

2009 HOUSE APPROPRIATIONS

HB 1003

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 1/15/09

Recorder Job Number: 7055

Committee Clerk Signature ionya Voegelé

Minutes:

Chairman Delzer opened the hearing on House Bill 1003³. Roll was taken at a previous hearing with all members present.

Wayne Stenehjem, North Dakota Attorney General, presented his written testimony (Attachment 1003.1.15.09A) and the Office of Attorney General's Biennial Report (Attachment 1003.1.15.09B).

Mr. Stenehjem introduced the staff and directors present at the hearing and described the divisions of the Attorney General's Office.

Mr. Stenehjem reviewed the current and future critical issues of equity in the Attorney General's Office.

Chairman Delzer: When we get to the detail we are going to want to see last biennium's equity breakdown as well as vacant positions.

Wayne Stenehjem, Attorney General: We will be happy to tell you that story.

Mr. Stenehjem continued his testimony on page five with the staff member needs.

Representative Berg: Are you saying we should repeal the law stating that all felonious offenders be DNA documented?

Wayne Stenehjem, Attorney General: I am going to make a suggestion to you and that suggestion is this, we told this committee and this legislature two years ago that if you pass that law I think that is a good thing. It will certainly help to solve crimes and to arrest people who ought not to be out on the streets. We said that we need the staff. You did not put the money in for the staff last time instead delayed it for two years. You delayed the implementation until August 1, 2009. I went to the Governor and said that we need two staff members; an Evidence Technician and we need a Forensic Scientist in order to accomplish that level of workload. The Governor put in one position. He put the Forensic Scientist not the Evidence Tech into our budget. I am here to say that if you can't add the other position than you should repeal it because there is no point to have this evidence collected and then sitting there not being analyzed and not in the federal database so we are telling people we are solving crimes that we are not.

Chairman Delzer: Does the law say all felonious arrests or does it split it up between A B or anything like that? Is there a spot where you could split it and it make more sense?

Wayne Stenehjem, Attorney General: It says all. There may be a way to split it. It is hard tell how many people might be arrested for felonies in the state of North Dakota but the law that was enacted says anybody arrested for a felony. And that is arrested not convicted because we are already doing DNA samples for everybody that is convicted of any felony.

Representative Meyer: As you are well aware this was very controversial during the Judiciary hearing last session. There again it would make more sense to me if you were convicted of a

felony instead of just being arrested for one because we always presume you are innocent and that would decrease the flow tremendously.

Wayne Stenehjem, Attorney General: We would see something of an increase just because we would continually add people but we would not see that kind of a spike. Just so you understand I know that you had that debate in the legislature, it was not my bill. I am not here to tell you that I don't think that it is something that could be sensible and I will tell you that there will be people who will be convicted of offenses who would not otherwise had been because that information is in the database. You made a policy decision, you enacted that law and that is fine with me. I am happy to do anything that it is that you suggest to me or require of me to do but it doesn't do any good to collect all of that information and then having it sit in a warehouse so it is not useful to anybody.

Representative Berg: So the law would go back to anyone arrested in our history in North Dakota?

Wayne Stenehjem, Attorney General: No, it would be as they are arrested.

Representative Berg: So you are estimating that there is going to be another 3000 people arrested for felonies in one year?

Wayne Stenehjem, Attorney General: Yes at least.

Chairman Delzer: Do we have that many felony arrests without convictions?

Wayne Stenehjem, Attorney General: No, but they have to be tested just as they are being arrested.

Chairman Delzer: What is your percentage of convictions versus arrests?

Wayne Stenehjem, Attorney General: I don't have that information. That is our best guess on the amount of workload we will see starting August 1st.

Representative Kempenich: I can remember that. So basically when they are being read their Miranda rights they are going to take some DNA.

Wayne Stenehjem, Attorney General: Yes that is the plan.

Mr. Stenehjem continued explaining the staffing need in the Attorney General's Office.

Representative Kempenich: Didn't the State Hospital say they were not going to add on to the unit for sexually dangerous individuals?

Wayne Stenehjem, Attorney General: There is 58 people that have been convicted since 1997 under that program. There are three that have been evaluated and had a hearing and are waiting for decision from the court. There have been five who have been released. There have been 31 who have been in through the process and the court decided that they didn't meet the criteria and they didn't commit them. So there are 53 people who are committed to that process plus three awaiting determination from the court.

Chairman Delzer: How many committed in the last six months?

Wayne Stenehjem, Attorney General: I am not sure of that number.

Chairman Delzer: We are going to want those numbers. It may well have been an issue with some crimes that have happened that caused a spike in that.

Wayne Stenehjem, Attorney General: Everybody that is in that process are entitled to a hearing every year and somebody has to handle that hearing each and every year. I want to tell you that the state attorneys ask that we take over that program. I am happy to work with them because these folks really are the worst of the bad. There is nobody in that treatment center, in my opinion, who doesn't deserve to be there and who if they were not there would not be out committing other crimes.

Chairman Delzer: Currently the way it is set up that once they are committed, the responsibility of the treatment and everything is the states but the commitment procedure , is that the responsibility of the local counties.

Wayne Stenehjem, Attorney General: Under the current law it is.

Chairman Delzer: And they are asking you to take this over, all or part of this?

Wayne Stenehjem, Attorney General: They will want us to take over all of them. Although if a local state's attorney says I want to handle this, that will certainly be fine with me. That may happen.

Chairman Delzer: What grounds do they have to do that?

Wayne Stenehjem, Attorney General: The statute is written so that we are assisting. They assign it to me to handle it if they want me to handle it. I think in 99% percent of the case that is exactly what is going to happen. A representative from the State's Attorney's Association is here and he can further amplify on that. I don't want to take over what it is that they are doing. They have asked me to do it and I think it makes sense.

Chairman Delzer: So the statute leaves the responsibility with them and they are asking for your assistance. What about the cost, when you agree to assist them, does the cost automatically shift to you or do you put the cost of doing the work back to them?

Wayne Stenehjem, Attorney General: The cost will be born under the budget. The Governor put one attorney in the budget to handle those commitment processes but I also asked him for a paralegal because with this number of hearings that we are thinking of we need not only a lawyer but a paralegal assistant so they can handle the paperwork for all of that.

Chairman Delzer: When you do other agencies you charge them for your time, why would you not charge the counties?

Wayne Stenehjem, Attorney General: Every state agency we bill some for legal work. The discussion that we had with the State's Attorneys would call for an appropriation for the state to us for us to undertake that burden and to undertake the expense.

Representative Kempenich: Why don't we just change the statute? Do you have a number of what we would relieve the counties of their burden?

Wayne Stenehjem, Attorney General: I would have to defer that question to the Association of Counties because they would have a better handle of what kind of relief that they would see in that respect. I am always very sensitive when we come in and talk about whether we are going to take over something from the county and I want to make sure that we always have good working relationships with them. BCI is an example. We never go in and just take over a case. We are an assisting agency and we come in at the request of local law enforcement. We do it a lot. The investigations are done at the local level are done by the local agencies. We are there to help. We have helped the State's Attorneys out on a number of cases. I have mentioned the Willie case. They will call us and say that they need somebody to come in with your expertise.

Chairman Delzer: I understand what you are saying and appreciate that. If they have no financial burden, why would they not ask for it in almost any case that comes there where? As if there is some sharing, and I don't have a problem with you doing the work of it but if they have some share of the cost there would be cases that they would do themselves.

Wayne Stenehjem, Attorney General: They would refer a case for possible potential prosecution. There would still be an independent analysis done by whoever is employed in my office whether it's a case that justifies using our office.

Chairman Delzer: What is your current practice?

Wayne Stenehjem, Attorney General: Currently I do not believe we have had done any SDI prosecution cases. We have assisted and we have given advice. We have helped in other cases but I don't think we have ever helped on an SDI case. I'm sorry there has been one and we are currently working on one.

Chairman Delzer: That is some of the things we will have to discuss when we go into detail.

Wayne Stenehjem, Attorney General: I am happy to bring that information to you. I also want to mention because I didn't do this before, that the new crime lab done October of 2008. It is really a classy state of the art program. I know that the majority leader and I had a discussion and he wants to go out and have a tour. I hope that this committee, we could arrange a time because I think that you will really be impressed with the kind of facility that you provided funding for. If we can schedule that kind of tour it would really be worth your while. We will have someone be in touch with you.

Chairman Delzer: That would be fine.

Mr. Stenehjem continued testimony regarding Cybercrimes.

Chairman Delzer: Why was this position requested not granted in the Governor's Budget?

Wayne Stenehjem, Attorney General: We asked for the things that I am here to talk about. Why its not in our budget I don't know. But that is why I am here today, to talk to you about it.

Chairman Delzer: Sandy, we need a list of the OARs and what was funded in them. Mr. Attorney General, we would like that list then prioritized.

Sandy Deis, OMB: OK.

Wayne Stenehjem, Attorney General: I will do that.

Representative Kempenich: On the Cybercrime Agent, how difficult will it be to find one? You cant just pick somebody off the street to do this.

Wayne Stenehjem, Attorney General: They have to be kind of smart and they also have to be law enforcement agents so hiring has been difficult. We usually train them and provide continuing training. We have to do it because every time there is a new operating systems then you have to send these guys off for training so they are up to speed with what is happening. You know how fast the world of computers changes. They have a backlog that I should mention of anywhere from four to six to eight months. There are some that they are simply ever going to be able to get to because we are always handling the case where there are children who in immediate danger and if one of those cases come in that comes immediately to the front and everyone who has been waiting for an analysis of the hard drive that they have, have to wait in line.

Chairman Delzer: How do you deal with entrapment problems?

Wayne Stenehjem, Attorney General: We don't have that kind of a problem because the folks that are doing that kind of work and that are trained locally are very careful to avoid the entrapment issues. They know how to do it.

Chairman Delzer: What kind of conviction rate do you have with this?

Wayne Stenehjem, Attorney General: We have an excellent conviction rate. When we go to court all of our Cybercrime Agents do an excellent job. Very often you will see cases that come from the federal system, typically they are our cases. They typically are originated here in the state of North Dakota where a member of the Internet Crimes Against Children Taskforce and they get into courts we get convictions.

Chairman Delzer: It mostly ends up being federal because they cross state lines?

Wayne Stenehjem, Attorney General: That is correct. That and there are minimum mandatory guidelines in the federal system that are frankly better than ones we have. For BCI our conviction rate is around 100%.

Mr. Stenehjem explained a chart showing the state and Federal background checks that are performed.

Chairman Delzer: How many of those are becoming redundant? In my own case I have a concealed weapon permit but if I would want to have a HAZMAT license on my CDL I would have to go through a second background check. It is basically the same background check.

Wayne Stenehjem, Attorney General: I can try to get you the information. It may be a little difficult because when you say redundant, you may have agencies that decide that every two or three years they are going to do another criminal history background check on somebody just to make sure that there is not something new that has come up in the preceding year or two.

Chairman Delzer: I understand why this is politically popular, but on the same token we should have some idea of whether or not we are really truly getting our value for what we are going after.

Wayne Stenehjem, Attorney General: These are not cheap and it takes us one staff member for about every 2,000 criminal history background checks that we have. The largest category that is being added this session is daycare workers. I am told there are somewhere around 14,000 of those either daycare workers or family members or in a daycare setting. Each of those would have to have a criminal background check. That money is in the Governor's Budget and it is reflected in our FTEs. So we are not here to tell you that we will need more,

but when you add folks to the requirement to get a criminal history background check we are happy to do it. We have the information and if you decide we need it, we can get the information for it. We just want to make sure it doesn't take two months to get it done. People who are making hiring decisions want to know today or tomorrow. Currently we can do them in two to three days.

Chairman Delzer: Sandy, one thing that I would like to have Council research for me is that we just added the Tax Commissioner to the list up in the House Chamber. We want to know whether that can be done by policy.

Sheila Sandness, Legislative Council: You want to know if the checks of the Tax Commissioner will be mandatory?

Chairman Delzer: Some people I talked to felt that all we were doing is making it permissive for them to go and get the BCI background check. We want to know if it is permissive or mandatory. Also if we are putting any legal qualifications on the departments that we put in if they happen to hire someone without one.

Tom Trenbeath: That bill for the Tax Department is not mandatory. **Chairman Delzer:** Why could they not do those as a policy statement?

Tom Trenbeath: I don't know why they couldn't other than I believe the FBI has a hire statute.

Wayne Stenehjem, Attorney General: Many of the requirements that you have say that it is permissive. We do need legislative authority to permit whether mandatory or permissive to permit any agency to come in and get the information from our office.

Representative Meyer: There are different levels, correct? Can you give the cost price breakdown?

Wayne Stenehjem, Attorney General: I can do that. (Refers to chart on page 24 of 1003.1.15.09A) The blue line is for a state record check and that will cost you \$15 and what

you will get for your \$15 is a list of the criminal offenses that a person may have been convicted in North Dakota based on who the person said he/she was. How valuable is that? I am not so sure because it is quite easy for somebody in Fargo, for example, to go over to Minnesota and be arrested for an offense and that will not be in the North Dakota system. If you come in with your finger prints and want to get a federal check that is \$47.25. That will include a list of all of the arrests that are recorded for an individual all across the country. In addition to that the fingerprints are useful because then you don't have somebody coming in using a different name or trying to prove that somebody is the person that they say they are.

Representative Meyer: To follow up then, the permissive language that we passed yesterday for the Tax Department that was for a federal check?

Wayne Stenehjem, Attorney General: That was for either.

Representative Meyer: But you have to have permissive language for either?

Wayne Stenehjem, Attorney General: We cannot give that information out to anybody unless we have authority in the statute that allows it. We are the portal for the federal checks so you bring the fingerprints in and they are processed in our office and we send it off to the federal system.

Representative Meyer: And the language allows that permission on either check but you have to have the language for either.

Wayne Stenehjem, Attorney General: Yes.

Representative Kempenich: That is why last session, that one bill became a Christmas tree too.

Vice Chairman Thoreson: The timeline shows that the federal have overtaken the state checks estimated for the coming year. Do you expect that gap to close?

Wayne Stenehjem, Attorney General: I kind of do. The only reason to get the state one, I think, is because it is cheaper. What will often happen is that people will come in and they will say I know that this person has lived in North Dakota all his life so we are happy to get that. It is a much more limited usefulness than a federal check.

Mr. Stenehjem continued his testimony discussing the Operating Increase Needs.

Representative Kempenich: What do you get for the service contract other than they will show up?

Wayne Stenehjem, Attorney General: They promise that they will come within a day and fix it at their expense and they will stay until they get it repaired.

Vice Chairman Thoreson: Is this new equipment or old?

Wayne Stenehjem, Attorney General: Both.

Vice Chairman Thoreson: Do these machines break down much or are they pretty reliable?

Wayne Stenehjem, Attorney General: They are pretty reliable.

Mr. Stenehjem continued testimony regarding equity.

Representative Kempenich: How are you going to handle the equity? Are you going to lump sum it at the beginning and then put the 5 & 5 on top of that?

Wayne Stenehjem, Attorney General: I think that is how we are going to do it

Representative Meyer: Could the committee be provided with the number of felonious convictions versus the number of arrests?

Wayne Stenehjem, Attorney General: I will try. The courts have those numbers and I will try to get them for you.

Kathy Roll discussed the changes to the budget.

Vice Chairman Thoreson: If you could provide the committee a chart that has a breakdown of the increased operating expenses, I heard you say you have one.

Kathy Roll: Yes. I will get that for you.

Vice Chairman Thoreson: Is that everyone arrested in the state of North Dakota?

Kathy Roll: Yes, all felonies.

Ms. Roll continued her testimony.

Vice Chairman Thoreson: Any word regarding the Federal funds as far as where we are at with those. I know in the past there were certain questions about the federal funds continuing to come to the state.

Wayne Stenehjem, Attorney General: We have. Particularly there is the Burn Grant, law enforcement grants that have been steadily decreasing over the past six or seven years. We have worked with our congressional delegations and we are told that this is something that will be putting that money back to where it was. It is something that will be a priority for the new congress but I have been told that before. I and all 49 of my colleagues in the US have consistently contacted, lobbied, written to our congressional people so they could reinstate those Burn Grant funds, they are partners in the fight against drugs and crime and they need to be willing to step up and assist what we are doing on the state and local levels.

Vice Chairman Thoreson: I know this has been an ongoing issue.

Ms. Roll continued her testimony discussing the 2009 Legislation that will Impact the Office of the Attorney General.

Representative Meyer: Does the Attorney General's office require the agency to pay for these background checks?

Kathy Roll: It varies. In some cases the legislation provides that the applicant pay for the background check. In others such as that in 2162, that amount was added to our budget and so we would actually pay for those.

Representative Meyer: Is there a data base kept that is included in this?

Kathy Roll: There is a huge database involved. We have state offenses as well as federal offenses. That is what is searched when doing the background checks.

Vice Chairman Thoreson: I like the way you listed these bills as we get closer to the deadline if you wouldn't mind keeping an update of this information

Representative Kempenich: Can you get us a list of the grants and federal funds that you receive?

Kathy Roll: I can get that for you.

Representative Meyer: During your opening comments you mentioned the job weight discrepancy between Montana and Minnesota and the high learning curve. Do you see in your office where someone will come on and use our learning curve and then get a job elsewhere?

Wayne Stenehjem, Attorney General: Oh yes. We are training these people all of the time to work elsewhere.

Representative Meyer: Cant a contract be offered where if we train you for six months you have to work for x number of time?

Wayne Stenehjem, Attorney General: It would be nice we were in a position where we could have that kind of leverage but so often we are happy to have the good people without putting another condition on. We just are not paying them enough to do that. I will tell you that the explosion in the number of crime lab workers across the country is incredible. There is a lot of competition for these positions. The workload we are seeing in North Dakota is no different than the increase in the workload that is being seen everywhere else in the country. It is a good thing. I don't want to complain because we are solving crimes that would never have been solved before but that means we have to have the people available to do everything that has to be done.

Representative Kaldor: What kind of an educational degree do your lab people require?

Hope Olson: We hire people with a minimum four year degree in chemistry or biology or natural science.

Representative Kempenich: What is our graduating numbers in those degrees within the state?

Hope Olson: A large percentage of our people are from North Dakota. I would say 75% have spent half their degrees from North Dakota. NDSU has a forensic science program and UND does as well.

Representative Dosch: Do you participate in the Internship Program? Is there one for that area?

Hope Olson: We don't participate formally in the Internship Program with the state. I know there is a state program. We have had interns from UND and we have actually hired those interns as temporary employees.

Bill/Resolution No. **HB 1003**

House Appropriations Committee
Government Operations Division

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Hearing Date: **January 26, 2009**

Recorder Job Number: 7680 and 7797

Committee Clerk Signature



Minutes:

Recording 7680

Chairman Delzer opened the detail hearing on House Bill 1003. Roll was taken with all members present.

The committee had microphone problems at the beginning of the hearing, sound starts around the two minute mark of the recording.

Pam Sharp, Director of OMB, explained the estimated unexpended funds of the property tax rebates for the committee's information.

Chairman Delzer: The Tax Commissioner's office has used about \$42million out of that \$115million and if the next year is about the same it is going to be \$85million and then that \$30million would remain. I think the biggest question is whether or not that is accounted for in the \$391million that you are proposing.

Pam Sharp, Director of OMB: I will kind of start from the beginning. When that bill was passed there were several parts to that bill but there was the \$115million transfer from the Permanent Oil Trust Fund to the General Fund. That was just to make the General Fund whole. The other part was the property tax going out under income tax credits for individual

and corporations. Let's just totally forget about the \$115million that was transferred in because even though it is related, it has been transferred to the General Fund. It is in there. It doesn't effect, it is just put in there to make the General Fund whole. Of that \$115million some of that was for marriage penalty and so it was a little over \$100million in direct property tax relief. That was split between individual income tax and corporate income tax. In working with the Tax Department, what we did in the cash flow to take the appropriate amount of money out of individual and corporate income tax and we do a monthly cash flow and what we think we are going to collect each month of the biennium and the appropriate month's flows were adjusted by the income tax credit, the actual numbers. So just say if we thought we were going to collect \$20million in a month in individual income tax maybe what our cash flow said there was going to be \$15million just as an example because even though we would collect all of the money there would be credits going out so we would collect \$20million and \$5million would go out in credits so we would really have \$15million as collections because that money was going out in credits thus reducing the income tax. So as of January 9th, \$41million worth of credits had gone out and so roughly the first year has been taken care of. If we were going to assume and I don't really know how the breakdown works but say it \$50million each year of the biennium was going to go out in property tax relief and only \$41million has gone, OK where is the money sitting for that first year? It is sitting in our variances. I am going to hand these sheets out to you. This is the revenues for the month of December. This is what is in our news letter it is compared to the original forecast. So if you look on the right hand side on the biennium to date, an individual income tax, we had a variance of \$100million in corporate we have a variance of \$78million.

Chairman Delzer: So that \$9million is part of the \$100million variance?

Pam Sharp, Director of OMB: It is part of the variance right here yes.

Chairman Delzer: In other words, that is already figured in to the \$391million.

Pam Sharp, Director of OMB: It is already figured in yes.

Chairman Delzer: So what about the forecast?

Pam Sharp, Director of OMB: OK so the rest we still have year two to go and we don't know exactly how much money, I think the Tax Department assumed that year two was going to cost a little more than year one. Just assuming valuations went up and everything. So for year two, we have it figured out in the cash flows of what we are expecting. If we don't spend all of the money, say there is another \$10million left; it will show up in the variance.

Chairman Delzer: By the end of the biennium it will in there?

Pam Sharp, Director of OMB: Correct.

Chairman Delzer: In essence if we are \$20million short, \$20million of that was Permanent Oil Trust Fund money that ended up in the ending fund balance.

Pam Sharp, Director of OMB: Sure that was transferred in there yes. If you want to look at it that way.

Chairman Delzer: You made the transfer on the first month of the biennium.

Pam Sharp, Director of OMB: It wasn't the first month but it was within the first six months of the biennium.

Chairman Delzer opened the discussion on House Bill 1003.

Attached Testimony

Memorandum- 1003.1.26.09A

Internal Equity Increases- 1003.1.26.09B

Vacant FTE Report- 1003.1.26.09C

Spend Down Report for month ending December 31, 2008- 1003.1.26.09D

AG Operating Fund Analysis for the 07-09 and 09-11 Biennia- 1003.1.26.09E

Lottery Customer Service Specialist Job Description- 1003.1.26.09F

Forensic Scientist Job Description- 1003.1.26.09G

Identification Technician- 1003.1.26.09H

Kathy Roll presented testimony of requested information.

Chairman Delzer: This is the number per month?

Kathy Roll: Yes it is.

Chairman Delzer: So what is your total dollar figure then?

Kathy Roll: If you look at the bottom it is \$883,000.

Chairman Delzer: That must have been about 20% of the equity package last time.

Kathy Roll: That was not the market equity adjustments just the internal.

Chairman Delzer: Where did you get the money to do it?

Kathy Roll: From the legislature.

Representative Kempenich: I think we did put some money in their budget for attorneys and stuff last session for equity.

Chairman Delzer: Is the equity money part of this too?

Kathy Roll: No.

Chairman Delzer: How much equity money did you get last time?

Kathy Roll: There was a little over \$200,000.

Chairman Delzer: Where did that go?

Kathy Roll: I can provide that to you. The attorneys were not eligible for that because they are not classified.

Chairman Delzer: So all of this was unclassified?

Kathy Roll: No.

Chairman Delzer: How many of these individuals also got equity money?

Kathy Roll: I would have to check on that.

Representative Kempenich: I think we were looking at giving that to the scientists were we not?

Kathy Roll: The money was allocated for legal staff, for BCI agents, for forensic scientists and for the fire marshal I believe.

Chairman Delzer: Did you furnish us any information on where this equity money is going to go?

Kathy Roll: I would be happy to do that.

Representative Kempenich: What is the Refund Fund?

Chairman Delzer: I think she is going to go through them.

Kathy Roll: Yes I am. Basically the ones that I am not going to go through, because I think they are pretty self explanatory are the Lottery Operating Fund and when we reach the end of the biennium, we make transfers every year to the General Fund. We keep a small amount and the rest of it all goes to the General Fund. The reason we keep a small amount is just for operating for that first month or so until we get monies in from the vendors.

Chairman Delzer: The Lottery one goes to the General Fund every quarter does it not?

Kathy Roll: It is every year. There are transfers that come out every quarter. One of those is to the Multijurisdictional Drug Task Force Fund and also to the Compulsive Gambling Fund.

Chairman Delzer: Where is the authority to transfer to the Multijurisdictional Drug Task Force Fund at?

Kathy Roll: The legislature authorized that last session.

Chairman Delzer: Was that in a separate bill?

Kathy Roll: Yes.

Chairman Delzer: And that is a continuing appropriation?

