation of the proposed merger of the nation's two largest direct broadcast satellite services. These efforts contributed to preventing a merger with anti-competitive effects for North Dakota consumers that rely on direct broadcast satellite services.
- Participated in two historic multi-state nationwide settlements with Bridgestone Firestone and Ford Motor Company in regard to advertising and safety issues that will benefit North Dakota consumers for many years.
- Participated in multi-state settlements with Citibank and First USA/Bank One, two large national credit card issuers, regarding the sale of customer lists to telemarketers that engaged in deceptive solicitations and these settlements have resulted in sweeping consumer protection reforms in regard to telemarketing transactions involving credit cards.

Gaming Division

- In the 2001-03 biennium, there will be about 1,000 gaming sites, \$550 million wagered, \$32 million earned for charitable uses, \$21 million paid in gaming and excise taxes, \$5 million paid in bingo sales tax, and \$500,000 collected for license fees, interest, penalties, gaming stamps, fines, and record checks. From 1977 through June 30, 2003, about \$366 million will have been raised for charitable uses and \$173 million paid in gaming tax, excise tax, and sales tax on bingo.
- Engrossed Senate Bill No. 2003 provides funding for local gaming enforcement grants of \$617,000 for the 2003-05 biennium. By law, the source of the funding is from 3% of the gaming and excise tax revenues. Background information on these grants is on page 54.

Fire Marshal Division

- Imported 9,823 fire department incidents (for 2001) into the Office's National Fire Incident Reporting System (NFIRS)

- Developed and implemented a program for conducting fire safety inspections on occupied state-owned buildings.
- For the period from July 1, 2001, through December 31, 2002, 209 state-owned buildings have been inspected.

Before I discuss the enhancements passed by the Senate, I want to let you know about several bills that will impact our office's appropriation.

- **Lottery** – Engrossed House Bill No. 1243 provides for a Lottery Division in the Office of Attorney General. This office estimates that 6 FTE's and associated expenses will be needed. Anticipated lottery revenues will fund this proposal.
- **Transfer of Crime Laboratory** – Senate Bill No. 2151 transfers the Crime Laboratory from the Health Department to the Office of Attorney General. This office was strongly urged to pursue this transfer by local law enforcement throughout the state. We contacted the Governor's Office and the Health Department regarding this transfer. Both encouraged this office to proceed with the Crime Laboratory transfer. The budget for the Crime Laboratory is included in Engrossed Senate Bill No. 2003.
- **Deficiency Appropriation Needed for Prosecution Witness Fees** – Senate Bill No. 2417 provides additional prosecution witness fees to reimburse counties and cities for these expenses. Historically the office's appropriation for prosecution witness fees has been insufficient to reimburse counties and cities for these expenses. Once again we find ourselves in a situation where this appropriation will be deficient prior to the end of this biennium. This office estimates \$33,000 in General Fund moneys will be required to cover these costs.
- **Fire Marshal Billing Authorization** – Engrossed Senate Bill No. 2103 codifies language included in our current appropriation bill, providing for the Fire Marshal to bill its investigation and inspection services provided to entities insured by the Fire and Tornado Fund and the Petroleum Tank Release Compensation Fund. The Fire Marshal has been billing for these services since the 1999-2001 biennium. If this bill passes, the duplicate language included in the office's appropriation bill can be eliminated (portions of sections 3 and 4).
- **No-Call Legislation** – Engrossed Senate Bill No. 2255 significantly limits the ability of telemarketers to call consumers who add their telephone number be added to a list of consumers that telemarketers are unable to contact. A 2003-05 biennium budget estimate for this proposal includes two FTE's and associated expenses, which is to be funded from the Consumer Protection Refund Fund. For the 2005-07 biennium, this program is anticipated to require General Fund support.

- **Special Operations Teams for Rural Areas** – Engrossed House Bill No. 1350 provides for reimbursement of up to six existing regional response teams from around the state in order to provide these services, when requested, to rural law enforcement agencies and the local drug task forces. Sparsely populated rural areas, which cover much of the state, often find it difficult to provide specialized law enforcement services, such as tactical response, because they cannot afford to hire extra personnel or purchase state-of-the-art equipment.
- **Criminal Background Checks for Other Entities** – Engrossed House Bill No. 1252, Senate Bill Nos. 2041 (Engrossed), 2223 (Engrossed), and 2253 - These bills required this office to conduct state/federal criminal background checks for the Information Technology Division; applicants for city and county positions; Board of Medical Examiner physician applicants or those subject to disciplinary investigations; and for nonprofit organization employees, agents, or volunteers engaged in activities involving direct contact with minors. The Senate Appropriations Committee subcommittee members indicated they would like to address the impact of the bills listed above (that are passed by both chambers) in conference committee. If all of these bills are passed, there will be more than a 33% increase in the number of criminal background checks performed. To handle the increased workload, two FTE's are needed.

Senate Approved Enhancements

METHAMPHETAMINE EFFORTS

As you all know methamphetamine (meth) is the greatest criminal justice challenge facing this state. While the Executive Recommendation addresses some of the very real issues facing this office, I am concerned about the need to do more. To adequately meet this challenge, there are several enhancements I feel are crucial. Several legislators have asked me "What more can we do to help in the meth battle?" I asked my staff to prepare a meth enhancement plan, outlining how we would utilize any additional resources provided to us by the legislature.

First, to address the growing problem of methamphetamine use and, in particular, the manufacturing of this drug in rural North Dakota, I am requesting your support of an enhancement to fund two additional BCI agents, one of which is included in the Executive Recommendation. The other agent was added in the Senate. These two new agents would be placed in areas of the state where the need is the most critical.

The total General Fund cost for each new agent is approximately \$156,000.

While clandestine methamphetamine labs continue to increase and represent a multi-faceted health hazard, as well as a drain on manpower, they only produce a small amount of the overall methamphetamine in the state. Methamphetamine trafficking into our state represents a significant threat to North Dakota as well. As a result, reducing

the importation of multiple pounds of methamphetamine and minimizing the profit of this money-generating industry must remain a high priority of the BCI. We also cannot forget about the importation and distribution of the other controlled substances that have not gone away, but unfortunately are becoming less pursued due to the resource-consuming demands of methamphetamine.

Increased drug trafficking has resulted in a number of seized computers and requests to analyze this information. It is not uncommon for our current cyber crime agent to have a backlog of ten to twelve computers waiting to be analyzed.

In addition, cyber crime and child pornography are growing rapidly. The cyber crime investigator became certified as a forensic computer examiner and is one of only 350 in the world to accomplish that goal.

As an aside, I want to briefly discuss the importance of the public education done by our BCI agents. Although the number of labs highlights the severity of the problem, the willingness of local residents and businesses to report suspicious drug activity accounts for much of the success of law enforcement efforts in these areas. This is largely due to the efforts of agents throughout the state who are actively involved in their communities educating adults and children about the signs of methamphetamine abuse and manufacture. Because they work in the middle of the meth crisis, agents are current on the latest trends and can share anecdotal stories with the public that are extremely effective in proving the danger of this drug. BCI agents have provided community awareness training to 13,400 adults and children in 2002; 6,944 in 2001; and 5,521 in 2000. Their credibility and expertise has resulted in ever-increasing demands for public awareness presentations on methamphetamine and labs, as well as other drugs, and it is critical that we continue to provide this service.

Another important aspect of the public awareness campaign is our Retail Meth Watch program. Through this program for retailers, we presented information to 500 members of the retail community in an effort to educate merchants on what types of purchases are suspicious and should be reported to law enforcement. Anhydrous ammonia is also a necessary ingredient in the manufacture of meth. The rise in anhydrous ammonia thefts is an increasing concern to farmers, law enforcement and health officials, especially in the isolated rural areas favored by meth cooks.

Second, agent overtime/temporary salary moneys were eliminated in order to maintain current salaries for the 2003-05 biennium and submit a hold-even salary budget. I request your support of the complete reinstatement of BCI overtime/temporary salaries, as provided by the Senate. These funds are critical to our agency's ability to respond to calls for assistance from local agencies to investigate meth labs and other crimes. BCI lab certified officers respond to 99% of the lab situations in the state, and as a result, local agencies rely heavily on BCI's 21 lab-trained agents. Reinstating the overtime/temporary funds will allow our agency to continue to respond to local agencies' requests for investigative assistance, provide public education, and allow us to move forward as quickly as possible with the important task of classifying sex offenders.

Third, in an effort to address concerns raised by local law enforcement officers about the training budget reduction, my staff, along with representatives from the Association of Counties and the League of Cities met with law enforcement officials to redesign the training program. A more focused approach, calling for more efficient use of technology, has been developed. The new approach, however, requires a training coordinator position. Our request includes the reinstatement of one of the two occupied training positions, as well as \$25,000 in operating expenses to allow our agency to continue providing training, which is very important to local law enforcement. This request was included in Engrossed Senate Bill No. 2003.

Fourth, I request your support of the attorney market equity adjustment. As unclassified employees, our attorneys are not eligible for market adjustments. These salaries are significantly below the salaries of their counterparts in other state agencies, not to mention substantially lower than the private market. The attorneys have not received a market adjustment since 1995. Classified attorneys at other state agencies do receive market adjustments. In addition it is easier for other state agencies to increase attorney salaries due to sheer numbers - we have 30 attorneys; most agencies have fewer than 5 attorneys.

For example, attorneys in this office with 21-25 years of experience are paid \$23,200 less than an attorney with similar experience in the Governor's Office; \$24,200 less than attorneys at the Legislative Council; and \$27,500 less than attorneys in Higher Education. Similar differences are found at nearly every experience level.

Fifth, I am requesting your support of the following Crime Laboratory enhancements:

- a. The Executive Recommendation included 1.0 forensic scientist FTE in the Crime Laboratory to assist with the significantly expanded workload due to the phenomenal increase in meth samples casework.
- b. No Suspect Casework DNA Backlog Reduction Grant -- The Crime Laboratory received notice (too late for inclusion in the Executive budget process) of an additional \$190,000 in federal funding available through the federal No Suspect Casework Grant. This grant is intended to streamline processes and automate routine procedures to handle no suspect casework. It is estimated that there are 100-150 cases each year across the state for which there is no known suspect. I request your support of the office budget adjustment made to accommodate receipt of this grant.

In the Division Summaries section of our budget presentation, we provide a brief description of the various functions the Office of Attorney General performs and highlight other significant accomplishments over the past two years.

BUREAU OF CRIMINAL INVESTIGATION

JERALD C. KEMMET, DIRECTOR

Methamphetamine

Methamphetamine is by far the biggest problem challenging North Dakota law enforcement. The following statistics demonstrate the phenomenal increase that North Dakota is experiencing.

Clandestine laboratories seized:

- o Prior to 1995 -- one methamphetamine lab was seized in North Dakota.
- o Between 1996 and 1998 -- ten labs were seized in our state.
- o 1999 -- 19 labs
- o 2000 -- 46 labs
- o 2001 -- 89 labs
- o 2002 -- 270 labs

Laboratory samples sent to the Crime Lab for analysis:

- o 1992 -- 14 suspected methamphetamine samples sent for analysis
- o 1999 -- 494
- o 2000 -- 1,218
- o 2001 -- 1,505
- o 2002 -- 2,419 - This is an increase of approximately 400% over the past three years.

While clandestine methamphetamine labs continue to increase and represent a multi-faceted health hazard, as well as a drain on manpower, they only produce a small amount of the overall methamphetamine in the state. Methamphetamine trafficking into our state represents a significant threat to North Dakota as well. As a result, reducing the importation of multiple pounds of methamphetamine and minimizing the profit of this money-generating industry must remain a high priority of the BCI. We also cannot forget about the importation and distribution of the other controlled substances that have not gone away, but unfortunately are becoming less pursued due to the resource-consuming demands of methamphetamine.

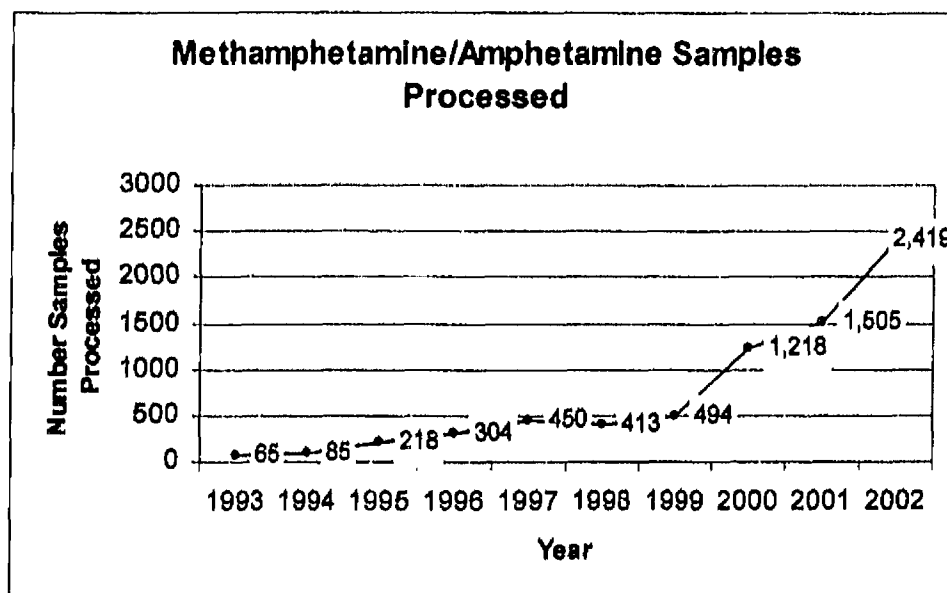
During the 1999-2001 biennium, 48% of BCI investigations were drug related. That has increased to 65% so far this biennium, and meth was involved in almost two-thirds of those cases. We currently participate in and coordinate the activities of eight regional task forces that are located in Williston, Minot, Stanton, Bismarck, Jamestown, Wahpeton, Grand Forks, and Fargo. A BCI agent is also assigned to the Fargo area's Drug Enforcement Agency (DEA) task force bringing our participation to nine task forces throughout the state.

CRIME LABORATORY DIVISION

Engrossed Senate Bill No. 2151 transfers the Crime Laboratory from the Health Department to the Office of Attorney General. This office was strongly urged to pursue this transfer by local law enforcement throughout the state. We contacted the Governor's Office and the Health Department regarding this transfer. Both encouraged this office to proceed with the Crime Laboratory transfer.

In order to ensure continued services in the areas of investigation, prosecution, and adjudication, the Crime Laboratory requested additional staff to meet the growing demands of the criminal justice system, a portion of which was included in the Executive Recommendation.

Over the last few years, the number of narcotic cases has steadily increased. In 2000, the number of narcotic cases increased over 10%. In 2001, the increase was over 15%. In 2002, the increase is just over 7%. Along with the increasing casework, the composition of exhibits has changed and methamphetamine casework is increasing progressively. To illustrate this point, the number of exhibits processed for 2002 was over 9,600. This represents a 39% increase over the number of exhibits processed in 2001. The number of methamphetamine exhibits processed for 2002 was 2,419. This is an increase of over 400% in the past three years. The graph below demonstrates the dramatic increase of methamphetamine samples processed from 1993 to 2002. This change represents a major shift in workload. Methamphetamine (powder) and clandestine lab cases require more of the analyst's time than plant material (i.e. marijuana) cases. Due to the high demand for methamphetamine analysis, a disproportional amount of time is spent on methamphetamine casework, which causes delays in criminalistic analyses.



Criminalistic casework encompasses DNA testing and databasing (DNA testing of convicted offender samples and uploading the DNA profile to the national database),

FIRE MARSHAL DIVISION

RAY LAMBERT, DIRECTOR

During the 1999 legislative session, our appropriation bill included legislative intent about billing the Fire and Tornado Fund for Fire Marshal services provided to entities covered by the Fund. The estimated revenues were based on the following billable inspection and investigation services:

- All schools not inspected by other city fire departments.
- City buildings
- Above-ground fuel sites

For the 2001-03 biennium, the Fire Marshal Division experienced a significant shortfall in revenues from billable services. We estimate the shortfall will be approximately \$201,000. The reasons for the shortfall are as follows:

- The legislative intent section only provided for billing Fire Marshal services basically for school inspections and political subdivision buildings insured by the Fire and Tornado Fund.
- There have been approximately 43 schools that have closed since the revenue projection was developed.
- City buildings are not currently being inspected.
- The billable hourly rate has been decreased from \$35 to \$23.

So what is being done to make up for the significant revenue shortfall?

- Training for Fire Marshal staff members was reduced during the 2001-03 biennium.
- We continue to review other expense areas to determine if additional reductions can be made while still providing quality services.

The current Fire Marshal billing revenues projection for the 2003-05 biennium is \$156,000, leaving a revenue shortfall of \$172,000. I request your approval of the \$95,000 in General Fund moneys, included in the Executive Recommendation, to help fund essential Fire Marshal services in North Dakota.

firearm and toolmark examinations, fiber and hair analysis, and arson analysis. Currently, the crime laboratory has seven full-time analysts. Five analysts are involved in some aspect of criminalistic examinations. Each area of criminalistics demands specialized training, complex interpretation, and considerably more analysis time than narcotic casework. Of those five, four also conduct controlled substance analysis. Due to the increased demand by the judicial system for methamphetamine analysis, criminalistic examinations lag behind.

Turnaround time for narcotic casework a year ago was averaging 21 calendar days. Due to the increased methamphetamine casework, a full-time temporary analyst was hired to lessen the workload on the other analysts. This analyst is now fully trained and proficient in the analysis of controlled substances. As a result, the turnaround time for narcotic casework for the last three months of 2002 is averaging 11 calendar days, a decrease of 10 calendar days. Turnaround time for criminalistic casework ranges from four days to six months. The focus of casework has been driven by methamphetamine, leaving criminalistic casework lagging behind. With an additional analyst, workloads can be shifted within the laboratory to better meet the contemporary needs of the law enforcement community. Without adequate staffing, delays will increase in all areas of criminalistic and narcotic casework. This causes delays for law enforcement in preparing their cases and in turn delays the prosecution of criminals. Law enforcement agencies will become increasingly frustrated if evidence is not processed in a timely manner.

The current trends indicate methamphetamine cases will increase. As a result, one forensic scientist, included in the Executive Recommendation, along with operating expenses is needed to assist in handling the substantially increased workload.

A \$25,000 General Fund salary equity adjustment is included in the Executive Recommendation for Crime Lab chemists/forensic scientists to assist in the mitigation of significantly lower than average state employee salaries.

The capital asset request, included in the Executive Recommendation, will purchase a gas chromatograph/mass spectrometer and a Fourier Transform Infrared Spectrophotometer (FTIR). The gas chromatograph/mass spectrometer is needed to process narcotic and arson samples. The laboratory currently owns three gas chromatograph/mass spectrometers, which are running constantly. One gas chromatograph/mass spectrometer was purchased in the early 1980s and should be retired because the laboratory cannot obtain parts or service. If the laboratory does not replace the FTIR, it will not be able to analyze certain drug compounds. Repairs to both of these instruments are cost prohibitive. In effect, if we do not replace these two pieces of equipment it will drastically increase turnaround time for narcotic and other casework causing delays in the prosecution of criminal cases.

OFFICE OF ATTORNEY GENERAL BUDGET ANALYSIS
FOR THE 2002-2003 BUDGET

LINE ITEM	COLUMN 1 PRESENT BUDGET 2001-02	COLUMN 2 GENERAL BUDGET REDUCTIONS	COLUMN 3 PERSONAL FUNDS CHANGES	COLUMN 4 CRIME LAB. TRANSFERS	COLUMN 5 METH EFFORTS AGENT OVERTURE	COLUMN 6 ATTORNEY SALARY ADJUST	COLUMN 7 FREE MAGNIFICENT REVENUE SPENDING	COLUMN 8 TRAINING PROGRAM APPEAL MONEY	COLUMN 9 RACIAL COMMISSION CONTRIBUT	COLUMN 10 TOTAL 2002-2003 BUDGET WITH REDUCTIONS	COLUMN 11 EXEC. RECOMMEND. CHANGES	COLUMN 12 SALARY & HEALTH INSURANCE INCREASES	COLUMN 13 2001-02 APPROP. AND EXEC. RECOMMEND. CHANGES	COLUMN 14 EXEC. RECOMMEND. 2002-03 BUDGET	COLUMN 15 DIFFERENCE - COLUMN 14 VS. COLUMN 13	COLUMN 16 REVENUE CHANGES TO THE EXECUTIVE RECOMMENDATION	COLUMN 17 REVENUE 2002-03 BUDGET APPROPRIATION
SALARIES AND WAGES	18,440,884	(540,289)	48,543	1,317,122	438,881	240,873		213,888		18,180,882	1,314,782	538,180	18,294,838	18,294,838	1,883,842	(4,807)	18,290,031
OPERATING EXPENSES	8,912,382	(271,874)	(1,440,251)	783,288	188,224			118,880	47,000	6,127,228	(1,081,275)		7,851,087	7,851,087	(1,081,275)	184,782	8,005,888
CAPITAL ASSETS	1,188,250	(12,000)	(270,000)	658,000	288,000					1,884,250	588,000		1,794,250	1,794,250	588,000	48,000	1,833,250
GRANTS	5,888,338	(12,000)	(44,778)							5,841,560	(88,778)		5,841,560	5,841,560	(88,778)	50,000	5,891,560
LITIGATION FEES	50,000									50,000			50,000	50,000			50,000
JUDICIAL RETURN OFFFUGINES	10,000									10,000			10,000	10,000			10,000
CLERICAL COMMISSION	5,108									5,108			5,108	5,108			5,108
TOTAL	32,514,753	(1,043,173)	(1,705,488)	2,758,380	913,115	240,873		328,888	47,000	34,054,748	782,728	538,180	33,816,642	33,816,642	1,301,888	242,181	34,058,823
STATE	180.5	8.0	14.5	14.5	4.0					173.0	17.0		173.0	173.0	30.5		173.0
GENERAL FUNDS	14,171,751	(84,238)	11,111	1,317,122	130,383	241,054		213,888		13,961,588	1,111,038	438,184	14,427,405	14,427,405	1,587,874	148,841	14,576,279
FEDERAL FUNDS	13,482,382	(258,388)	(1,888,203)	1,380,013	182,222				47,000	12,683,528	(882,580)	57,817	12,887,448	12,887,448	(882,580)	28,438	12,987,928
SPECIAL FUNDS	4,172,830	57,433	51,888		813,115	240,873	(118,000)			4,384,123	214,298	4,888	4,381,588	4,381,588	218,658	65,902	4,487,488
TOTAL ALL FUNDS	32,514,753	(1,043,173)	(1,705,488)	2,758,380	913,115	240,873		328,888	47,000	34,054,748	782,728	538,180	33,816,642	33,816,642	1,301,888	242,181	34,058,823

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Y. Beresova et al.
Operator's Signature

10-14-03
Date

DETAIL OF CHANGES INCLUDED IN ENGROSSED SENATE BILL NO. 2003

	SALARY	OPERATING	CAPITAL ASSETS	GRANTS	TOTAL	GENERAL FUND	FEDERAL FUNDS	SPECIAL FUNDS	TOTAL FUNDS
METHAMPHETAMINE EFFORTS - 1.0 NEW FTE	91,401	44,582	20,000		155,983	155,983			155,983
REINSTATE AGENT OVERTIME	21,980				21,980	21,980			21,980
ATTORNEY SALARY EQUITY	41,024				41,024			41,024	41,024
NO SUSPECT CASEWORK - CRIME LAB	38,325	125,200	26,000		189,525		189,525		189,525
REMOVE SALARY INCREASES	(192,778)				(192,778)	(172,894)	(20,084)		(192,778)
REMOVE 2 VACANT FTE'S	(165,125)				(165,125)		(140,000)	(25,125)	(165,125)
RURAL SPECIAL OPERATIONS TEAM REIMBURSEMENT				50,000	50,000			50,000	50,000
RESTORE TRAINING PROGRAM - RESTORE 1.0 FILLED FTE	116,572	25,000			141,572	141,572			141,572
TOTAL REQUESTED ADJUSTMENTS	(48,601)	194,782	46,000	50,000	242,181	146,941	29,438	65,902	242,181

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Date

Wheresa D. Fee

10-14-03

OFFICE OF ATTORNEY GENERAL 2003-06 MEMORANDUM - LEGISLATIVE CHANGES - ENCLOSED SENATE BILL NO. 2003

2003-2006 EXECUTIVE RECOMMENDATION	RESTORE METHAMPHETAMINE EFFORTS	RESTORE BICI AGENT OVERTIME	FUND ASSISTANT ATTORNEYS GENERAL EQUITY ADJUSTMENT	NO SUSPECT CASEWORK DNA GRANT	REMOVE 2 VACANT FTE'S	REMOVE SALARY INCREASES	RESTORE PART OF LAW ENFORCEMENT TRAINING	RURAL SPECIAL OPERATIONS TEAM REIMBURSEMENT	TOTAL LEGISLATIVE CHANGES	REVISED 2003-06 MEMORANDUM APPROPRIATION
ALARMS AND WAGES	91,001	21,900	41,024	36,325	(106,125)	(192,776)	118,572		(48,801)	18,246,035
OPERATING EXPENSES	44,592			125,200			25,000		194,782	5,025,889
CAPITAL ASSETS	20,000			28,000					48,000	1,830,250
GRANTS								50,000	50,000	5,861,500
ITIGATION FEES									-	50,000
ARREST & RETURN OF FUGITIVES									-	10,000
TRAINING COMMISSION									-	5,108
TOTAL	155,593	21,900	41,024	189,525	(106,125)	(192,776)	141,572	50,000	242,181	34,058,823
FTE	1.0				(2.0)		1.0		-	171.0
GENERAL FUND	16,467,405					(172,864)			148,841	16,614,346
FEDERAL FUNDS	12,987,849			188,525	(140,003)	(28,084)	141,572		29,436	12,987,807
SPECIAL FUNDS	4,391,508				(25,122)			50,000	65,902	4,457,490
TOTAL ALL FUNDS	33,846,762	21,900	41,024	189,525	(106,125)	(192,776)	141,572	50,000	242,181	34,058,823

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10-14-03
Date

LEGISLATIVE CHANGES IN ENGROSSED SENATE BILL NO. 2003

1. ALLOWS 1.0 ADDITIONAL NARCOTICS AGENT AND ASSOCIATED OPERATING COSTS TO ASSIST WITH METHAMPHETAMINE EPIDEMIC

GENERAL FUND	\$	155,983
TOTAL	\$	155,983

2. RESTORES TO 100% THE AGENT OVERTIME REDUCED TO MEET THE 5% GENERAL FUND REDUCTION

GENERAL FUND	\$	21,980
TOTAL	\$	21,980

3. FULLY FUNDS ATTORNEY SALARY EQUITY ADJUSTMENT

OTHER FUNDS	\$	41,024
TOTAL	\$	41,024

4. RESTORES 1.0 BCI TRAINING FTE AND CONTRACT TRAINING OPERATING

GENERAL FUND	\$	141,572
TOTAL	\$	141,572

5. ALLOWS ADDITIONAL NO SUSPECT CASEWORK GRANT - CRIME LABORATORY

FEDERAL FUNDS	\$	189,525
TOTAL	\$	189,525

6. REMOVES SALARY INCREASES

GENERAL FUND	\$	(172,694)
FEDERAL FUNDS	\$	(20,084)
TOTAL	\$	(192,778)

7. REMOVES 2 VACANT FTE'S

FEDERAL FUNDS	\$	(140,003)
OTHER FUNDS	\$	(25,122)
TOTAL	\$	(165,125)

8. RURAL SPECIAL OPERATIONS TEAM REIMBURSEMENT

GRANTS	\$	50,000
OTHER FUNDS	\$	50,000

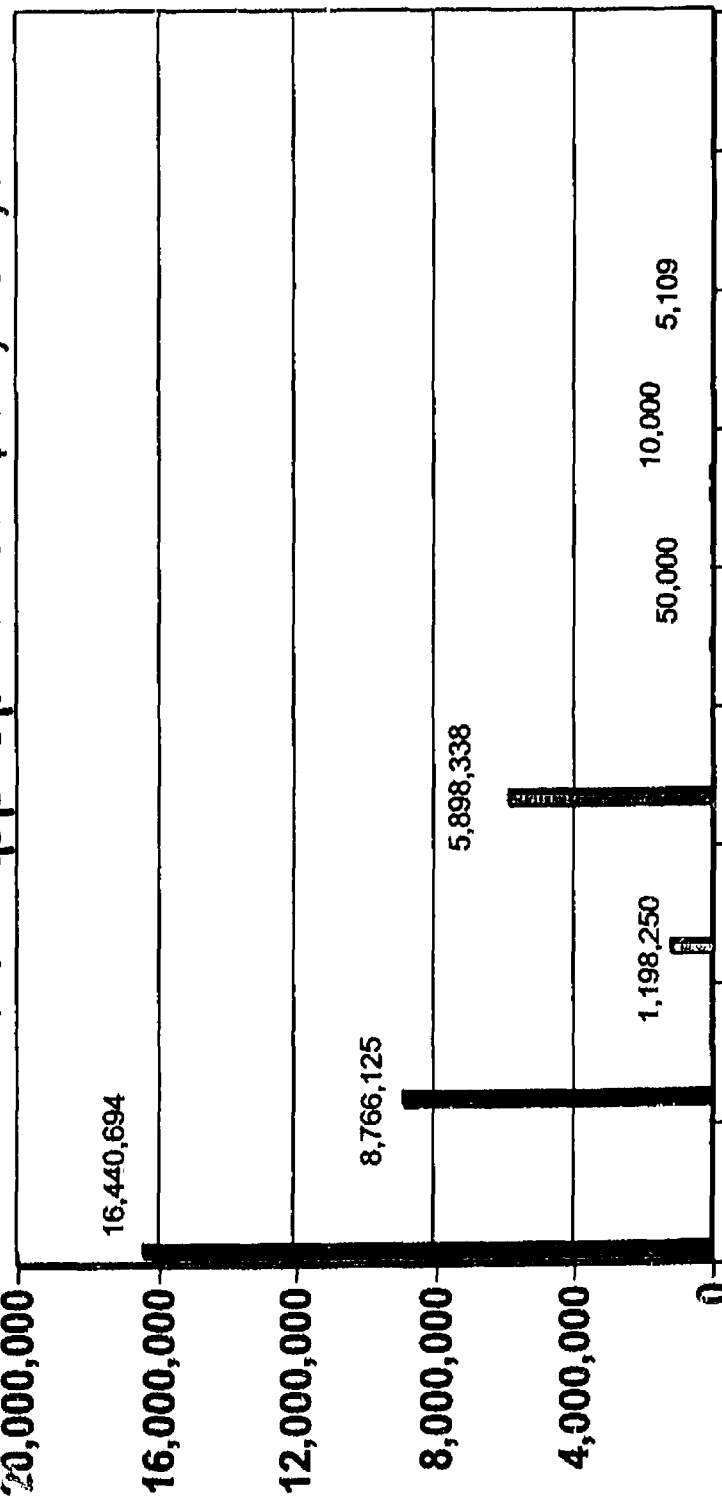
SUMMARY OF LEGISLATIVE CHANGES

GENERAL FUND CHANGES	\$	146,841
FEDERAL FUNDS CHANGES	\$	29,438
OTHER FUNDS CHANGES	\$	65,902
TOTAL REQUESTED CHANGES	\$	242,181