Kathy Roll: Yes.

Chairman Delzer: How much is that?

Kathy Roll: \$845,000 per biennium.

Chairman Delzer: Did you do anything about changing the Compulsive Gaming fund this time? Did you put anything in your budget to increase that?

Kathy Roll: We did not. We were not aware of anything.

Ms. Roll continued her testimony discussing the Asset Forfeiture Fund.

Chairman Delzer: Where does the money come from for that fund?

Kathy Roll: The money comes from seized properties and monies when we work narcotics cases. Those monies that are seized we, normally they are split different ways because we normally are not working just by ourselves. We are working with the local law enforcement entities.

Chairman Delzer: How much? What kind of split?

Kathy Roll: It depends on how much work they did on the case.

Ms. Roll continued her testimony.

Chairman Delzer: How did you come up with the \$150,000 and what are you using the \$285,000 for?

Kathy Roll: It is very difficult to project what kind of revenue this fund will receive because it just varies so much depending on the case that we are working, depending on the monies that

are seized. So basically we try to look at what has happened in past history and make a projection based on that.

Chairman Delzer: That is all a continuing appropriation to you?

Kathy Roll: That is correct.

Chairman Delzer: So that is not in the budget bill at all?

Kathy Roll: That is correct.

Chairman Delzer: If you don't get the \$285,000 are you going to end up using some General Fund money to cover those same expenses?

Kathy Roll: We would need to cut back on what we do.

Chairman Delzer: That is a totally separate line? You don't have the authority to use any of the operating line items to do that?

Kathy Roll: I imagine that we could if we had the authority.

Chairman Delzer: This would be one of the first places that would be cut.

Kathy Roll: That is correct.

Chairman Delzer: What was your income in that fund so far this biennium?

Kathy Roll: I believe it has been about \$107,000.

Chairman Delzer: What did you put in last budget for expected income?

Kathy Roll: I am not sure.

Ms. Roll continued explaining the different funds that the Attorney General's Office handles.

Chairman Delzer: Your estimated revenues are \$3.7million. How much of that have you received?

Kathy Roll: We received the bulk of that. That again is extremely difficult to predict.

Chairman Delzer: How come that is so high and the estimated income for this time is so low?

Kathy Roll: We had some large settlements that we don't expect to have happen again. It is a multistate lawsuit and those can take years in order to come through the pike and that is why we were very careful. I think if you would look at our amount that we budgeted for this biennium it was also very modest because we just don't know what we will be receiving.

Chairman Delzer: Yet you said something about; you must have some of that that is pretty solid. The Indian gaming investigations that's the \$277,000 and the \$242,000, are those expenses or income?

Kathy Roll: They are both, they reimburse us.

Chairman Delzer: The rest of those are all expenses?

Kathy Roll: Yes.

Chairman Delzer: You are using \$1.2 million of this for licensing and record checks?

Kathy Roll: It is actually all of the expenses up above, just below Indian Gaming Investigations.

Representative Kempenich: Don't we collect on all of the record checks that we are doing?

Kathy Roll: It is not just the record checks that are included in that \$1.1million. It is all of the expenses for this division. Basically the gaming licensing record checks are an in and out transaction. They pay us and we pay for the record checks.

Chairman Delzer: This is all done under continuing appropriation and not in the budget?

Kathy Roll: That is correct. Again we don't know what we would spend. If we don't have that authority we might not be able to do background checks.

Chairman Delzer: Representative Kempenich I think what you are looking at here is that they have it busted down by two different biennia.

Representative Kempenich: This money that you get in for some of this, does it have to go to certain areas?

Kathy Roll: It varies. We have some monies, as you can see in the 09-11 biennium toward the bottom, it is about the fourth line up, and we do receive monies that go directly to the consumers that are refunds for them. Many times we receive monies where there are not specific beneficiaries of that money and so it goes toward our legal cost. Sometimes it is used for things like consumer protection education. Especially with our senior citizens, we have a person who goes out and does a lot of that type of education.

Representative Kempenich: What I am getting at is you see these class action lawsuits printed in papers and all of a sudden everybody gets impacted. Do you get in to that? It is kind of weird the way that works because there is really nobody out there other than the parties that bring the suit down and the law firm doing the representation. Some of those get to be fairly large sums of money. Does the state get involved in that process?

Tom Trenbeath, Deputy Attorney General: There is a misunderstanding here. Class action law suits on the part of consumers benefit the consumers directly and the states are not as a rule involved in those. The actions that we get involved in for which we get paid are actions that we may join the state of Mississippi may start an action against a particular drug supplier for their pricing practices or their advertising practices or whatever. We will join in that lawsuit or possibly file and add our name to a brief in support of the suit or in support of the claim. Therefore we are entitled to our share of the settlement based on how many consumers of that product we may have in this state.

Representative Kempenich: Who gets that money? If people don't ask for it, who winds up with that money? Say a court rules that they get \$100 million dollars and \$50 million goes, who

gets the other \$50 million? Is it doled out to that firm? I thought maybe it would go out to the states and then they would find the people that they are looking for.

Tom Trenbeath, Deputy Attorney General: That is a different sort of action. That is a class action situation and states or governments have no action in it or any part of it other than through the courts. In answer to your question as far as I am aware, if there were say a \$100 million settlement, ordinarily this class action is certified by the court and the court sets the rules as to gets what. You are right there are law firms that live from class action to class action and if they don't have one settled a month they are not covering their nut. That is not the situation that the various offices of the Attorney General's in the various states deal with.

Chairman Delzer: In those class action suits where you would have the \$100 million settlement, isn't there usually a cap on what the law firm can keep and the rest, they have so many years to collect how many people and then it is split out?

Tom Trenbeath, Deputy Attorney General: That is certainly one of the ways that those class actions go about it. It can vary by state by state; it varies by court by court. It probably varies by judge.

Chairman Delzer: In the end as Representative Kempenich said, is there is some money that has not been distributed under the court's findings, what happens? Does somebody have to go back in front of that court and find a way to do that?

Tom Trenbeath, Deputy Attorney General: I would be only speculating here but my guess is that is exactly what would happen. The court would have to provide for some alternative distribution if the pot was not claimed so to speak.

Representative Kempenich: It has just bugged me in the past. When you see these things it is just a broad shot at somebody or some company. I was just curious if the state gets involved in those types of instances where people come to you and say well this has happened.

Tom Trenbeath, Deputy Attorney General: Most of those things that you receive and if you are like me you get one every three or four years based on some company that you have either invested in or done some business with and they will without fail say that if you just throw this in the trash can, you are part of the group. In other words you have to ask to get out of it. The default position is you get paid no matter what.

Representative Kempenich: What got me going on this is that I received a letter last summer that stated I was part of a class action lawsuit that some information got released or something like that. I didn't pay much attention to it and I have not seen anything sense then either.

Tom Trenbeath, Deputy Attorney General: Could be but I am not aware of it.

Chairman Delzer: Kathy on this again. Your AG refund is all spelled out as to how you can spend it. Has there ever been a case where you have covered expenses that would have been covered with this from your operating or General Fund money?

Kathy Roll: No, I don't believe so.

Representative Glassheim: What is the Refund Fund? How is it funded? If everything is covered by income how can you possibly have the expenditures of \$3.2 million and income of \$500,000? Some categories balance but some you don't. I don't understand the structure of the refund fund.

Kathy Roll: The reason that you see the differences in terms of revenue that come in and expenditures that go out is, for instance in the 07-09 biennium, you can see we have revenues or expect revenues of about \$3.7million. As there was a balance that was available we try to fund some things like the IT CJIS hub interface, crime lab, case work supplies, the laboratory management information system application, crime lab equipment replacement. We try to fund those things as much as we can and the legislature has been very accommodating in the past of that so we are not coming to the legislature requesting General Fund money.

Chairman Delzer: But you will next time?

Kathy Roll: It will depend on whether it is a onetime expenditure or not. Most of these that are included here are onetime expenditures except for the consumer protection costs and the Indian gaming investigations.

Chairman Delzer: So if you wouldn't have received the 3.7million you are telling us your budget would have requested another \$2million roughly?

Kathy Roll: Yes.

Chairman Delzer: The CJIS hub interface and I see there are some other things for CJIS in here. What is that going to cost us if you add this and those other two, you are at least at the \$900,000 that you talked about during the budget section but what is it going to cost us continuing on?

Kathy Roll: I believe the best entity to ask that of is ITD. We have two people who are on monies from CJIS and that runs probably about \$325,000 for next biennium. Occasionally if we have money available and are able to carve out money, we include things like the CJIS hub interface. ITD, I believe has the line item for CJIS.

Chairman Delzer: CJIS was not passed during the last legislative session.

Kathy Roll: It was prior to that.

Chairman Delzer: During the budget hearings it was my understanding that there was supposed to be federal money to do it during the last session. It was taken out and then it came before the budget section because federal money did become available but the ongoing expenses were going to be \$900,000 for this biennium and it is showing up in your budget. I want to know if all of that is going to be ongoing, those two people, how much of that is programming and is that programming licensing or is that going to be something else?

Kathy Roll: What we have in our budget is the money for those two people. We pay for their operating expenses out of the General Fund but the salaries for the two people we bill ITD for that.

Chairman Delzer: You bill ITD for the salaries for these two people?

Kathy Roll: Yes.

Chairman Delzer: Yet it is in your budget as special funds. Who does ITD bill for that?

Kathy Roll: I am not sure. I would imagine.

Chairman Delzer: I have never heard of anybody billing ITD. So that is being run through special funds twice then.

Kathy Roll: I don't know how they are funded for CJIS. I thought CJIS was General Fund.

Chairman Delzer: They are collecting it from somebody as special funds.

Representative Kempenich: I don't think ITD has any General Fund money.

Chairman Delzer: They have some but it is all for salaries. I don't know if the General Fund money would be in ITD or not. We don't have that budget until the second half.

Representative Glassheim: If I remember correctly it seems that in Government Ops last time there was a long fight over these positions as to whether they were going to be in ITD or in the Attorney General's Office.

Chairman Delzer: Were these positions added last time?

Kathy Roll: No. The positions have been there for a number of years.

Representative Kempenich: I think it was funding them that everybody was arguing about last session.

Chairman Delzer: How is this lined up with what we did in the Budget Section on CJIS?

Sandy, are you aware?

Sandy Deis, OMB: I am not certain. I would say that I do believe that CJIS is General Funded in ITD. There was quite a bit of conversation last biennium and possibly the Assistant Attorney General could talk about that. I think it was security reasons that you did not want those positions in ITD.

Tom Trenbeath, Deputy Attorney General: That is true but to get back to your question Mr. Chairman with respect to what the Budget Section had to do with the budget in this for CJIS. That was for the separate program for the automated victims witness notification grant that had only been applied for at the time of the last session and was relegated to coming back through the budget section if the grant had been awarded which it subsequently was. We came back in and had the budget section budget those funds to us or to CJIS for the purposes of building that notification system.

Chairman Delzer: The ongoing expenses for that is \$900,000, where is that?

Tom Trenbeath, Deputy Attorney General: It is not in our budget but I would say that it is in ITD's budget because CJIS's line item is in ITD.

Chairman Delzer: But you have two different items in your budget that add up to about \$700,000 for CJIS.

Tom Trenbeath, Deputy Attorney General: All I know of is the two FTEs that we have dedicated to CJIS and then we have our portion of accessing the hub.

Representative Glassheim: I am still confused as to what this all amounts to but first I take it that revenue and expenditures are not, except for Indian Gaming Investigations, they are not linked. Is that correct?

Kathy Roll: That is correct.

Chairman Delzer: Is that the only one? There are a few of these that are directly linked with in and outs but most of these like the \$3.7million. What class action was that that brought that in?

Kathy Roll: There were a number of them. The bulk of them were some pharmaceutical companies.

Representative Glassheim: What is the CPAT Investigator?

Kathy Roll: It is Consumer Protection and Anti Trust.

Representative Glassheim: So for that whole big line item, is there income attached to that?

Kathy Roll: That is basically funded from whatever monies that we get. There is not any specific income tied to that. It is based on what the fund receives.

Representative Glassheim: How does it receive money?

Kathy Roll: It is from the law suits that we participate in.

Representative Glassheim: So the lawsuits pay for this.

Kathy Roll: That is correct.

Representative Glassheim: So the lawsuits fund this.

Kathy Roll: That is correct.

Representative Glassheim: And a variety of investigations?

Kathy Roll: They are all consumer protection.

Chairman Delzer: How many FTE's are you funding from this?

Kathy Roll: About 2.5.

Chairman Delzer: Are they in your count of 133?

Kathy Roll: We have about 187 FTEs.

Chairman Delzer: Are they in your counts?

Kathy Roll: Two of them are off budget.

Chairman Delzer: How many FTEs do you have off budget?

Kathy Roll: Only those two.

Chairman Delzer: Those are full time FTEs with state benefits and everything else but they are off budget.

Kathy Roll: That is correct.

Chairman Delzer: Brady, do we have any kind of numbers how many off budget FTEs we have?

Brady Larson, Legislative Council: I don't have that information now but I will check on that.

Chairman Delzer: Why do we keep them off budget?

Kathy Roll: We have budgeted them and then had it taken back out and that was a decision that Legislative Council made.

Chairman Delzer: When you say taken back out where they denied to you and then you funded them off budget or were you told to take them off budget.

Kathy Roll: The latter.

Chairman Delzer: The problem I have with that is that we don't have a true number of our FTEs then because these are state employees.

Kathy Roll: We are certainly willing to budget those I am just telling you what the history is.

Chairman Delzer: Let's put it this way, what would happen if two years from now you say you are going to have a \$586,000 ending fund balance, what will happen if you receive no money in 11-13?

Kathy Roll: Then we would have to make reductions.

Chairman Delzer: Would you in essence in fact do that or would you try to cover that some other way?

Kathy Roll: I don't know that we would have a choice. We would need to reduce what we spend.

Chairman Delzer: What percentage have you spent out of those?

Kathy Roll: We received about \$3.1 or \$3.3million so far.

Chairman Delzer: So what is the balance of that fund right now?

Kathy Roll: That is two pages back in my testimony. It is \$3.9million.

Chairman Delzer: How many more expenditures this biennium are you expecting?

Kathy Roll: All of the expenditures are listed here.

Chairman Delzer: But that is for the whole biennium. What percentage have you spent of those?

Kathy Roll: I don't know right off hand.

Ms. Roll continued testimony regarding the AG Operating Fund.

Chairman Delzer: So this money is all in your budget?

Kathy Roll: Yes, it is not a continuing appropriation.

Chairman Delzer: On the green sheet this last one vacant FTE position, is that number eleven on the green sheet?

Kathy Roll: That relates to a computer network specialist position. That was unfunded because last session the legislature approved funding assuming we could get federal funding for a sex offender registration system. We did not receive that money so we unfunded that position.

Chairman Delzer: You are removing the position too, correct?

Kathy Roll: That is correct.

Chairman Delzer: This is all you are doing is unfunding the position.

Kathy Roll: That is correct. Basically what has happened, because of the salaries that we pay, we have not been able to fund our attorney positions so we are advertising them until filled.

Chairman Delzer: Brady, where are we at with the vacant FTE list?

Brady Larson, Legislative Council: That is almost complete.

Chairman Delzer: So your concealed weapons permit cost, you are showing them higher than the revenues, is that a FTE or where do the costs come in?

Kathy Roll: The cost is for the FTE.

Chairman Delzer: What do you need the FTE for there? I thought that was all done in the counties.

Kathy Roll: I believe it is to process the fingerprints from the counties.

Chairman Delzer: The BCI case management rewrites? Is that a onetime expenditure?

Kathy Roll: Yes it is.

Chairman Delzer: Where does that show up in your budget?

Kathy Roll: That is in our information technology line. That is for the current biennium not the 09-11 biennium.

Chairman Delzer: What is going to double your estimated income on the concealed weapons?

Tom Trenbeath, Deputy Attorney General: The area for concealed weapons has exploded. One of our original versions of the budget that we were going to ask for included another half FTE to assist in that area. As you may know the statute indicates that we have to have a thirty day turn around on those things. I would expect that those costs are reflected in here as far as the revenue side of things.

Chairman Delzer: Yet you are not showing concealed weapons permit costs.

Kathy Roll: It is combined with the federal background checks.

Chairman Delzer: That is your 5.5 FTEs that you want to add?

Kathy Roll: It is not. The federal background checks cost that is reflected here, we have to pay the FBI \$17.25 per check that we request them to do.

Chairman Delzer: That is just the money to pay for the federal checks.

Kathy Roll: That is one of those situations that come in and out also.

Chairman Delzer: Where is your concealed weapon FTE being paid for?

Kathy Roll: It's included in the concealed weapons permit costs there at the end. The two are combined.

Chairman Delzer: What is the split on those two?

Kathy Roll: I can get that for you.

Chairman Delzer: Your IT costs for other divisions, what is that?

Kathy Roll: That is for all of the data processing, software, maintenance agreements for software.

Chairman Delzer: That is part of special funds for your operating line.

Kathy Roll: That is right.

Ms. Roll explained the Federal Funds that the Attorney General's office receives.

Chairman Delzer: Are these grants you have to apply for every year or are they set grants?

Kathy Roll: It is a mix.

Chairman Delzer: How hard for you would it be to take this spreadsheet and explain where these funds reside in your budget?

Kathy Roll: I can do that.

Chairman Delzer: And also whether or not there is General Fund money included and required for any of them, and whether or not it is required as a match.

Kathy Roll: Certainly.

Representative Glassheim: I notice in both the operating fund and the refund fund we are significantly spending down resources, what does that mean for us in 2013? We are living off of accumulating money in these funds and if we are going to be short, will that have to be supplemented with General Fund money to continue this level of expenditure?

Kathy Roll: The AG Refund Fund besides the uses that are listed for CPAT investigations and Indian gaming investigations, we also use that to fund one time projects. So if we did not have money that would be the first thing that we would look at not doing.

Chairman Delzer: Of those bottom six or seven what do you consider one time projects.

Kathy Roll: The CJIS hub interface, the crime lab casework supplies, we are hoping that we will again receive federal funds for that but we are just not sure. At this point we know we are not going to get them for next biennium. The crime laboratory information management system application is also one time.

Chairman Delzer: So you are considering the information management system a onetime expenditure.

Kathy Roll: Yes, we do.

Chairman Delzer: There are no licensing fees to carry forward?

Kathy Roll: There will be some but compared to the cost it will be minimal. I will get that.

Chairman Delzer: The consumer refunds?

Kathy Roll: Again those vary. We don't know what they will be.

Chairman Delzer: How do you expect to raise \$500,000? Where are you at with the \$128,000 that you have in the budget for this time?

Kathy Roll: That is what is owed at this point.

Chairman Delzer: So it will be paid in this biennium?

Kathy Roll: That is what we are assuming at this point.

Chairman Delzer: How did you come up with the \$500,000?

Kathy Roll: Basically what we are assuming there is that the refunds will be part of the lawsuit and so if we are staying at this point it could be \$500,000 it could be more or less.

Chairman Delzer: You have that as high as the estimated revenues.

Kathy Roll: We have occurred refunds that carry over from one biennium to the next.

Chairman Delzer: If it is not expended it just stays in the fund?

Kathy Roll: It goes back to the General Fund at the end of the biennium.

Chairman Delzer: How much?

Kathy Roll: The balance left, any refunds left in the licensing and gaming record checks.

Chairman Delzer: How of that \$3.3million at the end of 09 is going to go back?

Kathy Roll: There are projects listed below in the 09-11 biennium that would take that down quite a bit.

Chairman Delzer: How are you carrying it over this time? Is there something in the bill that allows you to carry that forward?

Kathy Roll: The legislature has approved that carryover in the past.

Chairman Delzer: Your authority to carry that forward is not in the bill right now.

Kathy Roll: That is correct.

Chairman Delzer: Are you asking for that?

Kathy Roll: Yes we would be.

Chairman Delzer: Is that in your testimony?

Kathy Roll: I don't remember. I don't think it is.

Chairman Delzer: So if we did not put that in your bill, that \$3.3million or whatever is in there would go to the General Fund at the end of 09.

Kathy Roll: That is correct.

Representative Kempenich: Are you getting any of that Burn Grant money anymore?

Kathy Roll: We do not receive any of the Burn Grant we get Justice Assistance grants. That has decreased significantly from what we used to receive.

Representative Kempenich: Have you heard anything on that stimulus money?

Tom Trenbeath, Deputy Attorney General: Rumors are around from all corners. Anywhere from one number I heard there could be \$3billion for North Dakota. That is all speculation.

Chairman Delzer: I think what we will end up doing with that is until something is actually passed and we have hard numbers I don't think that there is anything we can do with this budget until we know. The thing that we need to be careful about that is whether or not they have supplanting language in there. We don't want to pass a high budget and find out that we cannot supplant because that is defiantly the essence if we can save the monies in case we get into problems, we should do that instead of spending all we need to of our own money and then having this extra money that comes in on top of it.

The committee took a break.

Chairman Delzer called the hearing back to order.

Chairman Delzer reviewed the Departmental Collections- Executive Forecast. See Attachment 0000.1.26.09A as well as the State Fleet Services- Rental Rates Attachment 0000.1.26.09B.

Kathy Roll presented The Internal Equity Adjustments Attachment 1003.1.26.09B and the vacant FTE Attachment 1003.1.26.09C

Chairman Delzer: Is there a way we can match the equity adjustments from this biennium and last biennium so that we know which ones would be receiving your internal equity and the market equity adjustment for the current biennium and if any of those are projected received out of your equity for the next biennium.

Kathy Roll: I can just update this chart. This was easy to grab.

Chairman Delzer: What was the cost to continue these adjustments? It has got to be in your salary line obviously but do we have how much that is? Sandy or Brady do we have that?

Sandy Deis, OMB: I am just looking right now. I don't have it right in front of me.

Chairman Delzer: There has to be another \$883,000 at least plus whatever the increases are on top of it. What time of the biennium were these given?

Kathy Roll: In July of 07.

Chairman Delzer: Both the internal and the market?

Kathy Roll: That is correct.

Representative Kempenich: This is probably on top of everything but the Attorney General's Office cost to continue is like \$2.8million.

Chairman Delzer: And then the second list that you handed out is vacant FTEs?

Kathy Roll: That is correct. If you would like I can go through those. We have three Assistant Attorneys General positions that are vacant and they have been vacant because we are having a tremendous amount of difficulty getting those positions filled. In fact we are advertising them until they are filled because of the low salaries that we pay, people do not want to come work for our office.

Representative Kempenich: Are they attorneys?

Kathy Roll: Yes.

Chairman Delzer: Are these classified or unclassified?

Kathy Roll: They are unclassified.

Chairman Delzer: How many unclassified positions do you have?

Kathy Roll: We have 32 attorneys. I will have to get you that number for you for sure. I think there are division directors that are unclassified.

Chairman Delzer: They are all part of your 188 FTEs.

Kathy Roll: That is correct.

Chairman Delzer: Did you receive any positions through the interim from the Emergency Commission?

Kathy Roll: No.

Representative Kempenich: Your auditors are they specializing in investigative type auditing or are they just for the finance part of the Attorney General's Office.

Kathy Roll: The auditors that we have are in the gaming division. They audit the gaming organizations.

Representative Kempenich: If the Excise tax bill passes how is that going to affect you?

Kathy Roll: Those positions are funded from the General Fund. It is really hard to say because there is the Pull Tab and Bingo Excise Taxes but there is also the Gaming Tax and so we still have to audit for the gaming tax.

Representative Kempenich: I was wondering how they would be audited if we took that tax away? Would you still have to audit?

Kathy Roll: There is still a gaming tax that is assessed. The Excise Tax is just for pull tab and bingo.

Chairman Delzer: That is what you are auditing whether or not they are paying the taxes. You are not auditing anything else?

Kathy Roll: We also audit whether they are using their charity money the way they are supposed to be.

Chairman Delzer: How many people do you have employed doing that?

Kathy Roll: I believe we have about 13 or 14. I think there are 15 in the division. There is the division director and then an assistant.

Chairman Delzer: That is what they do is just those gaming.

Kathy Roll: A portion of them do the gaming audit and then a portion of them process the gaming tax returns.

Chairman Delzer: What does the Tax Department do? Are they involved with those tax returns too?

Kathy Roll: They do not.

Chairman Delzer: So the gaming all goes through you guys. It does not go through the Tax Department.

Kathy Roll: That is correct.

Chairman Delzer: It takes thirteen people to do that.

Kathy Roll: And we could use more.

Chairman Delzer: All of these vacant FTEs are being funded?

Kathy Roll: Yes.

Chairman Delzer: What are your Identification Technicians?

Kathy Roll: Those are the people doing the criminal background investigations.

Representative Kempenich: Are these something you went to the Emergency Commission for or was that something else?

Kathy Roll: The identification technician positions were budgeted for this biennium.

Representative Kempenich: Are you having problems filling those positions or is it because of turnover?

Kathy Roll: Both.

Chairman Delzer: If you take 40% off of 75 and then split it by two that is not a lot of money. What grade are these positions?

Kathy Roll: I don't remember right off hand.

Chairman Delzer: Yet you are asking for 5.5 more of them? If you are having problems filling these how do you expect to fill 5.5 more of them.

Kathy Roll: We are hoping with the equity money that is in the budget currently that that will help with these positions.

Chairman Delzer: That grade is probably something that we need to know. What their grade is and what their requirements are. I will say one thing and this has nothing to do with the Attorney General's Office but I have spent time looking through the vacant FTE positions and the requirements for them. One thing that I have noticed and this is just my take on it is a lot of times when you look at a position and you look at the job description for the position and the salary, they are both a high school graduate equivalent job description and salary but the requirements are a for a college educated person. When we have that type of situation there is two problems there, one is that you are closing the door to a lot of people that could do the job and the other one is if we hire somebody with a college education and put them in a job that is high school equivalent work and pay they are never going to be happy. I am not sure that, and this is just my take from having looked at it and I can't prove it or anything it is just my take but I am not sure that we are necessarily looking correctly at our qualifications on some of it. It makes it even harder when it was an employee's market. Now with an employer's market that might work for you. We may well be going into a time of an employer's market for the next

couple of years but I am still not sure. It seems like that is what is happening. This is not pointed at the Attorney General's Office it is just job descriptions out there in general. You have special funds for your position 601? Where are your special funds from?

Kathy Roll: The legal service billings are used for the attorney and the customer service from the lottery operating fund.

Chairman Delzer: Legal Service Funds?

Kathy Roll: That is correct. We bill for legal services for agencies that receive other or federal funds.

Chairman Delzer: Are you receiving those funds? Are you doing them all? This vacant FTE is that making you do less of them so you are going to have less special funds to use or is that simply where it would have been funded from?

Kathy Roll: It is where the position is funded from. We are still doing the legal work.

Chairman Delzer: It just happened to be that position that became vacant?

Kathy Roll: That is correct.

Chairman Delzer: The work is being done obviously by somebody else and the funding will still be there. If that has been vacant for 17 months, you have not used any of that money for that particular salary, what are you doing with that money?

Kathy Roll: That stays in the operating fund and that has to be appropriated.

Representative Kempenich: So those special funds, is that one of the grant funds or the Refund Fund?

Kathy Roll: It is in the AG Operating fund.

Representative Kempenich: Since the Assistant Attorney Generals are unclassified, how do you handle (INAUDIBLE)

Kathy Roll: We have done numerous studies and we are doing another one this biennium to take a look at what other state agencies are paying their attorneys. For the most part we are significantly lower paid than attorneys in other agencies.

Representative Kempenich: Who is driving who then, INAUDIBLE

Kathy Roll: We do lose them to other agencies. We lose them to private law firms and other companies.

Chairman Delzer: Do you have a list of the Assistant Attorney Generals that are not housed in your department.

Kathy Roll: I can get that for you. Do you want the number by department?

Chairman Delzer: I think so. If you can do that for us. They are in essence, when the Assistant Attorney General is in another department, the only time they have anything to do is if there was a law suit that the state was defending or something that way then they would have to come and talk to the Attorney General's office?

Tom Trenbeath, Deputy Attorney General: If I understand your question correctly for instance we have some Assistant Attorney Generals in the Department of Transportation for instance. They give general legal advice to their client which is the DOT. If there should come a time where the DOT was sued for something that would run through Risk Management and our staff headquartered in this building would take care of it.

Chairman Delzer: So the only thing, they are considered Assistant Attorney Generals because they need the State of North Dakota's name with them but they really have nothing to do with the Attorney General's Office.

Tom Trenbeath, Deputy Attorney General: It is a comparatively tenuous connection. Let's put it that way. They work for the DOT.

Chairman Delzer: How many of them really need that designation?

Tom Trenbeath, Deputy Attorney General: We look at that quite often. As a matter of fact, usually there is a request by the agency that they are going to hire a new attorney under a grant or whatever. They will request the status of an Assistant Attorney General. We meticulously look at the job description of that position that they are going to fill and it is fine with us if they are going to hire an attorney but it is only if they are representing the DOT in the name of the state of North Dakota that they receive an AAG appointment. All AAGs are attorneys but not all attorneys are AAGs.

Chairman Delzer: In the state offices?

Tom Trenbeath, Deputy Attorney General: Yes.

Chairman Delzer: Do you have access to the numbers of all of those. You certainly would have access to the number of AAGs in other agencies.

Tom Trenbeath, Deputy Attorney General: We do have those numbers, we have their salaries it is an open record.

Chairman Delzer: Brady, we need a list of how many other lawyers are in other departments.

Tom Trenbeath, Deputy Attorney General: For instance we have AAGs in the University System that are not even here in Bismarck. In addition we have Special Assistant Attorney Generals that are appointed on occasion for particular purpose. The University of North Dakota may have a trademark case or something of that nature and they need to hire somebody qualified out of the Twin Cities. Nobody represents the state of North Dakota without the approval of the Attorney General. So they may, based on their qualifications and their insurance background, have a special appointment for those limited purposes.

Chairman Delzer: There is times when these attorneys are doing work where they do not need that designation.

Tom Trenbeath, Deputy Attorney General: That is correct. As a matter of fact, and I am speculating here, if you look at the average job description of an AAG in another agency, you may find that a comparatively small portion of their job is as an attorney by our definition.

Representative Meyer: The attorneys that are not AGs in the DOT, what is their job? Are they not representing the state?

Tom Trenbeath, Deputy Attorney General: You recall that the statute about administrative hearings contains exceptions. Most of the agencies in North Dakota state government, when they have administrative hearings under the Administrative Practices Act go to the office of Administrative Hearings. DOT is one of those that have that exemption so they have hearing officer that are attorneys that are not AAGs.

Chairman Delzer: Let's quick like go through 4-8 on the green sheet. I know we went through these before but we will go through it again and then we will break and maybe this afternoon if you can get us those spend down levels we will start going through each division. Number four is the three crime lab forensic scientist positions. I know that is in your testimony as well.

Kathy Roll: That is correct.

Chairman Delzer: On page five. Are there any federal rules on how quick those turnarounds need to be done?

Tom Trenbeath, Deputy Attorney General: That would vary depending on what sort of activity is requested but for the most part and the one that immediately comes to mind and it is not federal rules but more state rules of court. We have actually had one situation in the past while that has resulted in the inadmissibility of evidence because it came back too slowly. On the other hand we have been appointed several high profile cases where it has come back in time although just in time to do the job that it is intended to do.

Chairman Delzer: Most of those would also be at the judge's discretion to grant a continuance of the proceedings.

Tom Trenbeath, Deputy Attorney General: That is correct.

Chairman Delzer: How many do you currently have there?

Kathy Roll: We currently have fourteen.

Chairman Delzer: Do they fit under the same category of where you want to add three?

Kathy Roll: That is correct.

Tom Trenbeath, Deputy Attorney General: I do not believe that would include the Crime Lab Director or the State Toxicologist.

Chairman Delzer: A State Toxicologist?

Kathy Roll: It does include the Toxicologist.

Chairman Delzer: So just the Director is all it does not include.

Kathy Roll: Although the Director is one of the prime people who perform DNA analysis.

Chairman Delzer: Your turn around is currently taking 60-90 days and you think you can turn it to two to four weeks? How can you make that statement? I don't understand if it is taking fourteen people 60-90 days how another two people can cut it down by less than half of the time.

Tom Trenbeath, Deputy Attorney General: One of the factors that go into that is that at present when we are adding new staff we are under filling the positions because of the pay structure out there. It takes, along with the training period and it also detracts from one of our full time experienced FTEs at least one of them to perform the trainings. As we increase the staff we should decrease the time it takes.

Chairman Delzer: What is your turn over rate?

Tom Trenbeath, Deputy Attorney General: I don't have that number.

Chairman Delzer: If you are not experiencing high turnover you should not have that much training. If you are experience high turnover, I don't see how adding two more people will change that.

Kathy Roll: One of the reasons that we experience turnover is because of the salary pay. We were able to adjust salaries by with what the legislature gave us last time but we have again asked for increases in salaries for the forensic scientists for this coming biennium.

Chairman Delzer: What grade classification are these and the education requirements?

Kathy Roll: I am not sure what the grade is but the education is a bachelor's degree in Chemistry or Biology.

Representative Kempenich: We went through this last session. I think that is what they were looking at. The question I have is, last session we had 4&4 and 2% across the board with two for performance. Did you do much of that or was it pretty much 4&4 across the board and then used the equity money to spring up where you could have done some of this or did you use some discretion as the agency and bump some more and some less.

Kathy Roll: We did some of both of those. We had some where we did some legislative equity increases and then we tried as much as possible to target the areas where we saw the most turnover and the lowest salaries. I think you have that list.

Chairman Delzer: It really doesn't look like there is hardly any. You have one forensic scientist spot here.

Kathy Roll: Every forensic scientist received an increase.

Chairman Delzer: So these are the monthly increases

Kathy Roll: That is correct.

Representative Kempenich: I think they should do what they did because we don't know what people are doing better than some. That is where this is going to be an issue.

Chairman Delzer: Are these positions split equal in terms of salary and operating expenses so if we were to fund two of the three positions would we just take a third of that out?

Kathy Roll: It should be pretty close.

Chairman Delzer: Number five there is the one for civil commitments for the sexually dangerous. I think we had a pretty good discussion on this one. Do you have any further information? When you look at what the State Hospital is doing, I think what we are kind of seeing out there is that this is not as high profile as it was. The State Hospital decided not to build the third wing. My understanding is that they have come in the same way this biennium which is that they don't expect to need that third wing.

Tom Trenbeath, Deputy Attorney General: This is not really about increased numbers; it is more about taking care of the rural North Dakota scene. These are county actions, these commitment actions and the reviews. Everyone that is committed needs to be reviewed on a yearly basis. These are done in county courthouses as rule. That is fine when it comes to Cass and Burleigh and Grand Forks and Ward and maybe several others but when it comes to Pembina.

Chairman Delzer: They are currently being done. You don't have any that are not being done.

Tom Trenbeath, Deputy Attorney General: What the situation is that they are being done and a lot of the reviews, some of the rural ones are being done and almost all of the reviews are being done by our staff and it is overloaded at this point. If there is one area that you wanted testimony from, the States Attorneys Association with respect of its legitimacy, they would be happy to come in and support this.

Chairman Delzer: I am sure they would if it is passing work from them to somebody else.

Representative Kempenich: So how does that work, do the counties then just dump it on to your office then? If a State's Attorney asks for your assistance, do you pretty much just take over the case? It would become our cost not theirs.

Tom Trenbeath, Deputy Attorney General: It depends. We are an assistive agency. We come when we are called. We defer to the leadership of the person or county that is requesting our support. It may run the gamete from assisting in the action or actually taking lead chair and taking over the action.

Chairman Delzer: Is there situations where when they request assistance where they have to pay for the assistance?

Tom Trenbeath, Deputy Attorney General: I am not aware of any situations that that arises. You point another piece of this is that when you get to some of the rural counties and you get to the type of expertise that is needed prosecute one of these cases and the expertise needed to have witnesses present, some of these counties flat can't afford it.

Kathy Roll: I do recall a few cases where we had the county pay for the cost. I think they were sheriff removals.

Chairman Delzer: Where does that money go? What I am getting at here if there is reason for this position, why not do it in such a way that it is funded by special funds from the counties.

Tom Trenbeath, Deputy Attorney General: I would let the Association of Counties respond to that but my understanding is that a lot of counties just are not able to afford it. You may be able to predict that a lot of these individuals that are going to be released may remain in Burleigh County or they are going to go to some other place.

Chairman Delzer: I am not necessarily talking about that. I am talking about the position. You have costs unrelated to which this position if it is granted will do. There will be other added costs that this position is going to come up with such as expert witnesses and stuff that way.

That is not part of this money. That is obviously going to be funded somewhere else. My question about this is just covering the cost of the position.

Representative Kempenich: Most of the county states attorneys are part time. The expertise is not there for the most part.

Chairman Delzer: I understand that and not arguing that but I think from the county's standpoint they would be more than happy to pay for part of the time of a position of somebody that would have that expertise.

Representative Kempenich: If we want to get into it we could put a set dollar amount and a cap it at so much for the county contribution. I think you have to be careful about how a county is getting into this because then all of a sudden we are going to hear a lot from the county side of this coin too as if who takes care of who when they go into this. I don't disagree with you but maybe they should cover some of the costs but I think trying to recoup the whole thing from the county would be difficult.

Chairman Delzer: Currently in this position you have one person and an assistant.

Tom Trenbeath, Deputy Attorney General: We have one position and at least a portion of an assistant.

Chairman Delzer: So this would basically double your positions?

Tom Trenbeath, Deputy Attorney General: It would double the attorney positions and in addition we would be requesting an additional FTE for a paralegal for this position, which was not approved in the Executive Budget. Actually we requested three. We requested an administrative assistant, a paralegal and the attorney. The Governor put the attorney in but we do defiantly need the paralegal. This is a reasonably unusual category because in other criminal categories, when we are requested to assist, as often we will defer and ask the state's

attorney to make an agreement with an adjoining county for services if they require it.

Sometimes they are able to do that and sometimes they are not.

Chairman Delzer: On the civil commitments you have not gone down that road.

Tom Trenbeath, Deputy Attorney General: No we have not.

Chairman Delzer: Moving on to number six on the green sheet, one FTE for DNA evidence collection.

Kathy Roll: That relates to the all felons DNA testing that was passed by the last legislature. We actually asked for two positions, one for a forensic scientist which was included here and one for the evidence technician because we expect that the number of samples that would be coming into the office will be significantly increased from what we receive right now. I think it is an increase of around 4000 samples.

Chairman Delzer: You are currently at 1600 and you are expecting to go to 4500. Which doesn't really make sense to me but. When does that take affect?

Chairman Delzer: August of 09.

Chairman Delzer: That is all charges not convictions.

Kathy Roll: Yes, all felony charges.

Chairman Delzer: Where are the special funds coming from?

Kathy Roll: They are from Federal Funds.

Chairman Delzer: Which federal grant is that from?

Kathy Roll: That is from the Convicted Offender DNA Backlog Grant.

Chairman Delzer: Where is the rest of that \$588,000 going? You were going to get that for us.

Kathy Roll: That is correct.

Chairman Delzer: Number seven. The IT position was granted. How many do you have in that position right now?

Kathy Roll: This is for a programmer analyst position. We have three others.

Chairman Delzer: You did not prioritize these from top to bottom, these positions?

Kathy Roll: We did have a prioritization that was included in our submitted budget.

Chairman Delzer: To the Executive?

Kathy Roll: That is correct.

Chairman Delzer: Have we been furnished that yet.

Sandy Deis, OMB: I brought just one copy down to make sure that is what you wanted. I will get copies for everyone this afternoon.

Chairman Delzer: The other one you have is the 5.5 FTEs for childcare background checks,

Kathy Roll: That was added by the Governor. That was not in our budget request.

Chairman Delzer: That is not on this list. Was that an OAR?

Sandy Deis, OMB: It was not a request it was part of the executive recommendation.

Chairman Delzer: Has that been split out from the executive budget?

Sandy Deis, OMB: There are three separate policy bills that refer to background checks for childcare. So yes there are policy bills that are separate from this.

Chairman Delzer: This is in the budget.

Sandy Deis, OMB: Yes.

Chairman Delzer: The policy bills, you don't have them listed on the green sheet as major related legislation can you get us the numbers of those?

Kathy Roll: I believe that was in our budget presentation on page seventeen.

The committee took a break until after floor session.

Chairman Delzer called the committee back to order.

Kathy Roll presented the spend down report. See Attachment 1003.1.26.09D. She also handed out some requested materials. AG Operating Fund Analysis for the 2007-09 & 2009-11 Biennia (Attachment 1003.1.26.09E), Class Description for the Lottery Customer Service Specialist (Attachment 1003.1.26.09F), Class Description for the Forensic Scientist (Attachment 1003.1.26.09G), Class Description for the Identification Technician (Attachment 1003.1.26.09H)

Representative Kempenich: Can we start with these classifications?

Chairman Delzer: Those are just for information.

Representative Kempenich: I was just wondering about this customer service specialist.

Kathy Roll: You may want to visit with the human resource management services on that since we don't set those classifications. They go through quite a number of things including skills, knowledge and abilities . . .

(Unstructured discussion relating to concealed weapons permits.)

Chairman Delzer: How many divisions are we looking at here?

Kathy Roll: We have 13 and some of those are broken down further usually based on funding sources.

Chairman Delzer: The funding source is on the second page. You are 20% under your total benefits?

Kathy Roll: That is correct at this time in the biennium.

Chairman Delzer: How many do you have that do not travel in a month by month situation?

Kathy Roll: There are a lot of things that are like that. A lot of our rents are paid quarterly, semi-annually or annually. Our service agreements would be on an annual basis. There is

travel that is done only in a certain period of time. There are a number of things that really vary and are not a normal monthly expense.

Chairman Delzer: Are you expecting turn back?

Kathy Roll: We are not. In the past couple of biennia we turned back \$10.0 or less.

Chairman Delzer: What do you do with the salaries and stuff when you roll up money in there do you put that out as pay increases?

Kathy Roll: Only if we can sustain that. As we put together our budget we make sure that whatever we are going to give can be carried into the next biennium and will not have to ask for additional monies for it.

Chairman Delzer: Are you limited to only giving pay increases on the first of July?

Kathy Roll: I'm not sure anyone is limited... but a general increase—yes. That's really when we give our increases. There are occasions when there are increases for someone who comes off probation or is reclassified.

Chairman Delzer: When do you put your budget in? November? October? If you give a pay raise just before you put your budget in do you not just ask for that money to be in the biennium?

Kathy Roll: Assuming we have enough money to cover that for the biennium we are in and the next biennium. We ask for very little money for salaries.

Sandy Deis, OMB: Each agency is told to put in the salaries that they expect to be paying their employees as of June 30, 2009. That's what would have been put in here. If they plan on giving any type of increase they have to include those increases in their budget request.

Chairman Delzer: So theoretically, if they thought they were going to have \$100.0 to give pay raises with and they requested it, you guys would honor that request? How do you check that?

Sandy Deis, OMB: We pull up their employee records and classifications in the system and bring up what the salaries are and then compare them in BARS. There is no trigger to show an increase. We look at new positions and at what level they are bringing them in. I do not look at every single salary but anything that looks a little different than the last time.

Chairman Delzer: In the end when we give a 4 and 4, it usually gets closer to 5 and 5.5. There is nothing that triggers that so you look at it?

Sandy Deis, OMB: Maybe overall that happens. Like if they received an equity package or something through HRMS.

Chairman Delzer: Even when we gave a 0 + 0, there were an awful lot of pay raises given out at that time. Certainly in the smaller agencies it is much more difficult. Do you have any numbers of how many were vacant over the 1.5 years since we did this budget . . . ?

Kathy Roll: No we do not.

Chairman Delzer: Sandy, you did an overall budget adjustment. Yes, 1.4. How come you do that instead of putting it throughout where it goes?

Sandy Deis, OMB: Normally because I'm doing it at the last minute. Changes are being made right up until the time I'm putting it in.

Chairman Delzer: What division does that sit under?

Sandy Deis, OMB: No I try to do it by the division.

Chairman Delzer: So every division will have a little different operating budget adjustment?

Sandy Deis, OMB: In this particular case I think we looked at inflation and I ended up reducing it by \$200.0 I think I just put that into one division.

Chairman Delzer: If you go under finance and administration you are actually showing a negative there?

Kathy Roll: It is because of an operating adjustment that was done at the end.

Chairman Delzer: That makes it really hard for us to track where the bumps are.

Kathy Roll: I do have a schedule that shows what those amounts were for all the additional items that were added. I'll get that for you.

Chairman Delzer: Had we asked for that before?

Sandy Deis, OMB: I did spread it out to different divisions but at the last I took it all out of finance and administration.

Chairman Delzer: That is not one of the OARs?

Sandy Deis, OMB: It is number seven in priority.

Chairman Delzer: So you took the whole \$186.0 out of. . . There is only one operating line in the bill?

Kathy Roll: There is only one. There are special line items that would include some operating as well.

Chairman Delzer: What is the reduction on the salaries there? And federal funds?

Kathy Roll: What we determine when we start the plan is determine what are salaries wages are going to cost us and rather than allocate that to the divisions immediately, we set that aside. That's how we give our bonuses that are authorized, probationary increases and reclasses. That's what that reduction is for—bringing that out and funding them.

Chairman Delzer: Where I am at is on page seven of the detail. I see that in 05-07 it was all general funded? In 07-09 you have federal and special funds in there. In 09-11 it all rolls back to GF.

Kathy Roll: That is the money that once we run our pay plan and see what salaries and wages cost us for the biennium then we set any monies available aside and use that to pay employee bonuses, probationary increases, and pay for reclassifications. It also sometimes gets used for health insurance.

Chairman Delzer: I'm talking about federal and special funds. Why would you have some in this budget and not in 05-07 and not in 09-11?

Kathy Roll: I think we were doing it a little differently in 05-07 and in 09-11 we don't know at this point where our final salaries are going to be.

Chairman Delzer: How can you not if you put your budget together?

Kathy Roll: During the biennium we will have turn over. In the even an employee retires we replace them at a one-level rather than a three.

Chairman Delzer: I understand how you get the roll up. I don't understand special and federal and list it as part of the general next time?

Kathy Roll: It is not listed as general. Those monies are set aside and they need to be put into a division in order to do the budget to make everything match what the 07-09 appropriation is.

Chairman Delzer: I don't follow what you are saying. You are saying one biennium you have it—you have that every biennium.

Kathy Roll: The only thing I can think of is that we did it differently in the 05-07 than in 07-09. Either that or we really didn't have. . . roll up.

Chairman Delzer: Are we going back to the way you did it before. Sandy?

Sandy Deis, OMB: It states that it is from the Attorney General's operating fund. So I'm assuming that it was a special project and they were using those funds instead of GF?

Kathy Roll: I guess what I am thinking is that it is from our attorneys. The justice and assistance grants would have been from BCI.

Chairman Delzer: Those federal funds would likely still be available would they not? They must be being used somewhere else. Where else would they be?

Kathy Roll: In column 4 the cost of continued base operations, the GF is \$1.59 million. The difference between that and the \$1.621 million is the salary adjustments. That would be for the equity for this division.

Chairman Delzer: Let me look at the page you are looking at. Figure out where that money came from and whether or not it still exists and if does where it is going to.

Kathy Roll: When we prepare our salary pay plan, we indicate the funding source for each position. In this case those monies, the \$37,143 were not used in this biennium and that is why they are being taken out.

Chairman Delzer: So you funded a position with it but the funding never came in.

Kathy Roll: In federal funds that's most likely. In the special funds I know that we did have an FTE that has not been filled for the bulk of the biennium. It stayed in our operating fund.

Chairman Delzer: Sandy, (inaudible) If you go to the next one, IT, and you have a positive of 109. Is that a percentage?

Sandy Deis, OMB: Actually the request that came in would have been 94,922 for IT inflationary.

Chairman Delzer: Yet the number that I have here is \$109,256.

Kathy Roll: I believe what that probably relates to is the \$94 and there was about \$12.0 related to the IT FTE that was included in the Governor's recommendation.

Sandy Deis, OMB: \$14,334. They requested three FTEs and we allowed one for IT and so I increased their operating under the IT division by \$14,334 tied to that new position. That is not part of the inflationary.

Chairman Delzer: That is all General Fund?

Sandy Deis, OMB: Yes.

Chairman Delzer: What level is that position?

Kathy Roll: A program analyst III.

Chairman Delzer: What grade? It's got to be fairly large.

Sandy Deis, OMB: I'm not sure, I'll bring that next time.

Unstructured discussion of cost of position and its placement in the budget.

Chairman Delzer: You are adding one IT budget person? Under this detail you are going from 10 to 11 and the budget reclass says minus one. Where is that minus showing up at?

Kathy Roll: That relates to the administration kiosk that we didn't receive any federal funds for so we unfunded that.

Chairman Delzer: Sandy, under the AG administration, 4 FTE?

Sandy Deis, OMB: Correct.

Chairman Delzer: Operating budget adjustment is 34. Do you know how many computers you are purchasing through the agency and what kind of dollar figure you used for those?

Kathy Roll: We are replacing 64 desktops and 32 laptops.

Chairman Delzer: Sandy while she is looking that up under the AG administration you have federal funds. The JAG grant is income to the department? Is that then put in to the operating and salaries or is it pass-through that goes to somebody else.