CHANGE IN FTE'S	0
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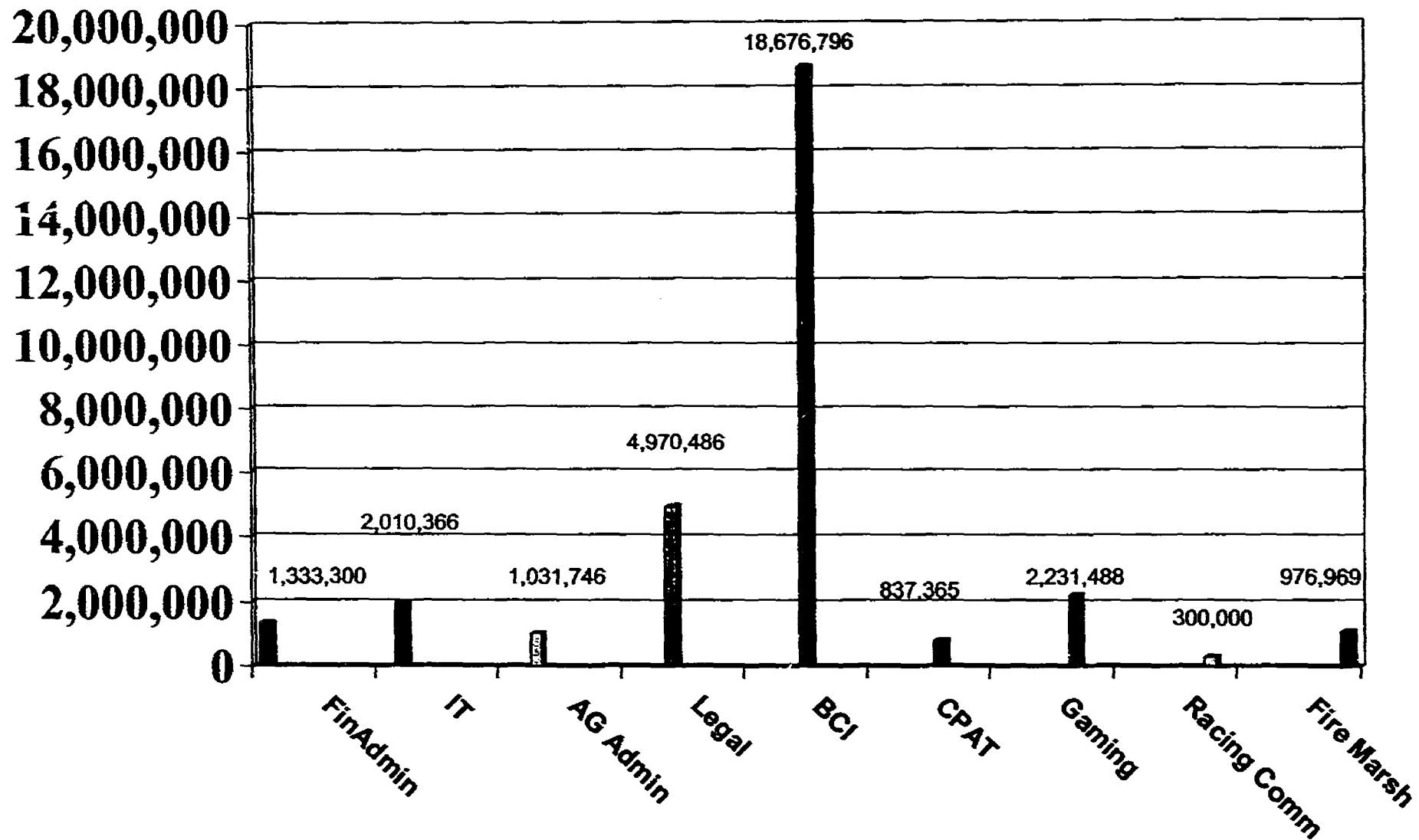
Office of Attorney General
2001-2003 Biennium Appropriation
By Line Item

Total Appropriation \$32,368,516



Gaming Comm
A&RF
Litig. Fees
Grants
Equipment
Operating
Salaries

Office of Attorney General
2001-2003 Biennium Appropriation
By Division
Total Appropriation \$32,368,516



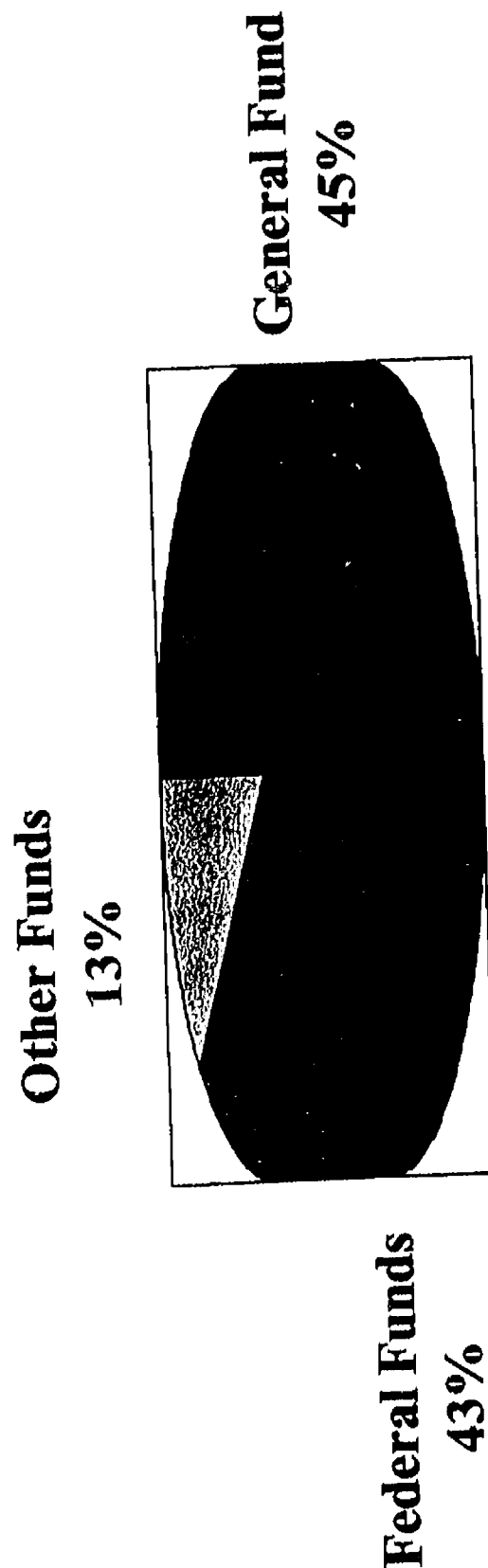
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Date 10-14-03

Office of Attorney General
2001-2003 Biennium Appropriation
By Funding Source
Total Appropriation \$32,368,516



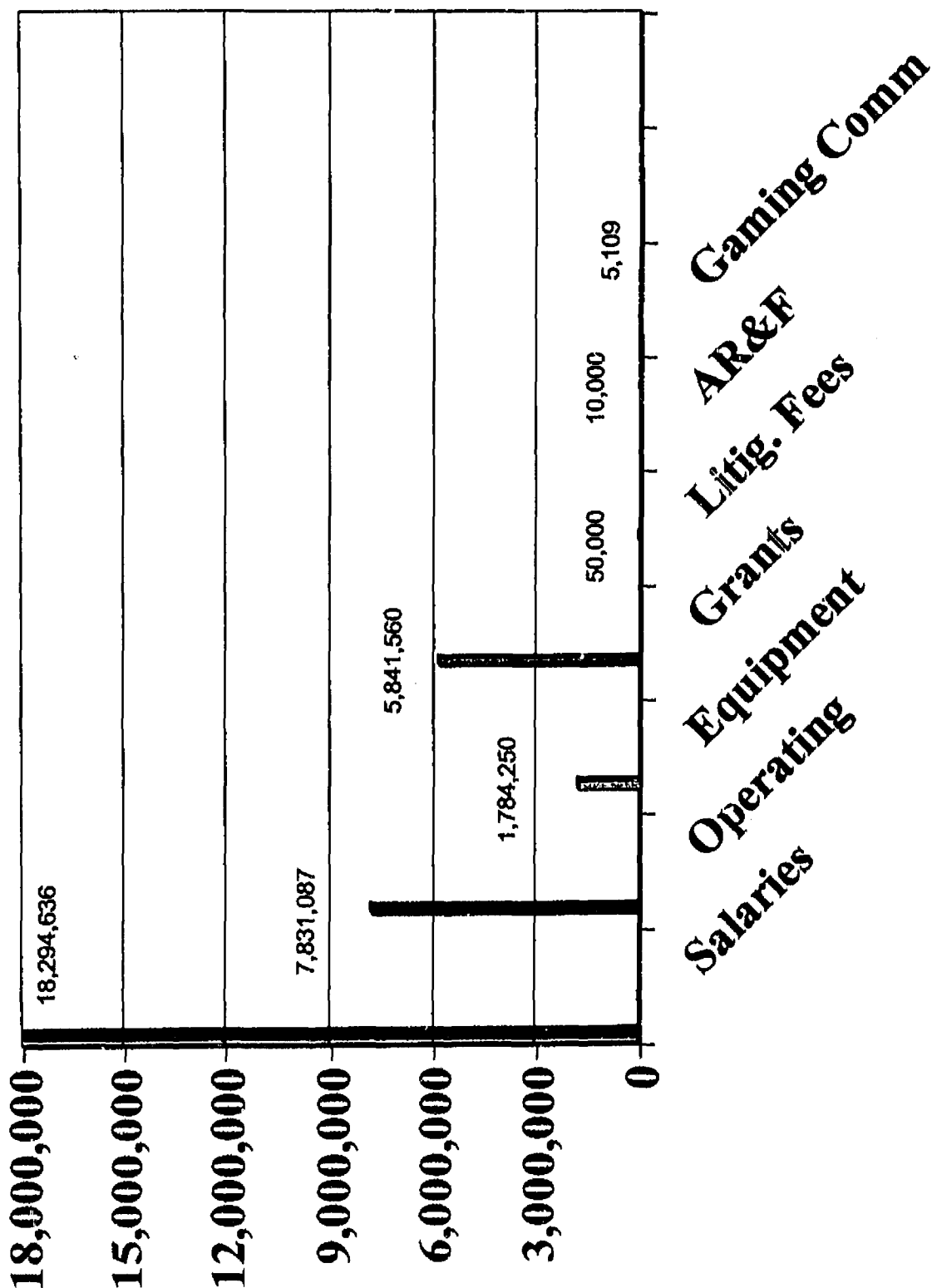
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Cheresea A. Bee
Operator's Signature

10-14-03
Date

Office of Attorney General
 Executive Recommendation for the
 2003-2005 Biennium By Line Item
 Total Recommendation \$33,816,642

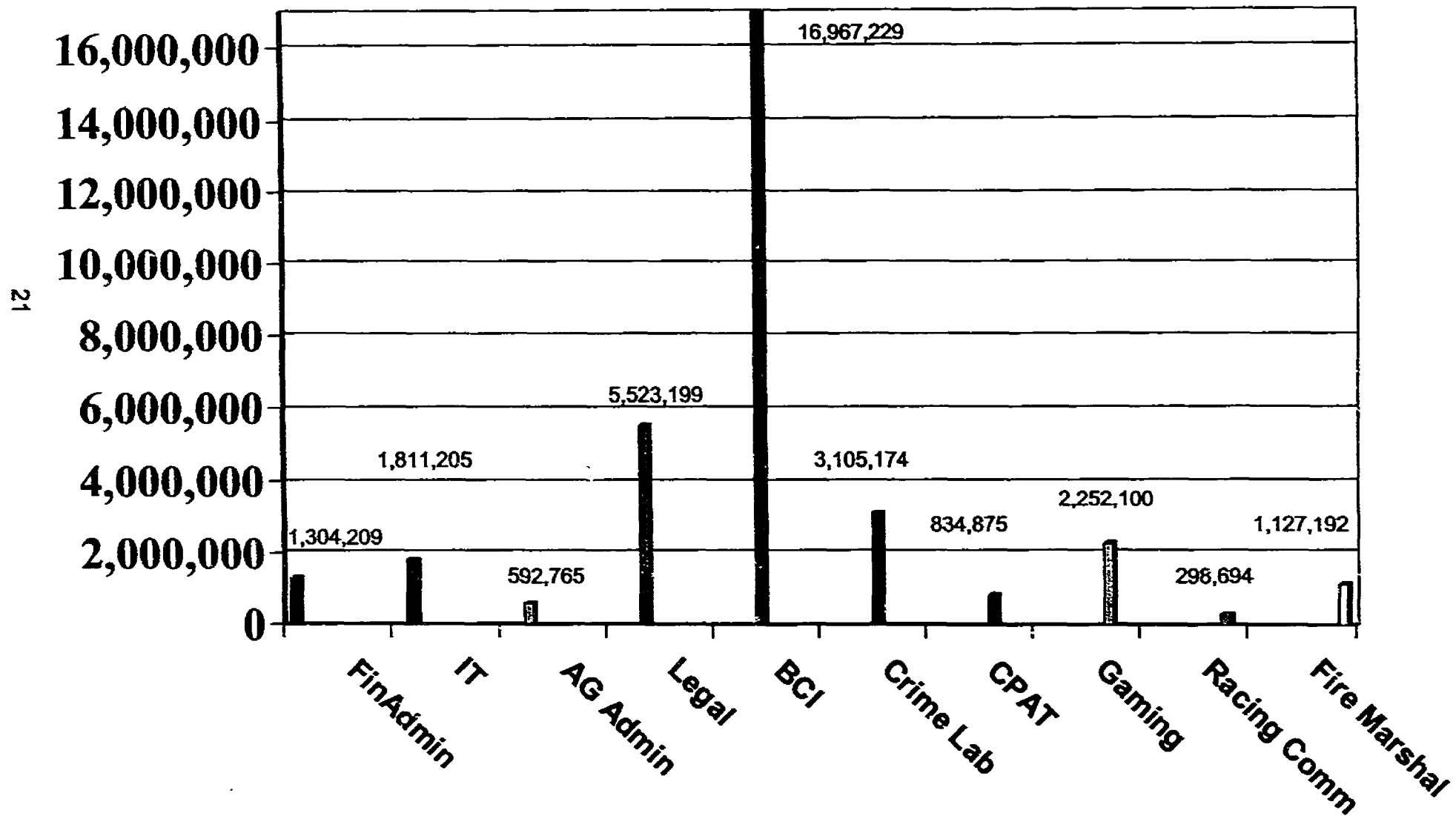


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Cheresea A. Bee
 Operator's Signature

10-14-03
 Date

Office of Attorney General
Executive Recommendation for the
2003-2005 Biennium By Division
Total Recommendation \$33,816,642

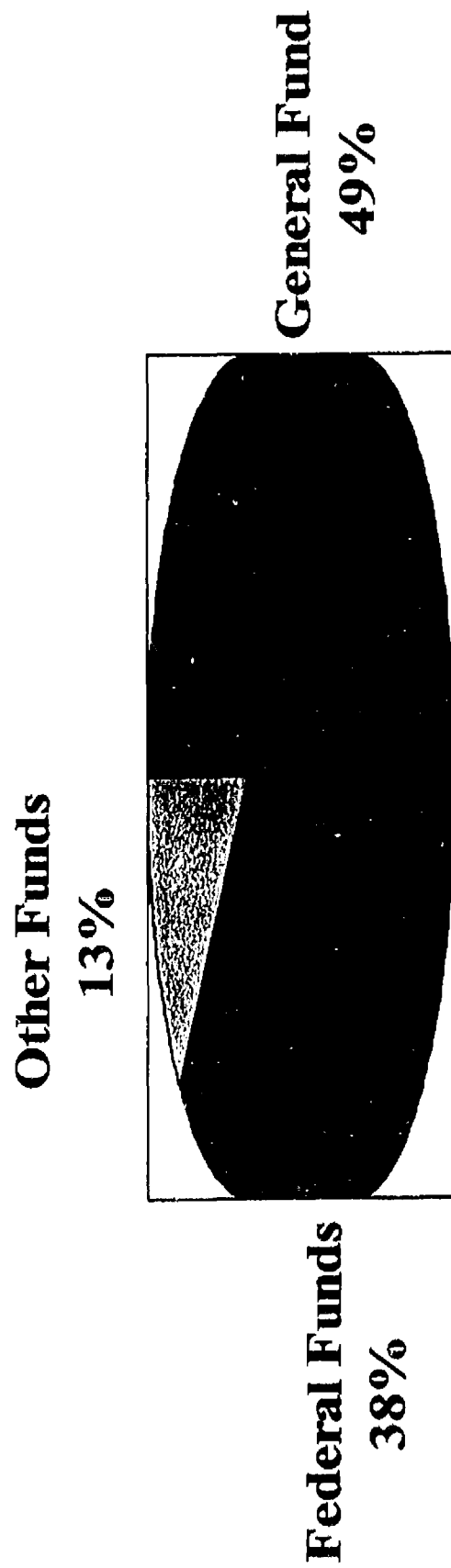


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10-14-03
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Office of Attorney General Executive Recommendation
for the 2003-2005 Biennium By Funding Source
Total Recommendation \$33,816,642



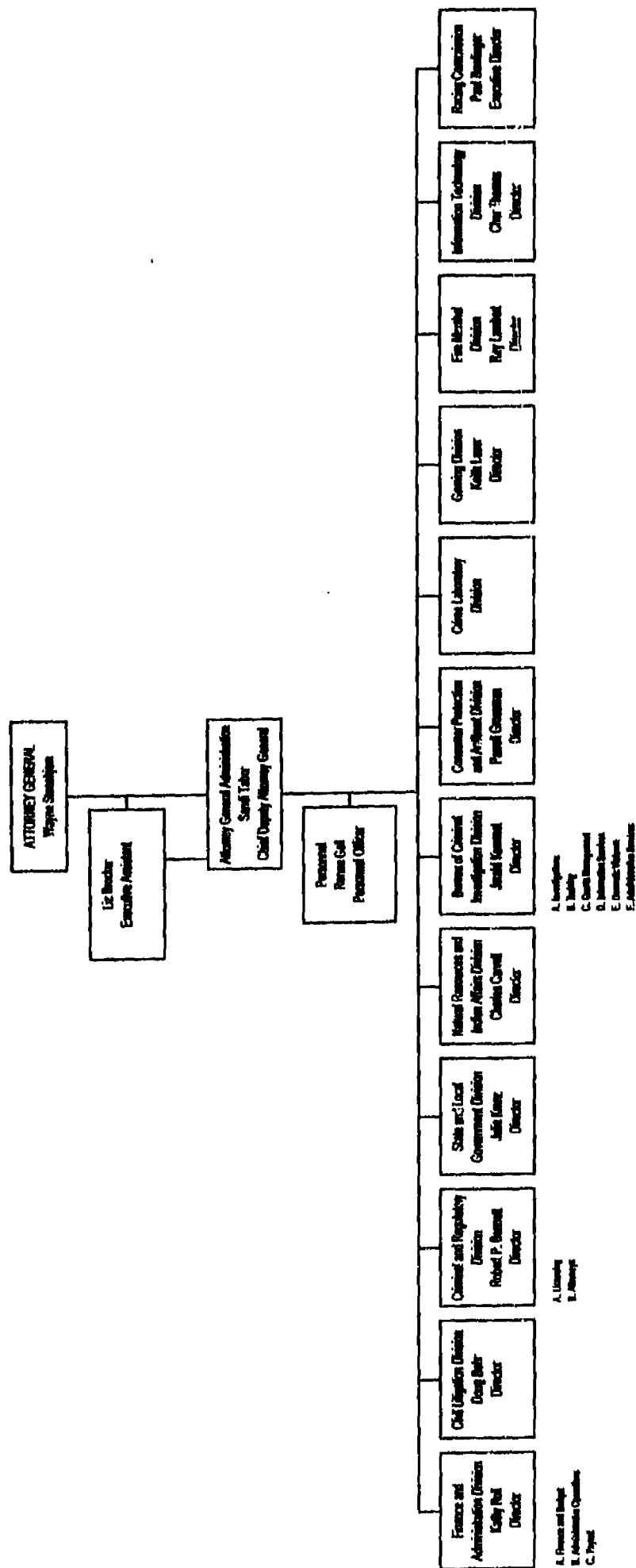
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Yvonne A. Bee
Operator's Signature

10-14-03
Date

**NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL**



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Y. Beresova W. Lee
Operator's Signature

10-14-03
Date

DUTIES AND RESPONSIBILITIES OF THE OFFICE OF ATTORNEY GENERAL

The Attorney General is the chief legal officer of the state of North Dakota with duties outlined by state statutory and common law. The Attorney General represents the state and the interests of North Dakotans in civil and criminal legal actions, takes legal action necessary to protect the rights of North Dakotans, defends the actions of state officials, and ensures public order.

MAJOR FUNCTIONS:

- Serve as the state's legal adviser in matters concerning the state's law and constitution.
- Issue opinions to county state's attorneys, city attorneys, and governing boards to interpret state laws that affect cities and counties.
- Propose new legislation, support the passage of public interest bills, and provide legal opinions to legislators.
- Represent the state in civil and criminal lawsuits in which the state is an interested party.
- Provide scientific support to the state's criminal justice system by use of accepted techniques in the analysis, identification, and comparison of physical evidence involved in the investigation and prosecution of criminal offenses.
- Defend state employees acting within the scope of their employment.
- Assist local government in criminal investigations and drug enforcement.
- Protect the rights of consumers.
- Regulate charitable gambling.
- Prevent and control fires and hazardous materials incidents, and inspect certain buildings for fire safety.
- Train police, sheriffs, firefighters, emergency responders, game wardens, highway patrol troopers, gaming personnel, and county state's attorneys.
- License alcoholic beverage retailers; wholesale and retail tobacco product dealers; transient merchants; coin-operated amusement devices operators, lessors, and distributors; fair boards; polygraph operators; charitable gaming operators; gaming manufacturers and distributors; and wholesale fireworks distributors.

DIVISION SUMMARIES

LEGAL SERVICES

Douglas Bahr, Director, Civil Litigation Division
Robert Bennett, Director, Criminal and Regulatory Division
Charles Carvell, Director, Natural Resources and Indian Affairs Division
Julie Krenz, Director, State and Local Government Division

MAJOR FUNCTIONS AND DUTIES:

- Provide a full range of legal services to over 100 state agencies, boards, and commissions, including assistance in drafting and negotiating contracts; drafting and reviewing rules; drafting and reviewing legislation; giving legal advice; providing formal written opinions on questions of law; representing agencies, boards and commissions in administrative hearings and appeals and in lawsuits in state and federal courts; and negotiating resolution of disputes.
- Provide legal opinions to legislators, county state's attorneys, and cities.
- Assist county state's attorneys and city attorneys in criminal prosecutions.
- Provide legal advice in hundreds of subject areas, including Indian law, gaming, water, municipalities, criminal law, habeas corpus, extradition, contracts, torts, North Dakota and federal constitutional law, environmental law, agricultural law, energy law, real property law, oil and gas law, Temporary Assistance for Needy Families (TANF), child welfare, mental health, the Health Insurance Portability and Accountability Act (HIPAA), eminent domain, hunting, prisoner issues, contract bidding, education, health, game and fish, food stamps, nursing home rate regulation, professional licensure and discipline, bankruptcy, employment law, civil rights, wage claims, implied consent, personnel, open records and meetings, banking, child support, collections, unclaimed property, debtor/creditor, sexual harassment, the Americans with Disabilities Act, administrative law, alcoholic beverage, consumer protection, anti-trust, public benefits, public finance, and pension law, including Employer Retirement Income Security Act (ERISA).
- Provide training on legal matters for state agencies, law enforcement, local government officials, and state's attorneys.
- Give presentations and provide written material to the public on legal matters of general interest including brochures on small claims courts, state employee defense and liability, open meetings and open records, concealed weapons permits, avoiding identity theft, methamphetamine, anhydrous ammonia theft, lemon law, and sex offenses.

Thirty attorneys and four legal assistants provide all of the services mentioned above.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- To ensure payments by the settling tobacco companies to the state of North Dakota and other settling states, staff enforced N.D.C.C. ch. 51-25 against tobacco product manufacturers that are not signatories to the Tobacco Master Settlement Agreement (MSA), and participated with other states in defending lawsuits challenging the MSA and the Model Statute. The state also participated with other states in monitoring and enforcing the MSA to ensure tobacco companies did not violate its measures designed to protect the public health and reduce youth smoking.
- Brought suit against the U.S. Forest Service challenging the legality of the Forest Service's Roadless Rule, which limits access to, and uses of, the National Grasslands. The suit also seeks a declaration that the state's section line access law applies to federal land.
- Coordinated and monitored work of special assistant attorneys general providing services on behalf of state agencies.
- Assisted the Office of Management and Budget in administering the state's Risk Management Fund to handle claims and lawsuits against the state and its employees.
- Successfully represented the state and its employees in lawsuits stemming from state employees' job-related actions.
- For the period from July 1, 2001, through December 31, 2002, collected approximately \$1,178,101 for the Bank of North Dakota through farm foreclosures, \$1,013,026 through residential foreclosures, \$125,911 through farm bankruptcies, and \$8,710 through student loan state court proceedings.
- Continued to reduce legal costs to the state by making greater use of legal assistants to provide legal services.
- Prosecuted, negotiated, and settled a wide variety of professional licensure actions on behalf of numerous state licensing boards.
- Issued 163 Attorney General opinions, including 28 opinions in response to allegations of open records or open meetings violations.
- Responded to thousands of requests for the Attorney General's advice by state agencies and political subdivisions; reviewed 85 sets of administrative rules; addressed 699 written and over 1,500 e-mail citizen inquiries.

Cherese A. Bee
Operator's Signature

10-14-03
Date

- Advised Job Service on approximately 1,000 claims for unemployment compensation benefits and employer unemployment tax rate and liability issues.
- Rewrote and posted on the Attorney General's website the Contract Drafting and Review Manual.
- Updated and posted on the Attorney General's website the Open Records and Meetings Manual.
- Provided legal advice and counsel for the September 2001 rollout of North Dakota section 259 college savings program, College SAVE, which currently holds over more than \$88 million in investments for children nationwide.
- Negotiated investment manager contracts for the North Dakota State Investment Board investing in excess of \$258 million.
- Acted as issuer's counsel to state agencies involved in bond transactions including:
 - Advising the North Dakota Building Authority with regard to bonds issued to finance construction or renovation of buildings at Williston State College, Minot State College, Job Service, the Health Department, and energy conservation projects at NDSU and UND totaling \$24 million;
 - Advising the Building Authority with regard to three refunding bond issues totaling \$42.5 million in order to refinance existing bonds at lower interest rates, achieving approximately \$2.3 million in savings for the state;
 - Advising the Housing Finance Agency on five bond issues totaling \$235 million primarily for continued funding for the First Time Homebuyers Program and one taxable issue for \$11 million to refund higher interest rate debt;
 - Advising the Housing Finance Agency on a bond issue that involved the state's first interest rate swap in order to lower the cost of borrowing funds;
 - Advising the Municipal Bond Bank on a \$22 million State Revolving Fund bond issue and assisting the Bond Bank in closing over 31 loans to political subdivisions to provide low cost financing sewer and water;
 - Advising the Student Loan Trust with regard to a \$42 million loan purchase transaction with the Bank of North Dakota in order to preserve favorable tax treatment and earnings for the state from those loans.
- Provided training to local and state officials in the application of sex offender registration, and open records and meetings law.

- Successfully obtained injunctive relief against the U.S. Corps of Engineers prohibiting the Corps from lowering Lake Sakakawea in the spring of 2002 and thereby protected the lake's forage fish spawn, which is crucial to the lake's sport fishery.
- Brought suit against the U.S. Corps of Engineers challenging the way in which the Corps manages the Missouri River.
- Assisted the Health Department in ongoing negotiations with the Canadian Pacific Railway over the railroad's anhydrous ammonia spill in Minot.
- Assisted the Health Department in developing and implementing a vapor recovery system to help address the fuel spill under downtown Mandan.
- Brought an administrative action and lawsuit against the Burlington Northern Santa Fe Railroad over the fuel spill under downtown Mandan.
- Filed an administrative appeal with the U.S. Forest Service asking that the Service reconsider provisions of its Revised Management Plan for the Dakota Prairie National Grasslands.
- Worked with the lignite industry, Governor's office, and U.S. Environmental Protection Agency to address air quality issues raised by existing and proposed power plants.
- Assisted the Health Department in holding the nation's first "periodic review" under "prevention of significant deterioration" provisions of the Clean Air Act.
- Successfully defended the State Seed Department in a suit brought by a seed company after the Department determined that the company had failed to fully pay a farmer for his seed delivery to the company.
- Successfully defended the State Wheat Commission in a suit challenging the Commission's authority to appoint agents to represent the Commission in a national organization.
- Successfully defended the state in a federal suit brought by the Spirit Lake Nation over title to Devils Lake.
- Represented the Board of Animal Health in a number of administrative enforcement actions concerning the import of domestic animals and the import and licensing of nontraditional livestock.
- Represented the Department of Agriculture in administrative enforcement actions concerning unlicensed livestock dealers and pesticide dealers and applicators.

- Drafted a number of agreements and issued 85 title opinions to help the Game and Fish Department implement a conservation program known as Coverlocks. Assisted the Department in developing and implementing a number of programs to enhance wildlife habitat and hunting access on private land. Some of these programs include Private Forest Conservation Easements, Tree Planting Cost Share, Wetland Reserve Easements, and the Private Lands Initiative.
- Represented the Game and Fish Department in actions brought to enforce the guide and outfitters licensing law.
- Assisted the State Water Commission to ensure that the proposed outlet to Devils Lake is built in compliance with state and federal law.
- Provided training to local and state officials in the application of sex offender registration, open records and meetings law.
- Brought a number of administrative enforcement actions on behalf of the Health Department and other agencies, and recovered significant civil penalties in those actions.
- Advised the Board of Animal Health, Department of Agriculture, and others on many issues that have arisen with the development of nontraditional livestock.
- Filed or joined amicus briefs in 34 federal and state court actions for the period from July 1, 2001, through December 31, 2002.
- Presided over several hundred oil and gas hearings.
- Assisted the Conference of Western Attorneys General in drafting its annual supplements to The American Indian Law Deskbook.
- Assisted the State Water Commission in the further development of the Southwest Water Pipeline Project and initial construction of the Northwest Area Water Supply project.
- Assisted in the prosecution of civil forfeitures in drug offense cases.
- Prosecuted or assisted in the prosecution of a wide variety of criminal cases, including assault, theft, gaming, drug, and adult and child sex offenses.
- Full-time drug prosecutor supporting the High Intensity Drug Trafficking Act (HIDTA) program.

Yvonne A. Bee
Operator's Signature

10-14-03
Date

- Assisted in the defense of the constitutionality of statutes relating to sex offender registration, DNA testing requirements, luring minors by computer, and other state statutes.
- Provided training to public officials in the application of sex offender registration, worked with state's attorneys and law enforcement in implementing the sex offender registration statute, and implemented a sex offender risk classification system to assist in community notification.
- Successfully defended a federal habeas corpus action brought by Kyle Bell seeking to overturn his convictions and to obtain a new trial.
- Successfully upheld constitutional attacks brought in federal courts against the state's probation revocation process and procedures.
- Processed more than 100 extradition requests.