Sandy Deis, OMB: If it was pass-through it would show up as a grant. In the bill it would show up as "other income." That's just a funding source. It would be a grant that they receive and not passing through.

Kathy Roll: (re computer purchase) We requested an additional \$27.0 for IT equipment under \$5.0. We use the state contract rate. We use average costs.

Chairman Delzer: The next one is legal services. There it looks like a small amount of federal funds and a pretty large amount of special funds for the salaries.

Kathy Roll: That is correct. Legal billings would be a special fund. The federal funds would be in the drug trafficking area. We have one attorney that is partially funded by those monies.

Representative Kempenich: How come travel went up so much?

Kathy Roll: The auditor's office recommended that we budget travel for when our legal staff travel for other agencies. To this point we have had them paying for that. They recommended we build that in to our budget. We don't really have a handle on what that amount is but we guestimated it would be \$200.0.

Representative Kempenich: Are we going to see like reductions in other agencies?

It is going to have to show a pass through wont it.

Chairman Delzer: It is going to show double budgeting.

Representative Kempenich: What is your breakdown?

Kathy Roll: It would be all in special funds.

Chairman Delzer: How had you been expending it before you budgeted for it?

Kathy Roll: We were not billing them for it. They were paying directly.

Chairman Delzer: So why did the auditor have a problem with that?

Kathy Roll: I'm not sure. They told us that is what they do in their office.

Tom Trenbeath, Deputy Attorney General: Apparently it is a standard practice that we had deviated from.

Chairman Delzer: The problem is that it is being budgeted twice and being paid once.

Kathy Roll: We will be paying it now and billing for it. To this point we have not budgeted for that particular type of travel.

Representative Kempenich: There is still a problem with it.

Chairman Delzer: In essence though other agencies should not be budgeting this as travel. It should be budgeted as legal or professional services.

Kathy Roll: I am not sure that was conveyed to everyone.

Sandy Deis, OMB: It is going to be special funds or federal funds. This is not going to GF. I thought it was just going to be a transfer not as expenditure. So it will only be budgeted once.

Chairman Delzer: How do they have the authority for the transfer?

Sandy Deis, OMB: If you transfer to another agency within the state. . .

Chairman Delzer: They should have to have authority to do that.

Sandy Deis, OMB: I will check on that.

Representative Kempenich: How can a transfer work because it would have to budget as legal fees or something?

Sandy Deis, OMB: It is a transfer of the funding source. Then it shows up as expenditure.

Kathy Roll: I am not sure about that but to the best of my knowledge they have been budgeting for travel and profession services for training that has to be attended. We were anticipating billing them for the legal services we provide and for the travel that our attorneys are requested to do for them.

Chairman Delzer: Check that out will you. I have a question, why on this particular one do you have the operating expenses increased throughout the whole list under legal services and you did not on these other ones. How much of this increase does not show up in the inflationary budget adjustment of \$75.0. Is that on top of it?

Sandy Deis, OMB: That must be a base budget change not an optional. We had an increase of \$75.0 in operating for the new state's attorney for the civil ____.

Chairman Delzer: That was operating budget adjustments. In other programs we went through so far your operating lines have been the same from this biennium to the next?

Sandy Deis, OMB: They could have made a base budget change and moved something around but not affecting the overall General Fund.

Kathy Roll: What happened is that we asked for inflationary increases of those other amounts and those were in the base budget request in the special funds.

Chairman Delzer: Where is the increase in the GF come in?

Sandy Deis, OMB: That would be the \$75.0

Chairman Delzer: The special funds come from?

Kathy Roll: Legal billings to other agencies. Yes.

Chairman Delzer: So that would be most GF?

Kathy Roll: The bulk of it will be special funds and federal funds. We cannot bill any other General Fund agencies.

Chairman Delzer: You only bill if you get money from the feds.

Representative Kempenich: If you take DOT for an example of special funds. . .

Chairman Delzer: It is special funds but it is basically General Fund money.

The numbers of people in legal services are you trying to increase that by one.

Kathy Roll: That's right. That would be the attorney for civil commitments and sexually dangerous individuals.

Chairman Delzer: BCI General. This is all General Fund operating monies. Do you have the breakdown?

Kathy Roll: That's correct. Do you want a breakdown of the whole 1.4?

Chairman Delzer: You have motor vehicles under capital assets?

Kathy Roll: We have under cover vehicles for our BCI agents.

Chairman Delzer: How many do you have?

Kathy Roll: I can let you know that. It's usually about 7 vehicles. We have 30 plus agents.

Chairman Delzer: These are not part of the pool.

Kathy Roll: No they are not. We do use the pool—these are for our narcotics agents.

Tom Trenbeath, Deputy Attorney General: Generally we get the mid-size vehicles. There are a couple of smaller SUV that we pick up. In every instance they are bid.

Chairman Delzer: Is that General Fund or special fund?

Kathy Roll: General Fund

Chairman Delzer: What is the replacement cycle for that?

Tom Trenbeath, Deputy Attorney General: Every three years. We buy new. With the type of use they get there is a normal attrition rate and there is a practical attrition rate. Some of those vehicles don't make it over two years.

Chairman Delzer: This is where the 5.5million for the Governor's background checks reside.

Kathy Roll: That's correct.

Chairman Delzer: Apparently you must have got about 10-12 new employees there last biennium as well?

Kathy Roll: What happened there was with the help of the legislature we were able to pull some agents off of federal monies and bring them into the BCI GF.

Chairman Delzer: Is that on the green list at all?

Sandy Deis, OMB: If you look at the priority list I gave you it is number 3 and 4—the total of those two.

Chairman Delzer: What do those positions do?

Kathy Roll: One is a criminal justice trainer who goes out and works with all law enforcement to train them as to how to enter information in to the criminal history system. One is an administrative assistant that works with them.

Chairman Delzer: Why did the Federal money dry up? Where was it funded from?

Kathy Roll: The national criminal history improvement project.

Chairman Delzer: How much are we still receiving from them?

Kathy Roll: About a million dollars.

Chairman Delzer: Where is the rest of that money going? Does this have anything to do with the pay raises?

Kathy Roll: No.

Chairman Delzer: Are we getting \$70,000 less than last time?

Kathy Roll: Yes.

Chairman Delzer: What is their statement of expectations of what is required to receive the million?

Kathy Roll: I am not sure.

Sandy Deis, OMB: If you go to BCI federal funds it shows that the reduction.

Sorry, I was looking at the wrong one.

Kathy Roll: It's the ND criminal history improvement and the recommendation is \$1.0 million.

Chairman Delzer: How come you have those split between BCI general and federal funds.

Kathy Roll: There are no federal funds. It is GF.

Chairman Delzer: It shows. . .

Kathy Roll: That relates to the addition of capital assets.

Chairman Delzer: If you are actually getting an increase why do we need to have the funding from the GF?

Kathy Roll: They have stopped funding positions. They are only funding operating and capital assets.

Chairman Delzer: What are you using the million for then?

Kathy Roll: \$315.0 is for capital assets.

Chairman Delzer: For what?

Kathy Roll: For ____ used at the local law enforcement to take fingerprints and send them to our data base and we can run those through our identification system to determine if they have been left at the scene of another crime for instance.

Chairman Delzer: What are you using the AG Office new federal for?

Kathy Roll: That is for sex offender monitoring and apprehending. On the federal funds. .

Chairman Delzer: What are you using it for?

Kathy Roll: There is \$220.0 for temporary salaries. I will get that information for you.

Representative Kempenich: What are the parameters for the JAG grant that was increased?

Kathy Roll: It is somewhat similar to the Burn Grant. It can be used for narcotics task forces, for domestic abuse, protections shelters, there is a number of items in that range.

Representative Kempenich: Does it have to go to the counties?

Kathy Roll: If you remember last session you transferred \$845.0 from the lottery operating fund into a multi-jurisdiction task force fund. That is for the Burn federal funds that were discontinued.

Representative Kempenich: what is the longevity of this money?

Kathy Roll: Not sure.

Chairman Delzer: Why don't you get us a list of what you are going to do with the federal funds? What is the \$115 the Midwest. .

Kathy Roll: Okay. That's the high intensity drug trafficking area. There are portions of three agent positions and two forensic scientists funded from that. Also the attorney that I mentioned before.

Chairman Delzer: If we did not allow this funding shift you would have to lose those people?

Kathy Roll: Yes. We would go through a RIF process.

Chairman Delzer: The feds are saying you cannot use their money for salaries anymore?

But they have allowed it in the past. What is their reasoning for that?

Kathy Roll: Not for those purposes. It was for the rewrite of our criminal history system.

Chairman Delzer: Don't they have certain percentage of that they allow for administrative?

Kathy Roll: At this point they do not allow anything for salaries. It is now directly related to the maintenance of the system and the improvements and enhancements of the system they provided funding for.

Representative Kempenich: That bullet-proof vest program . . .

Kathy Roll: That is a matching program. You may be thinking of the body armor we requested for our agents. We had to replace those.

Chairman Delzer: How many does this supply and who gets it?

Kathy Roll: I do not know. Is that something you would like to know?

Representative Kempenich: It is something for local law to help them purchase the vests. I think it wasn't a lot.

Kathy Roll: It was \$25.0 and it was a match program.

Chairman Delzer: What is the lifespan of the vests?

Representative Kempenich: Once.

Kathy Roll: I'm thinking 5-7 years.

The committee took a short break.

Chairman Delzer called the committee back to order.

Chairman Delzer: Let's start on the crime lab. You have \$506.0—is that all GF?

Sandy Deis, OMB: I do have as part of the adjustment \$42,680 in federal funds.

Chairman Delzer: You also have a large increase in Federal Funds under the operating.

Kathy Roll: The operating expenses here primarily the increases deal with the DOT highway safety plan. That grant provides money to us to purchase the intoxilizers used when someone is pulled over for suspicion of driving under the influence of some type. They fund those pieces of equipment that go out to the local law enforcement. Our division provides service for those by going out to calibrate them and make sure they are working appropriately. There was a significant increase there.

Chairman Delzer: Where is that?

Kathy Roll: It is in operating under the Other Equipment under \$5000

Chairman Delzer: That is your funding source?

Kathy Roll: That is correct.

Chairman Delzer: Are you actually purchasing them or just maintaining them.

Kathy Roll: We purchase them and distribute them to local law enforcement. DOT receives federal funds for that.

Chairman Delzer: They receive that much more than last time.

Tom Trenbeath, Deputy Attorney General: This is an updated model of the device that is what accounts for the increased cost.

Chairman Delzer: What is the Material Professional? That's all new federal money too. Correct? Kathy can you get that for us?

Chairman Delzer: Where is the medical, dental, optical—what's that? Is that GF? You increased that quite a bit.

Kathy Roll: That's supplies for the laboratory of the crime lab. Any collection kits: rape, DNA etc. that we need. It is GF and special funds. As of the end of December we had spent \$418.0 of the \$472.0 budget.

Chairman Delzer: For the crime lab we bonded \$3.5 out of the \$4.7million?

Kathy Roll: that is correct. Those are the bond payments. It is for 20 years.

Chairman Delzer: What is the Equipment over \$5000—what's that for?

Kathy Roll: We budgeted \$370,000 for all of the equipment. They have several million dollars worth of equipment. We have tried to put it on a replacement cycle because those machines do wear out. In addition to that technology also becomes obsolete.

Kathy Roll: I believe the additional relates to the DOT.

Chairman Delzer: So there is 142.0 plus the \$246.0?

Kathy Roll: That is correct.

Chairman Delzer: What triggered the DOT money to go up this time?

Kathy Roll: We received additional monies and needed to go to the emergency commission.

Chairman Delzer: How long is that grant expected to be there?

Kathy Roll: I'm not sure. What we have done is budgeted for what we need and we are hopeful that DOT will receive that money through the federal highway safety act.

Chairman Delzer: Your special lines, the medical examinations are going down?

Kathy Roll: We received a half million funded from the insurance regulatory trust fund. At the point when we were putting together our budget we were not expending at nearly that level so we requested a \$250.0 reduction. There is a bill in to change that to also include preliminary medical exams screening. In the event that gets changed we will probably be up around \$360.0 to \$400.0

Chairman Delzer: That was just \$500.0 that the legislature used and you did not spend at that level.

Kathy Roll: Not so far this biennium. At the end of December we have spent about \$115.0.

According to the ND health care association they expect quite a number of them yet to come in but we don't expect to spend \$500.0

Chairman Delzer: Where does that money come from?

Sandy Deis, OMB: I believe that is funded from taxes on premiums.

Chairman Delzer: Find out how that regulatory fund is funded for us.

Kathy Roll: Yes.

Chairman Delzer: Under the crime lab you have all your federal funds there too. Those are mostly up?

Kathy Roll: Yes, a couple of them went up.

Chairman Delzer: Is your crime lab DNA capacity enhancement—that's federal funding. Is it simply a case where they pay a certain percentage of equipment that you enhance? How is derived?

Kathy Roll: I believe that mostly relates not to equipment but to operating area. I can get you that information if you would like it.

Chairman Delzer: The convicted offender backlog. Is that federal too? What kind of backlog do we have?

Kathy Roll: I don't know.

Chairman Delzer: What triggers that funding? Is that money you get because you are behind or is it money that you get to not be behind.

Kathy Roll: It is money to help to clear up the backlog.

Chairman Delzer: Is it for temporary salaries.

Tom Trenbeath, Deputy Attorney General: We had literally freezers full of samples to be tested which is why we applied for the money.

Chairman Delzer: How long is the period of the grant? What are you using it for?

Temporary salaries?

Kathy Roll: It is mostly in operating.

Chairman Delzer: How would an increase in the operating help if you don't have the people to take care of the backlog.

Kathy Roll: I believe it funds some of the kits that are required for processing the DNA samples.

Chairman Delzer: You are taking the AG fund down?

Kathy Roll: That would be from the bonding to build the building.

Chairman Delzer: What was the overall cost of the building? \$4.7 million?

Kathy Roll: It was more than that.

Sandy Deis, OMB: In answer to your question to the regulatory trust fund--all fees and fines paid by companies or agents are deposited into the insurance regulatory fund.

Chairman Delzer: What is all paid by that fund?

Sandy Deis, OMB: All the operating costs for the insurance department: salaries, operating.

Chairman Delzer: What is the history to why the money was taken out last biennium?

Sandy Deis, OMB: I think it was just something the legislature used as a funding source.

Chairman Delzer: What's the balance? Is that being tapped out every time?

Sandy Deis, OMB: They have to put anything over a million dollars each year into the GF.

Chairman Delzer: At the end of the biennium?

Sandy Deis, OMB: That is correct.

Chairman Delzer: Consumer Protection.

Kathy Roll: The only increases or changes there were in relation to salary increases and benefit increases provided by the executive recommendations.

Chairman Delzer: The four FTEs increases are 3 crime lab positions and one DNA evidence collector.

Kathy Roll: Yes. Number 6 is actually a forensic scientist. This is all GF and special funds.

Representative Kempenich: That refund fund is that used for any special thing or is it pretty much the GF equivalent money.

Kathy Roll: The statute provides that we can use it for activities related consumer protection.

Chairman Delzer: In all likelihood the \$540,000 will not be there.

You show pulling that fund down to at the end of the biennium.

Kathy Roll: Right. At the end of the 09-11 biennium.

Representative Kempenich: Are there any cases out there ____?

Kathy Roll: The bulk of the money in this biennium varies. It is for multi-state litigation for consumer protection case or anti-trust cases that we have been involved with.

Representative Kempenich: Is there anything ongoing right now?

Tom Trenbeath, Deputy Attorney General: I don't know how many multi-state actions are going now. I'm quite sure there would be a few. There generally is. Where a lot of the day-to-day funding comes in to that fund is from settlements out of court prior to court initiated settlements. It is settlements with companies that we feel violated "no call," or unfair marketing practices and that sort of thing. Often when you call those people to task they recognize what they have been doing and we will settle with them at a particular amount and that may come in one month and may come in incremental payments over several months. That's where a lot of the day-to-day activity comes from.

Chairman Delzer: Under gaming you do have some grants.

Kathy Roll: Those are grants to locals for gaming enforcement. Those come from 3% of collections for the gaming and excise taxes.

Chairman Delzer: And that is remaining the same. What level are you spending? Whatever you receive, you just turn around and grant that back out.

Kathy Roll: It is done on a quarterly basis based on the adjusted gross proceeds in each city or county. It goes right back to them.

Chairman Delzer: Are they required to use it for gaming enforcement?

Kathy Roll: It is so directed but I'm not absolutely certain that that is all it is used for. For instance if they buy a vehicle to go to local gaming establishments and check to make sure they are complying with something they probably don't use that vehicle only for that purpose.

Chairman Delzer: The special funds under operating here, where do they come from?

Kathy Roll: Some of that is for any gaming investigations that we do.

Representative Kempenich: Is that something the tribes pay for?

Kathy Roll: Yes, it is.

Chairman Delzer: Didn't the Racing Commission get taken all of the way out?

Kathy Roll: Yes, it did. Last session a .5 FTE was added to our agency to audit simulcasts for racing. We have decided to contract for that instead and so we are removing that .5FTE and moving those monies into operating.

Chairman Delzer: That is where the \$60,000 to pay for the audits come from?

Kathy Roll: Yes that is correct.

Mr. Trenbeath discussed why the Racing Commission is no longer part of the Attorney General's Office. It was moved out of our jurisdiction for the same reason why it should remain in our jurisdiction. We had a racing commission appointed by the Governor and they hired a director. We had people working for us that we could not hire or fire. That remains the situation now.

Chairman Delzer closed the discussion of HB 1003 for the day.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. **HB 1003**

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: **1/27/09**

Recorder Job Number: 7881 (2:28 p.m.) & 7888 (3:17 p.m.)

Committee Clerk Signature

Jan Prindle

Minutes:

Chairman Delzer opened the detail hearing on **House Bill 1003**. Roll was taken with all members present.

Chairman Delzer discussed the crime lab tour. The van will be at the north door at 10:15.

The committee began working through the bill.

Section 1

Representative Dosch: I am trying to tie this out to our LAWS on our computer. The appropriation ties out \$2,668,657 for salaries but in looking at adjustments and enhancements that's a couple hundred thousand. I'm wondering what I'm missing on that.

Chairman Delzer: Are you on LAWS or Fiscal Mgmt? The one would include the things that were put in the Emergency Commission Act. You obviously received some authority for salaries during the interim.

Tom Trenbeath: Ordinarily we go to the Emergency Commission for the enhancement of federal funds and we also go for enhancement of witness fees and criminal transfer fees.

Chairman Delzer: That is your explanation on that too, is it not?

Tammy Dolan, OMB: It would either be a request that had been approved or another difference could be if they had any one-time items.

Chairman Delzer: In salaries there would not be any one time items.

Tammy Dolan, OMB: More than likely no.

Chairman Delzer: That is what we did and that was a decision of the budget section to make them go back to the base budget so we can see the total enhancements.

Sheila Sandness, Legislative Council: I have the Emergency Commission request. They asked for federal funds spending authority—that \$200.0 for salaries and wages, \$49.0 for capital assets, \$114.0 (inaudible)

Chairman Delzer: Tom, can you tell us anything about the grants.

Tom Trenbeath: Most of it is money that flows through BCI. We do get some grants for crime lab for acquisition of equipment. We did have one grant for the DNA backlogs.

Chairman Delzer: The DNA backlog would not show up on this line for grants. Isn't this all money they are granting out to other entities?

Tammy Dolan, OMB: Generally yes.

Chairman Delzer: Any grants they receive would show up in operating or would be budgeted through their budget. But this is just pass through to somebody else.

Tammy Dolan, OMB: That is generally what it is.

Chairman Delzer: When we looked at grants in all the divisions yesterday but I sure didn't realize it added up to \$3.5 million.

Tammy Dolan, OMB: The grant summary that in showing on the fiscal summary, the schedule does show the \$3.5 million. I can tell you what those are if you like.

Chairman Delzer: If you could print it out for me to look at.

Tammy Dolan, OMB: The largest grant on there is the justice assistance grant: \$2.1 million

We want to know how that compares to the Burn Grant. Is it going for the same type of things?

Tom Trenbeath: I made a note on that.

Chairman Delzer: Tom, do you know what the litigation fees are for?

Tom Trenbeath: It's a plug number that we usually exceed. I don't know exactly they go for but they are fees for courtroom activities.

Chairman Delzer: Where you hire somebody?

Tom Trenbeath: For special assistants to the attorneys general for specific items.

Representative Glassheim: On the roughly \$5million for increase in salary, is that for the ten positions alone.

Chairman Delzer: That is for the ten positions, the 5 & 5 and the equity all in one. I am going to want to have it so we can vote on all of those positions separately.

Sheila Sandness, Legislative Council: Okay.

Chairman Delzer: I don't know if we are going to take them that way, but I want it there if we want to.

Representative Glassheim: I might just want to move the Governor's budget, but it appears we are not going to proceed that way.

Chairman Delzer: That certainly can be the first motion.

Representative Glassheim: We know so little about where we are going to end up in February and March with the projections. Even I would like to cut spending if the projections look gloomy.

Chairman Delzer: I understand what you are saying but in this one there is something real precarious going on. These positions are new issues that I think we can have a discussion

about and decide where we want to go with them. It would definitely make a difference we came in way short of money. If we do come in way short of money I think it's a so much bigger issue than can be handled at this level.

Tom Trenbeath: The Governor's budget is one thing but we have asked for some enhancement of that also. I need to make the point that our crime lab seriously needs additional staffing. The director came in when we started putting this budget together and made a good case for adding ten people. We spent some time and whittled it down to five that we requested and the Governor put three in his budget. We desperately need those people at the crime lab.

Chairman Delzer: Shirley, you said in passing that you might want to have staffed it as a change to

Representative Meyer: The DNA arrestees. Felony arrests.

Chairman Delzer: That relates to one of those positions.

Tom Trenbeath: That actually is an additional position to those five.

Chairman Delzer: I don't know how to do this. Tammy, are you aware there are bills out there that relate to all the child care stuff—a policy bill?

Tammy Dolan, OMB: Yes there is.

Chairman Delzer: That \$1.2 million that was talked about in the Governor's budget—\$900.0 is here for FTEs?

Tammy Dolan, OMB: I would rather wait for Sandy to answer that question.

Section 2

Chairman Delzer: This is one-time funding? You had \$1.4 million of GF for a crime lab?

Tom Trenbeath: That's correct. You may recall the bill last session allowed us the construction of \$1.442 million and allowed us to expend an additional \$200.0 out of our operating account in order to put that building together. We have not cracked that \$200.0. We came in under budget. We have some expenses left but we still feel we will be noticeably under budget on the project. There won't be any turn back; it's just that we won't go into the \$200.0 as far as we could have.

Section 3

Chairman Delzer: That is the same money that was there last time.

Tom Trenbeath: Yes, I believe that was covered yesterday.

Section 4

Chairman Delzer: Fire and tornado funds—is that up from last session.

Tom Trenbeath: I suggest that it is not, if it is I don't think it's considerable. It is a pretty stable activity.

Chairman Delzer: And there is a continuing appropriation on the Attorney General's operating fund?

Tom Trenbeath: Correct.

Section 5

Chairman Delzer: The Petroleum Release Compensation Fund?

Tom Trenbeath: That and we are getting down almost small change at \$35.0. This is operated by operated by our fire marshal and has to do with the underground petroleum tank situation.

Chairman Delzer: There is a fund out there for payment of the underground tanks. Do we have the level in that? The cleanup is paid for from that fund.

Sheila Sandness, Legislative Council: I don't know the balance, but I can find out for you.

Tom Trenbeath: I think the difference is that these are fees that the fire marshal charges for the inspection of them.

Section 6

Chairman Delzer: Why just the emergency commission shouldn't it go to the budget section too?

Tom Trenbeath: I expect that anything above a certain amount that goes to the emergency commission has to go the budget section.

Chairman Delzer: The way this is worded you would think that would give authority not to go to the budget section.

Chairman Delzer: This just means that if you get more federal funds than you thought, you can supplant the GF. . .

Tom Trenbeath: That's right. Offset against the GF.

Chairman Delzer: What would happen to those funds that you offset?

Tom Trenbeath: I'm not conversant if there is an alternative avenue of expenditure, but my suspicion is that they would have to be turned back.

Chairman Delzer: Do you know if you have had any of this happen?

Tom Trenbeath: I know we have had federal funds, but I don't know if they have supplanted any GF expenditures.

Chairman Delzer: Sheila, can you check in to that for us? Find out if they received federal funds and where this allows them to supplant the GF with the federal funds. I want to know

what restrictions on that GF. I think it would have to the GF. I want to know whether it has been.

Sheila Sandness, Legislative Council: Okay.

Section 7

Chairman Delzer: The next one is just salary. The salaries for all the state agencies are 5 plus 5. That's what they are all doing?

Sheila Sandness, Legislative Council: That's correct.

Chairman Delzer: Thank you Tom.

Aaron Birst from the Association of Counties presented written testimony. See attachment 1003.1.27.09A.

Chairman Delzer: That review though, the only thing the lawyer does is—the cases going out to review is done by a psychologist, someone that is hired to do the review.

Aaron Birst: That is correct the psychologists have to do that but then it has to be litigated and the defense can bring in their own. . . the attorney does have to review it to make sure they know what the psychologist is saying. Although the numbers may seem small and it's only a couple of in the state in a month that are being reviewed for possible civil commitment, I think the clearer number with how much work this is for the counties I could get from the state hospital who reviews a number of cases that never actually get filed. The states attorney still has to review those. Those in general come from the state penitentiary before someone is released, but it doesn't necessarily have to be that way. There are a few that can be picked up on the street and process starts that way.

Chairman Delzer: Tom do you have any type of numbers as to how many of those at the pen that would fall under this?

Tom Trenbeath: I don't have them at my fingertips but can certainly get them. These hearings are also becoming more and more sophisticated in more specialized areas. There is an organization nationwide that has their own set of experts to defend these things and they bring them in. It's becoming a more and more narrowly defined and hotly contested situation that requires expertise.

Chairman Delzer: I'm not surprised at that. You are committing someone here without a trial by peers for an undetermined amount of time.

Aaron Birst: Not only do the States Attorneys think this could be a potential cost savings for the counties but it certainly is better for the person being committed. It is extremely serious.

Chairman Delzer: One thing that I would like you to do is go back to the counties and find out their thought if they would be willing to pay for part of the time that is used. I don't think that's an unfair thing to ask. Who is paying the extra fees right now?

Aaron Birst: The counties—No, the state hospital pays their staff for the review. The defense costs and the expert defense witness are paid by the counties.

Chairman Delzer: The expert defense???

Aaron Birst: The state hospital psychologist reviews somebody and they conclude if he has to be committed, they go to a hearing and the defense then gets to bring in their own independent witness. That in general is a psychologist from around but there is a specialty developing in the country. The counties have to pay for that independent witness.

Chairman Delzer: Is that under the indigent defense.

Aaron Birst: No, in fact, there is a bill out there that would shift that responsibility to the Supreme Court. Currently the counties pay for defense costs on civil commitments.

Chairman Delzer: One problem I see in relieving the counties of all responsibility in this is that there would be no downside. They would still have the opportunity to create the action but they would not have to pay for anything involved with that.

Aaron Birst: I suppose that could be true. What we are asking for is that the counties get out of this game both in defense and prosecution wise. We tried piece meal but I don't think that's the most effective thing. I understand you have other budget complaints, but I want to be clear though that if you ask the counties, and I will ask them, the state lab is the highest priority for the states attorneys.

Representative Glassheim: On the green sheet I am showing \$231.0 for the FTE for civil commitments. In the yellow testimony book on page 7, I have \$217.0. Is that the same thing?

Sheila Sandness, Legislative Council: I think the difference might be that 5% salary.

Chairman Delzer: We ran into the same thing on number seven on the green sheet.

Representative Glassheim: Maybe new positions shouldn't get any increase.

Chairman Delzer: New positions are probationary. By law they cannot get a promotion for 6 months. After 6 months you give them the 5%.

Tom Trenbeath: That is the practice for our office.

Chairman Delzer: Do we have any discussions we want to have about this at this time? Otherwise we will wait until this afternoon when we can get the information.

Sandy Deis, OMB: I did bring down copies of the grant summary.

Representative Glassheim: Do we have a short list of the additional items requested beyond the Governor's budget?

Chairman Delzer: Yes, it would be in OAR list. It would be the ones that are not funded.

Sandy Deis, OMB handed out the Grants Summary for the Office of the Attorney General. See attachment 1003.1.27.09B.

The committee referred to the Optional Package Summary that was handed out the previous day. See attachment 1003.1.26.09

Representative Glassheim: I wouldn't mind having just one page that lists the additional requests.

Chairman Delzer: Can you put that together for us Sandy in a way that . . .

Sandy Deis, OMB: I certainly can. I'm not sure they have changed that.

Chairman Delzer: I don't believe they have in the Attorney General's Office.

Tom Trenbeath: That first blue column indicates the recommendation by the executive office as opposed to our request.

(Unstructured discussion.)

Chairman Delzer:

Representative Kaldor: I have a question for AC9—the crime lab equipment service contracts. What are we going to do if we don't have those service contracts?

Tom Trenbeath: In speaking with Hope Olson our division director, here is how she phrases it. She said, "When a machine goes down, if we have these service contracts there is a guarantee that we have technician overnight—and that's how quick we need them." If you don't have the contract, the technician is still coming but you don't know when. So, it is very strongly recommended. They are very technical pieces of equipment and very highly specialized people are needed.

Representative Kaldor: What was the thought process? Was it just the dollars?

Sandy Deis, OMB: We went to the priority list and we got down to this level and said they were going to have to find funds within their budget.

Chairman Delzer: How many of these machines that you have on contract have broken down during the past two years?

Tom Trenbeath: I can get you that. Again, given their highly technical nature there is certainly some maintenance required on them.

Chairman Delzer: It's kind of like buying a TV and deciding if you are going to pay that extra \$50 for a service contract.

Any further comments on how we are doing this? Is it satisfactory to everybody?

Representative Meier: Maybe you would do a quick synopsis on how we are doing this?

Chairman Delzer: What we are going to do is get the rest of the information this afternoon and then we are going to start asking for possible amendments that we know we would like to have and we will just compile them in order and we'll vote on each one and the ones that get adopted will be compiled in the final. When we take the bill up again, if there are other amendments that somebody wants they can be offered at that time.

Tom Trenbeath: When you get down to AC12, which is the BCI cyber crime agent, we have one of those now who is completely overwhelmed. It is amazing how that industry has exploded with respect to child pornography and luring children on the internet. We have one guy who pretends that he is a 12-year-old girl and does very well at it, but there is need for another person. If you would like to view what this gentleman views day in and day out, you are welcome to come up to the crime lab and we would love to show you. Rest assured there is a compelling case to be made.

Sandy Deis, OMB: You likely saw this but on page 10 of the yellow book Cathy has demonstrated all their additional requests for amendments.

Chairman Delzer recessed the Committee until the afternoon.

Chairman Delzer reopened the detail hearing on House Bill 1003. Roll was taken at a previous hearing with all members present.

Kathy Roll presented requested materials and went over them with the Committee:

Memorandum – Attachment 1003.1.27.09C

Vacant FTE list- Attachment 1003.1.27.09D

Organizational Chart- Attachment 1003.1.27.09E

(Unstructured discussion regarding vehicles used by the AG's office and how they are titled, etc. for confidentiality)

5:44

Chairman Delzer: Are there any other agencies that would use non fleet vehicles?

Allen Knudson, Legislative Council: Not that I know of.

Representative Kempenich: What about Highway Patrol?

Chairman Delzer: They are all fleet.

Kathy Roll gave an overview of the information presented on the crime lab.

Chairman Delzer: What is the difference between the old building and the new building as far as operating?

Kathy Roll: It is over triple the space. I think what we did is used what we were paying right now with the recommended increase from facility management on utilities and divided that by the square feet and multiplied it by the new square feet we have now.

Chairman Delzer: These are all operating?

Kathy Roll: That's correct.

Representative Glassheim: Are all of these in the Governor's Budget or are they additional requests?

Kathy Roll: They are all in the executive budget.

She continued with her overview.

Chairman Delzer: The \$1.2 million for childcare background—that all resides in here?

Sandy Deis, OMB: It's the \$900.0 and 12.5 FTE.

Chairman Delzer: Where is the other \$300.0 of that?

Sandy Deis, OMB: It's in Human Services.

Kathy Roll: That relates to two half time positions that they will use to process the applications to get them to us and get them back and also some temporary help. That's all in salaries for them.

Chairman Delzer: How did you come up with needing 5.5 FTEs for this.

Kathy Roll: We used the information we received from DHS regarding how many background checks they expected. We know that we can run about 2000 background checks per year per person.

Chairman Delzer: Did they have a list of who all they expect to do a background check on? How many of those would be recurring every two years or one year or whatever—can we get that.

Kathy Roll: I can tell you numbers. For the first two years they expect to do around 18,000. That's what they will have to do initially. Then they will be recurring. . .

Representative Dosch: Is there a charge to the daycare provider for these checks?

Kathy Roll: The Governor included this in our operating budget. At this time there is not a charge to the providers. Human Services estimates 7300 a biennium on a recurring basis.

Representative Dosch: Does Human Services collect an application fee?

Kathy Roll: I don't know.

Representative Dosch: If the state is incurring direct expense in licensing day care providers at the going to charge the fee or is this just on the state. If they are being charged a fee, part of that should come back to offset these expenses.

Chairman Delzer: They would be being charged a licensing fee but I would guess that would not cover the costs.

Allen Knudson, Legislative Council: I'm not sure what the fee is.

Representative Dosch: Could you find that out for us.

Chairman Delzer: We also need to find out how many of these providers currently have a background check done on them. I would expect most already do.

Kathy Roll: These were new background checks.

Chairman Delzer: There are two different levels, correct. The one that you guys do and then the BCI one?

Kathy Roll: The way that it works is there are three fees that are charged: \$15 for the state check, \$15 for the federal check and \$17.25 for the FBI background check. Those will all come through our office.

Chairman Delzer: Do we have any idea of these (inaudible)

Kathy Roll: We would not.

Chairman Delzer: You should be able to find that out. Part of the problem I have is that we are doing a whole lot of background checks on people that already have them.

Tom Trenbeath: I share that question with you on whether or not there is concern. There is a requirement that the federal background checks, the FBI checks, have to go through BCI because there is a single point of contact which the FBI insists upon. There is a laundry list of organizations that if they request it, the BCI is commanded to perform the check or submit the finger prints for them. It occurs to me without reference to the statute that one of the portions

of that statute covers what . . . as far as what is out there, either 1261 or 1262, amends both the DHS as well as 126. My recollection is that in the DHS portion of the bill it makes it a requisite that day care providers have this check.

Chairman Delzer: That is in the Human Services budget bill?

Tom Trenbeath: I don't think it is in the budget bill but it is in several out there.

Representative Kempenich: Where are you going with the background check people? Do you have enough room in the BCI office?

Tom Trenbeath: No. We are nearly sitting on each other's laps. Our plan is to move Consumer Protection out of that building.

Chairman Delzer:

Representative Kempenich: How many people are in that division?

Tom Trenbeath: Nine.

Chairman Delzer: Consumer Protection is a specially funded organization and has access to funds and is just paying rent on their space.

Chairman Delzer: You have an increase in the BCI Lease or Rent? \$280.0?

Kathy Roll: Yes. We have 12-13 locations throughout the state and expecting increases throughout.

Chairman Delzer: Your BCI fuel is increasing by almost \$80,000? What did you base that on?

Kathy Roll: \$4 per gallon.

Chairman Delzer: What kind of miles are you talking about?

Kathy Roll: I can find that out for you.

Chairman Delzer: Do that at \$2 and \$2.50 would you. Your operating reduction. . .

Kathy Roll:. . . to make the budget balance.

Chairman Delzer: These other numbers are before any of that was removed?

Kathy Roll: That is correct.

Chairman Delzer: The computing was for 20 laptops. We have that number someplace and we can find it.

Kathy Roll: Next is the refund revenues received from July of 07 through December 31. The bulk of those are for attorneys' fees or in lieu of civil penalties.

Chairman Delzer: Those would be in and out fees?

Kathy Roll: The court decides that.

She continued through the document.

Chairman Delzer: The \$186.0—how do you propose to reduce rent by \$34.0? There has to be other places in your operating line where you could take that from.

Kathy Roll: One of the things that pop in my mind is travel. That can be more discretionary than the lease rents. That means though that we take investigators off the road.

Representative Dosch: Going back to the Statewide Salaries sheet. What is the difference between the Averages vs. Actual Salary?

Kathy Roll: I took the statewide salaries for those classifications that were comparable to our classifications in our office. Then I broke them out by years of services and every five years I had a different average salary. I then compared our salaries to those average salaries and these are differences that resulted from that calculation.

Chairman Delzer: So where else in government did you find a forensic scientist to compare to?

Kathy Roll: In that case we were using people in the same grade. In the Health Department they have scientists.

Representative Glassheim: So a forensic scientist needs \$530 a month more than all the average of 12s.

Kathy Roll: That is correct. That is how badly they are underpaid.

Chairman Delzer: This is for the midpoint.

Kathy Roll: Not the midpoint it is the average which is different.

She continued with her overview of the presented information.

Chairman Delzer: Is that any different than what the Burn Grant was used for?

Kathy Roll: I believe that is correct. The JAG grants are much more limited in scope.

Chairman Delzer: Then why did we not replace some of the GF that was used to replace the burn grant.

Kathy Roll: We did.

Chairman Delzer: How much? I think we have to see that. When the burn grant came in to place we were running a high situation of meth labs. The situation was not the same as it is now.

Kathy Roll: When the Burn Grant was started it didn't even address meth labs. It was used for all narcotics enforcement.

Chairman Delzer: When you take that person off the streets do you recover a fair amount of what you used to set it up.

Kathy Roll: If you look at the asset forfeiture fund you will see that is not the case.

Kathy Roll: The grants are in essence they are replacing the other.

Chairman Delzer: The timing is such that over the past two biennia we have put quite a bit of GF money in to replace Burn grant money.

Kathy Roll continued with the organization chart.

Chairman Delzer: Are they unclassified in all of the other agencies as well?

Allen Knudson, Legislative Council: I am not sure.

Tom Trenbeath: I believe the attorneys in WSI are unclassified. I think that might be quite standard.

Kathy Roll: I believe all attorneys in other agencies other than WSI are all classified. They may not be in the university system. Others that are not classified are in Legislative Council and the Supreme Court.

Chairman Delzer: Have you done a comparison of your unclassified positions?

Kathy Roll: Yes we have.

Chairman Delzer: What is your reason for wanting to keep them unclassified?

Tom Trenbeath: It's a matter of people who are professionals they ought to be
I assume that most of the attorneys in the system are unclassified.

Chairman Delzer: Does anyone have any amendments to add. I will have some but not at this time.

Chairman Delzer closed the discussion of HB 1003.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1003

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: **February 6, 2009**

Recorder Job Number: 8924

Committee Clerk Signature



Minutes:

Chairman Delzer opened the discussion for amendments on House Bill 1003. Roll was taken at a previous hearing earlier today.

Chairman Delzer: If you have things drafted, just keep them and bring them forward at the time. However, I would like to have an idea of how many and how much time they are going to take. We had talked about the JAG and the Burn Grant money and that's the first one on the list. I'll go through those I have written down because I want us to have a discussion about allowing two of three forensic scientists instead of all three. I also want to have a discussion about the FTE for the civil commitment and the FTE for the DNA evidence. Mr. Trenbeath was kind enough to give me some numbers on the issue of DNA collection on D felonies instead of C felonies. I believe it was also C felonies for sexual.

Trenbeath: The statistic that I handed out was based on the premise of rather than reporting all arrestees for felonies, reporting all arrestees for felonies B or greater.

Chairman Delzer: And that's the issue with Katie's Law. We need a discussion on that but at the same time we'll have the discussion on the FTE then. I want us to have a discussion on the FTE for the technology position and also the FTEs for the child care providers. The only

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other one that I have is the possible reduction of operating of \$32.0 more. I have numbers from Alec Switzer on the civil commitments. I will share that on Monday.

How many others do other people have for the Attorney General's budget? I do have some. If anybody thinks of anything over the weekend write it down to yourself and we can certainly take it up and discuss it on Monday. Brady on any of these that need language changes, are you going to try to have the language for us. Will we be able to see the language?

Brady Larson, Legislative Council: Yes.

Representative Berg: Do we have a list showing all the amendments for the bills that you are looking at.

Chairman Delzer: We don't have a list now but we will on Monday. We are just going through and each of us as individuals can ask for whatever amendments we want.

Representative Berg: Maybe as we add to this list there be an updated list on the day we are in session that would give us something to think about that over the weekend.

Chairman Delzer: I would like to impress that to everybody. If you come up with something that you are going to ask for if possible let the other members know so that have some opportunity to view that idea. Because on Monday we will have to have the discussion on them so we are going to have a lot of bills and proposed amendments. We also have on Monday the report we are all going to listen to in the Brynhild Haugland room which is going to take time.

That is the AG ones that I have. I need to go introduce a couple of bills so I request that Rep Thoreson go through the next few. We are just asking for amendments. If you want to discuss them, you can.

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Tom Trenbeath, Deputy Attorney General: Before you leave, Monday when it comes to discussion of amendments to our bill, we would be at the Chair's disposal if you wanted to call us with questions or additional information we would be available to you.

Chairman Delzer: Yes, that's why we called you today too so that you would have that opportunity. Representative Thoreson if you want to do that for the rest of them too you can.

End of discussion on HB 1003.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1003

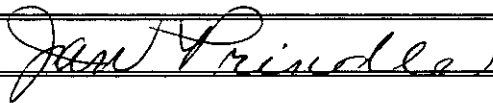
House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 2/10/09

Recorder Job Number: 9146

Committee Clerk Signature



Minutes:

Chairman Delzer opened the discussion for amendments on House Bill 1003. Roll was taken at a previous hearing earlier today.

Chairman Delzer: We have quite a few possible amendments of this. The first discussion we should have is the 5.5 childcare background check positions and related operating of \$107.0 for a total of \$906.0. I believe there is also childcare money in some other bills over in the Senate. I know we have some bills that are being worked on to do some different things with childcare than what the Governor has proposed—with the licensing of them and setting up a state board. This is a position simply for the background checks. We never did get a total number of how many have already been done and at what level they have been done. We did get some information from DHS regarding licensing requirements. My take is that at this time we should remove those 5.5 positions and see what happens with the other bills out there and then have the discussion at the end of the session after we have dealt with the Health Department's budget on this side and had opportunity to deal with all the other bills before we come up with an option.

Representative Kaldor: The 5.5 FTE in the childcare background check do not appear to be part of the optional request. Were they part of the budget right off the bat?

Chairman Delzer: I don't believe the AG office asked for them? I think the Governor's office put them in.

Representative Kempenich: I move we remove the 5.5 FTE and related operating funds for the background checks. (\$906,481)

Representative Dosch: Second.

A voice vote was taken and the amendment was adopted.

Chairman Delzer: The second one on our list is to reduce GF from various lines based on federal fund increases. The issue there is that over the past couple of sessions we have replaced burn grant money with GF dollars and now the JAG money is coming in and I don't know that there are any more guidelines on that. It is coming in at a larger number than it was before and I don't believe we have reduced the GF money that we had replace burn grant money with. That was the reason to bring this forward for discussion.

Representative Kempenich: It looks like the JAG money is going up this next biennium by \$750. I make a motion to take out \$750.0 from GF.

Vice Chairman Thoreson: Second.

Chairman Delzer: I'm sure this will impact their plans to get everything done that they were doing with both of them. I am sure it will be looked at closely in the Senate.

Representative Glassheim: I don't see an increase in the grants line total. Where is this \$750,000?

Representative Kempenich: If you look at the grants summary.

Chairman Delzer: That's what is before us as far as the motion goes. I don't that is the exact number that is correct or not correct. I think it is partly to bring this issue before the Senate.

A voice vote was taken and the amendment was adopted.

Becky Keller, Legislative Council: A point of clarification—do you want the additional \$750.0 to reflect in the bill as federal?

Chairman Delzer: The problem is that it is not an addition. They already have the spending authority for the federal money in their bill. It would be a reduction of the GF authority. Let's put it in that way. Work with the AG office on this.

Chairman Delzer: Then we have reduce operating by \$232.0. Who made that request?

Representative Kempenich: I think there were at least 3 different conversations on that. We talked about \$70.0, a hundred and some thousand, because you look at some of the increases . . .

Chairman Delzer: Down below we have a \$132.0, and \$82.0, a \$45.0 and a \$32.0 for different options. The \$232.0 would be one of those too I would guess.

Representative Kempenich: I move the \$132.0 reduction. One of the most glaring issues is travel and the state fleet costs.

Representative Dosch: Second.

A voice vote was taken and the amendment was adopted.

Chairman Delzer: We have add funding for crime lab service contracts.

Representative Glassheim: I asked for that. It seemed to me we needed to do that. It is something that has to be paid for. I move that we would add that funding.

Representative Meyer: Second.

Chairman Delzer: Do you remember whether there was a specific contract out there that you felt they said they could do or was this a case where you thinking there was stuff that could be contracted.

Representative Kaldor: Would this be one of those in the optional requests that were not funded?

A voice vote was taken. The amendment failed.

Chairman Delzer: The next one would be remove 1 FTE for civil commitment position and related operating. That is one I asked for based on information I received that currently if there is a request for an evaluation even if the person asks for an outside evaluation not from the hospital, the hospital pays for that. That doesn't cover the cost to the county. The counties had a bill in that they wanted to move this cost or is it part of this budget?

Chairman Delzer: I believe this is in the budget.

Representative Glassheim: Is this number 11?

Representative Kaldor: Would this be one of those that are in the optional request that were not funded?

Chairman Delzer: On the green sheet it is number five. The original request is for 2.5 FTE and they granted one.

Representative Glassheim: The request was for 2.5 and the Governor's budget already did some sifting and weighing and prioritizing and cut 1.5 FTE below what they thought they should have or needed. I think we ought to leave it in.

Representative Meyer: This will help the request that the AG office has been getting from the counties to assist in this like in our rural counties where they don't have the expertise to deal with this. Isn't that what this was directed for?

Chairman Delzer: That is what it is directed for. They have been doing this. We went through the bump of all these civil commitments. It has leveled off at a lesser number. The DHS did not expect a high number of these to happen. I think there is in the neighborhood of 20 per year.

Representative Meyer: How often would they have to be reviewed?

Chairman Delzer: The review would have nothing to do with this position because that is done at the hospital.

Tom Trenbeath, Deputy Attorney General: That is incorrect. They have to be reviewed in the county annually.

Chairman Delzer: But the review is all done at the hospital. That isn't anything where they have to open another case. They just have the review.

Tom Trenbeath, Deputy Attorney General: It is an extensive review. That goes before a judge that has the experts on both sides testifying. It's nearly the same as the initial hearing on the matter. That's why it gets to be cumulative. You may see the number steady or decreasing but the backlog doesn't go away. It's an ever increasing number.

Representative Kempenich: Right now the AG office is not turning anybody down if you do ask for help. It is an assumption that this will continue and I'm sure it will.

Chairman Delzer: One of the problems I have is with any more the state takes over on this, if there isn't financial responsibility at the counties, the easier it is for them to do this, the more there are going to be and some of them may not be warranted. Some of them certainly are and will probably be undertaken.

The next one we have is reduce salary equity by \$200.0.

Representative Glassheim: I was getting in to the cutting mode and I wanted to fly with the rest of the Committee. I'm sympathetic to the Department's need to pay competitive salaries. It seems to be going up and up and I picked a number out of the hat to discuss. I didn't have anything specific in mind.

Chairman Delzer: Let's move on the FTE for the DNA evidence collection. That is the one that has to do with Katie's Law.

Tom Trenbeath, Deputy Attorney General: That's correct.

Chairman Delzer: I believe we have some information that has not yet been shared with the Committee. There was some discussion to change the DNA testing to class B and above.

Tom Trenbeath, Deputy Attorney General: If you reduce that you get what I call felony creep. Class C felonies, because you don't test them, there is about 24% that end up being Class B felony arrestees before the end of the year. You tend to increase the number of B and A arrestees because of the failure to test the C felonies. So in the meantime you get another crime.

My, and this is not just a pure guess but a somewhat educated guess, guess is that the more serious C felonies—personal injury or egregious sexual conduct—are those that are going to be convicted at that level. If they are convicted at that level they are still not tested, but they may well be incarcerated.

Representative Kempenich: Is there classes of C?

Chairman Delzer: You could but part of the problem we had here was the mass number that was going to come in and how hard that was going to be to handle. What we are trying to do here is to spread that out over a time period so it can be handled. If we went for two years of

it being above, and have the next Legislative Assembly look at what they want, we would spread that out and I think we would probably be covering most of what we need. We did talk with Representative Klemin about it. His reservation was as you know some of had talked about going all the way back to "convicted" and he would have problems with that. The idea of going for two years at B and above, he did not seem to have real problems with.

Representative Meyer: One of the things that we are talking about DNA testing is not going to deter them from committing the next higher felony. That's not cause and effect.

Tom Trenbeath, Deputy Attorney General: It just makes them easier to find. I don't know that you are actually dealing with a population that could be phased in because it is a constant population. Those numbers that are this year will be the numbers that are two years from now also. I don't you are going to gain anything. All we are saying from the AG's perspective, is that the law exists. If you are going to implement it we are more than happy to implement the law as long we are provided the staff.