The Legal Services Divisions provided more than 101,000 hours of legal services to state entities for the period from July 1, 2001, through December 31, 2002.

FUTURE DIRECTIONS:

- Improve legal services to state agencies by retaining experienced attorneys and increasing attorney knowledge through training.
- Decrease costly litigation by providing more pro-active advice on issues and encouraging agency staff to recognize and address legal issues at an early point.
- Continue to move our attorneys into the electronic age through increased use of available electronic resources, such as the Internet and e-mail.
- Increase state's attorneys, city attorneys and the public's access to Attorney General Opinions by posting previously unposted opinions on the Attorney General's webpage.

COMPARISON OF AVERAGE SALARIES OF OFFICE OF ATTORNEY GENERAL COMPARED WITH OTHER STATE AGENCIES

DIFFERENCE BETWEEN OTHER AGENCIES ATTORNEY SALARIES COMPARED TO ATTORNEY GENERAL ATTORNEYS

<u>YEARS OF EXPERIENCE</u>	<u>DEPARTMENT OF HUMAN SERVICES</u>	<u>LEGISLATIVE COUNCIL</u>	<u>SUPREME COURT</u>	<u>WORKERS COMPENSATION</u>	<u>TAX DEPARTMENT</u>	<u>HIGHER EDUCATION</u>	<u>GOVERNOR'S OFFICE</u>	<u>INSURANCE DEPARTMENT</u>
1-3 YEARS	2,732		620					
4-10 YEARS	4,332	7,522	8,918	20,582				
11-15 YEARS	8,744	13,208	992		4,592			
16-20 YEARS		18,702	6,558	26,610				
21-25 YEARS		24,184	6,520			27,460	23,212	
25+ YEARS					6,427			4,567
MANAGEMENT		28,160	3,749	41,846		11,543		4,670

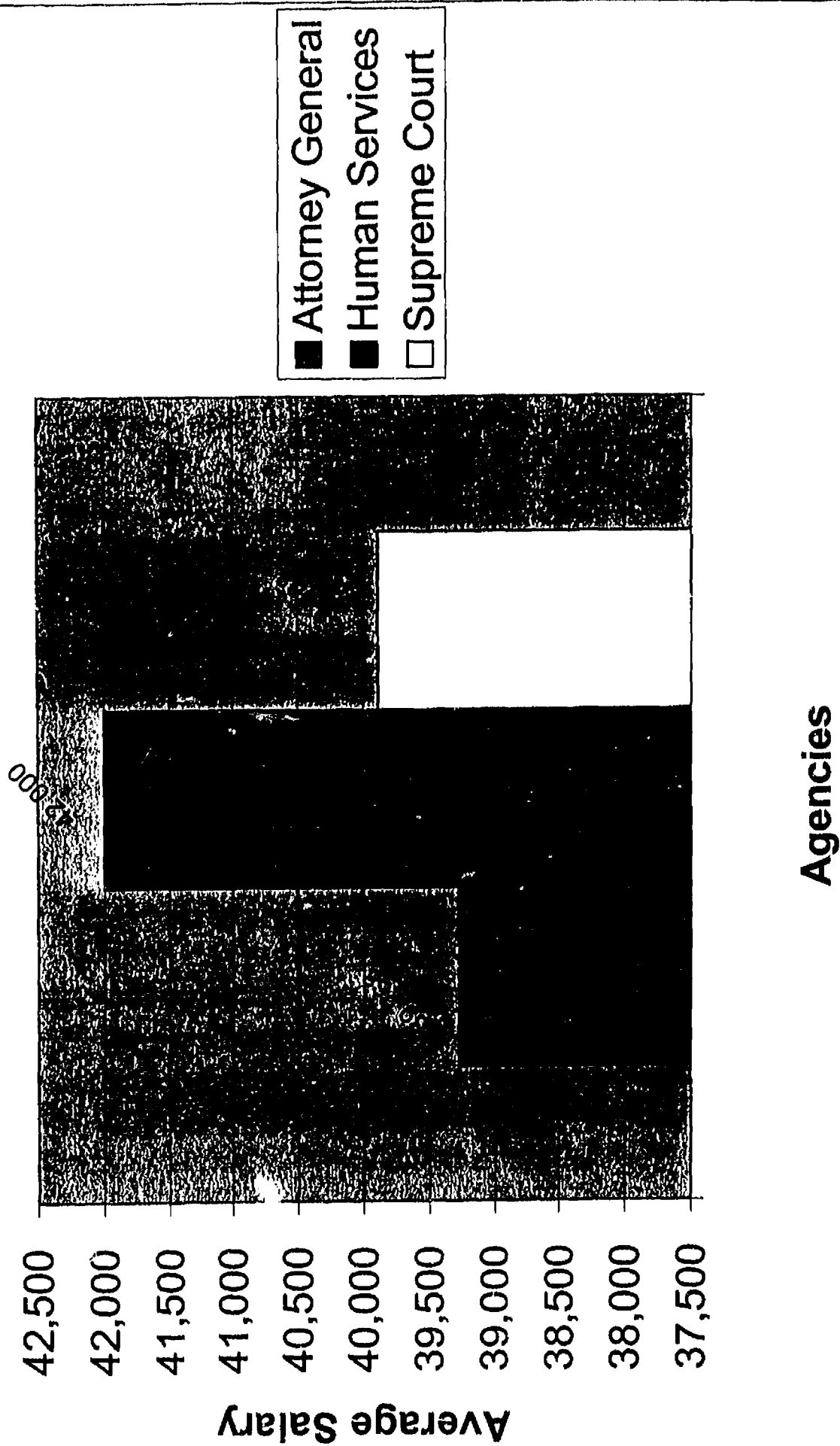
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Operator's Signature

10-14-03
Date

Attorneys With 1-3 Years Experience

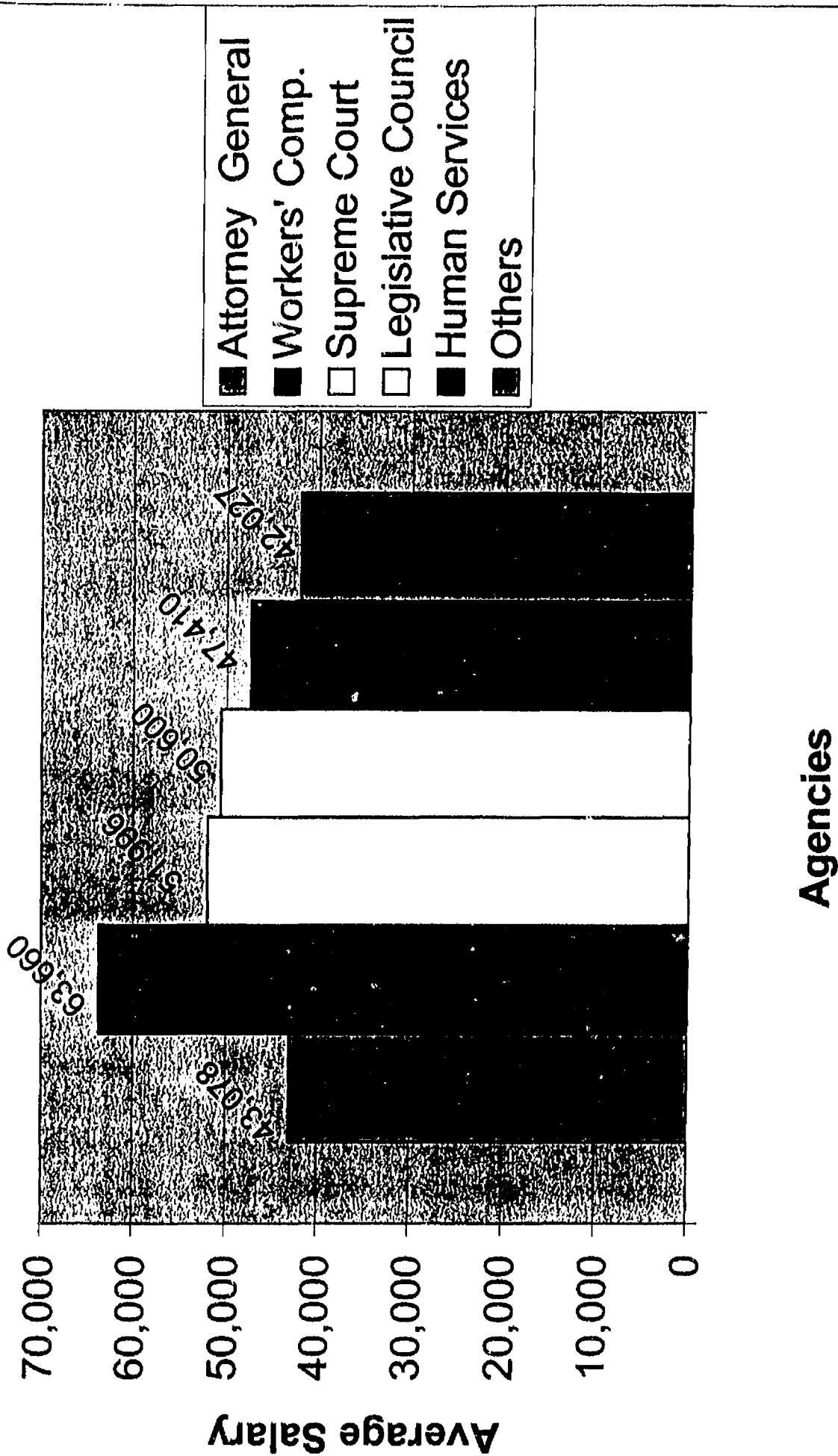


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Theresa A. Lee
Operator's Signature

10-14-03
Date

Attorneys With 4-10 Years Experience



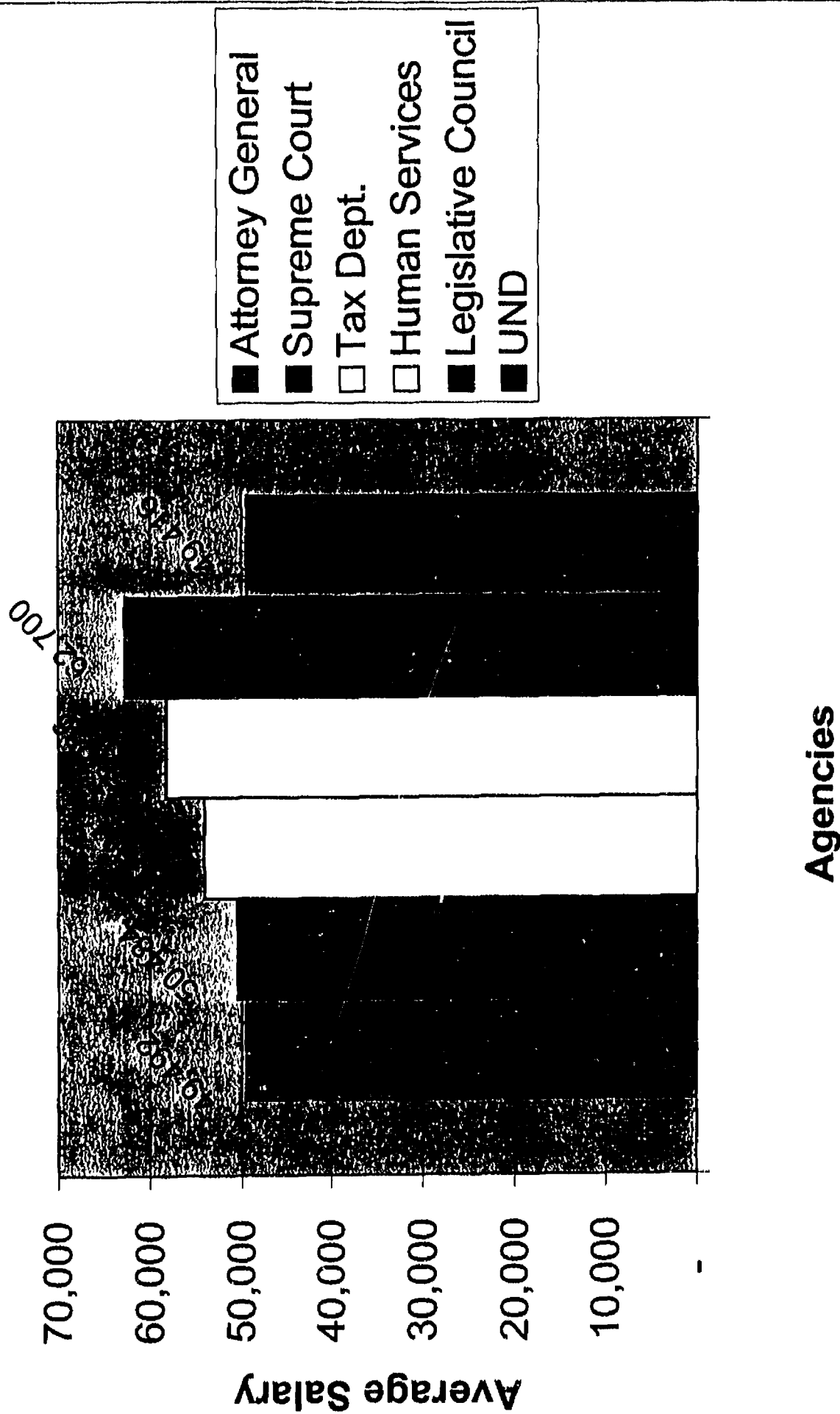
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Yuberead White
Operator's Signature

10-14-03
Date

Attorneys With 11-15 Years Experience



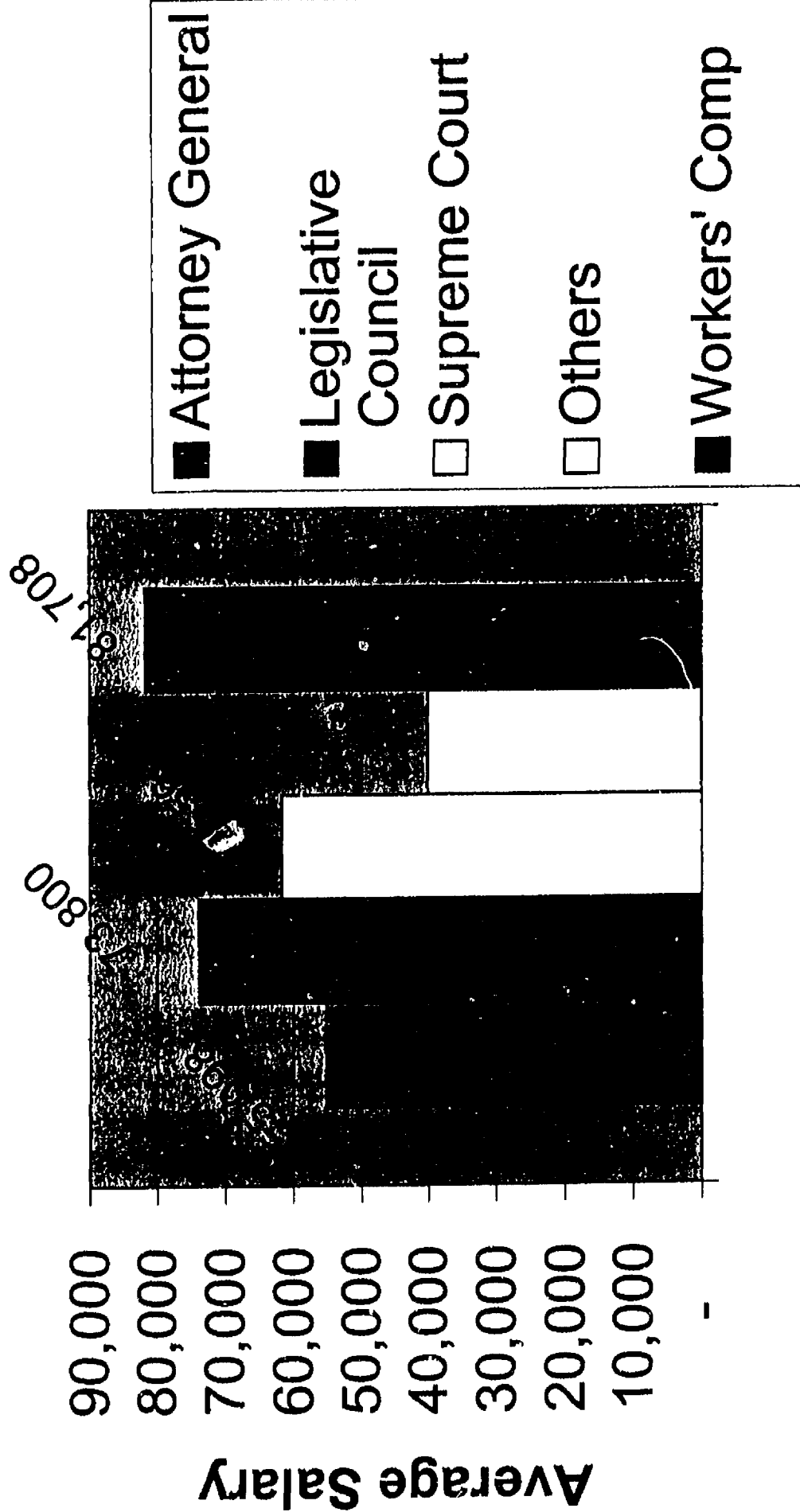
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Cherese A. Lee
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10-14-03
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Attorneys With 16-20 Years Experience



Agencies

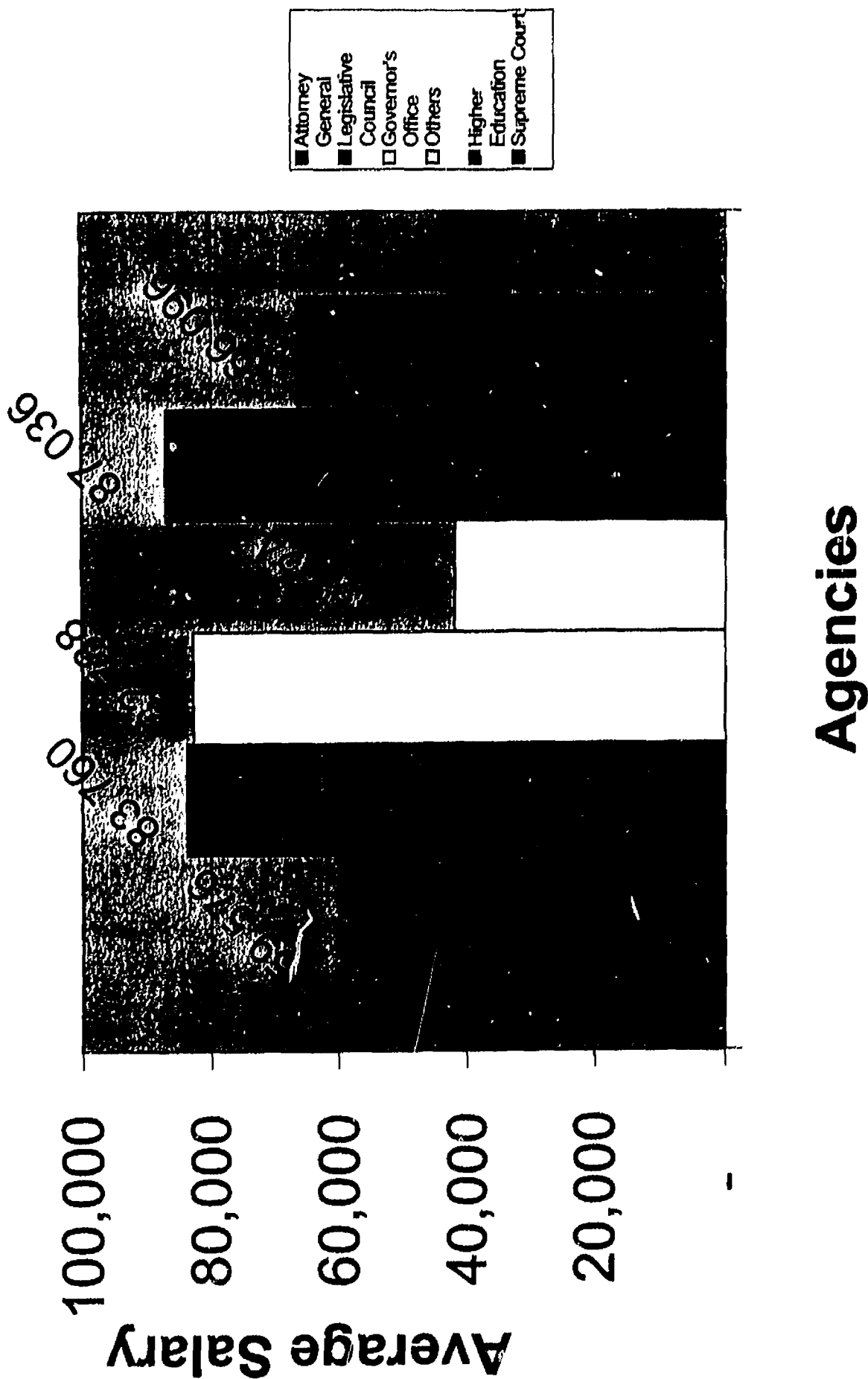
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Cherese W. Lee
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10-14-03
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Attorneys With 21-25 Years Experience

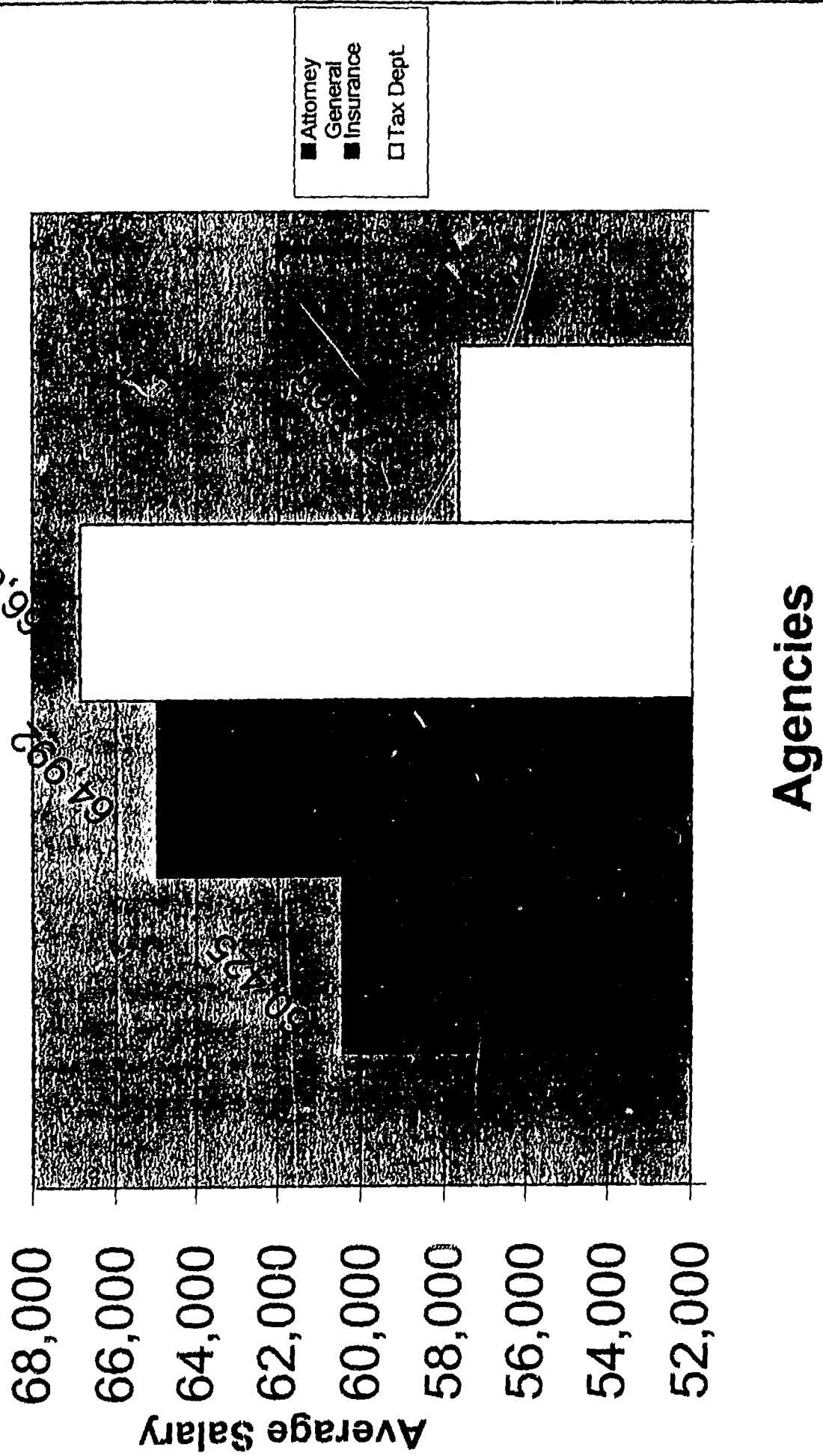


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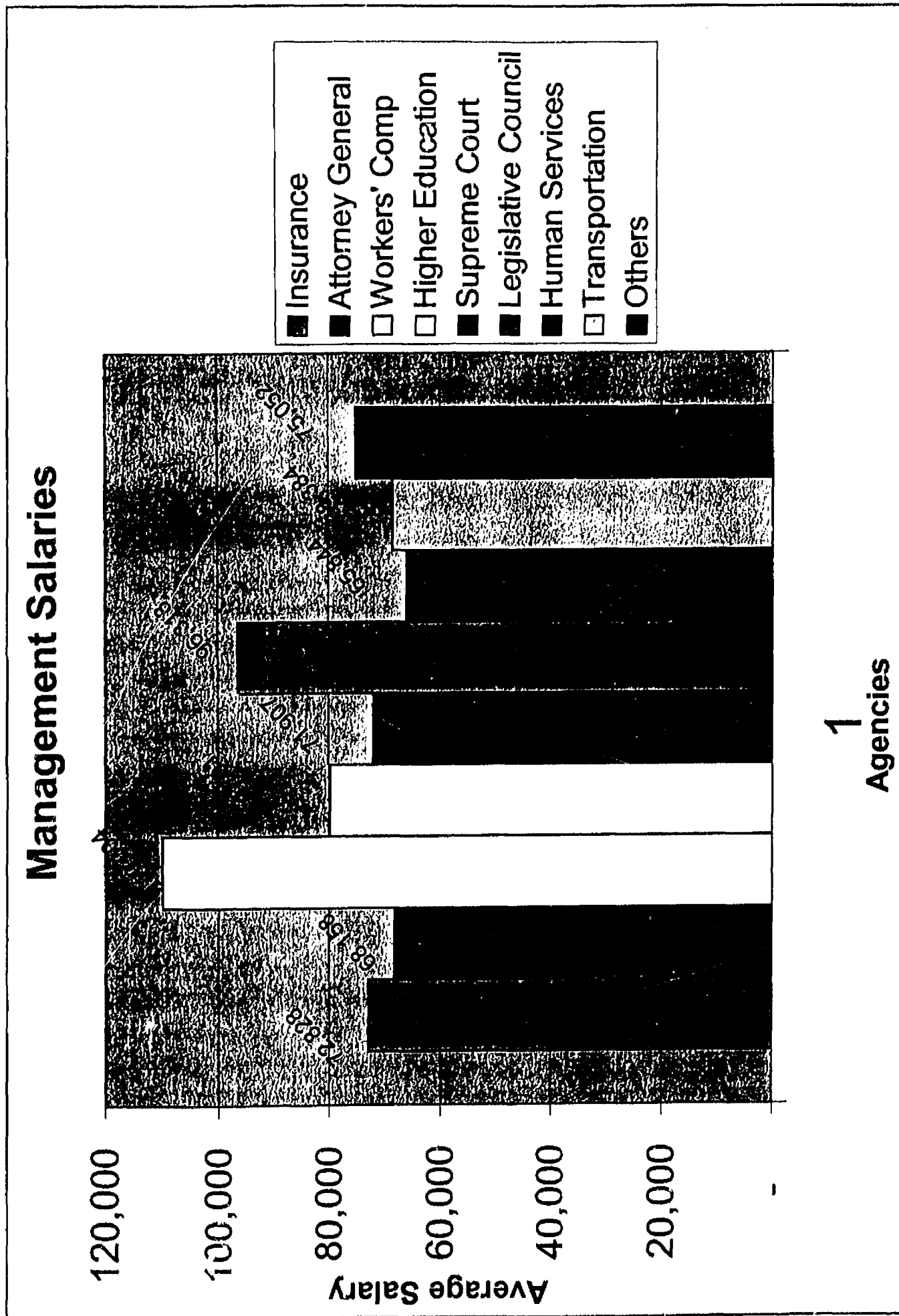
Attorneys With 25+ Years Experience



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Operator's Signature *Cheresea W. Lee*

Date *10-11-03*



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Michaela J. Lee
Operator's Signature

10-14-03
Date

BUREAU OF CRIMINAL INVESTIGATION

Jerald Kemmet, Director

MAJOR FUNCTIONS AND DUTIES:

- Assist local law enforcement agencies in the investigation of major crimes by providing expertise and resources not otherwise immediately available to local agencies.
- Assist local, state, and federal agencies, at their request, in investigating serious crimes or criminal activity that crosses jurisdictional boundaries.
- Participate in nine narcotics task forces, providing supervision for eight of the nine, consisting of 44 member agencies in 24 counties. The Drug Enforcement Agency (DEA) task force we participate in provides services to all 53 counties.
- Implement a statewide strategy to curb increased usage and shut down the illicit manufacture of methamphetamine.
- Assist the Attorney General-appointed Peace Officer Standards and Training (POST) Board in licensing and training of state and local peace officers, and in maintaining licensing and training records of those peace officers.
- Administer federal grants for state and local criminal justice programs.
- Collect crime data from local agencies through the Uniform Crime Reporting (UCR) program for various state reports and for local, state, and national statistics.
- Maintain the criminal history records of offenders and an Automated Fingerprint Identification System (AFIS) for investigative purposes, prosecution, and sentencing, and as a means of protecting the public from criminal offenders.
- Maintain other criminal justice records such as offender registration, concealed weapon permits, Central Warrant Information System, protection orders, law enforcement intelligence network, and official records of criminal and narcotics investigations.
- Assist local and state agencies in designing, developing, and maintaining information systems for criminal justice purposes.
- Assemble data from information systems and other sources, and analyze and disseminate information regarding the state's criminal justice system.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- Assisted in numerous criminal, cybercrime, and drug investigations.
- Continued to promote coordination of multi-jurisdictional narcotics task forces throughout the state.
- Acquired over \$1.2 million during the biennium from the Midwest High Intensity Drug Trafficking Area (HIDTA) to further the fight against methamphetamine.
- Provided training to retailers throughout the state on the signs of meth manufacture.
- Agents spent over 1,015 hours providing community drug awareness training to 20,344 adults and children in 2001 and 2002.
- Continued CounterACT, a drug and alcohol education/prevention program, which targets fourth through sixth graders statewide.
- Tracked sex offenders and offenders against children in numbers that increased from 1,123 in June 2000 to 1,345 as of December 2002.
- Created and maintained an Internet web page that provides information on registered sex offenders. As of December 2002, there were 125 offenders listed on that site because they are either high-risk offenders or lifetime registrants.
- Implemented a risk assessment process to determine the risk level posed by sex offenders who are living in communities in North Dakota. As of December 2002, 366 offenders with registration requirements have been assessed a risk level by a committee established by the Attorney General.
- Made offender registration status information available on driver license files for law enforcement purposes.
- The cyber crime investigator became certified as a forensic computer examiner and is one of only 350 in the world to accomplish that goal.
- Shared Automated Fingerprint Identification System (AFIS) information within the Midwest Automated Fingerprint Identification Network (MAFIN), a regional program with Minnesota and South Dakota. The system presently contains fingerprint images on approximately 1.1 million persons, of which 80,000 are from North Dakota.
- Processed approximately 11,000 requests each year from the general public for criminal history record information.