Chairman Delzer: If we cut it to B & A can you do it without an added FTE?

Tom Trenbeath, Deputy Attorney General: Actually, we could use two for the A, B, and Cs. One for just the evidence intake and the other for processing. That is what we requested. The answer to your question is no, we would have to have at least one person.

Chairman Delzer: If you did not get one person would you get it done?

Tom Trenbeath, Deputy Attorney General: We could try. But I can't say that we would.

Chairman Delzer: I like the idea of going at least to the B and above. I find arrest for C felonies a little intrusive personally. I think it is overstepping what we are looking for here.

Representative Kempenich: There are two positions—analysis and collection. Do you want to have one or the other? Or just let them fill whichever they want?

Chairman Delzer: We certainly would not want to remove both of them but I don't want to give them both.

Tom Trenbeath, Deputy Attorney General: The DNA collection person is the additional request that we made. The forensic scientist is listed down below as the analyst. That is the one that would be critical.

Chairman Delzer: Committee members how do you feel this section. Do we have language? We had asked for that to be drafted to change that to B and above.

Becky Keller, Legislative Council: I do not have the language but will work with the legal on.

Representative Kempenich: I think we should keep the DNA analyst. There are two there.

Chairman Delzer: We would remove the evidence collection FTE.

Kathy Roll: The FTE for the evidence collection technician is not in our budget. We request that be added to our budget.

Chairman Delzer: Yet it shows to be in your budget.

Kathy Roll: The one in the budget was the forensic scientist analyst.

Chairman Delzer: What we have lists two as being in the budget. One at \$140.0 and one at \$156.0.

Tammy Dolan, OMB: The evidence technician is not in the budget—only the forensic scientist is in our budget. Number 6 is for all arrestees. There is only one position for that. Wasn't it in the optional request that there were two positions for the DNA; one was an evidence technician and one was a forensic scientist? Both were for DNA collection. The technician was not included in the budget.

Chairman Delzer: We will keep it consistent with the green sheet.

Becky Keller, Legislative Council: Looking at the change factor summary that we get our data from, we included RA 26. It just says Crime Lab DNA.

Chairman Delzer: In the optional change package it is number 13 on the priority list. We do not have a motion on the floor.

Representative Kempenich: I Move (remove funding for salary and operating for one FTE, change the language from C to B and above arrestees)

VC Thoreson: Second:

A voice vote was taken and the amendment was adopted.

Representative Kempenich: I move we remove this civil commitment position and related operating expenses.

VC Thoreson: Second.

A show of hands vote was taken. The amendment was adopted.

Chairman Delzer: Then we have something about a new section to provide for an interim study on whether punishments for felonies are suitable for felonious behavior.

Representative Glassheim: That was mine. There was some conversation after the testimony that every decade or so we might do a study to see if there has been "felony creep" and to take a look at whether our punishments are fitting the crimes and whether they are excessive or not strong enough. I move it.

Representative Meyer: Second.

A voice vote was taken. The amendment was adopted.

Chairman Delzer: Then we have something on a new section to indicate which items related to refund are one-time. Are we actually taking more out of that this time than came in to it during this biennium? I think we are.

Kathy Roll: (inaudible)

Chairman Delzer: We must have been using them as one time expenditures, yet they are not listed as one time in the bill. All we have listed on the one-time is taking out the crime lab construction. Don't we have bond payments for that crime lab?

Kathy Roll: We do. Those are provided from the GF. The AG refund fund has nothing to do with the crime lab building. If you turn to the analysis that I provided you on the AG refund fund, there is an IT hub interface of \$150.0 that would be one-time. The IT crime lab applications would be one-time.

Chairman Delzer: Let's go through the bill quickly and see if there is anything we need to change. Section 4—that's just spending authority up to that amount. Do you normally get that much in?

Kathy Roll: I think we will be very close to that this biennium as well as Section 5.

Chairman Delzer: Section 6—that looks to me like that gives you spending authority. When it says subject to the Emergency Commission approval, Becky, does that mean that it has to go to Budget Section too?

Becky Keller, Legislative Council: If the amount is over \$50,000.

Chairman Delzer: Why do have that in there? Does that mean if you get federal funding it replaces the GF money?

Kathy Roll: That is correct. That language was just carried forward.

Chairman Delzer: Where does the federal money for the multijurisdictional task force come from?

Kathy Roll: From the lottery.

Chairman Delzer: where do the federal funds come from?

Kathy Roll: The federal funds that we have been receiving which were first the burn grant and are now the JAG grant, those go to task forces and the domestic violence programs.

Chairman Delzer: That's why this was put in there—to cover any increased federal money.

What is the GF fund portion of that?

Kathy Roll: I think it was \$662,000.

Chairman Delzer: Committee members, I wonder if we didn't go just a little deep on the \$750.0. We don't need to reconsider—we'll just make another amendment. I would say we need to cut that in half to \$375.0.

Vice Chairman Thoreson: I move to further amend the bill to change the reduction in the previous amendment from \$750.0 to \$375.0.

Representative Kempenich: Second.

A voice vote was taken and the amendment was adopted.

Chairman Delzer: This finishes the AG office. We will get the final amendment tomorrow sometime.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☐ Check here for Conference Committee

Hearing Date: 2/16/09

Recorder Job Number: 9501

Committee Clerk Signature *Tonya Voegeli*

Minutes:

Chairman Delzer opened the discussion of amendments on House Bill 1003.

Chairman Delzer reviewed the amendment.

Chairman Delzer: Was the study for felonies at your request Representative Meyer?

Representative Meyer: That is correct.

Chairman Delzer: Section eight is where we change it from all arrestees to arrestees of B and above felonies for the gathering of DNA. Becky this is part of the budget bill so it lasts for two years correct?

Becky Keller, Legislative Council: It changes Century Code so it is not just for two years.

Chairman Delzer: That may be an issue that may have to be looked at. I am not sure. We want that for a minimum of two years but I don't know how the floor will take it. I know Representative Klemin would like to have it somehow that it would be looked at again in two years.

Representative Kempenich: If it is an issue it will be looked at in two years.

Chairman Delzer continued reviewing the amendments.

Representative Kempenich: I was listening over the weekend and this stimulus money has a ton of money for these JAG grants.

Chairman Delzer: Hopefully that will be looked at even closer in the second half then. When is the signing of that?

Representative Meyer: Tomorrow in Denver.

Vice Chairman Thoreson: And the money is slated to start flowing almost immediately.

Chairman Delzer continued reviewing the amendments.

A motion was made by Representative Kempenich, seconded by Vice Chairman Thoreson to adopt amendment 98004.0101 to House Bill 1003. The amendment was adopted by voice vote.

A motion was made by Representative Kempenich, seconded by Representative Glassheim for a DO PASS AS AMENDED recommendation for House Bill 1003 to the House Appropriations Full Committee. The vote was 7 yeas, 0 nays and 1 absent and not voting. The carrier will be Representative Berg.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1003

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 17, 2009

Recorder Job Number: 9624

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Berg distributed and reviewed amendment .0101 (Attachment A). We increased revenue from federal funds and the general fund was reduced. They removed 5.5 FTEs on the background check positions and related expenditures. There is an addition of 10 new positions. We removed 1 FTE in the civil commitment, 1 on the forensic scientist, and then \$132,000 in operating expense. Felony convictions of dealing with testing DNA on p. 1. would not apply to a person of 18 years or older. I move the amendments.

Rep. Delzer seconded the motion.

Rep. Hawken: The FTEs that were removed, were they for doing the background checks for childcare if in fact that bill passes?

Rep. Delzer: Yes. They were put in by OMB. They were not requested in the Attorney General's budget.

Rep. Delzer: We did not get deep into that. I can't imagine that it would need to be 5.5. We took them out because we didn't have the rest of it finished.

A voice vote was taken. Motion carries.

Rep. Berg moves a Do Pass as Amended. Rep. Klein seconded the motion.

Rep. Skarphol: Was there any discussion about the refund fund in the Attorney General's office and the level of activity and the balance?

Rep. Delzer: Yes. The activities have been high. The projection is that they will use that. It will be about \$500,000 at the end of the biennium.

Rep. Skarphol: Would that be about half of where it was initially then?

Rep. Delzer: It will be closer to \$3 million.

Rep. Skarphol: What will they use that for?

Rep. Delzer: If I can find the information here. We have the operating fund here the year after the refund fund.

Rep. Skarphol: We don't need to hold up the committee for that. I'll do some checking.

Rep. Delzer: I found it but I will give this to Rep. Skarphol and he can look through it.

Rep. Skarphol: That will be fine.

DO PASS AS AMENDED. 24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING. Rep. Berg is
the carrier of this bill.

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Representative Dosch:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Child Care

Remove 5.5 positions for child care background checks

Amendment Adopted

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Vice Chairman Thoreson:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Reduce General Fund from various lines based on federal fund increases \$750,000 replaced with JAG grants.

AMENDMENT ADOPTED

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Representative Dosch:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Reduce Operating by \$132,000

AMENDMENT ADOPTED

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Glassheim: Seconded By Representative Meyer:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Add Funding for crime lab service contracts

Amendment Failed

Date: 2/10/09
Roll Call Vote #: 35

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Vice Chairman Thoreson:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Removing funding for salary and operating for one FTE.

Change the language from C to B and above arrestees

AMENDMENT ADOPTED

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Vice Chairman Thoreson:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Remove civil commitment officer and operating associated with that position.

AMENDMENT ADOPTED

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Glassheim: Seconded By Representative Meyer:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

New Section to provide an interim study on whether punishments for felonies are suitable to the felonious behavior

AMENDMENT ADOPTED

Date: 2/10/09
Roll Call Vote #: 8

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendment

☐ Voice Vote

☐ Roll Call Vote

Motion Made By Vice Chairman Thoreson: Seconded By Representative Kempenich:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Change the dollar amount for federal funding to \$375,000 instead of \$750,000.

AMENDMENT ADOPTED

98004.0101
Title.
Fiscal No. 1

Attachment ^A
2/17/09
Prepared by the Legislative Council staff for
House Appropriations - Government
Operations

February 12, 2009

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1003

Page 1, line 1, after the semicolon insert "to create and enact a new subsection to section 31-13-03 of the North Dakota Century Code, relating to DNA testing;"

Page 1, line 2, remove the first "and"

Page 1, line 3, after "general" insert "; and to provide for a legislative council study"

Page 1, line 12, replace "5,240,722" with "4,565,304" and replace "27,668,657" with "26,993,239"

Page 1, line 13, replace "3,608,053" with "2,829,979" and replace "14,204,579" with "13,426,505"

Page 1, line 22, replace "7,833,015" with "6,379,523" and replace "51,724,177" with "50,270,685"

Page 1, line 23, replace "1,007,056" with "1,339,376" and replace "21,908,977" with "22,241,297"

Page 2, line 1, replace "6,825,959" with "5,040,147" and replace "29,815,200" with "28,029,388"

Page 2, line 2, replace "10.00" with "2.50" and replace "198.50" with "191.00"

Page 3, after line 4, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY - FELONY PENALTIES.

During the 2009-10 interim, the legislative council shall consider studying whether penalties for felonies are suitable to the felonious behavior. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 8. A new subsection to section 31-13-03 of the North Dakota Century Code is created and enacted as follows:

This section does not apply to a person eighteen years of age or over who is arrested for the commission of a class C felony."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0101 FN 1

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Executive Budget	House Changes	House Version
Salaries and wages	\$27,668,657	(\$675,418)	\$26,993,239
Operating expenses	14,204,579	(778,074)	13,426,505
Capital assets	2,391,187		2,391,187
Grants	3,559,225		3,559,225
Litigation fees	50,000		50,000
Medical examinations	250,000		250,000
North Dakota Lottery	3,584,388		3,584,388
Arrest and return of fugitives	10,000		10,000
Gaming Commission	6,141		6,141
Total all funds	\$51,724,177	(\$1,453,492)	\$50,270,685
Less estimated income	21,908,977	332,320	22,241,297
General fund	\$29,815,200	(\$1,785,812)	\$28,029,388
FTE	198.50	(7.50)	191.00

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

	Changes Funding Source¹	Removes Background Check Positions²	Removes Civil Commitment Position³	Removes Forensic Scientist Position⁴	Reduces Operating Expenses⁵	Total House Changes
Salaries and wages		(\$399,112)	(\$156,387)	(\$119,919)		(\$675,418)
Operating expenses		(507,369)	(75,000)	(63,705)	(132,000)	(778,074)
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Total all funds	\$0	(\$906,481)	(\$231,387)	(\$183,624)	(\$132,000)	(\$1,453,492)
Less estimated income	375,000	0	0	(42,680)	0	332,320
General fund	(\$375,000)	(\$906,481)	(\$231,387)	(\$140,944)	(\$132,000)	(\$1,785,812)
FTE	0.00	(5.50)	(1.00)	(1.00)	0.00	(7.50)

¹ Funding from federal funds is increased and general fund support for agency operations is reduced.

² This amendment removes 5.5 FTE child care background check positions and related operating expenses added in the executive recommendation.

³ This amendment removes 1 FTE civil commitment position and related operating expenses added in the executive recommendation.

⁴ This amendment removes 1 FTE forensic scientist position and related operating expenses added in the executive recommendation.

⁵ This amendment reduces operating expenses funding by \$132,000 from the general fund.

This amendment adds a section providing for an interim Legislative Council study relating to the appropriateness of penalties for felonies.

This amendment adds a section to amend NDCC Section 31-13-03 to change the level of offenses for which DNA testing is required.

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98001.0101

Action Taken Adopt Final Amendment

☒ Voice Vote

☐ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Vice Chairman Thoreson:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Representative Glassheim		
Vice Chairman Thoreson			Representative Meyer		
Representative Kempenich			Representative Kaldor		
Representative Berg					
Representative Dosch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Amendment Attached

Amendment Adopted

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

House House Appropriations- Government Operations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98004.0101

Action Taken Do Pass As Amended

☐ Voice Vote

☒ Roll Call Vote

Motion Made By Representative Kempenich: Seconded By Representative Glassheim:

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Representative Glassheim	X	
Vice Chairman Thoreson	X		Representative Meyer	X	
Representative Kempenich	X		Representative Kaldor	X	
Representative Berg	A				
Representative Dosch	X				

Total (Yes) 7 No 0

Absent 1

Floor Assignment Representative Berg:

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

Date: 2/17/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 98604-0101

Action Taken adopt . 0101

Motion Made By Beag Seconded By Delzer

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Rep. Skarphol			Rep. Kroeber		
Rep. Wald			Rep. Onstad		
Rep. Hawken			Rep. Williams		
Rep. Klein					
Rep. Martinson					
Rep. Delzer			Rep. Glassheim		
Rep. Thoreson			Rep. Kaldor		
Rep. Berg			Rep. Meyer		
Rep. Dosch					
Rep. Pollert			Rep. Ekstrom		
Rep. Bellew			Rep. Kerzman		
Rep. Kreidt			Rep. Metcalf		
Rep. Nelson					
Rep. Wieland					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Voic Vote - carries

VR
2/18/09
103

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1003

Page 1, line 1, after the semicolon insert "to create and enact a new subsection to section 31-13-03 of the North Dakota Century Code, relating to DNA testing;"

Page 1, line 2, remove the first "and"

Page 1, line 3, after "general" insert "; and to provide for a legislative council study"

Page 1, line 12, replace "5,240,722" with "2,396,350" and replace "27,668,657" with "24,824,285"

Page 1, line 13, replace "3,608,053" with "2,829,979" and replace "14,204,579" with "13,426,505"

Page 1, line 22, replace "7,833,015" with "4,210,569" and replace "51,724,177" with "48,101,731"

Page 1, line 23, replace "1,007,056" with "1,008,689" and replace "21,908,977" with "21,910,610"

Page 2, line 1, replace "6,825,959" with "3,201,880" and replace "29,815,200" with "26,191,121"

Page 2, line 2, replace "10.00" with "2.50" and replace "198.50" with "191.00"

Page 3, after line 4, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY - FELONY PENALTIES.

During the 2009-10 interim, the legislative council shall consider studying whether penalties for felonies are suitable to the felonious behavior. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 8. A new subsection to section 31-13-03 of the North Dakota Century Code is created and enacted as follows:

This section does not apply to a person eighteen years of age or over who is arrested for the commission of a class C felony."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0102 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Executive Budget	House Changes	House Version
Salaries and wages	\$27,668,657	(\$2,844,372)	\$24,824,285
Operating expenses	14,204,579	(778,074)	13,426,505
Capital assets	2,391,187		2,391,187
Grants	3,559,225		3,559,225
Litigation fees	50,000		50,000
Medical examinations	250,000		250,000
North Dakota Lottery	3,584,388		3,584,388
Arrest and return of fugitives	10,000		10,000
Gaming Commission	6,141		6,141
Total all funds	\$51,724,177	(\$3,622,446)	\$48,101,731
Less estimated income	21,908,977	1,633	21,910,610
General fund	\$29,815,200	(\$3,624,079)	\$26,191,121
FTE	198.50	(7.50)	191.00

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

	Changes Funding Source¹	Removes Background Check Positions²	Removes Civil Commitment Position³	Removes Forensic Scientist Position⁴	Reduces Operating Expenses⁵	Removes Salary Equity Funding⁶
Salaries and wages		(\$399,112)	(\$156,387)	(\$119,919)		(\$1,369,859)
Operating expenses		(507,369)	(75,000)	(63,705)	(132,000)	
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Total all funds	\$0	(\$906,481)	(\$231,387)	(\$183,624)	(\$132,000)	(\$1,369,859)
Less estimated income	375,000	0	0	(42,680)	0	(144,416)
General fund	(\$375,000)	(\$906,481)	(\$231,387)	(\$140,944)	(\$132,000)	(\$1,225,443)
FTE	0.00	(5.50)	(1.00)	(1.00)	0.00	0.00

	Reduces Funding for Anticipated Salary Savings⁷	Total House Changes
Salaries and wages	(\$799,095)	(\$2,844,372)
Operating expenses		(778,074)
Capital assets		
Grants		
Litigation fees		
Medical examinations		
North Dakota Lottery		
Arrest and return of fugitives		
Gaming Commission		
Total all funds	(\$799,095)	(\$3,622,446)
Less estimated income	(186,271)	1,633
General fund	(\$612,824)	(\$3,624,079)
FTE	0.00	(7.50)

¹ Funding from federal funds is increased and general fund support for agency operations is reduced.

² This amendment removes 5.5 FTE child care background check positions and related operating expenses added in the executive recommendation.

³ This amendment removes 1 FTE civil commitment position and related operating expenses added in the executive recommendation.

This amendment removes 1 FTE forensic scientist position and related operating expenses added in the executive recommendation.

⁵ Operating expenses funding is reduced by \$132,000 from the general fund.

⁶ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

⁷ This amendment reduces salaries and wages funding to recognize anticipated savings from vacant positions and employee turnover.

This amendment adds a section providing for an interim Legislative Council study relating to the appropriateness of penalties for felonies.

A section is added to amend North Dakota Century Code Section 31-13-03 to change the level of offenses for which DNA testing is required.

Date: 2/17/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 0101

Action Taken Do Pass as Amended

Motion Made By Berg Seconded By Klein

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Rep. Skarphol	✓		Rep. Kroeber	✓	
Rep. Wald	✓		Rep. Onstad	✓	
Rep. Hawken	✓		Rep. Williams	✓	
Rep. Klein	✓				
Rep. Martinson	✓				
Rep. Delzer	✓		Rep. Glassheim	✓	
Rep. Thoreson	✓		Rep. Kaldor	✓	
Rep. Berg	✓		Rep. Meyer	✓	
Rep. Dosch	✓				
Rep. Pollert	✓		Rep. Ekstrom	✓	
Rep. Bellew	✓		Rep. Kerzman	✓	
Rep. Kreidt	✓		Rep. Metcalf	✓	
Rep. Nelson	✓				
Rep. Wieland	✓				

Total (Yes) 24 No 0

Absent 1

Floor Assignment Berg

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

REPORT OF STANDING COMMITTEE

HB 1003: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to create and enact a new subsection to section 31-13-03 of the North Dakota Century Code, relating to DNA testing;"

Page 1, line 2, remove the first "and"

Page 1, line 3, after "general" insert "; and to provide for a legislative council study"

Page 1, line 12, replace "5,240,722" with "2,396,350" and replace "27,668,657" with "24,824,285"

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Page 2, line 1, replace "6,825,959" with "3,201,880" and replace "29,815,200" with "26,191,121"

Page 2, line 2, replace "10.00" with "2.50" and replace "198.50" with "191.00"

Page 3, after line 4, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY - FELONY PENALTIES.

During the 2009-10 interim, the legislative council shall consider studying whether penalties for felonies are suitable to the felonious behavior. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 8. A new subsection to section 31-13-03 of the North Dakota Century Code is created and enacted as follows:

This section does not apply to a person eighteen years of age or over who is arrested for the commission of a class C felony."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0102 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

HB 1003

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

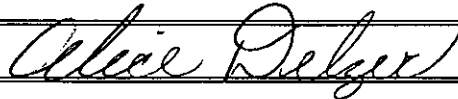
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-10-09

Recorder Job Number: 10538

Committee Clerk Signature



Minutes:

Chairman Holmberg: called the committee hearing to order at 8:30 am in reference to HB 1003 in regards to the Attorney General.

Wayne Stenehjem: Attorney General testified in favor of HB 1003 and provided written testimony # 1 and #2. Meth labs are down 95%, the incidences with meth have gone down in North Dakota. The crime lab was completed under budget and opened up last October. The staff is extremely happy with the facility. If you were not at the open house come and see what we can do with our facility. Senator Robinson well knows the murder in Valley City; we had 13 BCI agents assisting the local law enforcement regarding that murder case. Mr. Gibbs voluntarily gave his sample of DNA, because of that match; an unsolved rape case in Fargo was solved because of the work of the crime lab. Even in Bismarck, where a robbery took place, she took off her sweatshirt, took DNA off her clothes and was able to arrest her for that offense. We have the resources at the crime lab to solve difficult crimes. Everyone watches CSI, so it is hard to find a jury. The workload at the crime lab is increasing greatly. We are very happy with the pay increases you did last session. We are well aware of the position of this committee and the Senate and what you will need to do, I do want to tell you in the first 4 pages of testimony why we need the equity pay that the governor put in and that info is in there. Basically we were happy with the governor budget, when we went to the House only a

couple of things worked on, we wanted an additional crime lab technician. Last year, legislation passed requires all felons submit a DNA samples, and that law takes effect this year. The governor gave us 1, we asked for 2, the House took both of them out. Local states attorneys have begged me to come in and send help regarding the sex offender prosecution. (10.40) the other issue is a small one, the operating expenses, the governor cut some out, the House cut out some. (He introduced some of his division officers that were present for the hearing and gave an account of what the office of attorney general does.) We make more money for the state of ND than we spend in our budget. The tobacco industry, lottery, fire marshal, regulate gaming laws, unpaid child support payments, we defend North Dakota in numerous law suits including the discrimination case relating to the prison facility in New England. We provide quality legal services and provide public safety. He continued his testimony page 4, Crime lab, shown a chart on tox and offender samples workload. This session all felons starting Aug 1, 2009, have to give a sample of DNA, so you can see the massive number of samples coming in

Senator Christmann: (16.57) all those drug and alcohol on the previous chart; are they traffic incidents?

Wayne Stenehjem: death, blood alcohol in DUI cases because the def has the right to request that.

Senator Seymour: What would be the procedure?

Wayne Stenehjem: You need to have a licensed person to draw the blood, at the defense expense; the sample is submitted to the crime lab. The problem we are seeing the number will increase, we want it to take 14 days for toxicology report, which is the national benchmark, and we are nowhere near that. We are actually operating in a squeaky wheel mode right now, which is not sufficient. Realize the staff of crime lab is overwhelmed.

Senator Robinson: What type of backlog do we have right now without legislation?

Hope Olson: Director of Crime Lab Division, currently we have 320 cases waiting to be analyzed. We have 100 that haven't even been started.

Senator Robinson: How much would we be looking pending no other interruptions? To take care of that many cases

Hope Olson: To clear out 300 cases, 1 ½ years. We prioritize our cases based upon court dates, homicides, and what you read in the paper; of course.

Senator Robinson: We are way behind and losing ground?

Hope Olson: That is correct. We reported out 107 cases last year, so we have made a dramatic impact.

Senator Warner: Complaint from local SA is that counties have to pay for their own pretrial expenses. Who is bearing the costs of different things? Are people sending in way to many samples because you are paying for it?

Wayne Stenehjem: The cost of the any is all paid by the state. (23.26) the most we can do is 3 samples, if you need more we can do it. Even a homicide case, blood splatters, you don't test each and every one of them, we work with local and do what they need to do. Sometimes, it is very hard, I don't want to criticize the SA and local law enforcement, no crime lab will test each and every sample at the crime scene, and you don't need to. We work with local law enforcement what we can test, how soon can we get it out. If a homicide comes in, everything else is put on back burner.

Senator Lindaas: Given the new law going into effect in Aug, with the additional people, are they going to keep you on par?

Wayne Stenehjem: The action of the House provides it will eliminate the logging in for the Class C felonies, which is about 80% of the felony arrests in ND. Listen to tape to get this answer. Not too long I will discuss some of the solutions. There isn't an upside to all of this. Cybercrime problems, you added an addict cybercrime person, we were informed if we gave the need, the house said they would let us have that, the house did not. Page 6. (28.44) I cannot explain to you the horrible crimes that go on in cybercrime and why we need help in that area. I invite you to come see the crime lab, and then come and see the BCI cybercrime lab, I wish I could tell you this goes on in LA but it goes on in ND. I will make arrangements for you to come.

Senator Mathern: On this cybercrime, it appears that would be national or international. Is there be some higher level funding available?

Wayne Stenehjem: Yes, there is in the Fed economic Stimulus Budget Package, \$5M Burn Grant program. Most of that money has to go to local law enforcement and we get the remaining amount. That is avail for a variety, the other is internet crime against children, and money is provided for that too. In addition, there is COPS grant money, and there are competitive grants as well. That money in Burn Grant, available to the legislature and good for 4 years, the COPS grant is 100% funded for 3 years, but it does require a 2 year committed beyond the 3 years, if you want to give the authorization. In my office, I would hire 3 agents, Bottineau, funding cybercrime agent in Fargo, in the oil patch. So there are options that are available for us to discuss, you don't have all the info you need in some respect, some of the guidelines are still coming down. With regards to the other bills that are alive, how many state and federal records checks for employers. There are a number listed in my booklet. The

Testimony # dept, the major one requires background checks for daycare center, 14,000 additional background checks. The governor put in the budget for the background checks, he

added 5 FTE for our office. If we are going to check all the workers in the school, and if those bills pass, this is the kind of increase we will see in background check.

Senator Warner: Talk about the nature of background checks.

Wayne Stenehjem: Two kinds, the fed and the state. The state is the simplest one but also the most limited. In the state of ND. Need SS, DOB, or name, need at least two. You need a fingerprint sample for the Federal background check, with which a list of all the fed offenses in all the states is generated.

Senator Warner: Are we creating?

Wayne Stenehjem: All you are doing is checking.

Jerry Kemmit: The fingerprints stay with the FBI when they are submitted. They would be on file.

Senator Warner: We are creeping a little bit. We are expanding that surveillance passing the fed government.

Wayne Stenehjem: The samples that are submitted for day care, we will get info on that.

V. Chair Bowman: What is the percentage of people you check that have applied for a daycare job. They will provide that information. Everyone wants to protect kids, and what is it costing us. They will get that to you. You need to weight as a policy whether it is worth it or not.

Wayne Stenehjem: One section of the bill is aware of my total section 9 of the bill. The date is not in keeping with the increase they are giving.

Chairman Holmberg: Was it a slight of hand.

Chairman Holmberg: How many earn more than the Attorney General?

Wayne Stenehjem: A lot, many of them, all the lawyers working for Higher Education? (44.44)

Chairman Holmberg: The subcommittee is Senator Kilzer, Chairman Holmberg, and Senator Warner.

Wayne Stenehjem: If the committee is interested, whom should I talk to arrange the event?

Chairman Holmberg: Talk to me at least members may want the opportunity to come out and look.

Wayne Stenehjem: It is a great facility.

Senator Wardner: You talked about the law suit with corrections is that from back in Jamestown.

Wayne Stenehjem: Right after the facility in New England was constructed. They filed a law suit because they are not happy with New England. We got a summary judgment from the Supreme Court; we are now awaiting the decision.

Chairman Holmberg: How many attorneys in your office have two screens? It is invaluable working on documents to have two screens.

Wayne Stenehjem: Operating expenses (47.47) we are available to answer any questions you may have. I have the most enjoyable fun job, the reason the staff is dedicated to make ND a safer place to live. You are fortunate to have this staff working for the state of ND.

Senator Christmann: The facility out on the hill is everything from there moved down to the crime lab. What goes on there and at the crime lab?

Wayne Stenehjem: The BCI, our IT people, and fire marshal are located up there. The people at the crime lab, were never up there, all of those folks are across, they do the DNA, toxicology, firearms, and whole host of other things.

Senator Kilzer: Is the ownership of either property up north changed?

Wayne Stenehjem: The ownership did change. The previous owner wanted to sell to ND, the new owner wants to sell to us too, and we are paying rent now and (51.12) rent is going up. If that is something you are interested in, they are willing to sell it.

Chairman Holmberg: How fast does it take to get opinions to get issued?

Wayne Stenehjem: Trying to get them out as soon as we can. We do issue opinions to citizens and we are seeing an increase in open records?

Senator Fischer: More of a comment, the opinion I asked for was extra work and I appreciate that.

Wayne Stenehjem: Some are more complicated and that adds to the workload.

Chairman Holmberg: How much work on open meetings and open records?

Wayne Stenehjem: We have on that has portfolio. With every opinion we issue, it goes to another lawyer to review, then to division director, to chief deputy and then to me, 5 lawyers review each open ended records or legal thing and that is why it can take some time, sometimes there are disputes and differences. I am the decider.

Senator Christmann: If that is pretty close, then it is something our subcommittee should have someone look at if we are going to pay for the building, unless there is something structurally it might be something we want to investigate.

Senator Kilzer: We were interested in having the crime lab closer there is an empty lot we were very interested, but the House had no part of it. We were willing last time.

Chairman Holmberg: Closed the hearing on 1003.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-24-09

Recorder Job Number: 11473

Committee Clerk Signature

Alice R. Delzer (done upstairs)

Minutes:

Senator Kilzer opened the subcommittee hearing on HB 1003 regarding the Attorney General's budget. Senator Warner and Chairman Holmberg were present.

Thank the people for the tour.

Chairman Holmberg: I appreciated the tour of the crime lab. It was a good tour. It helped fill in the some of the pieces of this entire budget. The list is long but there are some we need to add some back in.

Were there any of the things that they had asked for that you were particularly interested in?

Chairman Holmberg: The forensic staff, salary, and the fact that the legislature has said we want all arrestees have the testing done, yet there appears to be somewhat of a reluctance to fulfill our end of the bargain.

Senator Warner: One of the things that struck me, when asked if they would rather have more staff or higher paid staff, I hope it wouldn't be one thing or the other. I used to work in toxicology at that time it was in an academic setting, at that time the toxicology section was two PHD's, 3 masters degrees, and I was the only baccalaureate degree in the entire department. Your entire department has only 2. We were running 1,700 blood alcohol a year, now you are running?

Senator Kilzer: I was impressed & one thing that caught my attention was the number of DNA that cooks at one time, there are some machines that go up to 16. We can look at it an early date.

Senator Kilzer: What I would like to do today, go ahead and get the materials together to send to legislative council for amendments. My personal feeling is that we can give back 3 bills to the executive budget. Go through the items, mainly that the house cut, talk about each one, and hopefully restore a good many of them. Then start with the thing that we have done with all of the bills is put back the 5 and 5 and also the equity adjustments

Senator Kilzer following the green sheet that was dated March 4. There was the 5.5 child care background check position, what did happen to them. They were added in executive that bill is on the cal this afternoon. It is still alive. There are two bills.

Senator Kilzer: Is this the one governor had in his budget. We'll not include that one right now.

Senator Kilzer: The 3rd item on green sheet was another one you had not requested.

Wayne Stenehjem: We need it but did not request it. The governor added a lawyer; we added a paralegal as well.

Chairman Holmberg: As we add them back in there are some of them that you are familiar with.

Senator Warner: These are allocated amounts?

Wayne Stenehjem: All allocated except COPS

Senator Kilzer: On top of page 2 on green sheet; its number 3. Add that back in?

Chairman Holmberg: If I was to make a choice I would like number 6 rather than 5.

Senator Kilzer: You would rather have number 6 than number 5. Ask AG's office if we were in position to choose one which one would they like.

Wayne Stenehjem: Number 6 on there. We need both of those. At the same time house cut out funding for both of those positions, and they changed the policy

Chairman Holmberg: They put that policy in the appropriations bill. Did they have a public hearing on that?

Wayne Stenehjem: No they did not. That was a hard fought bill that Representative Klemin sponsored. He worked hard to get it passed. In order to make it work, they gave an effective date and instead they eliminated both of them and this is a bill that 80% of the people arrested are Class C felonies. In talking to Representative Klemin as he prepared to take it to the floor.

Senator Warner: Just to refresh my memory, what is the nature of class C felony?

Wayne Stenehjem: I can get you a list, theft over 500, assault and sexual assault. But a significant portion of people arrested they get a class A or B felonies. That is a higher priority for us

Senator Warner: How many technicians do you have in the lab? Is the demand of the workload so much that you have to add more?

Kathy Roll: Right now we have 3 technicians and we really need a 4th.

Senator Warner: So it doesn't involve dealing with the paper work.

Wayne Stenehjem: Yes.

Senator Kilzer: in a timely matter and you are 6 months behind now. Will one even do it?

Wayne Stenehjem: The governor added all the arrestees, which is new, the governor gave us 3 positions, for all the other he gave us 1. We are hopeful, she needed 10 we can't ask for 10 I asked for 5 the governor gave us 2. We'll work hard.

Senator Kilzer: I think you have 3 now, and you are 6 months behind, one is kind of puny, you need more than that.

Senator Warner: With the nature of DNA equipment and you can do multiples. Does the federal government do you need the tech to run it.

Wayne Stenehjem: One of the options for Byrne grant for a robot, and that will speed up the time.

Chairman Holmberg: So we have to add anything there or can you just do that?

Kathy Roll: For federal stimulus that will need to be added in.

Chairman Holmberg: \$150,000 for the robot station which would increase productivity and if you had that you wouldn't need from the ideal you wouldn't need 10.

Kathy Roll: What the robot does is process the samples to be analyzed. But you still need the analysts.

Senator Kilzer: You are not up against the situation where you have not enough bags to put stuff in.

Wayne Stenehjem: I might have to ask Hope that question.

Senator Kilzer: as a Scientist where is the bottleneck. It sounds like it is the number of people is the bottleneck.

Senator Kilzer: If the House cuts weren't so severe in this area. We need to be a very realistic again because they will want to cut again.

Wayne Stenehjem: Their in a crisis at the crime lab. They are begging to get the work done. I don't want defense attorney saying that. I have mentioned this, if you are looking at crime labs around the country, they are adding dozens.

Senator Warner: They said in the tour, 2 weeks to get a blood alcohol.

Wayne Stenehjem: Even on the toxicology on one who died, it could 2 or 4 weeks. Can't even get a death certificate so you can imagine how families feel when you wait that long.

Sandy: I want to let you know if you were to go with the 2 FTE the cost of that would be on the green sheet, it shows, that would change in general funds. Some amount would stay at federal level. Green sheet #6 and what that does is puts it back to the governor's recommendation. If you are thinking about going to what the AG is suggesting, that would change from \$140,000 to \$285,703.

Wayne Stenehjem: We were suggesting one thing the Byrne money one of the things you could fund 2 with Byrne grant funding.

Senator Warner: Is any of it, we might be competing with department of corrections.

Wayne Stenehjem: It is all on our side.

Senator Kilzer: the Byrne grant is for 4 years and would finance 2 scientists. And then we could have another one beyond that. Actually would be a total of 6. And if we would catch up with backlog, Byrne grant starts in July, maybe be caught up for awhile and when it ends in four years we would know where we are at. All those things enter in.

Wayne Stenehjem: Technology will be better in 4 years also

Senator Warner: What would be difference between the sizes of arrestees and convicted?

Wayne Stenehjem: I think that a vast majority are convicted. I would think that most of the people that are arrested would get tested because they would be convicted. 6 months is short.

Senator Warner: So in that area could we have 3 new FTE's 2 of them financed by the Byrne grant?

Senator Kilzer: The evidence technician, they file report and send out to law enforcement. We need one also.

Senator Warner: They have stenographic duties.

Chairman Holmberg: Do they get called into court at times torn apart that they didn't do their job.

Wayne Stenehjem: They account for every second.

Chairman Holmberg: We don't wade into policy.

Wayne Stenehjem: We are already doing convicted felons. Initially we are a whole bunch people.

Chairman Holmberg: 0200 section 8. That is the policy. We just feel inadequate to explain without benefit of any sort of public record why we would overturn what the legislature did recently. Do we need to change or remove section 8. Then the current law that was passed last time wouldn't be changed.

Senator Kilzer: We just are accommodating the text to the figures.

Chairman Holmberg: When we have the conference committee, I am sure we will, we can ask the House for testimony on this issue.

Senator Kilzer: Anything else about Byrne grant or this section?

Wayne Stenehjem: We have that position but the Byrne grant law provides to make sure everyone is complying.

Senator Warner: What is the nature of the educational background that is required and is it done in house?

Travel costs.

Kathy Roll: It is person who located out at BCI and they do it.

Senator Warner: Would a temporary employee do?

Kathy Roll: We don't know the level the Byrne grant will continue. If it does, what came out in terms our regular appropriation then we would eliminate that position, but it is funded by the administrative portion.

Senator Warner: So what you have is a full time temporary position for the first 4 years, would you have trouble recruiting someone with the appropriate qualifications under that condition?

Chairman Holmberg: What are you looking for someone with an accounting background?

Senator Warner: There is a forensic accounting degree, isn't there?

Kathy Roll: I believe what we are looking for is someone with grants writing experience. The grants portion and we teach them the other portion.

Senator Kilzer: With your 3 scientist now, you don't have such a person.

Kathy Roll: We have a grants person and that person monitors what we have now.

Senator Kilzer: Is this a requirement?

Kathy Roll: It is a requirement that we monitor the grants. No one is available now.

Senator Warner: I would move that we add this position grants monitor person.

Senator Kilzer: I would go along with that.

Chairman Holmberg agreed.

Kathy Roll: By fund moneys, which are to say, go out state wide to taskforces, the last one is the paralegal?

Look at page what agencies were proposing to do here.

Kathy ran copies.

Gave out at joint meeting.

They will have one item different.

Senator Warner: What is the drug fund?

Wayne Stenehjem: That is money that is used by the drug force to buy drugs as an undercover.

Chairman Holmberg: It is not pretty.

Chairman Holmberg: The grants officer is what we just approved.

Senator Kilzer: Any questions on the rest of those.

Kathy Roll: We changed that because we found we will be able to purchase.

Senator Kilzer: Is this pretty close to the old Byrne grant.

He was told yes.

Wayne Stenehjem: Civil commitment to sexually dangerous that is a program that the SA asked for. I told them I would put that in. There is a lot of counties, they are prosecuted by county SA they worry a lot the defense attorney are much better, but you get a lot of these small counties never see these cases in 20 years, they are getting better at it, as are concerned they can't kept up if we would get someone in our office to do these case's for them. That is why that is in the budget.

Senator Kilzer: I wish I would of known that when we did the indigent defense atty.

Wayne Stenehjem: It is very nerve wracking it is paralegal under the Byrne grant.

Senator Warner: You don't bill the counties for anything BCI does, correct?

Wayne Stenehjem: No they don't. it is the crime lab that is what we are there for.

Senator Kilzer: Are the counties hopeful about this.

Wayne Stenehjem: Yes they are.

Senator Warner: Is there money the Byrne grant that flows through the counties.

Wayne Stenehjem: Yes.

Senator Warner: Is there money to provide service to the counties?

Wayne Stenehjem: We could do that. Let me walk through it quick if I could. The stimulus program gave the state of North Dakota 1.8 million to go to local sheriff and law enforcement. Of remaining 3.1 million 60% has to go back to local we have 40% in our office that we can appropriate for us . So they will have another amount just from that. There is an ongoing

budget; there will be additional funding, if congress continues to appropriate the money. They will have money that they are not used to getting.

Chairman Holmberg: But the stimulus can be used for paralegal but not the legal correct?

Wayne Stenehjem: Yes.

Senator Warner: Running out of the money that normally flows to your department. There is still some of that money left that flows to the county.

Wayne Stenehjem: Because the states attorney wants it and so do the sheriffs and the local city police.

Kathy Roll: We do have to award that to the local; we can't award it for ourselves. A county would need to request that particular item in their grant request to our office.

Senator Kilzer: I suppose the state's attorney in each county don't know if they will have a case or not.

Wayne Stenehjem: And a lot of that open money goes to drug task force.

Senator Warner: Was there a task forced that dealt with child safety agency.

Kathy Roll: No, but there was a child sexual abuse team.

Wayne Stenehjem: It is no longer active.

Senator Warner: I was thinking of something different I thought that there were teams of social workers.

Senator Kilzer: The question is coming down to the funding because that is general funds.

Wayne Stenehjem: You could allocate that out per capita across the state. Until they have a case. We do that with the swat team based on their population. If they need a SWAT team they can come out.

Chairman Holmberg: Is this a point to negotiate with the House at conference committee.

Senator Kilzer: Put it in and in the meantime?

Chairman Holmberg: We can get that data together so we have something to fall back to.

Wayne Stenehjem: How many civil commitments are we talking about here?

Kathy Roll: They are entitled to a hearing every year. There are 50 or so and each of those are entitled to a hearing every year.

Senator Warner: Where is that money, in the state hospital fund? The defense lawyers are offered this too.

Wayne Stenehjem: Comes from this also. (inaudible)

Senator Kilzer: Put that in, in the meantime the attorney general will speak to the counties.

Continue tomorrow.

Hearing closed.

That is a pass through at the top of the list. There is one of those for 3 years. The way we projected it would be split between the two biennium if we get enough applications, it could all be spent in the biennium. So you want the entire amount. Byrne grant is certain. Cops is 3 years.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 03-25-09

Recorder Job Number: 11530

Committee Clerk Signature

Alice Delzer (done by Cassie)

Minutes:

Senator Kilzer: opened the subcommittee hearing on HB 1003 regarding the Attorney General. Senator Holmberg and Senator Warner were present as were Becky Keller, Legislative Council; Sandy Deis, OMB; Kathy Roll, Financial Advisor for Attorney General's Office, Tom Trenbeath, Chief Deputy Attorney General, and Attorney General Wayne Stenehjem. Senator Kilzer had questions regarding the forensic scientist and the House version regarding the FTE's.

Kathy Roll: Financial Administrator, Office of the Attorney General presented written testimony # 1 from Alex Schweitzer to Representative Jeff Delzer regarding Information on Sex Offender Program. This was requested by the subcommittee for reference.

Senator Warner: Are psychiatrists evaluators? This seems like a large amount of money for one hour evaluation.

Wayne Stenehjem: stated they are Clinical psychologists

Kathy Roll: presented written testimony # 2 Requested Operating Changes Costs required to be paid. We didn't get any explanation from the House why that happened but we would like it restored. She explained this form to the subcommittee. She submitted written testimony # 3 which is Allocation of Governor's Operating Budget Adjustment and indicated along the right hand side what the House did, whether they left the money in the bill or not. What happened

when they took out the new positions that were added in the executive recommendation they took the full amount of? (inaudible) and we really feel like that reduction needs to apply to each of those additions that were made so for instance, for the 5.5 childcare FTE there was a reduction, for the Crime Lab – 1.0 FTE'S – All Arrestees there was a reduction and then for the BCI another reduction. (03.27) there is also the Crime Lab Service Contracts that we are requesting. We are requesting the executive recommendation. With those contracts we only get service contracts on those items of equipment that is extremely expensive that requires someone to come and repair them and that the repair costs are probably going to exceed or meet what we paid for the service contract.

Tom Trenbeath: stated the beauty of having these service contracts is you get timely service.

Wayne Stenehjem: They agree to come within 24 or 48 hours and these are not people who live in Bismarck. They have to come from Minneapolis or Chicago. Ordinarily I don't advise people to buy the service contract but for that kind of equipment it's really a good deal because if you get on a waiting list you could wait for weeks.

Senator Kilzer: Most of this fancy equipment does have a warranty of a limited period to start with and then after that you pick up the extended warranty. .

Kathy Roll: That is correct. It is usually a year. And then the second to last column to the right the House reduced the general fund support and increased the federal fund support and didn't say what it applied to. They were going under the basis that we gave you general fund money awhile ago because of federal fund shortages and now we are going to take that back. There is an issue in that. The federal government will not allow the state effort to be funded by federal funds. So the dollar amount (5.43) that we have within this biennium in general fund monies that has to continue. The federal funds that we receive can't take the place of the general fund money that the state already has. (6.06)

Chairman Holmberg: The troubling aspect of the reductions of the operating expenses was the fact that it included some things you really need and also did we ever get a dollar amount on the second screens? This has to do with the attorneys having two screens and noticing that your productivity is much greater working with two screens. The council, OMB, fiscal staff, they all have them. We need to make sure we have the funding to make that available. The dollar amount is insignificant. I am sure if you got your money restored you could find the funds to purchase these screens.

Senator Kilzer: I made another request yesterday asking if the department could possibly assess the counties for the costs concerning the attorney for the civil commitment of sexually dangerous individuals.

Wayne Stenehjem: That would be Aaron Birst of North Dakota Association of Counties (NDAC). That would be his call. The question was it possible to assess each county. They might not like it but it could be done and he will check around with some of the county people. I reminded him there is an assessment for SWAT. Each county pays into this fund and it matches federal funds. He will check around on that and get back to us.

Kathy Roll: presented written testimony # 4 entitled 2009 Bills Fiscally Impacting the Office of the Attorney General. (9.59) (Both House and Senate Bills) and went through the list of bills.

Chairman Holmberg: concerning HB 1368 we have the bill and will hear it does that include the old days, does this have anything to do with stamping. Also we are opening the stamping ? it requires the marking on the paper itself.

Chairman Holmberg: it should have come directly to us. But it passed; now it comes to us.

Kathy Roll: 1575 – is ok. 2162 in DHS early childcare providers record checks. That included 5 FTE's. 2216 the house passed. 2415 alternative concealed weapon permit.

Senator Kilzer: Wishes of committee?

Chairman Holmberg: did the house amend 2415.

Kathy Roll: Amended to increase the fees and it made it expenditure neutral.

Senator Warner: 2162 is only vehicle for mandatory daycare record checks.

Another bill is similar? I have some problems with that one, casting too wide a net.

Wayne Stenehjem: I will have to work the child care bill out.

Senator Kilzer: come to some decision on some of these. We can take 1040 and 1219 together. Do we want to do this or not? We ought to do one or both; we will have to fund the forensic scientist.

Senator Warner: Full funding on both of them. We don't need a historical record, unless this stuff is timely, I think getting the backlog caught up is essential.

Senator Kilzer: I would like to see it put back in for completeness of forensic. I know that missing persons and dead persons investigation is totally separate, so I would like to see pass with one FTE there.

Kathy Roll: I would recommend that you pass the amount in 1219.

Senator Kilzer: is that mostly the software?

Kathy Roll: one time expenditure. You would have to do updates.

Chairman Holmberg: I am fine with 1. Two might be a little rich. I could go with 1, we have to deal with our committee and them, and they will want to see that we are restrained. Do you feel you can get the job done with 1?

Kathy Roll: yes we do feel we can get the job done.

Senator Kilzer: what would be missing on the missing person list?

Kathy Roll: If you didn't pass missing persons. Nothing would be missing.

Senator Kilzer: If we just passed 1219 and not 1040.

Kathy Roll: With regards to 1040, we can't get a forensic scientist we need to fill a full time position.

Wayne Stenehjem: we would only need one.

Chairman Holmberg: we would authorize 1 FTE and pass both bills.

Wayne Stenehjem: might as well pass them both.

Senator Warner: no problem with policy. All agreed. I got my two screens.

Senator Kilzer: include in amendment. The sobriety program

Senator Warner: this is the person who's job it would be to roll this program out full time across the state and the bracelets and some of the other equipment.

Wayne Stenehjem: his job would be to roll this program across the state.

Senator Warner: see a reduction in?

Wayne Stenehjem: yes

Senator Kilzer: what was the thinking of the House in cutting?

Wayne Stenehjem: that was one number they could cut so they did. Part of what they intended to do was require a greater contribution from the defendant. In my opinion it will be so expensive the court will waive the fee or people will not be able to participate. So it gets expensive. It will make the programs that won't work. We might be able to use the COPS grant to pay for part of the personal for this program. It is important to know that this program judicially good program.

Senator Warner: can we write the amendment in such a way that the cops grant money is disbursed.

Wayne Stenehjem: It created a problem we aren't allowed under the fed program. (26.15) I don't know if some of the other funding like the rural law enforcement. I feel relatively confident we will get 1 of the 4 we have requested.