- Participated in a statewide Integrated Criminal Justice Information System (CJIS) that is in the development stages and is focusing initially on assisting local agencies with their information systems and gathering and reporting crime statistics, as well as assisting state's attorneys with acquiring an integrated information sharing capability that will also facilitate disposition reporting on criminal history records.

FUTURE DIRECTIONS:

- Continue to implement a statewide strategy to curb increased usage and shut down the illicit manufacture of methamphetamine by continuing our association with the Midwest High Intensity Drug Trafficking Area.
- Continue to improve coordination between multijurisdictional task forces throughout the state.
- Add one additional cyber crime investigator.
- Continue to promote and refine the statewide Criminal Justice Information Sharing network.
- Provide specialized training on a regional basis to law enforcement agencies and others who work with the law enforcement community.
- Continue efforts that are underway to establish links between the Criminal History Record System and other systems within the BCI and in other agencies, including a link between criminal records and the concealed weapon permits system.
- Upgrade the AFIS system.
- Continue to automate fingerprint and record information transmitted to the Integrated Automated Fingerprint Identification System (IAFIS) in order to share information with the Federal Bureau of Investigation to further expand searching capabilities.
- Establish connection with Rissnet, a regional criminal intelligence system, through Mid-states Organized Crime Information Center (MOCIC), and establish additional connections with other state intelligence agencies.

CRIME LABORATORY

MAJOR FUNCTIONS AND DUTIES:

The goal of the laboratory is to provide scientific support to the state's criminal justice system by use of accepted techniques in the analysis, identification, and comparison of physical evidence involved in the investigation and prosecution of criminal offenses.

Services Provided Include:

- Examination of physical and toxicological evidence for local, state, and federal law enforcement agencies, the military, prosecutors, and defense attorneys.
- Provide follow-up on referrals to local, state, and federal agencies involving death investigations.
- Equipment selection, inspection, repair, and training of law enforcement agents in breath alcohol analysis.
- Investigation and response to clandestine methamphetamine laboratories.
- Maintaining a DNA database of convicted offenders.
- Provide expert testimony in court.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-2003 BIENNIUM:

- Received national certification for DNA testing and for Convicted Offender Databasing from the National Forensic Science Technology Center.
- Installed the National Integrated Ballistic Information Network – a database for collecting and exchanging ballistic information between states.
- In 2002, the laboratory received 7,503 total cases: 4,441 blood/breath alcohol (driving under the influence), 2,391 narcotics, 404 urine/blood drug screens, 75 fatality screens, 34 arson, 34 latent fingerprint cases, 105 serology/DNA, 13 firearm/toolmark, and 6 miscellaneous cases. This is a 9% increase over the previous year's submissions.
- During 2002, Toxicology held 18 classes and trained 228 law enforcement officers in the use of breath alcohol instruments. This represents over a 43% increase in the number of officers trained over the previous year. An additional

630 officers received certification for breath equipment remotely via the use of video training tapes.

- Lab staff members maintained, supported, and certified breath alcohol instruments for law enforcement agencies throughout the state.
- The Lab was granted an additional \$374,877 in federal funds, through three grant applications, to purchase:
 1. A Laboratory Information Management System (LIMS) to replace the antiquated database system,
 2. A comparison microscope for ballistic examinations, and
 3. Breath alcohol instruments.
- Lab staff members received and processed 619 convicted offender samples (for the National DNA Database) for 2001 and 2002. This represents a 62% increase from the number of offender samples processed in 1999 and 2000.

FUTURE DIRECTIONS:

- The Lab's top priority is to obtain additional space to adequately perform statutory mandates. We encourage your support of an appropriation in a future legislative session for a new crime laboratory facility.
- Lab staff members strive to continue to reduce turnaround time for all types of laboratory analyses.
- The Lab will be working to fully implement a new laboratory information system that will enhance the overall laboratory efficiency and productivity by the replacement of manual documentation and record keeping processes.
- The Lab needs to continue to support professional development of staff members to maintain analytical proficiency.
- The Lab will pursue national laboratory accreditation through the Association of Crime Laboratory Directors.
- Lab staff members intend to expand drug screening and confirmatory analysis in toxicology so fewer toxicology and medical examiner's samples will have to be sent out of state to private labs.
- It is very important to continue training for law enforcement agencies in proper evidence collection and packaging techniques.

Ray Laribert, Fire Marshal

- Provide on-scene fire investigations to determine origin and cause of fires.
- Compile fire incident reports from across the state and generate statistics to enhance fire prevention efforts.
- Inspect public facilities for means and adequacy of exits in case of fire. The types of facilities inspected include childcare centers, schools, state-owned buildings and public assemblies.
- Enforce laws relating to the installation and maintenance of fire extinguishing equipment and the storage and handling of flammable liquids, explosives, and liquefied petroleum gas.
- Provide on-scene emergency assistance for safe mitigation of hazardous materials releases.
- Develop and deliver training programs for arson detection, hazardous materials incident response, fire prevention, and code enforcement.

- Developed and delivered a new hazardous materials/weapons of mass destruction program for local firefighters, emergency medical services (EMS), and law enforcement personnel.
- Developed and delivered a new hazardous materials awareness program for local firefighters, emergency medical services personnel, and law enforcement.
- Published and distributed a quarterly newsletter to over 600 recipients in the fire service.
- Worked to improve the delivery and quality of fire prevention training.
- Streamlined fire inspection programs for expansion into more public facilities.
- Updated and distributed the Fire Chief's Guide to nearly 400 fire chiefs.
- Imported 9,823 2001 fire department incidents into the National Fire Incident Reporting System (NFIRS).

- Conducted over 208 school fire safety inspections, over 150 having repeat fire deficiencies; most required follow-up inspections to assure compliance.
- Developed and implemented a program for conducting fire safety inspections on occupied state-owned buildings. For the period from July 1, 2001, through December 31, 2002, 209 state-owned buildings have been inspected.
- Conducted 121 on-scene fire investigations to determine origin and cause.

FUTURE DIRECTIONS

- Develop and deliver a new operations level Hazardous Materials/Weapons of Mass Destruction program for firefighters.
- Provide fire prevention awareness programs for the public through public service announcement presentations and support to local fire departments.
- Provide local fire departments with better current statistical data from fire incident reports brought into the National Fire Incident Reporting System.
- Continue to improve levels of safety in occupied state buildings, schools, and public buildings through ongoing fire safety inspection programs.
- Import current data into the National Fire Incident Reporting System (NFIRS). With the upgraded system, there has been a significant increase in the number of incidents being reported.

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Cherese A. Bee
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10-14-03
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INFORMATION TECHNOLOGY

Cher Thomas, Director

Computers can be used to track criminals, provide valuable information to law enforcement, and help ensure the safety of North Dakota citizens. The ability to create computer applications quickly and efficiently in an ever-changing technical world is a challenge. Keeping the Information Technology (IT) organization staffed with highly qualified and trained employees is a challenge that cannot be ignored. As the business of the agency grows, with more emphasis being put on the sharing of information with the public, as well as our other customers, there is an expectation for IT resources to provide these additional services in a timely manner without additional resources.

There is more emphasis being placed on information sharing today. The public wants more information and it wants it faster. As a legal and criminal justice office, there is also a need to share secured information with local, state, and federal entities in a timely manner. In order to accomplish these goals, the divisions of this office have become more dependent upon IT to provide this information to their customers. With the homeland security effort, the terrorist threat to our way of life, as well as the increased drug activity in North Dakota, the need for more timely and accurate data has become a necessity. IT resources enable the business units of the office to work smarter, and to make quality decisions.

IT continues to look at improving processes as we have this biennium to help ease the workload of the IT staff. However, as this agency continues to add functions, such as the no-call legislation (consumer choice to avoid telemarketing calls), the lottery, crime lab, additional staff for the divisions, and to pursue e-government initiatives, such as online non-criminal record checks, filing of gaming tax returns online, and citizen consumer complaints filed online, IT staff is needed to support these efforts.

It is very costly to contract for these services. When contracting for services, internal staff having a thorough understanding of the office's business as well as information technology available must manage the project. This is true whether the service is contracted through ITD or an outside contractor. In this budget we are requesting the transfer of the Crime Lab to this office. As a result, IT will be supporting an additional 42 computers and 16 FTEs. BCI is requesting additional staff to help with the drug issues that North Dakota faces. The Lottery and No-Call legislation will result in additional responsibilities and additional FTEs that will need IT support. To provide no-call service to the public, IT will build a database for the telephone numbers of consumers who want this service. The application will make the list of telephone numbers available to telemarketers for a fee. This would be the first interactive WEB application for our office providing a service to the public. To ensure excellent customer service to the public, 24 hours/7 days per week support of this application is required. IT is already providing this level of support for State Radio Communications for local obtaining warrant, sex offender, protection order, and criminal history checks. This

additional support requirement would put more pressure on our already strained resources.

A new sex offender system was implemented this biennium. When law enforcement officers check driver's licenses through State Radio, they receive sex offender information in addition to obtaining the warrant information requested.

The IT Division worked with the Bureau of Criminal Investigation and the Attorney General to create a high-risk sex offender web site, to provide the public with information regarding these individuals, the crime they were convicted of, and their current address. The site also provides pictures of these offenders.

The Consumer Protection Division has better search capabilities with their new complaint tracking system implemented this biennium. It is also much easier to identify businesses that operate under different names.

The new Legal Mail Tracking application allows the State and Local Government Division to track their correspondence and to track the workflow on their responses.

The IT staff is currently updating the protection order system so the courts enter the order into the database when the protection order is issued via State Radio Communications. This office has been working with the Supreme Court on this project and it should be available within the next few months. Local law enforcement offices will then update the record when the order has been served. Law enforcement officers will also be able to request a copy of the full text of the issued protection order through State Radio when the system is in place. This will allow an officer to see the conditions of the order, which unavailable currently.

For several years, the BCI and IT Divisions have been developing a program that will simultaneously search six different databases for information about a subject (person). This program allows law enforcement to search the:

- Criminal History Record Information (CHRI) System
- Offender Registration
- Parole/Probation Information
- Central Warrant Information System (CWIS)
- Protection Order System, and
- Concealed Weapons

Based on:

- name
- date of birth, and
- social security number

Previously either the information was not available or law enforcement had to search each system individually. This program brings a lot of valuable information to the law

Y. Hernandez
Operator's Signature

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enforcement patrol officer in a very effective manner. The office continues to make improvements to this process. We are also working with the Criminal Justice Information System (CJIS) to share information and to reduce or eliminate duplication of data entry where applicable with various criminal justice agencies across the state. The Uniform Crime Reporting program rewrite is included in the CJIS work and is currently progressing.

The Automated Fingerprint Identification System (AFIS) is another very beneficial law enforcement tool that is supported by the IT Division. It allows law enforcement agencies to access a multi-state file of fingerprint images in a manner that is extremely fast and reliable. It has changed the way BCI manages its fingerprint-based criminal history record files, and has allowed larger jails in the state to electronically transfer fingerprint images from "live-scan" equipment and receive responses while the fingerprint subject is still in custody. These are great improvements for the law enforcement community, and require the ongoing assistance of the IT Division to assure that the systems remain interconnected and functioning properly.

Keeping the IT staff is very important. The demand for IT people exceeds the supply. The best computer staff to maintain a project is the computer staff that developed it. Keeping this staff is also important because of the diversity of programs in the Office of Attorney General. It takes time to learn all the systems and the software that is used.

This office has staff that sue people, staff that arrest people, staff that return consumer moneys and staff that help local fire departments solve arsons and train firefighters and police officers. With the broad responsibilities of this office, IT support staff must have a broad understanding of many subject areas and be able to support multiple applications used by many different users. In the past the office has not had the staff to adequately maintain office systems. In developing new applications and rewriting old applications, it is still important to maintain the applications that are currently being used and it is important to maintain adequate staff levels to be successful. IT is very closely tied with the business side of the office, and when the business side expands it affects the IT division and the ability to provide the level of support needed.

This office has spent considerable time and internal resources to develop its strategic plan. Developing the plan is one thing; implementing it is quite another. The office is unable to implement the plan and maintain the systems without adequate staff, software, and hardware. If the plan is not implemented, the office will be at a competitive disadvantage with criminals and in court. As the office progresses with implementation of this plan, more information is being shared with other agencies and entities. All of this adds to the complexity of the technical environment being supported. The office also desires to move more strategically towards e-government and sharing information with the public through the Web. This requires 24 hour/7 days a week support from the IT staff more than ever before. When funding and personnel levels are not maintained, this affects the ability to support such information and give office customers the kind of support they need.

MAJOR FUNCTIONS AND DUTIES:

- Provide computer support for four Bismarck locations and 12 remote locations, which also includes task force personnel in 8 different offices across the state. IT also provides support to state's attorneys, fire departments and others that access our applications.
- Provide and maintain computer applications for the office's major functions, allow sharing of information as needed between divisions, other state agencies, and other entities.
- Provide strategic technological planning in line with the office's business.
- Provide training for office staff.
- Provide tools for office staff that will make them more effective in their jobs.
- Provide office staff with the computer equipment needed to perform their jobs.
- Maintain the office web page, keeping Attorney General Opinions and other information current.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-2003 BIENNIUM:

- Implemented a High-Risk Sex Offender Web Site.
- Implemented a new Sex Offender application that integrates with Criminal History. This office provides sex offender information to law enforcement through State Radio Communications when a driver's license check is performed.
- Implemented a full text version of protection orders. Also, the protection order process is being changed so the courts enter the order when the order is issued. Local law enforcement will subsequently update the record when the order is served.
- The new Consumer Protection complaint tracking application was implemented giving the Consumer Protection Division much better search capabilities.
- Updated AG Home pages to follow Americans with Disabilities Act (ADA) standards.
- The new Legal Mail Tracking application was implemented.
- Two additional BCI offices were set up, and all task force members who are co-located in our offices across the state were added to our network in order to share information with our BCI agents.

- Upgraded office servers to Windows 2000 and joined Information Technology Department's (ITD's) domain. This process makes it easier to share information between agencies.
- Participated in the enterprise architecture meetings and processes with ITD.
- Participated in the Criminal Justice Integrated System (CJIS) process with other criminal justice agencies.
- The Gaming Tax Return module has been implemented.
- Created an office Intranet site for internal use.
- Provided backup support for the cyber crime unit of BCI.

FUTURE DIRECTIONS:

- Continue to work with other law enforcement agencies to define and implement upgraded security that will allow sharing of information safely between agencies and locations. Some of these agencies, such as the FBI, already have strict information security sharing regulations that must be adhered to.
- Continue to work closely with the divisions to understand their business to enable IT to provide the applications needed to be effective in the service of their customers.
- Provide more Internet information to the office's customers in a more timely and efficient manner.
- Continue to rewrite or replace the outdated, inefficient and deteriorating applications that are necessary. This includes the Concealed Weapon Permits, Training Academy Training Records, Crime Lab Information System, BCI criminal case management, and Legal case management and docket systems.
- Continue to move toward e-government by allowing secure online access to and the exchange of information. This includes online non-criminal record checks, gaming tax returns filing, and online consumer complaint submissions.
- Retain and recruit competent and knowledgeable staff.
- Continue to stay current with hardware/software technology to be as effective as possible in providing information to the office's customers.

Cherese A. Lee
Operator's Signature

10-14-03
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CONSUMER PROTECTION AND ANTITRUST (CPAT)

Parrell Grossman, Director

MAJOR FUNCTIONS AND DUTIES:

- Protect North Dakota consumers from misleading, deceptive, fraudulent and unfair business practices by enforcing the state's consumer fraud, false advertising and antitrust laws through the initiation of civil and criminal investigations and legal actions and the implementation of consumer education.
- Mediate consumer complaints between consumers and businesses.
- Educate North Dakota consumers on fraud prevention by conducting consumer fraud training and educational presentations and warning consumers through the media of current consumer fraud scams and crimes.
- Coordinate criminal and civil investigations with local, state, and national law enforcement.
- Research state and federal consumer fraud and consumer law issues and assist legislators in the development and implementation of legislation.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- Opened 1,817 consumer complaint and investigation files. Closed 2,082 consumer complaint and investigation files.
- Recovered \$639,170 on behalf of consumers.
- Conducted 34 civil or criminal consumer fraud and/or antitrust legal actions.
- Collected \$1,443,278 in civil penalties (or payment in lieu of civil penalties), investigative costs, attorney's fees and legal recoveries.
- Conducted 61 consumer fraud prevention training and educational presentations to law enforcement, senior, professional, community, student and consumer groups throughout the state.
- Sponsored and conducted, in coordination with the Attorney General's Consumer Education Advisory Committee, the fifth annual LifeSmarts competition, a game show style team competition testing the knowledge of high school students on consumer and life skills issues ranging from personal finances to health and technology. This competition emphasizes and encourages education in financial management and decision-making skills so necessary and critical for North Dakota's youth.

- Raised public awareness of identity theft and prevention including distributing identity theft brochures to the public and worked jointly with the North Dakota Department of Transportation in promoting the use of alternative driver's license numbers in lieu of social security numbers at the time of driver's license renewals.
- Participated in a multi-state and Department of Justice investigation of the proposed merger of the nation's two largest direct broadcast satellite services. These efforts contributed to preventing a merger with anti-competitive effects for North Dakota consumers that rely on direct broadcast satellite services.
- Participated in two historic multi-state nationwide settlements with Bridgestone Firestone and Ford Motor Company in regard to advertising and safety issues that will benefit North Dakota consumers for many years.
- Participated in multi-state settlements with Citibank and First USA/Bank One, two large national credit card issuers, regarding the sale of customer lists to telemarketers that engaged in deceptive solicitations and these settlements have resulted in sweeping consumer protection reforms in regard to telemarketing transactions involving credit cards.

FUTURE DIRECTIONS:

- Continue to educate and warn consumers of current consumer fraud scams and crimes.
- Continue to coordinate consumer education programs and training with private and public associations.
- Continue to develop and implement consumer education curriculum for high school students through the Attorney General's Consumer Education Advisory Committee and the North Dakota Jump\$tart Coalition for Personal Financial Literacy.
- Continue to target, prevent and prosecute costly telemarketing fraud upon senior citizens.
- Take enforcement action against out-of-state companies engaged in sophisticated, complex or technological fraudulent and deceptive practices such as Internet fraud.
- When appropriate and in the interests of North Dakota consumers, participate in cooperative consumer protection and antitrust enforcement in multi-state and federal investigations, legal actions with other states and with federal agencies such as the Federal Trade Commission, Department of Justice, etc.

Cherese A. Lee
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- Continue to raise awareness of identity theft occurrence and prevention in order to protect North Dakota consumers from a crime with devastating financial and personal consequences.
- Continue to address new and recent consumer fraud and antitrust issues.
- Continue to prioritize future consumer protection education and enforcement efforts in those areas as mandated and/or expressed by the legislature.

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Cheresea A. Fee

Date

10-14-03

GAMING

Keith Lauer, Director

MAJOR FUNCTIONS AND DUTIES:

- Administration, regulation, and enforcement of the charitable gaming industry.
- Perform financial and compliance office and field audits of organizations, distributors, and manufacturers, conduct criminal history background record checks, process tax returns, and collect gaming and excise taxes, interest, penalty, and monetary fines.
- Perform investigations of illegal gaming activity and thefts, and work with local law enforcement officials.
- Provide outreach training to peace officers, executive board members, and gaming employees.
- Assist the State Gaming Commission in adopting administrative rules and managing field tests of products and concepts.
- Ensure that Indian tribes comply with Tribal-State gaming compacts.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-03 BIENNIUM:

- Will collect over \$20 million in gaming and excise taxes and monetary fines.
- Implemented 2001 legislative law changes.
- Issued a "Gaming Update" quarterly newsletter.
- Issued quarterly gaming enforcement grants to qualifying cities and counties.
- Completed data entry of distributor sales invoice and organization gaming tax return data.
- Developed guidelines and standard recordkeeping system forms for a new combined concept involving twenty-one and paddlewheel daily activity.
- Developed a new gaming computer management information system for processing license applications, distributor sales invoices, and organization tax returns. The system promises to significantly increase the efficiency and effectiveness of the division's administration, and office and field audit programs. It also streamlined the data entry function.

- Reduced and simplified standard record-keeping system forms, tax returns, and instructions.
- Assisted the State Gaming Commission and Gaming Advisory Board in developing clear and concise administrative rules.
- Assisted local law enforcement officials on cases of civil and criminal violations of the gaming law and rules. Administrative complaints and orders were issued.
- Assisted federal law enforcement officials on a major case of theft of tribal funds that resulted, to date, in federal indictments against seven members of Indian tribes.
- Conducted a field test and developed a guideline for organizations' use of a central cash bank for pull-tab games.
- Conducted background record checks on employees of organizations, distributors, and Indian gaming casinos, and on officers and stockholders of manufacturers and Indian casino management companies.
- Worked with distributors on proposed variations to pull-tab dispensing devices.
- Worked with five Indian tribes to ensure compliance with Tribal-State gaming compacts.
- Inspected manufacturing plants of manufacturers of pull-tabs and paper bingo cards.
- Performed financial and compliance office and field audits of organizations, distributors, and manufacturers, including a particular case involving substantial theft. Various audit programs were updated. Organizations' systems of internal control were evaluated.
- Provided extensive outreach training to peace officers, executive board members, and gaming employees of charitable and tribal gaming casinos. The outreach training program was updated and simplified.

FUTURE DIRECTIONS:

- Adopt bar-coded state gaming stamps to effectively track games of pull-tabs, sports pool boards, calcuttas, punchboards, and series of paddlewheel ticket cards.
- Work with organizations and distributors to increase electronic filing of tax returns and sales invoices to improve effectiveness and accuracy of reported information.
- Provide guidance to public accounting firms for conducting independent financial and compliance audits of gaming organizations.

- Work with the State Gaming Commission to simplify the gaming rules.
- Work with the 2003 Legislative Assembly to simplify the gaming laws.

Background Information on Local Gaming Enforcement Grants

Starting July 1, 1983, a certain percent of the gaming taxes collected was paid back to cities and counties each quarter as local gaming enforcement grants. Each city and county received a share of the total grants based on the degree of gaming activity within that city or county compared to the statewide gaming activity.

For the 1983-85 through 1987-89 biennia, due to growing gaming activity, the amount of local gaming enforcement grants automatically increased each biennium from \$1,096,000, to \$1,384,000. For the 1989-91 through 1997-99 biennia, based on executive budget guidelines, the amount of the grants decreased each biennium from \$1,360,000 to \$1,014,155. From 1983 through 1999, there was no accountability on the use of grants by cities and counties.

For the 1999-01 biennium, the amount of local gaming enforcement grants decreased from \$1,014,155 to \$221,877, a reduction of \$792,278. This reduction represented a major part of the budget reduction that the Office of Attorney General had to make based on executive budget guidelines. To assist the cities and counties, the 1999 legislature directed the Emergency Commission to authorize the office to disburse up to \$310,086 in additional grants by making transfers between line items. The legislature prescribed a grant application process to require cities and counties to apply and account for the use of the grants. Also, the legislature appropriated \$197,714 in local law enforcement grants as an emergency measure.

For the 2001-03 biennium, the legislature appropriated \$629,000 for local gaming enforcement grants. The legislature amended the gaming law to pay 3% of the gaming and excise taxes to cities and counties as local gaming enforcement grants based on the tax collections in the cities and counties.

Cities and counties use local gaming enforcement grants to employ law enforcement officers, purchase equipment and supplies, provide training, issue local permits and work permits, fund administration, inspect gaming sites, and conduct civil and criminal investigations (including illegal use of drugs, burglaries, thefts, and embezzlements that may indirectly relate to gaming). The involvement of local law enforcement officers on the front line is critical in achieving effective enforcement of the gaming law and rules.

RACING COMMISSION

Paul Bowlinger, Director

MAJOR FUNCTIONS AND DUTIES:

- License and regulate pari-mutuel racing at live tracks and at simulcast racing sites.
- Investigate and license all race participants and employees of live and simulcast racing.
- Promote live and simulcast racing and the breeding of racehorses within the state.
- Collect pari-mutuel taxes for deposit in the General Fund.
- Collect monies from the industry for deposit in three special funds and administer the Breeders' Fund, Purse Fund, and Promotion Fund.

SIGNIFICANT ACCOMPLISHMENTS DURING THE 2001-2003 BIENNIUM:

- Generated in excess of \$5,700,000 to the General Fund for the period from July 1, 2001, through December 31, 2002.
- Increased the number of North Dakota bred racehorses in the 'Breeders' Fund program to 2,222.
- Created and funded a system to construct and operate a new major racing facility in Fargo, North Dakota.
- Funded and assisted in the operation of the race meet with the largest purse structure to date at a racing facility in Belcourt, North Dakota, benefiting the owners of North Dakota quarter horses and thoroughbreds.
- Assisted with the operation and promotion of simulcast racing and opened a new site in Fargo, North Dakota.

FUTURE DIRECTIONS:

- Assist in the completion, operation and regulation of a major racing facility as proposed.
- Continue to support live and simulcast racing in North Dakota with an anticipated increase in live racing days and continued development of simulcast and account wagering.

- Continue an affiliation with the national regulating authority to assure the integrity of the sport. Dues to this association will increase from approximately \$13,000 last biennium to approximately \$20,000 this biennium because of the increased simulcast handle.

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Cheresea J. Lee

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NUMBER OF ATTORNEYS IN STATE AGENCIES

ATTORNEY GENERAL	27 30 AUTHORIZED FTE'S
DEPARTMENT OF HUMAN SERVICES	INCLUDES REGIONAL HUMAN SERVICE 13 CENTERS CHILD SUPPORT ATTORNEYS
DEPARTMENT OF TRANSPORTATION	6
GOVERNOR'S OFFICE	1
INSURANCE DEPARTMENT	2
LEGISLATIVE COUNCIL	9
ND UNIVERSITY SYSTEM	1
NORTH DAKOTA STATE UNIVERSITY	2
OFFICE OF ADMINSTRATIVE HEARINGS	1
PROTECTION & ADVOCACY	4
PUBLIC SERVICE COMMISSION	2
SECURITIES COMMISSION	1
SUPREME COURT	10
TAX DEPARTMENT	3
UNIVERSITY OF NORTH DAKOTA	3
WORKERS' COMPENSATION BUREAU	5
TOTAL STATE AGENCIES ATTORNEYS	90

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**ANALYSIS OF PROFESSIONAL SERVICES - OFFICE OF ATTORNEY GENERAL
FOR THE 2003-05 BIENNIAL**

DIVISION	BUDGET	FUNDING SOURCE			TOTAL	
		GF	FF	OF		
FINANCE & ADMINISTRATION	28,438	27,938		500	28,438	AUDIT FEES; BUILDING CLEANING SERVICES; CREDIT BUREAU CHECKS; KELLY SERVICES; MANAGEMENT/CONSULTING SERVICES; WASTE MANAGEMENT FEES
INFORMATION TECHNOLOGY	1,500	1,500			1,500	INSTRUCTORS, CONSULTANTS
AG ADMINISTRATION	200			200	200	AUDIT FEES
LEGAL SERVICES	22,150			22,150	22,150	AUDIT FEES; RATE CONSULTANT; BUILDING CLEANING SERVICES; LEGAL SERVICES WHEN THERE IS A CONFLICT; CREDIT BUREAU CHECKS; KELLY SERVICES; NEWSPAPER CLIPPING SERVICES; WASTE MANAGEMENT FEES
BUREAU OF CRIMINAL INVESTIGATION	815,571		815,571		815,571	ND/SD HIDTA STATE COORDINATOR; BUILDING CLEANING SERVICE; SEX OFFENDER RISK ANALYSIS; CRIME SCENE VAN CONVERSIONS; AGENT PHYSICALS; CREDIT BUREAU CHECKS; DOMESTIC VIOLENCE CONTRACT; LOCKSMITH SERVICES; POLYGRAPHS; PSYCHOLOGICAL SERVICES; ERADICATION OF MARIJUANA; COUNTERACT TRAINING FOR LAW ENFORCEMENT; PROJECT EVALUATION; SPECIALIZED INSTRUCTORS FOR LAW ENFORCEMENT TRAINING; CRIMINAL JUSTICE INFORMATION SYSTEM; AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS) UPGRADE
CRIME LAB	66,600	4,206	62,394		66,600	LABORATORY PROFICIENCY TESTS; BIOLOGICAL HOOD CERTIFICATION; CHEMIST PHYSICALS; COMPUTER CONSULTANT FOR NO SUSPECT CASEWORK GRANT; MOVING TOXICOLOGY FILES OUT OF TEMPORARY STORAGE
CONSUMER PROTECTION	672			672	672	AUDIT FEES
GAMING	3,975			3,975	3,975	OFFICE OF ADMINISTRATIVE HEARINGS; AUDIT FEES
RACING	40,216	40,216			40,216	VETERINARIANS, STEWARDS, ETC. FOR LIVE RACE MEETS; BUILDING CLEANING SERVICES
FIRE MARSHAL	46,650		40,000	6,650	46,650	FM TRAINING INSTRUCTORS; RATE CONSULTANT; AUDIT FEES
TOTAL	1,025,972	73,880	917,965	34,147	1,025,972	
SPECIAL LINE ITEMS:						
LITIGATION FEES	50,000	50,000			50,000	VARIOUS EXPERTS NEEDED FOR LITIGATION PURPOSES
ARREST & RETURN OF FUGITIVES	7,500	7,500			7,500	LAW ENFORCEMENT DELIVERY OF OUT-OF-STATE FELONS

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10-14-03
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OFFICE OF ATTORNEY GENERAL COMPUTER INFORMATION

The Office of Attorney General's strategic plan indicated the Information Technology staff supported 220 computers. Statewide task forces own 37 of the 220 computers. This Office supports the computers because of the connection to our network and sharing some of the Office's computer applications. The Office currently supports 232 computers. With the removal of the task force computers, the Office currently owns 194 computers. Of the 194 computers, only the 155 of employee desktops and 3-4 special computers (such as the Capture fingerprint workstation) are considered for replacement on a 4-year cycle. The remaining computers, which are trickled down from employee workstations instead of being sent to Surplus Property, are listed in the table below. Our Office has reduced the number of servers used from 24 to 16 servers. The Crime Lab computers are excluded for these purposes.

Supported (Not Owned) by the Office of Attorney General		
	Statewide Task Forces	37
	Interim Distributed Imaging Software (IDIS) workstation -- provided by FBI for civil fingerprint cards and latent fingerprints	1
Office of Attorney General Computers	Employee workstations	155 (these are recycled)
	Floater laptops in different locations for presentations, travel use	15
	IT Laptop -- used for consultants	1
	Capture workstation -- fingerprint cards that are mailed in	1
	Cyber crime computers	3
	Emergency management-equipped laptops	3
	Global Positioning Satellite laptops -- BCI agents	3
	Test computers for network	2
	Backup computers	5
	Scanner/cd writer stations	4
	UCR dialup - crime statistics for local entities	1
	Teletype communication with State Radio	1
	Subtotal	194
Total Computers Supported		232

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SB 2003

2003 BILLS IMPACTING THE OFFICE OF ATTORNEY GENERAL

BILL NUMBER	BILL DESCRIPTION	ATTORNEY GENERAL REVENUES	EXPENDITURES GENERAL FUND	SPECIAL FUNDS	APPROPRIATIONS	ADDITIONAL INFORMATION
1243	CREATES A LOTTERY DIVISION EXCLUDES GENERAL FUND REVENUES	\$ 3,639,000		\$ 3,639,000	CONTINUING APPROPRIATION	NEED LANGUAGE TO REIMBURSE COSTS IN 01-03 (1243), USE 03-05 AG APPROPRIATION FOR STARTUP COSTS
1252	ITD BACKGROUND CHECKS	\$ -	\$ 9,156		APPROPRIATION NEEDED	IMPACT REFLECTED IN SB 2041
1282	RACING - NUMBER OF TRACKS, ETC.	\$ -	\$ 159,226	\$ 957,000	APPROPRIATION NEEDED	
1350	SPECIAL OPERATIONS TEAMS	\$ 50,000		\$ 100,000	CONTINUING APPROPRIATION	AG APPROPRIATION INCLUDES \$50,000 - HOUSE APPROPRIATIONS CAPPED THE TOTAL AT \$250,000
2028	RACING COMMISSION FEES	\$ 25,000		\$ 25,000	APPROPRIATION NEEDED	
2041	CRIMINAL JUSTICE INFORMATION SYSTEMS	\$ -	\$ 175,551		APPROPRIATION NEEDED	ALSO INCLUDES IMPACT OF HB 1252, SB 2223, & 2253
2103	FIRE MARSHAL BILLING CODIFICATION	\$ -	\$ -	\$ -	REMOVE LANGUAGE FROM SB 2003	
2151	CRIME LABORATORY TRANSFER	\$ -	INCLUDED IN SB 2003	INCLUDED IN SB 2003	INCLUDED IN EXECUTIVE RECOMMENDATION	
2223	CITY/COUNTY APPLICANT BACKGROUND CHECKS	\$ -	\$ 12,808	\$ -	APPROPRIATION NEEDED	IMPACT REFLECTED IN SB 2041
2253	BOARD OF MEDICAL EXAMINERS BACKGROUND CHECKS	\$ -	\$ 19,838	\$ -	APPROPRIATION NEEDED	IMPACT REFLECTED IN SB 2041
2255	NO-CALL TELEMARKETERS	\$ -		\$ 394,984	THE BILL DOES NOT INCLUDE A CONTINUING APPROPRIATION DO WE NEED LANGUAGE TO ALLOW US TO CARRYOVER THE REFUND FUND?	
AMEND SB 2003 FOR REFUND FUND CARRYOVER						
2417	PROSECUTION WITNESS FEES DEFICIENCY	\$ -	\$ 33,000		INCLUDED IN BILL - FOR 2001-03 BIENNIUM	
TOTAL		\$ 3,714,000	\$ 409,579	\$ 5,115,984		
OTHER ISSUES FOR THE 2003-05 BIENNIUM						
SCHOOL FINANCE LAWSUIT COST ESTIMATE - INCLUDES 1 FTE ATTORNEY			\$ 240,000			
TOTAL IMPACT INCLUDING LAWSUIT			\$ 649,579	\$ 5,115,984		

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2003 BILLS IMPACTING THE OFFICE OF ATTORNEY GENERAL

PREPARED FOR HOUSE APPROPRIATIONS

BILL #	BILL DESCRIPTION	GENERAL FUND REVENUES	ATTORNEY GENERAL REVENUES	EXPENDITURES GENERAL FUND	SPECIAL FUNDS	APPROPRIATIONS	ADDITIONAL INFORMATION
	CREATES A LOTTERY						
1243	DIVISION	\$ 1,431,000	\$ 3,639,000	\$ -	\$ 3,639,000	CONTINUING APPROPRIATION	
1252	ITD BACKGROUND CHECKS	\$ 8,250	\$ -			APPROPRIATION IN SB 2003	BASED ON \$30 FEE
1282	RACING - TRACKS, ETC.	\$ -	\$ -	\$ 158,226	\$ 1,050,000		APPROPRIATION NEEDED IF BILL PASSES
1350	SPECIAL OPERATIONS TEAMS	\$ -	\$ 50,000	\$ -	\$ 100,000	CONTINUING APPROPRIATION	CAPPED AT \$250,000
2003*	OFFICE OF ATTORNEY GENERAL APPROPRIATION	\$ -	\$ 489,999	\$ 247,000	\$ 486,984	NEED TO ADDRESS \$241,024 ATTORNEY EQUITY ADJUSTMENT FUNDING SOURCE	INCREASES PEACE OFFICER LICENSE FEE BY \$55
2028	RACING COMMISSION FEES	\$ -				\$25,000 APPROPRIATION IN SB2003	
2041	CRIMINAL JUSTICE INFORMATION SYSTEMS	\$ 280,000	\$ -	\$ -	\$ -	SB 2003 - \$180,000 - BACKGROUND CHECK FTE'S; 1/2 OF TRAINING FTE - \$67,000	
2103	FIRE MARSHAL BILLING CODIFICATION	\$ -	\$ -	\$ -	\$ -		
2151	CRIME LABORATORY TRANSFER	\$ -	\$ -	IN SB 2003	IN SB 2003	INCLUDED IN EXECUTIVE RECOMMENDATION	
2223	CITY/COUNTY APPLICANT BACKGROUND CHECKS	\$ 12,000	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003	BASED ON \$30 FEE
2253	BOARD OF MEDICAL EXAMINERS BACKGROUND CHECKS	\$ 19,500	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003	BASED ON \$30 FEE
2255	NO-CALL TELEMARTETERS	\$ -	\$ -	\$ -		APPROPRIATION IN SB 2003	SB 2003 INCLUDES REFUND FUND CARRYOVER
2417	PROSECUTION WITNESS FEES DEFICIENCY		\$ -			COVERED WITH 2001-03 BIENNIAL GENERAL FUND TURNBACK	ESTIMATED COST IS \$33,000
	TOTAL EXCLUDING HB 1282	\$ 1,750,750	\$ 4,178,999	\$ 247,000	\$ 4,225,984		

OTHER ISSUES FOR THE 2003-05 BIENNIAL

SCHOOL FINANCE LAWSUIT					
COST ESTIMATE - INCLUDES 1 FTE ATTORNEY			\$ 240,000		
TOTAL IMPACT INCLUDING LAWSUIT, EXCLUDING HB 1283	\$ 1,750,750	\$ 4,178,999	\$ 487,000	\$ 4,225,984	
TOTAL IMPACT INCLUDING LAWSUIT & HB 1283	\$ 1,750,750	\$ 4,178,999	\$ 646,226	\$ 5,275,984	

* - SEE ATTACHED SHEET FOR DETAILS OF SENATE BILL NO. 2003

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Operator's Signature

[Handwritten Signature]

10-14-03
Date

3/25/2003

DETAILED IMPACT OF BACKGROUND CHECK BILLS AND OFFICE OF ATTORNEY GENERAL APPROPRIATION (SB 2003)

BILL #	DESCRIPTION	GENERAL FUND REVENUE INCREASE	GENERAL FUND EXPENDITURE INCREASE	GENERAL FUND ENDING BALANCE INCREASE/(DECREASE)
1252	ITD BACKGROUND CHECKS	\$ 2,750	\$ -	\$ 2,750
2041	CRIMINAL JUSTICE INFORMATION SYSTEMS	\$ 280,000		
	SB 2003 - 2 FTE'S FOR BACKGROUND CHECKS (FEE INCREASE)	\$ -	\$ 180,000	\$ 33,000
	SB 2003 - 1/2 OF 1 TRAINING FTE (FROM BACKGROUND FEE INCREASE)	\$ -	\$ 67,000	\$ -
	SB 2003 - PEACE OFFICER LICENSE FEE INCREASE OF \$55	\$ -	\$ -	\$ -
2223	CITY/COUNTY APPLICANT BACKGROUND CHECKS	\$ 4,000	\$ -	\$ 4,000
2253	BOARD OF MEDICAL EXAMINERS BACKGROUND CHECKS	\$ 6,500	\$ -	\$ 6,500
	SUBTOTAL	\$ 293,250	\$ 247,000	\$ 46,250
	SB 2003 - SCHOOL FINANCE POTENTIAL LITIGATION CONTINGENCY	\$ -	\$ 240,000	\$ (240,000)
	SUBTOTAL WITH LITIGATION CONTINGENCY	\$ 293,250	\$ 487,000	\$ (193,750)
	STO. OFFICER LIC. INCR. PASS. FEE	\$ -	\$ 159,226	\$ (159,226)
	TOTAL DIFFERENCE - ALL BILLS IMPACTING ATTORNEY GENERAL	\$ 293,250	\$ 646,226	\$ (352,976)

2003 DETAILED CHANGES MADE TO SENATE BILL NO. 2003 - OFFICE OF ATTORNEY GENERAL'S APPROPRIATION

SB 2041 INCREASES THE BACKGROUND CHECK FEE BY \$10, TO BE DEPOSITED IN THE GENERAL FUND. OF THIS AMOUNT, \$180,000 IN GENERAL FUND MONIES IS INCLUDED FOR 2 FTE'S FOR BACKGROUND CHECKS. THIS COST ALSO REFLECTS THE IMPACT OF HOUSE BILL NO. 1252, AND SENATE BILL NO'S 2223 & 2253.

ADDS \$134,000 (1/2 GENERAL FUND, 1/2 SPECIAL FUND) TO RESTORE THE REMAINING TRAINING FTE - FUNDED 1/2 FROM THE BACKGROUND CHECK FEE INCREASE & 1/2 FROM THE PEACE OFFICER LICENSE FEE INCREASE, WHICH WAS INCREASED BY \$55 (FOR A TOTAL FEE OF \$70).

INCLUDES \$25,000 IN RACING FEES REVENUE & INCREASED OPERATING EXPENSES

ALLOWS UP TO \$86,000 IN GENERAL FUND CARRYOVER TO INITIALLY FUND BACKGROUND FTE'S

PROVIDES A \$240,000 GENERAL FUND CONTINGENCY APPROPRIATION FOR SCHOOL FINANCE LITIGATION

PROVIDES FOR AG REFUND FUND CARRYOVER TO FUND SENATE BILL NO. 2255 - LIMITS TELEMARKETING CALLS

\$ atty General - "asst" Equity Afd - 241, m

*Revised
3.25.03*

2003 BILLS IMPACTING AG OFFICE 3-24-03.xdssb2003 detail, other chgs.

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2003 BILLS IMPACTING THE OFFICE OF ATTORNEY GENERAL									
BILL #	BILL DESCRIPTION	GENERAL ATTORNEY FUND		EXPENDITURES GENERAL FUND		SPECIAL FUNDS		APPROPRIATIONS	ADDITIONAL INFORMATION
		REVENUES	REVENUES	GENERAL	GENERAL	FUND	FUND		
1243	CREATES A LOTTERY DIVISION	\$ 1,431,000	\$ 3,630,000	\$ -	\$ -	\$ 3,630,000	CONTINUING APPROPRIATION		BASED ON \$30 FEE
1252	ITD BACKGROUND CHECKS	\$ 8,250	\$ -	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003		APPROPRIATION NEEDED IF BILL PASSES
1282	RACING - TRACKS, ETC.	\$ -	\$ -	\$ 159,226	\$ 1,050,000	\$ -			BASED ON \$30 FEE
1350	SPECIAL OPERATIONS TEAMS	\$ -	\$ 50,000	\$ -	\$ 100,000	\$ -	CONTINUING APPROPRIATION		APPROPRIATION NEEDED IF BILL PASSES
2003*	OFFICE OF ATTORNEY GENERAL APPROPRIATION	\$ 70,015	\$ 419,984	\$ 247,000	\$ 419,984	\$ -	NEED TO ADDRESS \$241,024 ATTORNEY EQUITY ADJUSTMENT FUNDING SOURCE		INCREASES PEACE OFFICER LICENSE FEE BY \$55
2028	RACING COMMISSION FEES	\$ -	\$ -	\$ -	\$ -	\$ -	\$25,000 APPROPRIATION IN SB2003		
2041	CRIMINAL JUSTICE INFORMATION SYSTEMS	\$ 280,000	\$ -	\$ -	\$ -	\$ -	SB 2003 - \$180,000 - BACKGROUND CHECK FTE'S; 1/2 OF TRAINING FTE - \$87,000		
2103	FIRE MARSHAL BILLING COORDINATION	\$ -	\$ -	\$ -	\$ -	\$ -			
2151	CRIME LABORATORY TRANSFER	\$ -	\$ -	\$ -	\$ -	\$ -	INCLUDED IN EXECUTIVE RECOMMENDATION		
2223	CITY/COUNTY APPLICANT BACKGROUND CHECKS	\$ 12,000	\$ -	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003		BASED ON \$30 FEE
2253	BOARD OF MEDICAL EXAMINERS BACKGROUND CHECKS	\$ 19,500	\$ -	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003		BASED ON \$30 FEE
2255	NO-CALL TELEMARETERS	\$ -	\$ -	\$ -	\$ -	\$ -	APPROPRIATION IN SB 2003		SB 2003 INCLUDES REFUND FUND CARRYOVER
2417	PROSECUTION WITNESS FEES DEFICIENCY	\$ -	\$ -	\$ -	\$ -	\$ -	COVERED WITH 2001-03 BIENNIAL GENERAL FUND TURNBACK		ESTIMATED COST IS \$33,000
TOTAL, EXCLUDING HB 1252		\$ 1,820,765	\$ 4,108,984	\$ 247,000	\$ 4,159,984	\$ -			
OTHER ISSUES FOR THE 2003-05 BIENNIAL									
SCHOOL FINANCE LAWSUIT COST ESTIMATE - INCLUDES 1 FTE ATTORNEY									
TOTAL IMPACT INCLUDING LAWSUIT, EXCLUDING HB 1253		\$ 1,820,765	\$ 4,108,984	\$ 487,000	\$ 4,158,984	\$ -			
TOTAL IMPACT INCLUDING LAWSUIT & HB 1253		\$ 1,820,765	\$ 4,108,984	\$ 646,228	\$ 5,208,984	\$ -			

* - SEE ATTACHED SHEET FOR DETAILS OF SENATE BILL NO. 2003

2003 BILLS IMPACTING AG OFFICE, 3-24-03.jm

4/2003

updated

DETAILED IMPACT OF BACKGROUND CHECK BILLS AND OFFICE OF ATTORNEY GENERAL APPROPRIATION (SB 2003)

BILL #	DESCRIPTION	GENERAL FUND REVENUE INCREASE	GENERAL FUND EXPENDITURE INCREASE	GENERAL FUND ENDING BALANCE INCREASE(DECREASE)
1252	ITD BACKGROUND CHECKS	\$ 2,750	\$ -	\$ 2,750
2041	CRIMINAL JUSTICE INFORMATION SYSTEMS	\$ 280,000		
	SB 2003 - 2 FTE'S FOR BACKGROUND CHECKS (FEE INCREASE)		\$ 180,000	
	SB 2003 - 1/2 OF 1 TRAINING FTE (FROM BACKGROUND FEE INCREASE)		\$ 67,000	
	SB 2003 - PEACE OFFICER LICENSE FEE INCREASE OF \$55	\$ 70,015	\$ 67,000	\$ 36,015
2223	CITY/COUNTY APPLICANT BACKGROUND CHECKS	\$ 4,000		\$ 4,000
2253	BOARD OF MEDICAL EXAMINERS BACKGROUND CHECKS	\$ 6,500		\$ 6,500
	SUBTOTAL	\$ 363,265	\$ 314,000	\$ 49,265
	SB 2003 - SCHOOL FINANCE POTENTIAL LITIGATION CONTINGENCY		\$ 240,000	\$ (240,000)
	SUBTOTAL WITH LITIGATION CONTINGENCY	\$ 363,265	\$ 554,000	\$ (190,735)
	IF HOUSE BILL NO. 1282 (RACING) PASSES		\$ 159,226	\$ (159,226)
	TOTAL DIFFERENCE - ALL BILLS IMPACTING ATTORNEY GENERAL	\$ 363,265	\$ 713,226	\$ (349,961)

2003 DETAILED CHANGES MADE TO SENATE BILL NO. 2003 - OFFICE OF ATTORNEY GENERAL'S APPROPRIATION

SB 2041 INCREASES THE BACKGROUND CHECK FEE BY \$10, TO BE DEPOSITED IN THE GENERAL FUND. OF THIS AMOUNT, \$180,000 IN GENERAL FUND MONIES IS INCLUDED FOR 2 FTE'S FOR BACKGROUND CHECKS. THIS COST ALSO REFLECTS THE IMPACT OF HOUSE BILL NO. 1252, AND SENATE BILL NO'S 2223 & 2253.

ADDS \$134,000 (1/2 GENERAL FUND, 1/2 SPECIAL FUND) TO RESTORE THE REMAINING TRAINING FTE - FUNDED 1/2 FROM THE BACKGROUND CHECK FEE INCREASE & 1/2 FROM THE PEACE OFFICER LICENSE FEE INCREASE, WHICH WAS INCREASED BY \$55 (FOR A TOTAL FEE OF \$70).

INCLUDES \$25,000 IN RACING FEES REVENUE & INCREASED OPERATING EXPENSES

ALLOWS UP TO \$66,000 IN GENERAL FUND CARRYOVER TO INITIALLY FUND BACKGROUND FTE'S

PROVIDES A \$240,000 GENERAL FUND CONTINGENCY APPROPRIATION FOR SCHOOL FINANCE LITIGATION

PROVIDES FOR AG REFUND FUND CARRYOVER TO FUND SENATE BILL NO. 2255 - LIMITS TELEMARTETING CALLS

2003 BILLS IMPACTING AG OFFICE, 3-24-03.xssb2003 detail, other chgs.

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**Criminal History Background Check Bills
Summary of Amendments**

SB 2253 – Requested by the Board of Medical Examiners the bill allows background checks on applicants for licensure and licensee subject to discipline

Remove the first section regarding cost of background checks ... the language regarding background checks is in SB 2041

SB 2223 – background checks on applicants for jobs with a city or a county

No changes necessary to the bill

SB 2041 – criminal justice information sharing

Legislative Council amendments to the Reengrossed Senate Bill increase the record check from \$20.00 to \$30.00. Language was inserted to allow the \$10.00 increase up to \$180,000 to go to the AG operating fund. In light of the up front training time necessary for the required analysis of information (mainly in the fingerprint area), we would request language in our appropriation to allow us to use a portion of the anticipated general fund turn back to hire an FTE.

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10-14-03
Date

SB 2003

Training Section Plan:

The North Dakota Attorney General has requested a plan that addresses the proposed changes to the Training Section of the North Dakota Bureau of Criminal Investigation. This plan will detail the current procedures and duties that the Training Section performs. This plan will also address some changes in the procedures and duties of the Training Section. Lastly, this plan will look at the future of the Training Section and how it fits into the future agenda for the training of law enforcement officers in the state of North Dakota.

Current duties of the Training Section:

Currently, the Training Section is comprised of a Director of Training (also a trainer), and a Trainer. The following list details the duties and requirements that the Training Section performs:

- The Training Section researches, develops, creates, and presents a variety of law enforcement training for local and state officers around the state, including Law Enforcement Basic training, and continuing education sessions.
- The Training Section works with other agencies and trainers to coordinate courses and instructors, who are contracted to provide training in the state.
- Prepares and conducts the required training for instructors (Methods of Instruction) in the state.
- Assists other officers and agencies with securing training opportunities, as well as the development of training programs for their agencies.
- Provide training for the Basic Law Enforcement Training sessions in Devils Lake and Bismarck.
- Operate/maintain the FATS shooting simulator.
- Operate/maintain the AMOS driving simulator.
- Review requests for information on the licensing process, as well as the requirements of laws and standards relating to the licensing of law enforcement officers.
- Conducts audits of the basic training providers.
- Reviews the certification of instructors, and maintains the records for instructors.
- Reviews and approves law enforcement training courses.
- Receives, reviews, and processes for New Peace Officer Licenses.
- Receives, reviews, and processes for Renewal Peace Officer Licenses.
- Receives, reviews, and processes the records for License Exam.
- Adverse License Action: The Director will receive notice of an actionable offense, will consult with an attorney, obtain the necessary documentation, present the information to the POST Board for decision, may testify before

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Yvonnea W. Lee
Operator's Signature

10-14-03
Date

the POST Board, process the findings, and will follow up on any ordered conditions.

- POST Board duties:
 - Update the POST Board web site, as to the meeting minutes, meeting schedules, laws and standards, frequently asked questions, and the mailing list of the agencies.
 - Maintain the POST Board Account (Requires two (2) people per Attorney General's policy)
 - Arrange and attend the POST Board meetings.

Proposed changes to the duties and structure of the Training Section:

Current budget considerations suggest the elimination of the Training Section of the North Dakota Bureau of Criminal Investigation. With the elimination of the Training Section, the burden of providing training for the Basic Law Enforcement training and the continuing education training would shift to local agencies, and the individual state agencies. This plan would look at alternatives to the current duties of the Training Section, and how to use the training resources in the state more efficiently.

- Retain one (1) Trainer in the Training Section to continue the research, development, implementation, and presentation of training sessions.
 - The Trainer would also coordinate trainers and training throughout the state. This concept would utilize a pool of trainers, from both state and local agencies, from throughout the state to conduct regional training sessions.
 - Continue to provide FATS training throughout the state, but on a more regional level, i.e. Grand Forks, Devils Lake, Minot, Williston, Dickinson, Bismarck, Jamestown, and Fargo. The Trainer from the Training Section would train local trainers as to the use and maintenance of the FATS system. The FATS training would be conducted by certified local trainers, utilizing the Training Section's FATS system. The Bureau of Criminal Investigation and the local agencies would enter into an agreement that the agency that was using the FATS system would cover any cost of repairs that incurred during their usage.
 - The necessary and required paperwork/records would continue to be reviewed, recorded, processed, and maintained by the Trainer and Administrative Assistant.
 - The Trainer would continue to fulfill their duties and functions for the POST Board.

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Operator's Signature

10-14-03
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- Utilization of nationally certified trainers or instructors in regional training situations.
 - This would allow for the use of a larger, regionally located training sessions, conducted by nationally certified instructors.
 - These sessions would attract a number of officers from the smaller departments that would save the cost of travel and per diem, if the sessions were located in a regional setting.
- Plan, organize, and conduct training sessions in cooperation with the Rural Law Enforcement Training Program of Minot State University.
- Evaluate the current trainers that are available in the state, as well as their training sessions.
 - After the completion of the evaluation, a list of the available training and the trainers will be compiled. From that list the Trainer from the Training Section would be able to coordinate the training and trainers provided throughout the state more efficiently.
- Utilization of the IVAN system more effectively.
 - While a great deal of the training provided must be conducted in person, there is some training that may be done via the IVAN system. Approximately half (1/2) of the required training hours (Sixty (60) hours in a three (3) year period) might be able to be conducted via the IVAN system. Although the training would be conducted over the IVAN system, there must be a certified trainer on the site where the training is received.
 - The cost of using the IVAN system is \$80.00 per hour for the telephone line charge, and \$10.00 per hour, per site for technical fee. The IVAN system administrators indicate that they would like to limit the number of receiving sites to ten (10). If training is conducted via the IVAN system, and there are ten (10) receiving sites, then the cost would be \$180.00 per hour.
- Utilization of web based training programs and sessions.
 - This would allow for the officer to proceed through a limited number of training programs via the Internet.
 - This would allow the officers to utilize various web based training programs to complete some of the optional training sessions that are needed to maintain their Peace Officer License, under state law.

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Yvonne A. Lee
Operator's Signature

10-14-03
Date

- The creation of a Training Fund that would be used to cover the cost of training and trainers, such as travel expenses, meeting rooms, per diem, etc. The cost of the salaries of the trainers from local, state, and federal agencies would be incurred by their parent agency.

- optimal* {
- To reduce the burden, of not only the trainers in the state, but also the agencies as well, it is purposed that an officer that has completed Law Enforcement Basic training, sign a contract with their sponsoring agency.
 - The length of the contract should be four (4) years, but the reimbursement payment to the department maybe prorated (Reduced by twenty-five percent (25 %) per year of each year of service) if the officer leaves during the term of the contract.

There are a number of options for the Training Section in the future. Some of those options will be discussed in the following paragraphs. The afore mentioned options are a temporary solution to a long-term dilemma. All options need to be explored to address these problems and solutions need to be devised. Other options will arise during future discussions and may be added to this plan.

- Training that the Training Section would like to continue to provide:**

- The POST Board will continue to need the support that has been provided by the training section.

Operator's Signature Y. Harada

10-14-03
Date

- BASIC TRAINING

- Basic Training is required by law and needs to be provided. With many of the subjects that are currently instructed, there are no other instructors that can provide the instruction.
- It also does not cost anything for the Training Section, other than wages, to provide this training as Lake Region State pays the expenses or the training is done in Bismarck.
- Approximately four (4) weeks (two (2) weeks per academy) during the calendar year is dictated to Basic Training session by the current trainers.

- METHODS OF INSTRUCTION AND WEAPONS INSTRUCTOR COURSES

- These two training sessions are essential to ensure that there are enough instructors on the local level to meet the state's training needs. Both of these courses are in constant demand.
- The current trainers conduct two (2)-three (3) training sessions of Methods of Instruction, which lasts approximately fifty-two (52) hours.
- The current trainers conduct one (1) training sessions for Weapons Instructors, that last approximately forty (40) hours.

* Other than the specialized training programs, which are arranged for or developed as the need arises, the Part-time Peace Officer Basic Training Program should be conducted at the training academies (Devils Lake and Bismarck). This is also a required Basic Training Program but the academies have staff to be able to grade the reports and house the students for the classroom sessions.

Attachment #1: List of certified law enforcement trainers in North Dakota.

Attachment #2: Regional list of certified law enforcement trainers in North Dakota.

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Yherosa J. Bee
Operator's Signature

10-14-03
Date

North Dakota Certified Law Enforcement
Trainers: Regional Listing

ND BCI:

Bauer, Craig
Browne, Robert
Carlson, Dallas
Coca, Luis Jr.
Dahl, Thomas
Deboer, Todd
Dupree, Calvin
Faul, Rose
Fugleberg, John
Gilbertson, Mark
Gutknecht, Steve
Herslip, Joe
Kemmet, Jerry
Kruckenberg, Lamar
Lybeck, David
Lynk, Mike
Maixner, Dale
Marchus, Mike
McNamee, Mark
Murray, Kathy
Nason, Mike
Peterson, Ginny
Pfenning, Phil
Quinn, Mike
Rummel, Arnie
Sayler, Mark
Schlosser, Greg
Stanley, Duane
Temple, Don
Theisen, Jerry
Volk, Judy
White, Jeff
Zachmeier, Craig

ND Highway Patrol:

Arman, Robert
Armendariz, Pedro
Armstrong, Duane
Beedy, Craig
Bethke, Mark
Billehus, Alan
Bitz, Gary
Bonness, Brian
Brand, Scott
Brown, Matt
Brumfield, Tracy
Busch, Damon
Buzick, Tracy
Cave, John
Clemens, Roger
Cushing, Dan
Elbert, Dale
Enzinger, Aaron
Evans, Norm
Fisher, Mike
Gerhart, Mike
Glarum, Don
Gruchalla, Ed
Hermanson, Chad
Hischer, Troy
Holden, Ron
Hoopman, Doug
Houston, Curt
Huck, Anthony
Hudson, Daniel
Hummel, Rick
Huston, Kevin
Johnson, Neil
Kamp, David
Kennedy, Bob
King, Dana
King, Scott
Kirchmeier, Kyle
Kirchoffner, Steve
Kleppe, Dave
Klipfel, Bryan
Knight, Brian
Kolle, Richard
LaFrance, Gordon
LaRocque, Frank

ND Highway Patrol:

Malafa, Lori
McCloud, Mike
Mehrer, Eldon
Meidinger, Wes
Nelson, Steve
Oldenburg, Dolf
Olson, Jerry
Olson, Kevin
Orluck, Gary
Pengilly, Dennis
Prochniak, Jim
Pulver, Chris
Richard, Ricky
Robson, Kevin
Ruud, Norman
Schmaltz, Cindy
Seeklander, Jerry
Sinclair, Greg
Skogen, Jody
Smith, Brad
Specher, Tonya
Steffen, Harley
Ternes, Kyle
Tuhy, Cory

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Operator's Signature

10-14-03
Date

ND P & P:

Becker, Jim
Breiland, Barb
Hendrick, Loren
Hoekstra, Rick
Horner, Richard
Maier, Clayton Jr.
Redmann, Donald
Schuchard, Rick
Tunge, John
Waltz, Loralyn

ND D.O.C.:

Baumgartner, Stewart
Bohl, Steve
Carr, Kara
Coad, Robert
Comny-Fischer, Marcie
Engen, Steve
Eslinger, Terry
Gourde, John
Kolpin, Corey
Molesworth, Mark
Schmalenberger, Robyn
Theurer, Darrell
Tice, Larry
Wolf, Jeffery

ND Game & Fish:

Aufforth, Kent
Knain, Randy
Larson, Tim
Meier, Gerald
Olson, Doug
Phalen, Tim

Williston:

Anderson, Adam
Busching, Scott
Fender, Jeff
Hanson, Mark
Hendricks, Dennis
Jager, Barry
Keith, Kelly
Ladwig, Tom
Lokken, James
Rooks, Craig
Vigness, Jarrod
Walsh, Mark
Wilson, Mike

Wahpeton:

Cruff, Derek
Hartman, James
Murphy, Kim
Schmitz, Stephen
Thorsteinson, Scott

Jamestown:

Edinger, Scott
Hess, Keith
Johnson, Neil
Kaiser, Chad
Kelly, Troy
Maragos, Gerald
Nagel, Tom
Opp, Robert
Pfaff, Troy
Schlenvodt, Robert
Swanson, Arlen

Valley City:

Cruff, Tim
Fieberger, Don
Gray, Terry
Loibl, Steve
Peterson, Mark

Devils Lake:

Barnett, Jon
Frank, Jim
Halvorson, Lloyd
Hamre, Steve
Howard, Doug
Kemmet, Bruce
Martein, Nannette
Rainesalo, Ted
Schwind, Kurt
Shirek, Sue

Beulah/Hazen:

Burling, Stan
Peterson, Colin
Reilly, Greg
Sagen, Rodney
Senn, Frank

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Operator's Signature

10-14-03
Date

Fargo/West Fargo:

Anderson, Gene
Anderson, Joe
Argall, Mike
Assmus, Debra
Baetsch, Marc
Benjamin, Grant
Berg, Brad
Boe, David
Bommersbach, Gary
Boucher, Michele
Brown, Diane
Claus, Kimberly
Conner, Patrick
Dahle, Thorvald
Dawkins, Greg
Dura, Jason
Geller, Mary
Grande, Mike
Hagen, Chad
Healey, Pat
Johnson, Joe
Klasow, Luke
Kringlie, Jim
Krogh, Tony
Laney, Paul
Lindgren, Randy
Lies, Paul
Lynk, Tammy
Mitchell, Mike
Morris, Tom
Mueller, Virgil
Nestler, Carlos
Nitschke, DuWayne
Olson, Jeff
Olson, Tim
Osmundson, Todd
Pallas, Kevin
Pederson, Dennis
Pettys, Roxanne
Potter, Chris
Reiten, Mike
Rognlin, Leo
Sall, Duane
Shaw, Jim
Skogen, Linda
Sprecher, Steve
Stanger, Robert
Styf, Terry
Ternes, Keith
Ternes, Paula
Todd, David
Vettel, Joe

Fargo/West Fargo:

Wawers, Dean
Willis, Walt
Wold, Pete
Worden, Lyndon

Dickinson:

Banyai, Gary
Banyai, Rodney
Bartz, Richard
Becker, Ray
Berger, Jim
Buck, Larry
Cianni, Joe
Dalen, Jason
Dellwo, Jason
Kadrmas, Wade
Kitzman, Larry
Kuhn, Gary
Leach, William
Lechler, Bryan
Martin, Jackie
Moser, Fernand
Ostreich, Terry
Rummel, Chuck
Stenberg, Stewart
Tuhy, Clarence
Wallace, Dave
Wilkie, Dave

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10-14-03
Date

Grand Forks:

Babinchak, John
Baker, Stan
Beck, Don
Brookling, Tom
Bryant, Donnie
Dvorak, Jason
Eggebraaten, Dennis
Farder, Rahn
Ferguson, Mike
Flannery, Mike
Fonder, Mike
Gibbens, Ron
Grabanski, Craig
Grove, Gary
Hedlund, Mike
Iverson, Bill
Johnson, Dale
Kavadas, Jeff
Lammers, Jenny
Laughlin, Tom
Lahaise, Greg
Litzinger, Joe
Macki, Bill
MacCarthy, Ron
Meidinger, Tracy
Middleton, David
Nelson, Kenny
Oksendahl, David
Onger, Wayne
Punton, Lonnie
Ramberg, John
Rasmuson, Don
Reidinger, Bill
Rost, Bob
Rowan, Keith
Sampson, Greg
Schroeder, Keith
Schull, Wayne
Senechal, Orie
Seiber, Byron
Simundson, John
Wagner, Linda
Wright, Doug
Yon, Robyn

Minot:

Balentine, Jeff
Barnard, Bob
Black, Winston
Bosh, Dave
Brown, Dan
Brown, William
Debowey, Fred
Dewitz, Jason
Draovitch, Dan
Dyke, Darren
Effertz, Corwin
Egge, Darin
Fosburg, Doug
Goodman, David
Hunt, William
Johnson, Richard
Keeland, Leo
Klug, John
Knoop, Mike
Kukowski, Steve
Laudenschlager, Jay
Lockrem, Doug
Major, Ronald
Martin, Deryl
McBride, Richard
Metz, Paul
Nelson, Kevin
Neibuhr, Steve
Olson, Jason
Renaud, Brent
Roed, Robert
Sage, Karl
Saltsman, George
Story, Jeff
Strandberg, Dan
Tryhus, Rodney
Weston, Scott
White, Robin
Whitesell, Steve
Ziliak, Ryan

Washburn:

Melhoff, Terry
Folden, Paul
Schwalk, Rick

B.I.A.:

Fourdance, Elmer
Fox, Gerald
Harveill, Keith
White, Mike

Bowman:

Frederick, Bonita

Cando:

Holweger, Marvin
Weyrauch, Rick

Cooperstown:

Hendrickson, Paul

Hillsboro:

Anderson, Paul

Dunn:

Gietzen, Glenn

Kenmare:

Hackett, Roger

Stanley:

Halvorson, Kenny
Halvorson, Kris

USA Office:

Dump, E.F. (Sonny)

BN Railroad:

Madden, Marvin

Velva:

Childress, Richard
Skager, Trey

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Cheresea J. Bee
Operator's Signature

10-14-03
Date

Bismarck/Mandan:

Arnold, Mike
Austad, Judy
Austin, Scott
Ball, Jeff
Benson, Robert
Bohrer, Greg
Buschena, Mark
Comny, Patrick
Dannenfelzer, Mike
Dassinger, Dean
Dingeman, Ray
Donlin, Dan
Draovitch, David
Ellefson, G.
Gaddis, Mark
Grabowska, Lonnie
Haas, Bob
Hall, Steve
Heinert, Patrick
Heile, Myron
Helfrich, Pat
Hoff, Ray
Huber, Kevin
Huwe, Keith
Johnson, Craig
Just, Keane
Kamphuis, Mark
Karlberg, Troy
Keller, Wally
Kenner, Steve
Kilde, Steve
Leben, Kelly
Lundin, Steve
MacDonald, Mike
McMerty, Mike
Mehrer, Stephanie
Miller, Chris
Mills, Dave
Offerman, Dwight
Olson, Paul
Pritchett, Tad
Renz, Patrick
Rixen, Colin
Roberdeau, Mike
Rohr, Dennis
Rudolf, Mike
Schaff, Richard
Schaffer, Gary
Schaner, Troy

Bismarck/Mandan:

Schirado, DeeAnn
Schuh, Sharlene
Sevart, Nick
Sinclair, Lyle
Solemsass, Jeff
Stromsodt, Scott
Ternes, Terry
Thompson, Mark
Valley, Glen
Walker, Jesse
Wangen, Trent
Wardinski, Mike
Wentz, Dan
Westerman, Larry
Wicks, Lisa
Wilmeth, Brent
Witt, Keith
Woodall, G.
Wutzke, Jerry

LaMoure:

Jensen, Gary
Meyer, Don

Cavalier:

Erovick, Brian
Kettelson, Joel

Rolla:

Sims, Tony

Tioga:

Maize, Larry

Linton:

Sanders, Gary

McClusky:

Gessner, Larry

Grafton:

McCann, Leroy
Restemeyer, Russell
Seng, Wayne
Stave, Paul
Thompson, Al
Thompson, Bob
Tronset, Virgil

Mohall:

Johnson, Brent

Medora:

Jurgens, Dave

Rugby

Keller, Kelly

Bottineau:

Watson, Steve

Lisbon:

Steinhaus, Conrad

Bowbells:

Clingman, Brock

Lakota:

Martin, Paul

Hettinger:

Molbert, Eugene

Carrington:

Mukeby, Randy

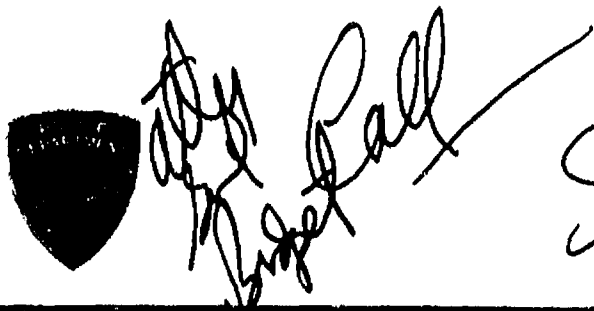
Finley:

Feland, David

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Y. Beresova
Operator's Signature

10-14-03
Date



See only Mayor SB 2003



Captain William A. Brown
Commander of Police Administration

E-Mail: brown@web.ol.minot.nd.us
Office Phone: 701-857-4709/FAX: 701-839-4804

Minot Police Department

515 2nd Ave. SW

Minot, ND 58701
Administrative Offices 701-852-0111

March 12, 2003

ND House Appropriation Committee

Dear Representative Timm,

First of all, I would like to introduce myself. I am Captain William A. Brown with the Minot Police Department. I have been in law enforcement now for almost 24 years and I have been involved in training for the last 15 years. I have worked very closely with trainers from across the state including those who are presently serving in the capacity as field training agents through the North Dakota Bureau of Criminal Investigations Training Division. During my involvement in training, I have witnessed numerous changes in enhancements in the area of training, which has benefited both law enforcement and the citizens of North Dakota. Although we have made great strides forward, I feel we need to continue but recent events in proposed legislation regarding the Attorney General's budget which may result in a step backward for law enforcement training in the state.

In addition to my current duties as training officer for the Minot Police Department, I also serve on the Executive Board of the North Dakota Peace Officer's Association. One of the committees in which I act as a liaison for is the Peace Officer's Training and Film Committee. Through my duties both at the Minot Police Department and with the North Dakota Peace Officer's Association, I keep very close contact with other trainers in the state as well as the North Dakota Peace Officer's Standards and Training Board commonly referred to as P.O.S.T. During my discussion with fellow NDPOA members and other officers within the state, they are greatly concerned about the proposed Attorney General's budget referred to as Senate Bill #2003.

In the Attorney General's budget he was forced to make cuts in order to meet the governor's 5% overall reduction in the state's reduction budget and in doing so removed one of the field training agent's position. That would leave one field-training agent available for the entire State of North Dakota. These field-training agents provide a wide variety of instructions to local law enforcement officers. Firearms training simulators, methods of instruction, radar re-certification, and legislative updates are provided to local law enforcement on a regular basis to name a few. In addition, these two field-training agents assist in training at both the North Dakota State and Devils Lake Law Enforcement Academies. They put in a tremendous amount of hours in

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Operator's Signature

William A. Brown

Date

10-14-03

providing quality training to local law enforcement and cutting literally 50% of the training force would create a considerable burden on local law enforcement.

To put it in perspective, my office alone coordinated almost 10,000 hours of law enforcement training for the members of the Minot Police Department during 2002. That is a considerable burden in as much that I must locate trainers or provide the training myself to our local officers. Our department is fortunate to have a large number of officers who are certified as law enforcement instructors, however, the smaller police and sheriff departments throughout the state do not have such a luxury. Considering the smaller agencies are the majority of the law enforcement agencies in North Dakota, I find it very doubtful that they will be able to obtain the much-needed training to keep their P.O.S.T. certification active. Also, as I previously mentioned, these field-training agents provide instruction at both law enforcement academies. The cutting of one position would create a considerable burden on those academies as well. They would be forced to rely on other trainers from across the state and although I would certainly do my best to assist them in their needs, I could not provide a definite commitment to providing additional training officers for their needs.

Since 9/11, our department has been tasked with many additional duties. Security checkpoints of city resources, airport security, and responding to citizen's concerns have created an enormous burden on our agency. In addition, we have lost personnel due to resignations, retirements, and officers called up for armed services duties. As a result, our training division is running a virtual assembly line of new officers in order to meet the needs of the community. Therefore, our training needs on a local level have increased 30%. I can only imagine that other agencies across the state are facing similar burdens and they too must ensure that their people are adequately trained.

With all that has been occurring over this country in the last two years, I cannot think of a time in my life time where there has been a greater need for not only more law enforcement officers on the street but better trained officers. Eliminating that training position from the Attorney General's budget, I feel will severely hinder our efforts in providing quality training to our state's law enforcement officers. Consequently I believe the citizens of North Dakota will suffer as well and quite probably incorporated communities within the state. Giving the fact that there are a larger number of younger, less experienced officers working in law enforcement in this state, there is a greater likelihood of civil liability on those incorporated entities. Ensuring that those officers receive not only the minimum but also additional training will relieve, to some extent, the liability on those entities.

I was planning on attending the budget hearings regarding this matter, however, due to an error, law enforcement, as a whole did not receive any notification of the budget hearings on March 6, 2003. As a member of the Executive Board of the NDPOA, we had voted to support the Attorney General's budget, however, we wanted to add that we wished to see that neither of the two field training positions be eliminated. Had I known of the upcoming hearing, I would have certainly attended that hearing as well as having our lobbyists contact you to answer any questions you may have. Since I was unable to attend the hearing to voice my concerns I am forwarding you this letter in the hopes that you will reconsider the elimination of that second training officer's position.

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Yherosa G. Lee
Operator's Signature

10-14-03
Date

I will be happy to answer any questions you may have and I would also like an opportunity to speak before the committee if it is at all possible. I would like to thank you for taking the time to read this letter and if there is anything I can do to assist you in your decision please feel free to contact me.

Respectfully,



William A. Brown, Captain
Commander of Administration
Minot Police Department

WB/CG

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10-14-03
Date

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@PJL ENTER LANGUAGE=PCL

Mr. Chairman & members of the committee.

My name is Bill Brown. I am a Captain with the Minot Police Department. I serve in the capacity as training officer. First of all, I would like to thank the members of the committee for graciously allowing me to speak regarding SB 2003. I have been in law enforcement for almost 24 years, 15 of which I have had the pleasure instructing law enforcement officers across the state. ~~Having come originally from New York, I never saw a law enforcement agency smaller than twenty-five until I moved to North Dakota.~~

When I first started my career in law enforcement, I was always curious how smaller agencies received training. I soon found out that law enforcement in

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Cheresea J. Lee
Operator's Signature

10-14-03
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North Dakota is one big family, helping each other out whenever they can. This is certainly the case in the area of training. Law enforcement agencies at the municipal, county and state levels are always offering training at little or no cost to agencies across the state. The ND BCI is no exception. For many years, BCI, through the efforts of the former director, the late Bill Broer ^{Making it possible} ~~took it upon themselves~~ to maintain training records and provide (2) field training officers for all of law enforcement in the State of North Dakota. This training has proven invaluable to the vast majority of law enforcement agencies in the state. Training such as radar certification, instructor certification and firearms simulator training are but a

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Yubereoa J. Lee
Operator's Signature

10-14-03
Date

few courses offered by these field training officers. From my personal perspective I found this training to be a lifesaver. Almost eight years ago I was involved in an incident where I had to use deadly force to protect myself and my fellow officers. I have always been a firm believer in extensive firearms training. I spend a great deal of time at the pistol range. I was fortunate enough to have attended several firearms simulator training sessions provided the BCI field training officers prior to my shooting incident. This training helped me further develop my cognitive skills and helped me to make a very difficult decision. I have no doubt that this training, in conjunction with other training I received over the

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Yherosa A. Lee
Operator's Signature

10-14-03
Date

years prepared me in surviving that incident. The Attorney General was asked by the Governor to trim his budget and I can certainly understand that. I am certainly not in the position to advise Attorney General Stenjem where he should make the cuts and I am not here to propose he make any. I am simply asking the legislature to reconsider the possibility of implementing a budget so the Attorney General may keep the two existing field training positions along with the statistician that are presently employed by BCI without cutting anything he has presently asked for in his budget proposal. Not counting the state and federal agencies, there are 124 municipal and county law enforcement ^{departments} in the state. Of those, approximately

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Cheresea A. Bee
Operator's Signature

10-14-03
Date

100 are agencies with 10 officers or less. Although the larger agencies will do what they can in the event of a reduction in state training staff, I am greatly concerned for those officers who's agencies cannot afford to send them to training at the state academy. Our agency alone coordinated over 10,000 hours of training during 2002. That is a 30% increase over the previous year. This is ^{due} do, largely in part, to departments losing officers to national guard duty and officers leaving the profession for personal and economic reasons. I foresee this trend continuing where local law enforcement officers leave for newly created federal security job. This will eventually trickle down to the small agencies where they will be

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Yherosa W. Lee
Operator's Signature

10-14-03
Date

forced to meet even more demanding training requirements.

I have heard there is talk about involving higher education in the training to offset the loss of the field training agent and I am certainly in favor of looking for alternatives however without a definite plan in place, I would like to wait until there is plan in place rather than eliminating the position and scrambling for the next 12-24 months to implement a plan. I would much rather see the training division remain in place while the interim study proposed by Senate Resolution 4014 examines the issues relating to law enforcement training.

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Cheresea A. Lee
Operator's Signature

10-14-03
Date

Finally, I also serve as an executive board member of the North Dakota Peace Officers Association. Our board met some time ago and voted to support SB 2003 but respectfully asked to keep the training division in place until the completion of the interim study. I am literally begging that you reconsider and reinstate the training staff to its present level. In this time with increasing demands on law enforcement, I would personally like to see even more field training officers available but I realize ^{that} the debate is for another time. Thank you.

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Yvonnea A. Bee
Operator's Signature

10-14-03
Date

Williams County Sheriff's Office

512 4th Ave. E.
Williston, ND 58801

701-577-7700
Fax 701-577-7705



SCOTT BUSCHING
Sheriff

March 18, 2003

Bill Brown
Minot Police Dept
515 2nd Ave SW
Minot, ND 58791-3739

Dear Bill,

This letter is to follow up with our phone conversation of this date. As I stated, I testified in favor of the Attorney General Budget and asked the committee to consider keeping the funding at a level which would allow two field training agents.

It is the position of the ND Sheriff's and Deputy's Association that these position should be fully funded as they provide an extremely valuable service, especially to the smaller departments throughout the state.

I also support the full funding of the former training division with the provision that this funding will not sabotage the requests for additional drug agents who are also very important to our fight on illegal drugs.

Sincerely,

Scott W. Busching
President
ND Sheriff's & Deputies Association

@PJL SET MEDIATYPE=PLAIN

@PJL ENTER LANGUAGE=PCL

Bill Brown

From: Christopher Magnus [CJMagnus@ol.fargo.nd.us]
Sent: Wednesday, March 19, 2003 1:31 PM
To: 'brown@web.ol.mnnot.nd.us'
Subject: Jeffrey Skuza
Letter of Support for SB2003



ATT00000.html

March 19, 2003

On behalf of the Fargo Police Department, I am writing to express our concerns regarding SB2003, which involves the appropriation of funds for the N.D. Attorney General's Office. Specifically, we are concerned that this bill provides only enough funding to employ one law enforcement trainer. This represents a 50% reduction of services that every state and local law enforcement agency in North Dakota heavily relies upon.

The two trainers currently working out of the Attorney General's Office play a critical role in keeping police officers, sheriff's deputies, and highway patrol troopers properly licensed and trained. Law enforcement is a rapidly changing field. Smaller police agencies, in particular, rely on the resources, assistance, and leadership provided by the personnel in these two key positions. Even police departments the size of Fargo benefit from the continuity, professionalism, and support we get from these trainers in the A.G.'s office.

Please help assure the needed level of funding is restored to the appropriation that goes to this office. Especially as we struggle to deal with homeland security needs and recruiting personnel to work in North Dakota law enforcement, the training function within the Attorney General's Office is of utmost importance. Thank you for your consideration.

Chris Magnus

Fargo Police Chief

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Operator's Signature

Yberosa J. Lee

Date

10-14-03

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@PJL ENTER LANGUAGE=PCL

Representative Ron Carlisle,

March 19, 2003

I am writing to you regarding Senate Bill 2003, the appropriation of funds to the office of the Attorney General. You may be aware that late last year the Attorney General announced that his office could no longer afford to fund the training costs for the state's law enforcement officers. The current allotment of funds is scheduled to run out by June 30th of this year. As North Dakota continues to rank low among the fifty states in professional standards and even lower in pay and budget funding this is a tragic mistake. There are officers in North Dakota who depend on food stamps to feed their families. Many work long hours with little or no help nearby. The local towns and sheriff's offices can barely afford to keep patrol cars on the road, to dry up their training funds will effectively send a large chunk of North Dakota law enforcement into a tailspin.

As the Training Coordinator for the Fargo Police Department I can tell you that we are not in such dire straights. From my perspective at the Fargo PD I can tell you that most of the smaller agencies can barely afford to send their officers to training just for the cost involved in taking them off the street to attend class. The Fargo PD employs 120 sworn officers of which 35 are certified as state instructors and teach a wide variety of law enforcement subjects, from firearms training to public speaking. When we offer training we frequently invite other agencies to participate for little or no charge, as do other Cass County law enforcement agencies. We have made this cooperative effort because we recognize the difficult position of our surrounding communities.

In this time of confused and chaotic foreign policy and the threat of domestic terrorism, the downturn of the economy and the growing methamphetamine problem, especially in rural areas, this is not the time to cut law enforcement training. Yet that is exactly what this bill will do.

Senate Bill 2003 allows for enough funds to employ only one law enforcement trainer. Only one! For the bulk of the state's officers this means that many are unlikely to keep up with existing requirements of continuing training to maintain their licenses, and many areas will be forced to go without local law enforcement. These funds are needed to provide new information and procedures on how to properly respond to biohazards, respond safely to clandestine drug labs and even stay certified in CPR.

The Fargo Police Department works with law enforcement from across the state in cooperative investigations and intelligence sharing. As an example, we have a huge stake in how another agency may handle the arrest of a fugitive from Fargo, or how they may obtain and seize evidence on our behalf. Competent training for all officers is necessary to serve our statewide society.

Although we do provide a large chunk of training "in house" we cannot depend on that entirely, for the sake of importing fresh ideas and methods. Since September 1st I have sent eighteen of our officers to state sponsored training, all of it in Bismark. Four of our officers attended a course last week in Bismark and seven more will attend a state sponsored course in Fargo in this May.

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Yherosa J. Lee
Operator's Signature

10-14-03
Date

Do you or your family travel through our state? Would you like the peace of mind knowing that if you or your loved ones needed professional law enforcement regardless of where they are that they could count on it? I would.

I urge you to voice our concern that this bill will effectively cut the training budget in half at a time when we really should be adding to it. Thank you for taking the time to read this. Please contact me if you have questions or comment.

Sgt. Jeff Skuza
Fargo Police Department
Home address 2006 7 St N, Fargo, ND
(h) 701-239-6026
(w) 701-241-8107
Office email [jaskuza@ci.fargo.nd.us]

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Yubereaa W. Bee
Operator's Signature

10-14-03
Date

PEMBINA COUNTY SHERIFF'S DEPARTMENT

308 Courthouse Drive - # 2
Cavaller, ND 58220

Phone: (701) 266-4122

Fax: (701) 266-3194

JAMES J. MARTINDALE
Sheriff

BRIAN EROVICK
Chief Deputy

To: House Appropriations Committee
State Capital
Bismarck, ND

From: Brian Erovick
Chief Deputy Sheriff
Pembina County Sheriff's Department

RE: Senate Bill 2003

Dear Legislators,

I am writing this letter on behalf of the Pembina County Sheriff's Department. Although we do support the Attorney General's proposed budget, we do not support a proposed cut to the training division for training of law enforcement officers and would not support further cuts to the Attorney General's budget to pay for the positions. It is my understanding that the proposed decrease in salary would cut the number of law enforcement training officers in North Dakota from two positions to one. A decrease such as this would bring a heavy burden to local law enforcement agencies.

One of the two current training officers spends a significant amount of his time travelling around the state, training law enforcement officers in their respective jurisdictions. This saves the cities and counties money in travel, hotels, meals, and wages. This local training would no longer be available for law enforcement, and would force agencies to send all of their officers to other locales.

The cuts to this bill may save some state funding, but would create an unfunded mandate for counties and cities that will far exceed the amount that this bill is purporting to save the taxpayers of North Dakota.

Such a cut in training officers would further deplete an already anemic section of state government.

Sincerely Yours,


Brian Erovick

Mar. 19, 2003 10:20AM

Stark County Sheriff Office

No. 0100 P. 1



STARK COUNTY SHERIFF

66 West Museum Drive - P.O. Box 130 - Dickinson, ND 58601

Sheriff
CLARENCE TUHY

Telephone: (701) 456-7610
Fax: (701) 456-7692

March 19, 2003

To Whom It May Concern:

On behalf of the Stark County Sheriff's Office and the citizens of Stark County, I submit this request that you consider continuing funding the Training Position with BCI. With the certified hours being raised to 60 hours every 3 years, it is very difficult for smaller agencies to continue adequate training when sending personnel to other locations is the only alternative.

With this Training Position filled and utilized around the state, it would benefit all agencies. By maintaining this position, I believe it would be very beneficial to law enforcement and the people we provide services for.

Once again, I ask for your support in funding this position for the people of North Dakota.

Sincerely,

Clarence Tuhy
Stark County Sheriff

CT:lag

cc: Chief Don Draovitch

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10-14-03
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SB 2003

OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

Wayne Stenehjem
ATTORNEY GENERAL

CAPITOL TOWER
State Capitol
600 E. Boulevard Ave.
Dept. 125
Bismarck, ND 58505-0040
701-328-2210
800-366-6888 (TTY)
FAX 701-328-2228

Consumer Protection
and Antitrust Division
701-328-3404
Toll Free in North Dakota
800-472-2800
FAX 701-328-3535

Gaming Division
701-328-4848
FAX 701-328-3535

Licensing Section
701-328-2329
FAX 701-328-3535

OUTH OFFICE BUILDING
100 N. 9th St.
Bismarck, ND 58501-4509
FAX 701-328-4300

Civil Litigation
701-328-3840

Natural Resources
701-328-3840

Racing Commission
701-328-4290

Bureau of Criminal
Investigation
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5500
Toll Free in North Dakota
800-472-2185
FAX 701-328-5510

Fire Marshal
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5555
FAX 701-328-5510

Information Technology
Box 1054
Bismarck, ND 58502-1054
701-328-5500
701-328-5510

www.ag.state.nd.us

To: Rep. Mike Timm
From: Sandi Tabor
Date: March 24, 2003
Re: Peace officer license fee

In response to the idea of raising the peace officer license fee, here is the information about the fee and what it would take to raise the additional funds necessary to include a second training FTE.

# of peace officers licensed in the state:	1,900 (includes inactive, but licensed)
Fee for license:	\$15.00
Duration of license:	3 Years
Approximate # of renewals during a biennium:	1,273
Amount needed to hire 2 nd training FTE ¹ :	\$134,000
License fee needed to cover additional cost:	\$110.00
Plus original license fee ² :	\$ 15.00
Total license fee:	\$125.00

There was some discussion at the meeting on Thursday of raising the fee to \$75.00. This increase would generate \$76,380.00 (\$60.00 * 1,273 ... leaving \$15.00 per license to the POST Board). As you can see this would not be sufficient to cover the additional cost.

¹ Includes operating costs to completely restore training operations.

² The original \$15.00 license fee must be included in any new fee calculation because it is the sole source of revenue for the Peace Officers Standards and Training Board (POST Board).

North Dakota Retailers Meth Watch Program



North Dakota Office of
the Attorney General
Wayne Stenehjem
Attorney General

North Dakota Retailers Meth Watch Program

- What is the North Dakota Retailers Meth Watch Program?
- What does the program involve?
- History of methamphetamine.
- What are methamphetamine precursors?
- What are some of the ingredients and equipment used in the manufacturing of methamphetamine?
- Pharmacology, Signs, and Symptoms.

North Dakota Retailers Meth Watch Program

- Suspicious activity.
- What not to do.
- What do you do if you have suspicious activity?
- Who to contact?

North Dakota Retailers Meth Watch Program

- What is the North Dakota Retailers Meth Watch Program?
 - The North Dakota Retailers Meth Watch Program is a partnership between the Attorney General's Bureau of Criminal Investigation, and a number of concerned North Dakota retailers.

North Dakota Retailers Meth Watch Program

- What is the North Dakota Retailers Meth Watch Program?
 - The Program's goals are to:
 - Raise the level of awareness across the state of the methamphetamine lab problem.
 - Educate and train retail employees to recognize the tell-tale signs of individuals that are obtaining the necessary precursors for the illegal production of methamphetamine.
 - Limit the accessibility of precursors.

North Dakota Retailers Meth Watch Program

- What is the North Dakota Retailers Meth Watch Program?
 - To become a member of the North Dakota Retailers Meth Watch Program, please call the North Dakota Bureau of Criminal Investigation at 1-800-472-2185.
 - We will arrange a training session and provide a program package that contains decals, posters, signage, Suspicious Transaction Reports (STR) and other training aids.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Manager and employee training:

- A Power Point presentation will provide the necessary training to identify suspects, record valuable information, and who to contact.

■ Precursor posters:

- A poster containing the photograph of some common precursors will be posted in the employee break room, to provide repeated exposure to the employees.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Signage:

- The North Dakota Retailers Meth Watch Program will create an increased awareness to certain products used to illegally manufacture methamphetamine.
- Placement of signs, stickers, decals, shelf danglers, will aid employees and the general public in becoming more familiar with these products.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Signage:

- The signage has a dual purpose of informing the public and also putting the criminals on notice that you are taking steps to curb the illegal production of methamphetamine.
- Place the large stickers at the entrance of the business to inform your customers of your participation in the Retailers Meth Watch Program.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Signage:

- Place the shelf danglers in those areas that contain the precursors that are necessary to produce methamphetamine, such as cold medicines (ephedrine), lithium batteries, Toluene, Acetone, etc.
- Also place the shelf danglers in areas that contain the equipment that is used to produce methamphetamine, such as Mason jars, coffee filters, Pyrex glassware, etc.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Signage:

- Lastly, place the small stickers at the check-out counter or on the cash register to again inform your customers of your participation in the Retailers Meth Watch Program.
- Place the informational flyer at the check-out counter to answer any questions that your customers may have about the Retailers Meth Watch Program.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- The strategic placement of certain products will help deter the theft or suspicious purchases of the precursors. Some strategic management practices include:

- **Limit quantities of precursors on the shelf:** By limiting the quantity of precursors that are on the shelf, the store may be able to reduce the amount of theft or suspicious purchases. Many stores may already implement this practice due to theft problems of certain products.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- Limit quantities of precursors that may be purchased: Limiting the quantity of precursors that may be purchased means that a customer will only be able to purchase a certain amount of a certain product. The quantity purchased may vary depending on store policy, but generally 1-2 packages is common. The disadvantage is that stores may need a computerized cash register program to track the quantities of purchases. This would not be necessary if the store is comfortable with relying on their employees to enforce the policy.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- Placement of precursors in a high traffic area: Placement of the precursor items near the check-out counter, customer service area, or pharmacy will deter theft or excessive purchase.
- Electronic surveillance on the precursor aisle: Providing electronic surveillance on the items and informing you customers that the aisle is under video surveillance will act as a deterrent to theft or excessive purchase of precursors. This will also aid in the identification of suspects.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- Placement of precursors behind a service counter: If placed behind the check-out counter, customer service area, or pharmacy the customer must ask for the product. Typically, a sign would be left in the aisle where the product would be located, informing the customer where to look for the product and explaining why it has been secured.

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- Reporting suspicious transactions: People involved in the illegal manufacturing of methamphetamine can be very dangerous. These people may become very violent if they are confronted about a theft or improper purchase. It is recommended that employees do not confront the suspect, but they should complete the transaction, rather than placing themselves in danger. After the suspect leaves the store the employee should complete a Suspicious Transaction Report (STR).

North Dakota Retailers Meth Watch Program

■ What does the program involve?:

■ Precursor management:

- Reporting suspicious transactions continued: The STR form should be completed as thoroughly as possible. After the STR is completed, the store manager should provide the information to the local law enforcement agency or to the North Dakota Bureau of Criminal Investigation, listed in the instructions of the STR form. Be sure to note if there is any surveillance tape is available.

North Dakota Retailers Meth Watch Program

■ History of methamphetamine:

- 1887: Amphetamine was first synthesized by German chemist L. Edleano.
- Amphetamine is used in the medical treatment of Narcolepsy, Attention Deficit Hyperactive Disorder (ADHD) Obesity control, and for increased energy.
- 1919: Methamphetamine was first synthesized by Japanese chemist A. Ogata.

North Dakota Retailers Meth Watch Program

■ History of methamphetamine:

- 1960's: Saw the first testing of the affects of Methamphetamine abuse on the human brain and body.
- 1965: The United States Congress make Methamphetamine and Amphetamine a Schedule II drug, making it illegal to possess unless a person has an prescription.

North Dakota Retailers Meth Watch Program

■ History of methamphetamine:

- 1960's: Outlaw Biker Groups control the illegal production of Methamphetamine, utilizing the P2P method of production and marketed it as a small white "Cross-Top" pill.
- 1980's: There was a trend to move away from the use of the pill form, and market in a powder form.
- 1980's: Methamphetamine begins to surpass Cocaine as the stimulant of choice.

North Dakota Retailers Meth Watch Program

■ History of methamphetamine:

- 1980's: There is a shift from the P2P method to the Ephedrine-Reduction method of production.
- 1980's: Control of the illegal production and distribution of Methamphetamine begins to shift from the Outlaw Biker Groups to Mexican Nationals.

North Dakota Retailers Meth Watch Program

■ History of methamphetamine:

- 1990's: The Mexican Nationals are able to produce larger quantities of higher quality Methamphetamine, but the Outlaw Biker Groups still control the distribution of Methamphetamine in the United States.
- 1990's-present: Mexican Nationals have taken over the production and distribution of Methamphetamine in the United States.

North Dakota Retailers Meth Watch Program

■ Methamphetamine samples analyzed by the State Crime Lab:

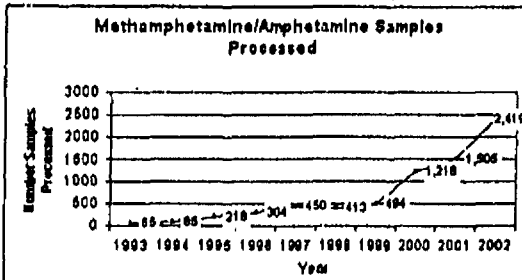
1993:	65
1994:	85
1995:	218
1996:	304
1997:	450

North Dakota Retailers Meth Watch Program

■ Methamphetamine samples analyzed by the State Crime Lab:

1998:	413
1999:	494
2000:	1218
2001:	1505
2002:	2419

North Dakota Retailers Meth Watch Program



North Dakota Retailers Meth Watch Program

■ Methamphetamine labs seized in North Dakota:

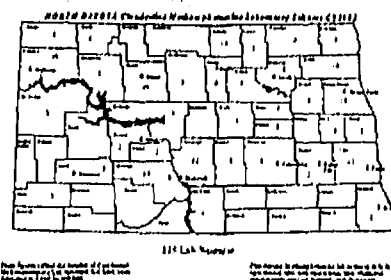
1995:	3
1996:	4
1997:	1
1998:	5
1999:	17

North Dakota Retailers Meth Watch Program

■ Methamphetamine labs seized in North Dakota:

2000:	46
2001:	89
2002:	275

North Dakota Retailers Meth Watch Program



North Dakota Retailers Meth Watch Program

■ What are the precursors?:

- Precursors are necessary chemicals and/or ingredients that are used in the illegal production of methamphetamine.
- Most precursors are readily available products obtained at retail, convenience, grocery, truck stops, automotive, building supply, and other stores.
- Most precursors are legally purchased in small quantities or stolen from unsuspecting stores.

North Dakota Retailers Meth Watch Program

■ What are the precursors?:

- Over the counter cold or allergy medications contain Ephedrine or Pseudo Ephedrine, the most critical ingredient necessary in the illegal production of methamphetamine.
- The easy accessibility of precursors needed to produce methamphetamine contributes to the growing meth problem in North Dakota.
- The manufacturing process also utilizes other ingredients that are listed below.

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - Ephedrine/Pseudo Ephedrine
 - Lithium Batteries
 - Anhydrous Ammonia
 - Rock Salt
 - Sulfuric Acid
 - Muriatic Acid

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - Coleman (Camp Stove) Fuel
 - Acetone
 - Ether
 - Toluene
 - Naptha Fuel
 - Starting Fluid

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - "Heat"
 - Kerosene
 - Lacquer/Paint Thinner
 - Mineral Spirits
 - Iodine
 - Red Phosphorous

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - Aluminum Foil
 - Red Devil Lye
 - Drano
 - Freon
 - Pie Plates/Pyrex Cookware
 - Mason Jars

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - Plastic/Vinyl Tubing
 - Funnels
 - Coffee Filters
 - Sport Bottles
 - Spoons
 - Pressure Cooker

North Dakota Retailers Meth Watch Program

- What are some of the ingredients and equipment used in the manufacturing of methamphetamine:
 - Hot Plate
 - Ice Tea Jars
 - Gasoline Cans
 - Propane Tanks
 - Coolers
 - Duct Tape
 - Grinders



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Cherene A. [Signature]
Operator's Signature

10-14-03
Date

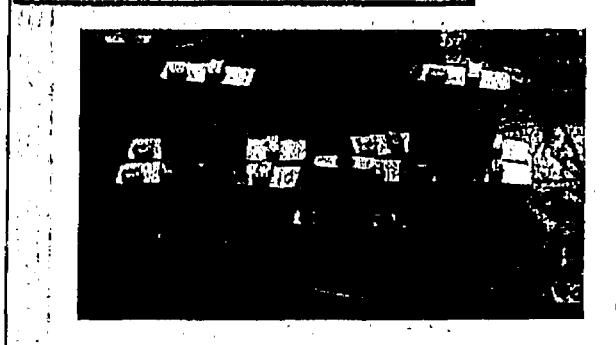
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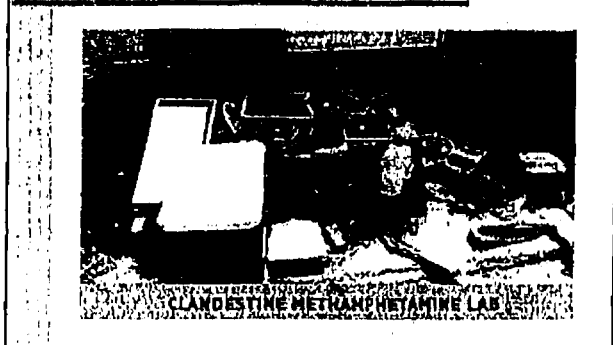
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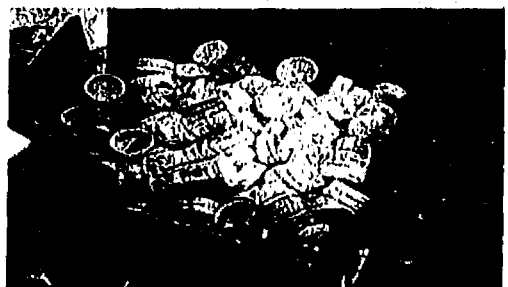
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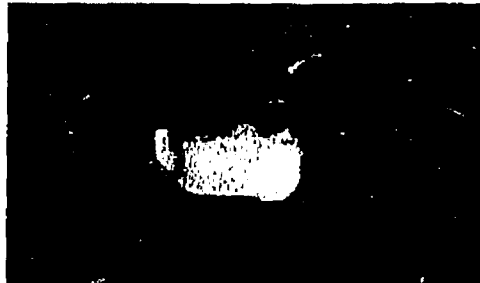
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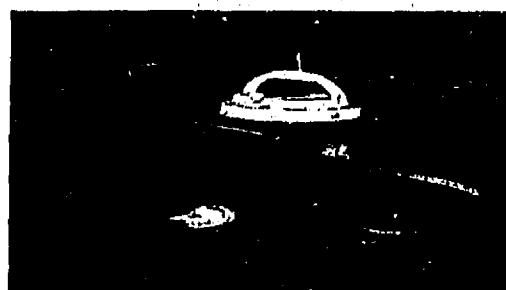
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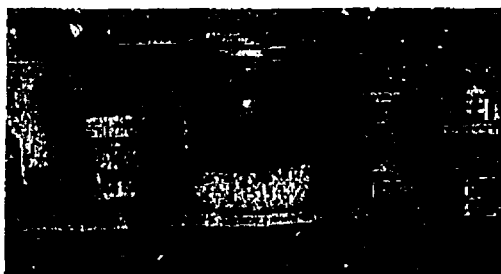
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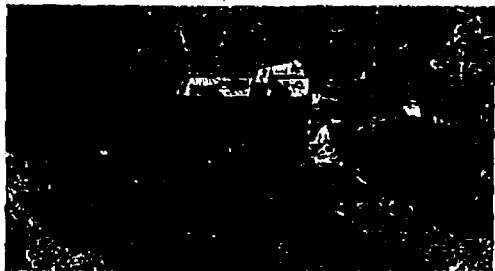
A black and white photograph of a large, multi-story building with a prominent central tower and many windows, likely a government or institutional building. The building is viewed from a low angle, emphasizing its height. The image is somewhat grainy and has a high-contrast, almost posterized appearance.

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Operator's Signature

Date _____

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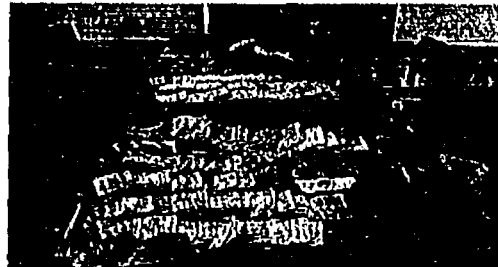
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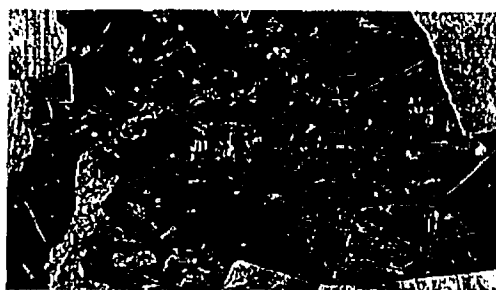
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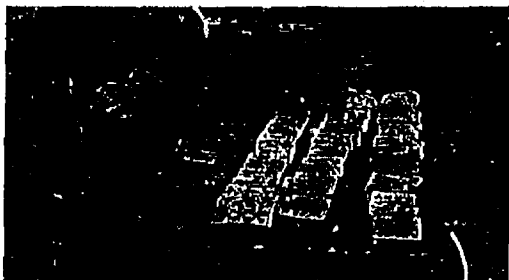
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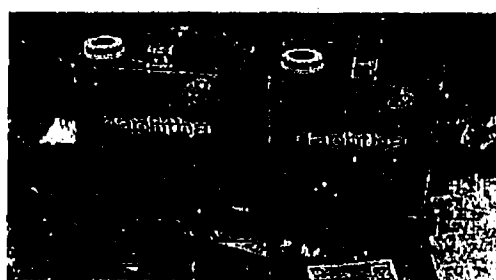
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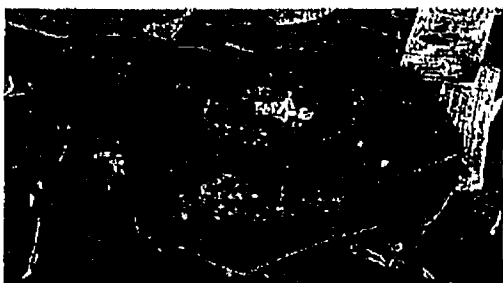
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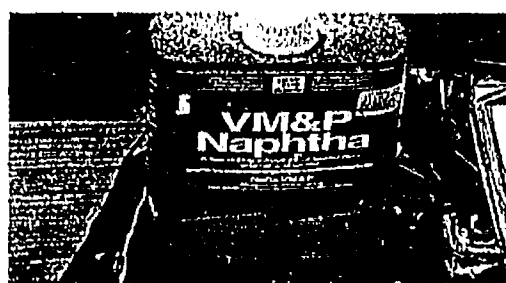
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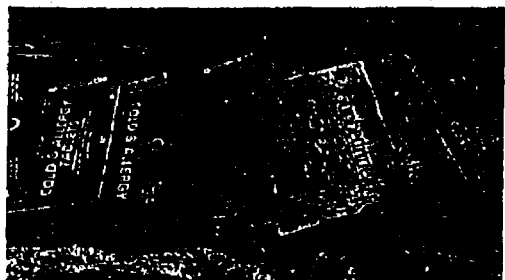
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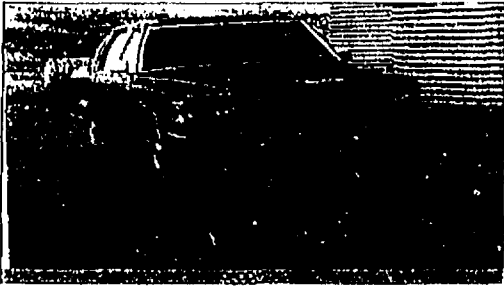
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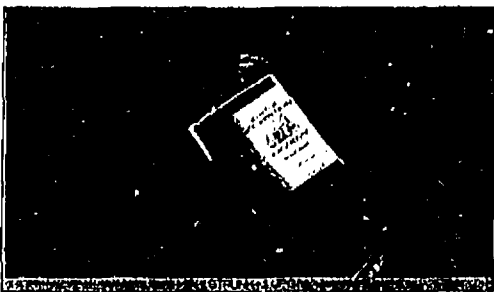
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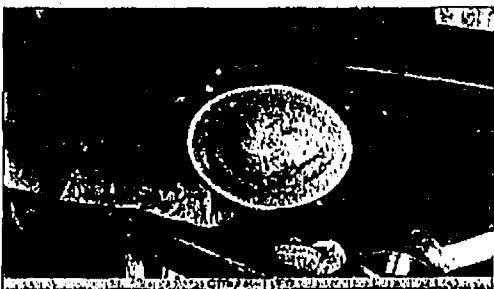
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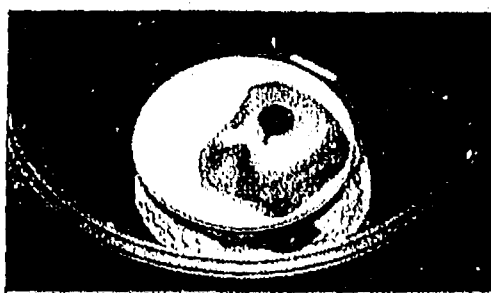
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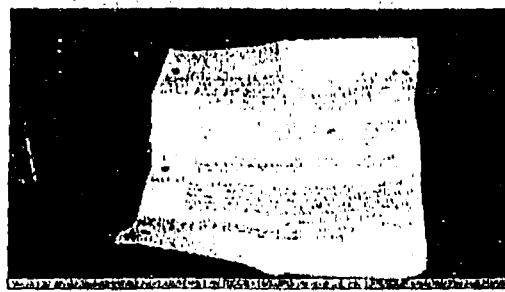
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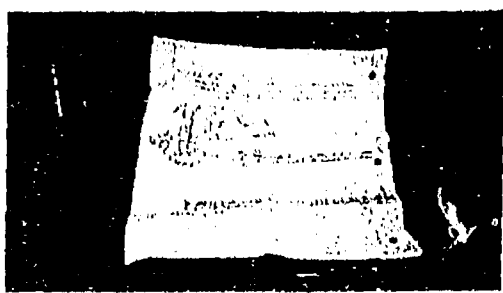
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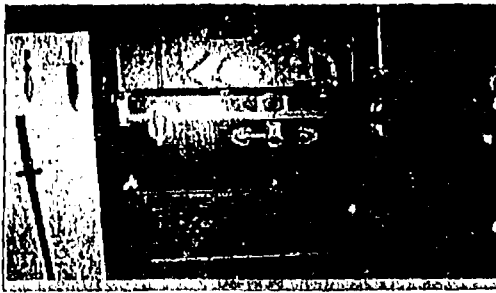
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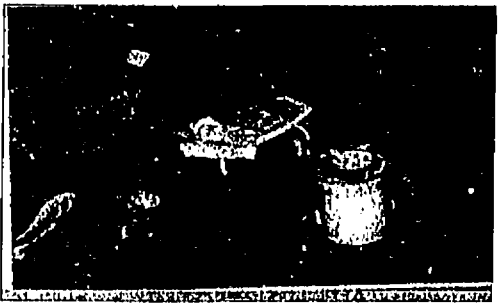
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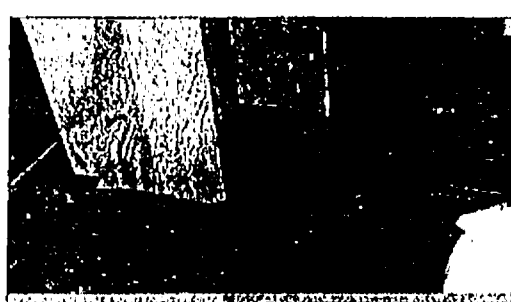
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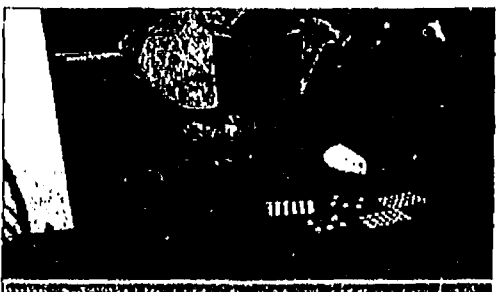
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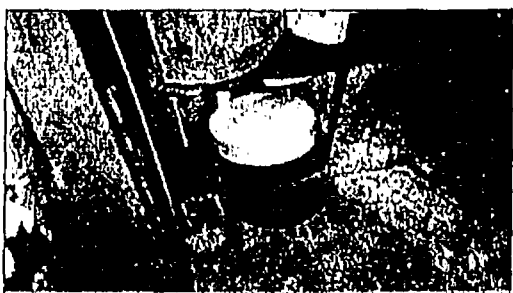
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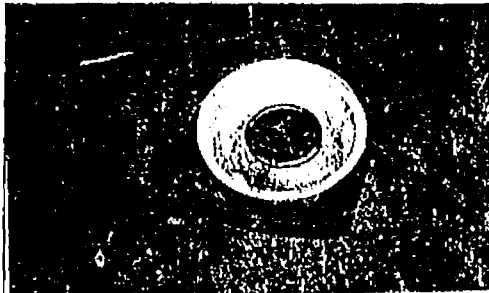
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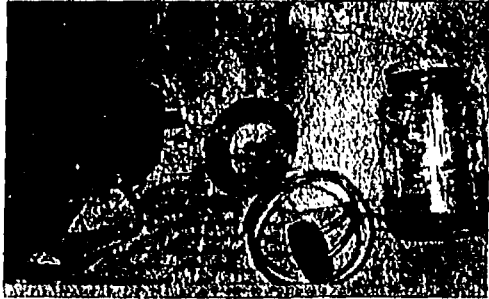
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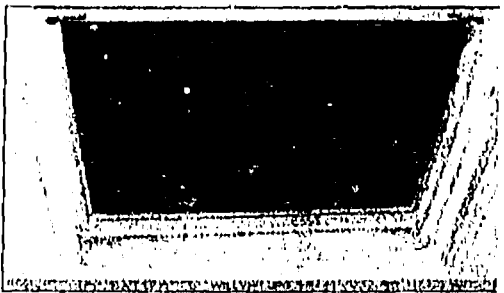
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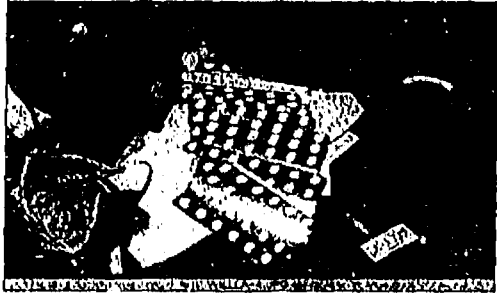
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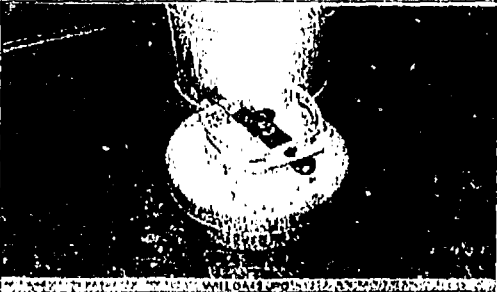
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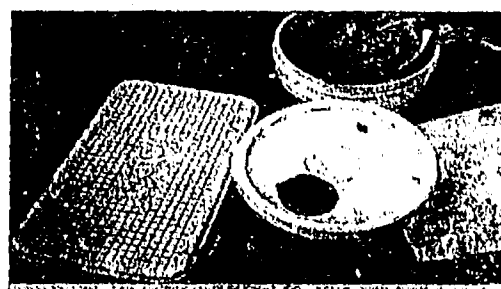
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North Dakota Retailers Meth Watch Program



North Dakota Retailers Meth Watch Program



North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Methods of Ingestion/Onset:

- | | |
|------------------|---------------|
| 1) Orally: | 20-30 minutes |
| 2) Inhalation: | 1-5 minutes |
| 3) Injection: | |
| Intravenously: | 5-7 seconds |
| Intramuscularly: | 1-5 minutes |
| Subcutaneous: | 1-5 minutes |
| 4) Smoking: | 4-6 seconds |

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

- The effects of Methamphetamine HCL will last approximately 2-12 hours, and maybe detected in urine 48-72 hours after use.
- Chronic Methamphetamine abuse permanently damages the pleasure center of the brain, so that the only way to experience pleasure would be the continued abuse.

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

- Methamphetamine is extremely powerful and addictive central nervous system stimulant, that also affects the cardiovascular system.

■ Central Nervous System Effects:

- Euphoria
- Increased Alertness
- Increased Energy
- Shakes or Tremors

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Central Nervous System Effects:

- Twitching
- Dilated Pupils
- Convulsions
- Seizures
- Euphoria
- Increased Alertness
- Increased Energy

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Central Nervous System Effects:
 - Dilated Pupils
 - Convulsions
 - Seizures

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Cardiovascular Systems Effects:
 - Increased Heart Rate
 - Increased Body Temperature
 - Increased Respiration
 - Cardiac Arrhythmia
 - Stroke
 - Heart Attack

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Other Symptoms/Effects:
 - Insomnia
 - Aggressive/Violent Behavior
 - Irritability
 - Severe Mood Swings
 - Nervous/Anxious Behavior
 - Paranoid Schizophrenia/Psychosis

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Other Symptoms/Effects:
 - Other Psychological Problems
 - Auditory/Visual Hallucinations
 - Clinical Depression
 - False Sense of Power/Confidence
 - Suppressed Appetite/Weight Loss
 - Fainting

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Other Symptoms/Effects:
 - Impotence
 - Body Odor/Increased Sweating
 - Dry Mouth
 - Dry/Itchy Skin
 - Acne/Sores
 - Pale Skin

North Dakota Retailers Meth Watch Program

- Pharmacology, Signs, and Symptoms:
 - Other Symptoms/Effects:
 - Retraction/Bleeding of Gum Tissue
 - Teeth Loss
 - Increased Urine Output
 - Numbness
 - Tingling Sensations
 - Constant "Electric Buzz" in Ears

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Long Term Effects:

- Fatal Kidney/Lung Damage
- Possible Brain Damage
- Clinical Depression
- Recurring Hallucinations
- Violent/Aggressive Behavior
- Weight Loss/Weight Gain

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Long Term Effects:

- Insomnia
- Permanent Psychological Problems
- Paranoid Schizophrenia/Psychosis
- Lowered Resistance To Illness
- Liver Damage
- Stroke

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Long Term Effects:

- Hepatitis A, B, & C
- HIV/AIDS (Needle Usage)
- Permanent Damage to the Pleasure Center Of The Brain
- Disorganized Lifestyle/Social Life
- Death

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Overdose Symptoms:

- Seizures
- Convulsions
- Stroke
- Heart Attack
- Coma
- Death

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Withdrawal Symptoms:

- Severe Cravings
- Insomnia/Exhaustion
- Intense Restlessness
- Severe Depression
- Mental Confusion
- Extreme Hunger

North Dakota Retailers Meth Watch Program

■ Pharmacology, Signs, and Symptoms:

■ Withdrawal Symptoms:

- Psychotic Reactions
- Anxiety Reactions

North Dakota Retailers Meth Watch Program

■ Suspicious Activity:

- Be aware that over-the-counter cold and allergy medications contain ephedrine and pseudoephedrine, the most crucial ingredient in the illegal production of methamphetamine. It is essential to the process that utilizes the "Nazi" method of production and can't be substituted.

North Dakota Retailers Meth Watch Program

■ Suspicious Activity:

- Watch for individuals that make frequent purchases of precursors, such as cold medicine, lithium batteries, Toluene, etc.
- Be aware of individuals that purchase large amounts of precursors, such as cold medicine, lithium batteries, Toluene, etc.

North Dakota Retailers Meth Watch Program

■ Suspicious Activity:

- Be aware that some individuals are part of a larger group of individuals, each with a specific item to purchase.
- Look for individuals with a combination of precursors, such as cold medicine, lithium batteries, Toluene, etc.

North Dakota Retailers Meth Watch Program

■ Suspicious Activity:

- Watch the demeanor of the individuals: are they acting paranoid?, are they being overly cautious?, etc.
- Look for signs of drug abuse, such as track marks, haggard physical appearance, etc.
- Do they have a chemical smell or odor about them?

North Dakota Retailers Meth Watch Program

■ Suspicious Activity:

- Look at the appearance of the individuals: are they un-kept?, do their clothes have chemical stains on them?, etc.
- Are they paying with cash?

North Dakota Retailers Meth Watch Program

■ What not to do:

- Don't accuse them.
- Don't provoke them.
- Don't confront them.
- Don't try to detain them or impede them in any way.
- Don't place them under "citizen's arrest"

North Dakota Retailers Meth Watch Program

- What to do if you have suspicious activity?:
 - Be Safe! Remain calm and observant.
 - Complete the Suspicious Transaction Report (STR).
 - Contact the local narcotics task force, BCI office, law enforcement office or the toll-free Drug Hotline, immediately.

- # North Dakota Retailers Meth Watch Program
-
- What to do if you have suspicious activity?:
 - If they paid with a check or credit card, secure the information for law enforcement.

North Dakota Retailers Meth Watch Program

- What to do if you have suspicious activity?:
 - If they paid with a check or credit card, secure the information for law enforcement.

- # North Dakota Retailers Meth Watch Program
- What to do if you have suspicious activity?:
 - If possible, obtain the license plate number and description of the vehicle.
 - If there is a video tape available, secure it for law enforcement.
 - Secure a duplicate receipt of the items purchased.

- [illegible]

North Dakota Retailers Meth Watch Program

- Who to contact?:
 - The telephone number of the local law enforcement agency to contact is on each Suspicious Transaction Report (STR).
 - The statewide toll-free Drug Hotline is 1-800-472-2185.

- # North Dakota Retailers Meth Watch Program
-
- Who to contact?:
 - Bismarck/Mandan area:
 - Metro Area Narcotics Task Force: 328-9820
 - Bismarck Police Department: 223-1212
 - Burleigh County Sheriff's Office: 222-6651
 - Mandan Police Department: 667-3250
 - Morton County Sheriff's Office: 667-3330
 - BCI Drug Hotline: 1-800-472-2185

- Operator's Signature

Date

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Devils Lake area:

- Devils Lake BCI Office: 662-0725
- Devil's Lake Police Department: 662-5323
- Ramsey County Sheriff's Office: 662-5323
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Dickinson area:

- Dickinson BCI Office: 227-7419
- Dickinson Police Department: 264-7759
- Stark County Sheriff's Office: 264-7610
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Fargo area:

- Cass County Drug Task Force: 239-7126
- Fargo Police Department: 235-4493
- West Fargo Police Department: 282-4154
- Cass County Sheriff's Office: 241-5800
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Grand Forks area:

- Grand Forks Task Force: 795-3820
- Grafton BCI Office: 352-5016
- Grand Forks Police Department: 746-2542
- Grafton Police Department: 352-1411
- Grand Forks Co. Sheriff's Office: 780-8280
- Walsh County Sheriff's Office: 352-2041
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Jamestown area:

- Stutsman County Task Force: 251-2993
- Valley City BCI Office: 845-8650
- Jamestown Police Department: 252-2414
- Valley City Police Department: 845-3110
- Stutsman Co. Sheriff's Office: 252-9000
- Barnes County Sheriff's Office: 845-8530
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Minot area:

- Ward County Task Force: 857-7613
- Minot Police Department: 852-0111
- Ward County Sheriff's Office: 857-6500
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Rugby area:

- Rugby BCI Office: 776-2326
- Rugby Police Department: 776-6112
- Pierce County Sheriff's Office: 776-5245
- Rolette County Sheriff's Office: 477-5623
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Stanton/Washburn area:

- South Sakakawea Task Force: 745-3258
- Beulah Police Department: 873-5252
- Hazen Police Department: 748-2414
- McLean County Sheriff's Office: 462-8103
- Mercer County Sheriff's Office: 745-3333
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Wahpeton area:

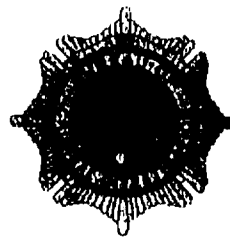
- South East Multi-County Agency: 642-7811
- Wahpeton Police Department: 642-7722
- Richland County Sheriff's Office: 642-7711
- BCI Drug Hotline: 1-800-472-2185

North Dakota Retailers Meth Watch Program

■ Who to contact?:

■ Williston area:

- Northwest Narcotics Task Force: 572-6739
- BCI Office: 774-4310
- Williston Police Department: 572-2197
- Williams County Sheriff's Office: 577-7700
- BCI Drug Hotline: 1-800-472-2185



North Dakota Retailers Meth Watch Program **Suspicious Transaction Report**

Clandestine methamphetamine manufacturers utilize legal over the counter products and other necessary items located within your store, in the illegal production of methamphetamine. If you suspect someone involved in the illegal production of methamphetamine, please complete the following information. Upon completion, please contact the South Sakakawea Narcotics Task Force at 745-3258 or the North Dakota Bureau of Criminal Investigation at 1-800-472-2185. Thank you for your cooperation.

Business Name, Store Number, and Store Location: _____

Employee Name, Date and Time of Contact: _____

Security Photo/Video Available: Yes: _____ or No: _____

Suspect Description: Height: _____ Weight: _____ Age: _____ Race: _____ Sex: _____

Hair Color: _____ **Hair Length:** _____ **Facial Hair:** _____

Other Information: _____

Payment Information: Cash Payment: _____ Receipt: _____

Check Payment: _____ **Name:** _____ **Address:** _____

Credit Payment: _____ **Name:** _____ **Credit Card/#:** _____

Vehicle Information: Make: _____ Model: _____ Color: _____ License # _____

State: _____ **Other Information:** _____

Chemical Purchased: Ephedrine/PseudoEphedrine: _____ Lithium Batteries: _____ Heat: _____

Starting Fluid/Ether: _____ **Camp Fuel:** _____ **Naptha:** _____ **Acetone:** _____ **Sulfuric Acid:** _____

Rock/Table Salt: _____ **Drain Cleaner:** _____ **Paint Thinner:** _____ **Muriatic Acid:** _____

Toluene: _____ **Coffee Filters:** _____ **Aluminum Foli:** _____ **Glassware:** _____ **Funnels:** _____

Tubing: _____ **Jars:** _____ **Matches:** _____ **Iodine:** _____ **Gas Cans:** _____ **Propane Tanks:** _____

Other Information: _____

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Operator's Signature

Cherese A. Lee

Date

10-14-03

ATTENTION

... and covers as seen
... are being developed
to protect against
anhydrous ammonia
nurse tank theft.



Facts about **METH**:

A guide to preventing anhydrous ammonia theft

Effects

Methamphetamine is an extremely powerful stimulant that affects the central nervous system. Referred to as "meth" or by the street names of "crank," "ice," "chalk," "glass" or "yaba," the drug is a bitter-tasting, white crystalline powder that can be smoked, injected, snorted or taken orally. The use of meth alters the chemistry of the brain and causes severe damage to internal organs. Current research indicates the use of methamphetamine causes long-term and possibly permanent damage to the brain and other organs because meth can cause the temperature of the human body to rise to 108 F.

Where

The growth of clandestine, or hidden, labs for making meth has spread across many sections of the United States and the problem is most severe in the West and Midwest. Labs are usually set up in occupied or abandoned homes, hotel rooms, rent-

ed storage spaces, abandoned structures, automobile trunks and secluded areas.

Hazards

The making of meth creates significant public health risks, including contamination of soil and water from the toxic waste generated from these labs. There is also a danger of explosion in areas where meth is being produced. Clandestine labs and the toxic materials require Hazardous Materials clean up in accordance with Environmental Protection Agency regulations.

Contents

Surprisingly, a lot of ordinary products are used to make meth. These products include drain cleaner, pseudoephedrine, ether, battery acid, acetone, brake cleaner and gasoline additive. The predominant method for making meth in the U.S. is "ephedrine reduction." Ephedrine reduction produces "Nazi" or

**Research indicates
the use of meth
causes long-term
and possibly
permanent damage
to the brain and
other organs.**

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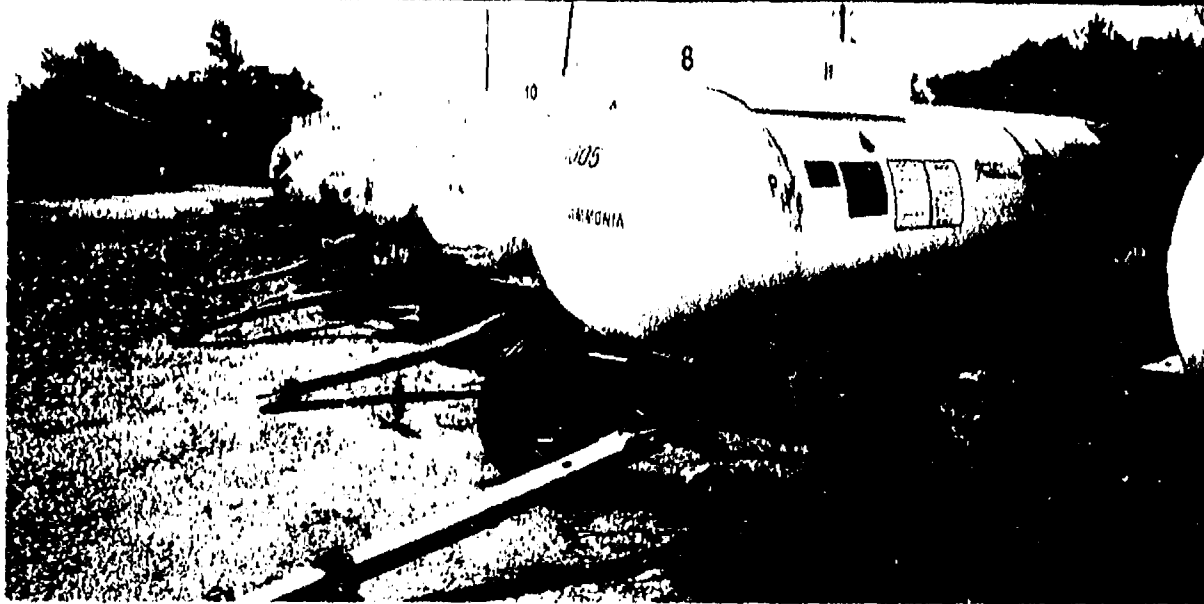
Operator's Signature

Cheresa W. Lee

Date

10-14-03

ATTENTION



"Red P" meth. In creating "Nazi" meth, the "cook" adds lithium strips, usually extracted from batteries, and anhydrous ammonia to the reduced ephedrine in order to start the chemical reaction. "Nazi" meth is prevalent in the Midwest and rural farming areas due to the availability of anhydrous ammonia.

Youth addiction

Meth is being sold as Ecstasy, one of the common drugs found at Rave dances. Raves are most common in rural areas in abandoned barns, warehouses and open fields. For more information, visit Midwest HIDTA at www.lifeormeth.org.

Prevent anhydrous ammonia theft

Producers

- Take delivery of tanks as close to the time of use as possible and don't leave tanks unattended. Return tanks as soon as possible after use.
- Bleed pressure and remove tank hoses when not in use. One hose contains enough ammonia to make meth.
- Store hose in separate areas from tanks in off-season
- Store anhydrous ammonia tanks in easily observed areas.
- Avoid storing tanks and tool bars inside buildings or near farmhouse or livestock confinements when not in use.
- Notice fresh tracks around the anhydrous tanks that may indicate someone has walked or driven around the tank.

Cooperatives or Ag dealers

- Store anhydrous ammonia tanks in well-lit areas. Motion lights are an effective and economical means of deterring criminal activity.
- Know the level of ammonia remaining in tanks, record stored tanks by the identification number and product weight.
- Install tank security devices to protect valves. A good example is locking devices that include valve locks and covers.
- Use brightly colored wire ties or seals to

place between valve wheels and roll cages. These ties stand out if they have been cut or disturbed.

- Store tanks in fenced, locked areas, blocking the access to the tanks with equipment or vehicles.

Clues to look for

- Anhydrous thieves may check out an area prior to attempting theft of ammonia. They may also return to a tank more than once if not detected.
- Watch for signs of anhydrous ammonia tampering, such as leaks, buckets or coolers, duct tape, garden hoses, and bicycle inner tubes — items that are frequently used or left behind by anhydrous thieves.
- If a valve is found to be loose, it might be a sign of tampering.
- Meth labs often produce strong odors that smell like ether, ammonia, acetone or cat urine. Windows of homes or buildings may be blacked out to prevent observation of activities.
- There may be traffic around such labs that increases at night.
- Large amounts of trash are produced at meth labs and can include antifreeze containers, red stained coffee filters (from chemicals), drain cleaner product cans and containers, duct tape and lantern fuel cans.
- Be suspicious of strangers who attempt to purchase anhydrous ammonia without a legitimate need for the product.

It is important you do not approach or confront any suspected individual. Meth users can be extremely violent. Note their physical description and the vehicle they are driving. Contact your local law enforcement with this information or anything else that appears to be out of the ordinary such as suspicious vehicles, persons or activities. For additional information, visit www.whitehousedrugpolicy.gov

Notice fresh tracks around anhydrous tanks — this may indicate that someone has tampered with the tank.

ATTENTION

This material was provided by Midwest HIDTA, Farmland Industries, Inc., and Agrilliance, LLC.

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Operator's Signature

Whitney A. Lee

Date

10-14-03

ATTENTION

RETAIL STORE EMPLOYEES

Methamphetamine manufacturing is on the rise using common household items sold in your store.

Watch Your Inventory . . .

Purchased alone, the items shown below do not represent narcotics activity. FREQUENT or LARGE QUANTITY purchases of one or more of these or similar products may, however, be an indication of Methamphetamine Manufacturing.



Items to watch for:

Common cold pills containing
ephedrine or pseudoephedrine

Acetone

Alcohol (Gasoline Additives or Rubbing)

Toluene (Brake Cleaner)

Engine Starter (Ether)

Drain Cleaner (Sulfuric Acid)

Coffee Filters

Iodine (Veterinarian Products)

Salt (Table/Rock)

Batteries (1.5 Volt)

Propane Tank (Anhydrous Ammonia)

Eye (Sulfuric Acid)

Matches (Red Phosphorus)

Dishes (Pyrex or similar)

Muriatic Acid



SUSPECT A PROBLEM?

- Is there an increase in sales of the above or similar products?
- Do people frequent your store and buy large quantities of the above or similar products?



If you suspect METHAMPHETAMINE MANUFACTURING in your neighborhood, please contact your local police or sheriff's office, or the nearest U.S. Drug Enforcement Administration Office.

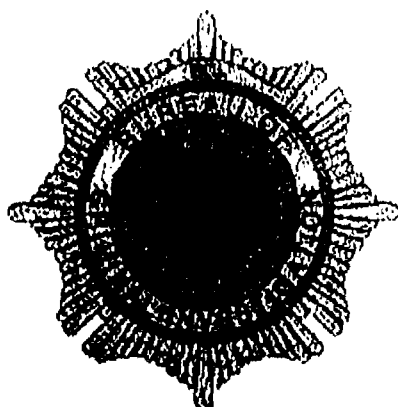


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Cheresa J. Lee
Operator's Signature

10-14-03
Date

Exhibit 2



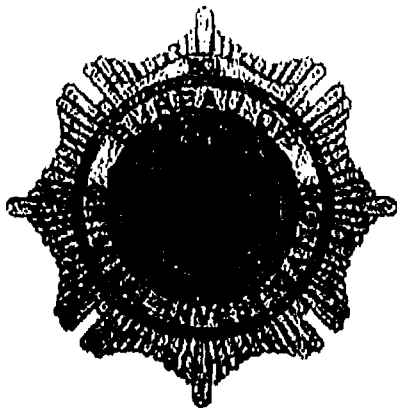
Methamphetamine Lab Stats 2002:
January-December 31, 2002:

Number of Meth Labs:	275
<u>Seizures by Counties:</u>	<u>Seizures by Month:</u>
Williams: 56	January: 18
Ward: 46	February: 19
Burleigh: 22	March: 18
Grand Forks: 18	April: 23
Cass: 13	May: 32
Morton: 13	June: 30
Rolette: 12	July: 21
Walsh: 10	August: 15
Wells: 9	September: 25
Pembina: 9	October: 32
Eddy: 7	November: 28
McLean: 6	December: 14
Stutsman: 6	
McKenzie: 5	
Ramsey: 5	
Benson: 4	
Burke: 4	
Pierce: 3	
Richland: 3	
Barnes: 2	
Cavalier: 2	
Divide: 2	
Oliver: 2	
Foster: 2	
McHenry: 2	
Stark: 2	
Steele: 2	
Emmons: 1	
Kidder: 1	
Mercer: 1	
Mountrail: 1	
Nelson: 1	
Slope: 1	
Traill: 1	
Towner: 1	
Total: 275	

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Theresa A. Lee
Operator's Signature

10-14-03
Date



Methamphetamine Lab Stats 2002:
January-December 31, 2002:

Type of Meth Labs:

Lithium Reduction ("Nazi") Method:	272
Red Phosphorous/Ephedrine Method:	3

City v. Rural:

City Limits:	113
Rural Areas:	162

Location of Meth Labs:

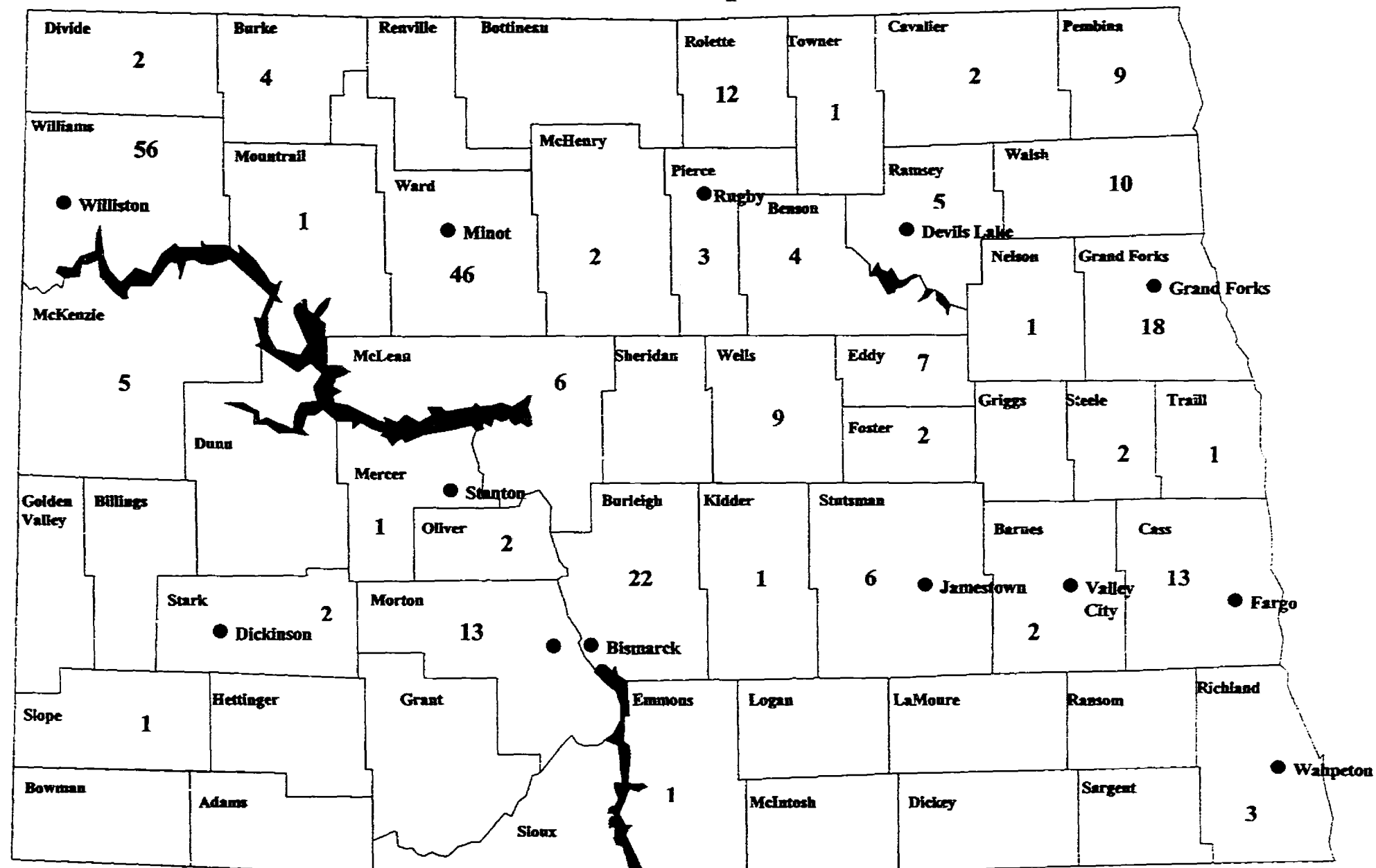
Residence:	59
Vehicle:	65
Farm:	31
Garage:	17
Roadways:	10
Commercial Property:	5
Hotel/Motel:	6
Riverbanks:	6
Farm Out Building:	11
Public Areas:	20
Other:	34

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Cheresea W. Lee
Operator's Signature

10-14-03
Date

NORTH DAKOTA Clandestine Methamphetamine Seizures CY2002



275 Lab Seizures

These figures reflect the number of Clandestine Methamphetamine Lab incidents that have been submitted to EPIC by NDBCI.

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

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Operator's Signature

[Handwritten Signature]

Date 10-14-03

The map displays the following counties and their locations relative to the numbered points:

- Point 1:** Located in Wells, Eddy, Stutsman, and Bismarck counties.
- Point 2:** Located in Sheridan and Barleigh counties.
- Point 3:** Located in Williams, Morton, and Dickinson counties.
- Point 4:** Located in Richland and Sargent counties.
- Point 6:** Located in Walsh and Grand Forks counties.
- Point 7:** Located in Grand Forks and Cass counties.
- Point 8:** Located in Pembina and Cavalier counties.

Other labeled locations include Williston, Minot, Devils Lake, Rugby, Benson, Jamestown, Valley City, Fargo, and Wahpeton. The Missouri River is shown flowing through the eastern part of the state, and several lakes are depicted in the western and central regions.

46 Lab Seizures

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

Cheslea D. Bell
Operator's Signature

10-14-03
Date

A map of North Dakota showing county boundaries and names. Each county is labeled with a number representing its congressional district. Major cities are marked with dots. The map includes the following counties and their district numbers: Divide (3), Williams (14), Burke (1), Mountrail (4), Cavalier (1), Rolette (4), McHenry (1), Minot (12), Ward (1), McLean (1), Mercer (1), Stanton (1), Oliver (1), Morton (1), Dickinson (1), Stark (1), Hettinger (1), Slope (1), Bowman (1), Adams (1), Grand Forks (3), Devils Lake (1), Nelson (1), Grand Forks (1), Steele (1), Traill (1), Cass (1), Barnes (1), Jamesstown (1), Valley City (1), Fargo (1), Richland (1), Ransom (1), Sargent (1), Dickey (1), McIntosh (1), Logan (1), LaMoure (1), Emmets (1), Bismarck (1), Burleigh (1), Kidder (1), Sully (1), Foster (1), Eddy (1), Wells (1), Sheridan (1), McLean (1), Mercer (1), Stanton (1), Oliver (1), Morton (1), Dickinson (1), Stark (1), Hettinger (1), Slope (1), Bowman (1), Adams (1).

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

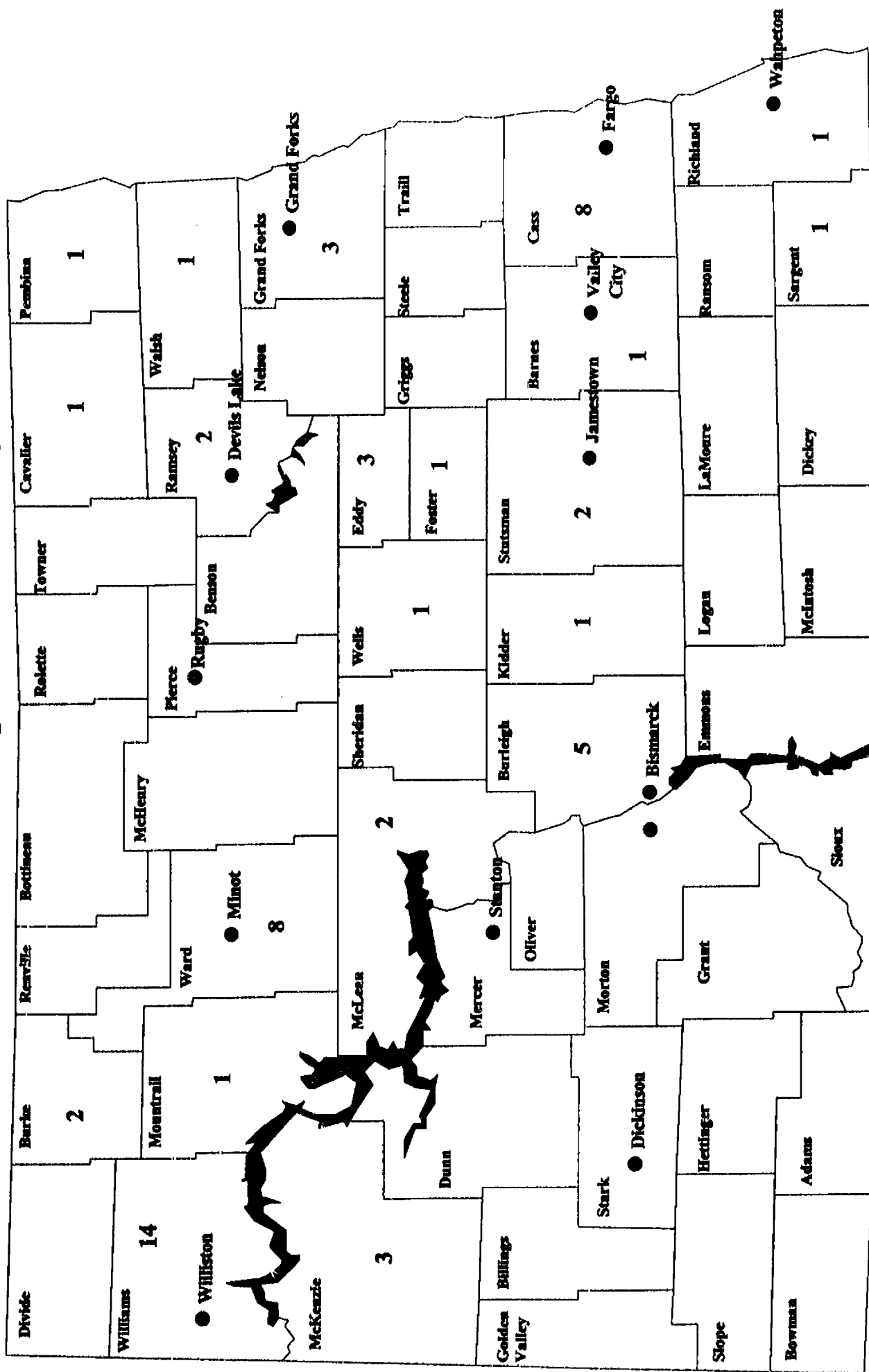
These figures reflect the number of Clandestine Methamphetamine Lab incidents that have been submitted to EPIC by NDBCL.

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Date

NORTH DAKOTA Clandestine Methamphetamine Laboratory Seizures CY2003



62 Lab Seizures

These figures reflect the number of Clandestine Methamphetamine Lab incidents that have been submitted to EPIC by NDBCL

Clandestine Methamphetamine lab seizures include operational labs, non-operational labs, chemical/equipment/glassware seizures, and dumpsites.

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Operator's Signature

Date

**STARTUP COSTS ANTICIPATED FOR THE LOTTERY DIVISION
NINE MONTHS OF ESTIMATED EXPENSES**

SALARIES	161,553
TEMPORARY - LICENSING	-
LOTTERY COMMISSION	7,500
BENEFITS	55,895
TOTAL	224,748

FUNDING SOURCE:	
OF	224,748

OPERATING EXPENSES	
ITD - DATA PROCESSING	20,404
ITD - TELECOMMUN.	3,385
TRAVEL	5,250
IT SOFTWARE/SUPP.	1,280
POSTAGE	3,750
IT CONTRACTUAL SERV	-
LEASE/RENT EQUIP	720
LEASE/RENT BLDGS.	13,500
DUES & PROF. DEVELOP	20,625
OPERATING FEES & SERVICES	9,375
REPAIRS/SERVICE CONTRACTS	450
PROFESS. SERV.	18,750
INSURANCE	1,354
OFF SUPPLIES	1,311
PRINTING	5,625
PROFESSIONAL/SCIENT. SUPP	1,875
BLDG./EQUIP. SUPPLIES	58,773
MISC. SUPPLIES	1,875
OFFICE EQUIPMENT UNDER \$5,000	35,454
IT EQUIPMENT UNDER \$5,000	14,374
TOTAL	218,131

FUNDING SOURCE:	
OF	218,131

TOTAL ALL LINE ITEMS *	
OF	442,879

FTE'S	6
-------	---

ANTICIPATED ONE-TIME COSTS

ITD WIRING	1,050
17TH FLOOR REMODELING	-
OFFICE EQUIPMENT UNDER \$5,000	35,454
TOTAL ONE-TIME COSTS	36,504

* OF THIS AMOUNT, \$85,000 IS BEING REQUESTED FOR THE 2001-03 BIENNIUM FROM THE AG OPERATING FUND TO BEGIN THE WORK NECESSARY TO IMPLEMENT THE LOTTERY.

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Operator's Signature

Date

2001-03 BIENNIUM STARTUP COSTS ANTICIPATED FOR THE LOTTERY DIVISION

SALARIES	19,258	2 MONTHS - DIRECTOR & ADMIN. ASST.
RULE WRITING, TRAVEL TIME, ETC.	18,012	3 MONTHS - CHUCK'S TIME
BENEFITS		INCLUDED IN SALARIES
TOTAL	37,270	

FUNDING SOURCE:	
OF	37,270

OPERATING EXPENSES	
ITD - DATA PROCESSING	1,166 1x WIRING & PORT CHG
ITD - TELECOMMUNICATIONS.	752 2 MONTHS
TRAVEL	3,167 2 MONTHS, ALSO INCL. TRAVEL FOR CHUCK K.
IT SOFTWARE/SUPPLIES	569 ACTUAL COST
POSTAGE	833 2 MONTHS
IT CONTRACTUAL SERVICE	-
LEASE/RENT EQUIPMENT	160 2 MONTHS
LEASE/RENT BUILDINGS	3,000 2 MONTHS
DUES & PROFESSIONAL DEVELOPMENT	3,000
OPERATING FEES & SERVICES	2,083 2 MONTHS
REPAIRS/SERVICE CONTRACTS	984 2 MONTHS
PROFESSIONAL SERVICES	2,083 1 MONTH
INSURANCE	301 2 MONTHS
OFFICE SUPPLIES	1,291 2 MONTHS
PRINTING	4,000 CHUCK'S EST. FOR RULES
PROFESSIONAL/SCIENTIFIC. SUPPLIES	417 2 MONTHS
BUILDING/EQUIPMENT SUPPLIES	4,898 2 MONTHS
MISCELLANEOUS SUPPLIES	2,417 2 MONTHS
OFFICE EQUIPMENT UNDER \$5,000	11,818 2 FTE'S
IT EQUIPMENT UNDER \$5,000	4,791 2 FTE'S
TOTAL	47,730

FUNDING SOURCE:	
OF	47,730

TOTAL ALL LINE ITEMS	85,000
OF	

FTE'S	2
-------	---

ANTICIPATED ONE-TIME COSTS

ITD WIRING	1,050
17TH FLOOR REMODELING	
OFFICE EQUIPMENT UNDER \$5,000	11,818
TOTAL ONE-TIME COSTS	12,868

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Operator's Signature

Date

HB 1003
Conference Committee
Kringstad

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. The workers compensation bureau, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the board of higher education, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, state water commission, and the state hospital.

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Operator's Signature

Cherese A. Lee

Date

10-14-03

Rep. Ron Carlisle
4-10-03

Exhibit 1

SUMMARY OF SB 2003 – Changes Made by the House

Provided a contingency appropriation of \$240,000 to defray the expenses of defending the state if a lawsuit involving the state's school finance system is filed during the 03-05 biennium. This money will cover the cost of expert witness fees, and other litigation costs.

Allowed the Attorney General to use up to \$66,000 of the office's anticipated general fund turn back to defray the cost of expenses associated with conducting criminal history background check. Several bills have been passed that allow different entities to get federal background checks through the BCI. In addition, it is anticipated that there will be a significant increase in background checks for non profit groups. To handle the increase workload, the committee raised the fee for background checks in SB 2041 and will use a portion of the expected revenue increase to pay for 2 new FTEs.

Allowed the Attorney General to keep \$394,984 of the attorney general refund fund to defray the costs of SB 2255 (no call bill). To implement the bill the Office of Attorney General will hire 2 new FTE. The funding will also cover associated costs.

Law Enforcement Training: Our subcommittee heard testimony from law enforcement officials from Minot regarding the need to fully restore the training program at BCI. These individuals travel across the state training local law enforcement and training at the two law enforcement basic courses. As I mentioned earlier, the Senate included 1 FTE and \$25,000 for contract operations in the budget.

In response to law enforcement concerns, our Subcommittee decided to add an additional FTE and associated operating costs. To fund the \$134,000 cost of the amendment, the subcommittee raised the cost of the peace officer license fee to \$70.00, \$55.00 of which will go the attorney general operating fund to pay for the additional costs. The remaining funding will come from new general fund money generated by the criminal background history fee increase.

Added an emergency clause was added for Section 3 (money for the criminal background checks) and section 4 (the no call bill)

The changes adopted by House Appropriations adds 5 FTEs to the Attorney General's office and \$483,985 in additional general funds.

Ron – Here's some other information just in case you are asked:

Breakdown of 6 FTEs:

2 – No call

2 – criminal history technicians

1 – training officer

The Governor's recommendation – Included 1 BCI agent – so with the amendments to 2003 we will get 2 new agents.

Here is a breakdown of all FTE's:

At end of 2002 – 160.5 authorized

Governor's budget removed 6 and added 1 agent and 1 chemist for the crime lab --- the crime lab transfer added 14.5

Senate removed 2 vacant positions and added 1 agent and 1 training officer

House added 2 for no call; 2 for criminal history background checks and 1 training officer

The lottery bill includes 6 FTE.

Total authorized FTEs – 182.

Refund fund – special fund used by the consumer protection group – it is funded from settlements of multi-state litigation, and fines and penalties received from consumer protection cases.

Conference Committee Changes to SB 2003

- 1) \$70,015 was added from general fund to pay for a law enforcement training officer. The general fund money will come from projected turn back at the end of the biennium.
- 2) \$25,000 of general fund money was removed from the budget due to the defeat of SB 2028.
- 3) The use of special funds was approved for funding the attorney salary equity increase already authorized by both the House and the Senate.
- 4) Adds 6 FTE for the lottery ... this was approved in House Bill 1243, but Legislative Council suggested the FTE's be confirmed in the AG appropriation bill.
- 5) Reduces the IT budget by 5% or by a total of \$98,453.


Section 4 regarding the salary equity increase ... the money will come from Attorney General special funds ... no money will come from the Water Commission and the Water Commission will not see any changes to present billing practice.

Operator's Signature W. Heredia - Lee

10-14-03
Date

OFFICE OF MANAGEMENT AND BUDGET

600 East Boulevard Ave, Dept 110 • Bismarck, North Dakota 58505-0400
FAX - (701) 328-3230

Date: April 15, 2003
Memo To: Legislative Conference Committee for
Office of Attorney General
Memo Fr: Sandy Paulson, OMB 
Re: Market Equity Salary Increases

The Legislature approved a pool of dollars for equity salary increases for the 1999-2001 and 2001-2003 biennia. The funds were made available to agencies, based on calculations prepared by Central Personnel, for classified employees receiving salaries that were significantly less than market rates. However, the lawyers in the Attorney General's Office are unclassified so these positions were not a part of the calculations or a part of the established pool of funds provided for this purpose.

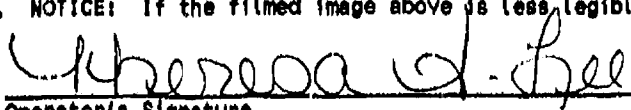
You will find that the testimony book provided to you by the Attorney General includes a section on their salary study and related information. If I can be of further assistance, please give me a call at 328-2148.

Director - Fourth Floor - (701) 328-4904
Fiscal Management - Fourth Floor - (701) 328-2680
State Radio - Fraine Barracks - (701) 328-8154

Risk Management - Wells Fargo Bank Bldg, Suite 613 - (701) 328-6514

Central Services - Fourteenth Floor - (701) 328-2780
Central Personnel - Fourteenth Floor - (701) 328-3290
Facility Management - Fourth Floor - (701) 328-2471

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