Senator Warner: if we were to split this? With Byrne funds or COPS money. The other costs would be funded with general fund. Is there a way to write that?

Kathy Roll: Council under the COPS grant it shows she came up with a dollar amount.

Senator Warner: Do you have any COPS money?

Wayne Stenehjem: The Cops grant is for 4 years.

Kathy Roll: \$329,826

Senator Kilzer: We don't know how many people might use the bracelets?

Wayne Stenehjem: No, we do know how many have been on it in this district.

Senator Kilzer: savings to the DOCR.

Wayne Stenehjem: I don't think that will happen for a year or two. If we get people to quit drinking and doing drugs, they are not going to be receiving this, likely not be back in the system, they will be back working and all the things we expect from all our citizens.

Senator Warner: How long would they typically be in the program?

Wayne Stenehjem: For a DUI, more than likely for a year. There are some extensions for supervised probation.

Senator Warner: The duration would be similar to the allotted time for incarceration or sentence?

Wayne Stenehjem: It would be up to the judge. This is something to go along with the treatment. Everybody who gets a DUI has to get an evaluation and follow the recommendation.

Chairman Holmberg: we could go for it we might lose it in the House. It would depend on All committee members were present.

Senator Warner: Although this program has just started we got DOT adopt this. One provision of the bill will allow the person a permit? I know they are also making noise with national organization they are on board with this program.

Senator Kilzer: I am familiar with these types of things. They are expensive. They do the job to keep people sober.

Senator Warner: comments with Chairman Holmberg we should put it in the amendments.

Senator Kilzer: sobriety, taking the initial cost and subtracting?

Senator Warner: this is the highest priority of money from the COPS grant.

Wayne Stenehjem: every once in awhile there is a program that can go nationwide, and it works. I think it would be foolish; we have been operating that program for over a year, and it working so well when not one penny has been appropriated for this.

Senator Kilzer: pull tab

Senator Warner: are these grants these are gaming enforcement grants. What would we not see if it wasn't funded?

Wayne Stenehjem: I know, Fargo has a fulltime officer regulates the gambling in Fargo. I am not prepared right now. I think Bismarck has somebody that does that, and Grand Forks as well.

Senator Kilzer: as I recall when 1317 was heard, there was mixed testimony.

Chairman Holmberg: charitable gaming was in favor of it. He looked up the testimony all in favor of it. Todd Kranda in favor of it he mentions how it has been reduced. Those are the 3 written testifiers I have.

Kathy Roll: The fiscal note shows there is a \$6.17M reduction in the general funds.

Senator Kilzer: The people who testified were happy to retain that 2% tax. I see no reason to change it. Pass this one favorably. The committee recommends to the whole Appropriations committee that we pass it.

Kathy Roll:

Senator Kilzer: becky will put

Chairman Holmberg: We are going to do pass 1040 and 1019.

Wayne Stenehjerm: bill 1317 was not our bill and it does reduce the amount to local law enforcement. There was a huge uproar with my predecessor from local law enforcement.

Chairman Holmberg: the Senate was partial towards the bill the way it sailed through.

Senator Kilzer: We are looking at the money.

Kathy Roll: the bill provides for the revenue. Subject to legislative appropriation and that would be operating.

Senator Kilzer: We can include that.

Chairman Holmberg: If for some reason the bill is killed we can take the authorization for money out in conf.

Wayne Stenehjerm: promoters have some concerns about the way it has been amended. So it may be in conference.

Senator Kilzer: the conference committee

Kathy Roll: you need appropriation in 1003.

Wayne Stenehjerm: in 2415 increasing the fee should go here in our office we need to reflect it in 1003. ?

Kathy Roll: We call those special funds. It costs \$25 now to carry a concealed weapon. Right now \$10 of the \$25 goes into the general fund. There is the impact to keep all that money to fund a program.

Senator Kilzer: So we are changing renewal period change the fee to \$45.00 for 5 years.

Kathy Roll: It is a decrease of fees.

Wayne Stenehjem: what the bill does is set up a two tiered system. Which has caused problems other states don't recognize the right to carry a concealed there will be two options and we will be issuing the number have doubled and they got 200 a couple of days ago. It is pouring in.

Senator Kilzer: this has all happened during the election.

Senator Kilzer: we still have the stimulus package to do.

Chairman Holmberg: if we could get the amendments started.

Senator Warner: so this budget won't pass out until after the House is done.

Kathy Roll: look at

Kathy Roll: internet crimes against children that is stimulus money for 4 years.

That is something we need and do want. Is there anything else in that.

The COPS Grant what we need to say about that.

Wayne Stenehjem: we intend to ask for 4. What we would need is FTE authority and if we get the money?

Senator Kilzer: Do you need one in each?

Wayne Stenehjem: one in Bottineau, Rolette, 2nd the northern border, 3rd one in the Tioga 4th in Dickinson. The first one is 24/7 that we talked about.

Kathy Roll: Provide them with intelligence information.

Senator Kilzer: does this rural law enforcement tie in with anything else, or is it sitting all by itself or closely associated with?

Wayne Stenehjem: largely drug enforcement I mentioned post seizure analysis team in GF and the work they did n I have a set of those charts in my office If you want to come and look

at it come up to my office, it assists in not only making arrests but also assist in cases for the SA too.

Senator Kilzer: That is it, any other comments?

Kathy Roll: the matter of operating expenses.

Chairman Holmberg: do we add these separately. Or is that part of that package. When you add a person at the crime lab, there is the salary and operating expenses are you adding again.

Kathy Roll: the 1st one the House reduced no specific area. The second to restore, 3rd one is to find contract, 4th restoring the house changes.

Senator Kilzer: My conclusion that these were largely isolated reductions without specific targets. It's hard to keep them off as far as I am concerned. Operating budget is a pretty important thing.

Wayne Stenehjem: help a little bit. Eliminate suggesting from the auditor, no longer do the easy task; they bill that agency for the travel expenses. Create a double process. If you would allow us to bill all the agencies.

Senator Kilzer: and you won't mind another

Wayne Stenehjem: out of all committee members agree.

Kathy Roll: We have leg intent.

Wayne Stenehjem: They might not like it, but

Senator Warner: this isn't a high priority, but how are you going to handle the reduction in force after the Byrne grant expired?

Wayne Stenehjem: General answer the leg did very good with picking up the tab also for provided the local law enforcement had to?

Kathy Roll: We did not fund? We requested that back; we will need that person to match so grants.

Senator Warner: What sorts of things from corrections would they request from the Byrne grant?

Kathy Roll: there won't be any funding.

Wayne Stenehjem: The state shares will be spoken for. I can't remember what they asked for before. It might have been for treatment. Try to be done by 3/26 in pm. That would work.

Chairman Holmberg: Flying out

Senator Kilzer: closed the hearing. We will meet @ Friday at 11 and go through the amendments.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1003

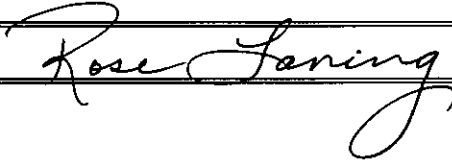
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: April 2, 2009

Recorder Job Number: 11634

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order on HB 1003. All committee members were present.

(27:20) Senator Kilzer handed out amendment 98004.0207 and went over the fiscal page listing the changes to the bill. With the amendments there is incorporation of the stimulus changes that have been put into the amendments. This restores the equity that was removed by the house, restoring a FTE for the crime lab and a legal staff position to assist with civil case. This includes the 24/7 Sobriety program. He continues to go over all the changes with the amendment.

Chairman Holmberg: The Byrne Grant money coming in is a 4 year grant. The COPS (Community Oriented Policing Services) grant is a 3 year but it has a 4 year commitment but only 3 years from the federal government and one additional year commitment by the state.

Senator Warner: Item # 4 is normally considered a county responsibility. Normally counties take the responsibility of the establishment of the legal criteria for civil cases and the state will be taking over that.

Senator Mathern: We should do a study of all of these salaries. If these were all employees, what is their level of responsibility? The other thing, is there any level of research or money set aside for research for the 24/7 Sobriety program?

Senator Kilzer: First of all, I failed to tell the committee that it includes a salary increase for Attorney General to the level of the Supreme Court Associate Justices. To answer Senator Mathern's question: Research on the 24/7 shows that it has been going on for 5 years in SD the results have been outstanding. I don't know of any research that has met the square test that this has. It has been holding up well for a number of years. I support the program.

Senator Christmann: I want to see if I am following the FTE numbers correctly: The Governor added 10 new FTEs. The House took away 7.5 which left 2.5 FTEs and with these amendments we're adding 16.5 with a net of 19 FTES. Is that correct?

Senator Kilzer Some of these numbers depend on ancillary bills. The large number of FTEs was related to background checks and forensics.

Becky Keller, Legislative Council: He's right. It does total 19.5, but twelve are funded through Federal fiscal stimulus funding. Some are also related to other bills that are being passed that will require more work for the attorney general's office.

V. Chair Bowman When stimulus ends, do FTEs end?

Becky Keller: About 11 could end. Eight could end and 4 would have to be kept on until grant ends.

V. Chair Bowman Do we have room for all these people?

Becky Keller: Some will be in different areas of the state for different programs that they have but maybe the attorney general's office could answer that.

Chairman Holmberg What we worry about is leap frogging. One session we add people and then the next session you say we need to build a new building.

Tom Trenbeath, Chief Deputy, North Dakota Attorney General's Office: FTEs - some will be located at capital city and 4-5 will be at crime lab. We are crowded already in some areas.

V. Chair Grindberg When the stimulus goes away, we can assume these FTEs will go away?

Tom Trenbeath: Yes, that is the only assumption we could make at this time. The only exception is COPS grant which is a three year grant and obligates us to continue it an additional year.

V. Chair Grindberg You're assuming it would go away.

Tom Trenbeath: We would need to keep some, but it's hard to tell.

Senator Christmann: Need to realize, if the state gets ranked by Job Service, we'd have a very favorable rating. The fact is, once we have these people we are keeping them. We're going to fund. If AG needs these people, it's not their fault. If we keep adding programs we have to give them employees to do the work. Maybe we need to rethink all the background checks and the DNA testing and record keeping, and all these programs that we are requiring the attorney general's office to do. Can we afford to have 10% increases in FTEs. It's not the AGs fault. It's us for making all these requirements.

Senator Lindaas: Reduction in funding for travel it says in #12 that it will be picked up by other agencies. Does that include political subdivisions or is it under agencies within the state government?

Trenbeath: I don't believe it would be political sub divisions, this is just our common practice with the respect to the agencies. This amendment allows us to continue our regular practice and we'll bill the agencies.

Senator Warner: They are already 6 months behind in DNA testing. I agree with Senator Christmann comments and question, do we need all this and are we creating a vast bureaucracy that isn't working very well. I have no solutions but echo the comments.

Senator Mathern Is this a reluctance to use different methods. If we increase number of kids that we cover, we don't hire 50 new doctors. Aren't there people who do DNA testing and we will pay so much for DNA checking and that is the budget instead of all kinds of staff.

Senator Warner: One issue is chain of evidence – blood drawn needs integrity of evidence.

As we move away from strict control, the credibility becomes compromised.

Senator Kilzer One more comment – about 4 or 6 years ago Sen. Lyson and I went and looked at the lab which is under the Department of Health at the time. The bottleneck as to why the work wasn't being done efficiently at that time was because of space and equipment. With the new crime lab, the space problem has gone away, but the work load has increased and there is a need FTEs.

Senator Kilzer moved amendments 98004.0207

Senator Warner seconded.

Voice carried.

Senator Warner moved Do Pass as Amended on Engrossed HB 1003.

Senator Kilzer seconded.

A Roll Call vote was taken. Yea: 14 Nay: 0 Absent: 0

Senator Kilzer will carry the bill.

Date: 3/24/08
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

Senate

Senate Appropriations

Subcommittee

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Motion to put back 5 & 5 &

Action Taken

☐ Do Pass

☐ Do Not Pass

☐ Amended

legitimacy

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach			Senator Seymour		
Senator Fischer			Senator Lindaas		
Senator Wardner			Senator Robinson		
Senator Kilzer	✓		Senator Warner	✓	
V. Chair Bowman			Senator Krauter		
Senator Christmann			Senator Mathern		
V. Chair Grindberg					
Chairman Holmberg	✓				

Total

Yes

3

No

Absent

Floor Assignment

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

Date:
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

Senate Senate Appropriations Subcommittee Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

3 New FTE Scientists
2 Byrne grant
evidence tech.

Action Taken

☐ Do Pass

☐ Do Not Pass

☐ Amended

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner			Senator Robinson		
Senator Fischer			Senator Lindaas		
V. Chair Bowman			Senator Warner	✓	
Senator Krebsbach			Senator Krauter		
Senator Christmann			Senator Seymour		
Chairman Holmberg	✓		Senator Mathern		
Senator Kilzer	✓				
V. Chair Grindberg					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

Date: 4-2-09Roll Call Vote # 12009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003Senate Senate Appropriations Committee☐ Check here for Conference CommitteeLegislative Council Amendment Number .0207Action Taken ☒ Do Pass ☐ Do Not Pass ☐ AmendedMotion Made By Kilzer Seconded By Warner *voice vote passed*

Senators	Yes	No	Senators	Yes	No
Sen. Ray Holmberg, Ch			Sen. Tim Mathern		
Sen. Tony S. Grindberg, VCh			Sen. Aaron Krauter		
Sen. Bill Bowman, VCh			Sen. Larry J. Robinson		
Sen. Randel Christmann			Sen. John Warner		
Sen. Rich Wardner			Sen. Elroy N. Lindaas		
Sen. Ralph L. Kilzer			Sen. Tom Seymour		
Sen. Tom Fischer					
Sen. Karen K. Krebsbach					

Total Yes _____ No _____

Absent _____

Floor Assignment _____

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

April 1, 2009

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;"

Page 1, line 4, remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "5,107,086" and replace "24,824,285" with "27,535,021"

Page 1, line 15, replace "2,829,979" with "3,802,419" and replace "13,426,505" with "14,398,945"

Page 1, line 17, replace "(637,775)" with "(815,775)" and replace "3,559,225" with "3,381,225"

Page 1, line 24, replace "4,210,569" with "7,715,745" and replace "48,101,731" with "51,606,907"

Page 2, line 1, replace "1,008,689" with "891,021" and replace "21,910,610" with "21,792,942"

Page 2, line 2, replace "3,201,880" with "6,824,724" and replace "26,191,121" with "29,813,965"

Page 2, line 3, replace "2.50" with "7.00" and replace "191.00" with "195.50"

Page 3, remove lines 11 through 14

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010"

Page 3, line 20, after the period insert "Beginning July 1, 2011, the annual salary of the attorney general must be the same annual salary amount as a justice of the North Dakota supreme court."

SECTION 9. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 10. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance

\$1,652,426

grant program funding	
Internet crimes against children grant program funding	216,174
Community oriented policing services grant program funding	864,696
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$3,123,884
Full-time equivalent positions	12.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds beyond that required by the federal American Recovery and Reinvestment Act of 2009.

SECTION 11. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 12. EMERGENCY. Sections 10 and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0207 FN 4

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$27,668,657	\$24,824,285	\$2,710,736	\$27,535,021
Operating expenses	14,204,579	13,426,505	972,440	14,398,945
Capital assets	2,391,187	2,391,187		2,391,187
Grants	3,559,225	3,559,225	(178,000)	3,381,225
Litigation fees	50,000	50,000		50,000
Medical examinations	250,000	250,000		250,000
North Dakota Lottery	3,584,388	3,584,388		3,584,388
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	6,141	6,141		6,141
Federal fiscal stimulus funds			3,123,884	3,123,884
Total all funds	\$51,724,177	\$48,101,731	\$6,629,060	\$54,730,791
Less estimated income	21,908,977	21,910,610	3,006,216	24,916,826
General fund	\$29,815,200	\$26,191,121	\$3,622,844	\$29,813,965
FTE	198.50	191.00	16.50	207.50

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

	Restores Salary Equity Funding¹	Restores Funding for Salaries²	Restores FTE Forensic Scientist³	Restores FTE Legal Staff⁴	Adds Evidence Technician⁵	Adds FTE Forensic Scientist⁶
Salaries and wages	\$1,369,859	\$799,095	\$119,919	\$156,387	\$81,053	\$119,919
Operating expenses			63,705	75,000	63,706	70,433
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Federal fiscal stimulus funds						
Total all funds	\$1,369,859	\$799,095	\$183,624	\$231,387	\$144,759	\$190,352
Less estimated income	144,416	186,271	42,680	0	0	0
General fund	\$1,225,443	\$612,824	\$140,944	\$231,387	\$144,759	\$190,352
FTE	0.00	0.00	1.00	1.00	1.00	1.00

	Adds Funding for Sobriety Program ⁷	Reduces Funding for Grants ⁸	Increases Funding for Operating Expenses ⁹	Adds FTE Concealed Weapons Permit Administrator ¹⁰	Adds Funding for Cigarette Testing ¹¹	Redu. Funding for Travel ¹²
Salaries and wages				\$64,504		
Operating expenses	229,826		472,309	117,461	80,000	(200,000)
Capital assets						
Grants		(178,000)				
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Federal fiscal stimulus funds						
Total all funds	\$229,826	(\$178,000)	\$472,309	\$181,965	\$80,000	(\$200,000)
Less estimated income	0	(178,000)	(375,000)	181,965	80,000	(200,000)
General fund	\$229,826	\$0	\$847,309	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.50	0.00	0.00

	Appropriates Federal Fiscal Stimulus Funds ¹³	Total Senate Changes
Salaries and wages		\$2,710,736
Operating expenses		972,440
Capital assets		
Grants		(178,000)
Litigation fees		
Medical examinations		
North Dakota Lottery		
Arrest and return of fugitives		
Gaming Commission		
Federal fiscal stimulus funds	3,123,884	3,123,884
Total all funds	\$3,123,884	\$6,629,060
Less estimated income	3,123,884	3,006,216
General fund	\$0	\$3,622,844
FTE	12.00	16.50

¹ This amendment restores salary equity funding removed by the House.

² This amendment restores salaries and wages funding relating to anticipated savings from vacant positions and employee turnover removed by the House.

³ This amendment restores 1 new FTE forensic scientist position removed by the House.

⁴ This amendment restores 1 new FTE legal staff position to assist with civil commitments.

⁵ One FTE evidence technician is added to assist with DNA evidence collections.

⁶ One FTE forensic scientist position is added to assist with blood, breath, and urine alcohol tests and missing persons investigations.

⁷ Funding for the 24/7 sobriety program is added.

This amendment reduces funding for grants due to a reduction in pull tab excise taxes in accordance with provisions of 2009 House Bill No. 1317.

⁹ This amendment restores funding for operating expenses removed in the executive recommendation (\$168,287), restores funding removed by the House (\$204,298), and adds funding for Crime Laboratory service contracts (\$99,722). The amendment also restores the general fund support for operating expenses included in the executive recommendation (\$375,000). The House increased funding support from federal funds and decreased funding support from the general fund by \$375,000.

¹⁰ This amendment adds a .5 FTE position for a concealed weapons permit administrator.

¹¹ This amendment adds operating funds for the State Fire Marshal to conduct testing related to reduced ignition propensity standards for cigarettes.

¹² This amendment reduces funding for travel. A legislative intent section is added that the Attorney General continue the practice of state agencies paying directly for requested legal services staff travel.

¹³ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 for Edward J. Byrne Memorial Justice Assistance Grant funding (\$1,652,426 and 4 FTE positions), Internet Crimes Against Children Grant funding (\$216,174 and 1 FTE position), community oriented policing services funding (\$864,696 and 4 FTE positions), and Rural Law Enforcement Assistance Act funding (\$390,588 and 3 FTE positions).

This amendment adds sections relating to appropriation of federal fiscal stimulus funds and removes a section of the bill relating to DNA testing.

Section 9 of this bill is changed to correct the date relating to the second-year salary increase for the Attorney General and to provide that beginning in July 2011 the salary of the Attorney General be the same as a North Dakota Supreme Court justice.

A section is added allowing the Attorney General to retain the June 30, 2009, balance in the Attorney General refund fund rather than transferring it to the general fund.

Date: 4-2-09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1003

Senate Senate Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By Warner Seconded By Kilzer

Representatives	Yes	No	Representatives	Yes	No
Senator Krebsbach	✓		Senator Seymour	✓	
Senator Fischer	✓		Senator Lindaas	✓	
Senator Wardner	✓		Senator Robinson	✓	
Senator Kilzer	✓		Senator Warner	✓	
V. Chair Bowman	✓		Senator Krauter	✓	
Senator Christmann	✓		Senator Mathern	✓	
V. Chair Grindberg	✓				
Chairman Holmberg	✓				

Total Yes 14 No 0

Absent 0

Floor Assignment Kilzer

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

REPORT OF STANDING COMMITTEE

HB 1003, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;"

Page 1, line 4, remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "5,107,086" and replace "24,824,285" with "27,535,021"

Page 1, line 15, replace "2,829,979" with "3,802,419" and replace "13,426,505" with "14,398,945"

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Page 2, line 3, replace "2.50" with "7.00" and replace "191.00" with "195.50"

Page 3, remove lines 11 through 14

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010"

Page 3, line 20, after the period insert "Beginning July 1, 2011, the annual salary of the attorney general must be the same annual salary amount as a justice of the North Dakota supreme court."

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SECTION 10. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance	\$1,652,426
grant program funding	
Internet crimes against children grant program funding	216,174
Community oriented policing services grant program funding	864,696

Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$3,123,884
Full-time equivalent positions	12.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds beyond that required by the federal American Recovery and Reinvestment Act of 2009.

SECTION 11. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 12. EMERGENCY. Sections 10 and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0207 FN 4

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1003

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/20/09

Recorder Job Number: 12016

Committee Clerk Signature

Tonya Voegle

Minutes:

Chairman Delzer called the conference committee to order. All conferees were present.

Chairman Delzer: Committee members I guess we will start if one of the Senators wants to start going through their amendments. We will go through that today and that is probably about all of the time we will have. Before we start what did the Senate do with 1306?

Tom Trenbeath, Deputy Attorney General: They passed it out of Appropriations and I believe it was passed on the floor.

Chairman Delzer: Did they change it but they put all of the funding back in here? That is where we put the language to the charges or did we put them in 1003?

Tom Trenbeath, Deputy Attorney General: 1306 still maintained the \$100,000 funding that you left in there and 1003 contains funding in the amount of again recollection \$229,000.

Chairman Delzer: They put that back in here.

Tom Trenbeath, Deputy Attorney General: It is in this bill before you yes.

Chairman Delzer: The language in 1306 still says that you are supposed to charge fees for it. You don't need to look I will look it up. Senator Holmberg who is the carrier for 1003?

Senator Holmberg: Senator Kilzer.

Senator Kilzer: The amendment is 0207. That was my guide when I carried the bill on the floor. If you look at the fiscal part on pages two and three there are 13 listed items plus a couple more at the end. I will just go through those. The first one of course restores the salary equity funding that had been removed by the House and this amounted to \$1.369million the total of which \$1.225million was General Fund and \$144,000 was special funds. Number two restored the 5 & 5 salary increases for both years of the biennium. That was \$612,000 for General Fund.

Chairman Delzer: That is your roll up dollars not the 5 & 5. We had not taken the 5 & 5 out I don't believe. Becky is that right?

Becky Keller, Legislative Council: This is the roll up.

Senator Kilzer: Number three was to restore the all arrestee forensic scientist to process DNA samples. This position is needed as a result of passage of the previous legislative assembly of legislation requiring all persons arrested for felony offenses to submit a DNA sample.

Chairman Delzer: So you took our language change out?

Senator Kilzer: Yes about the class 'C' felonies. Number four is to restore the civil commitment of sexually dangerous individuals attorney. That had been included in the executive recommendation. That was \$231,000 from the General Fund and this is to centralize this responsibility and provide consistent legal expertise in cases brought from the state's attorneys to this individual. Number five restores an evidence technician to process DNA samples. This is because of the increasing number of DNA samples to be processed by the crime lab. That was \$144,000.

Chairman Delzer: Does that relate to number three?

Senator Kilzer: Yes. Number six adds a forensic scientist to process samples as a result of the passage of House Bill 1219 which is chemical testing of a driver in a serious accident.

Chairman Delzer: You added one for that?

Senator Kilzer: Yes. We added one forensic scientist for 1219 and one for 1040.

Chairman Delzer: What is 1040?

Senator Kilzer: It is the missing persons investigation. Number seven we added the operating expenses for the implementation of the statewide 24/7 sobriety program. Also included is a one FTE sobriety program administrator from federal stimulus monies. This is where House Bill 1306 provides for implementation of this 24/7 program with a \$100,000 General Fund appropriation. Number eight is the pull tab excise tax being decreased from 4.5% well it was 2% in figuring the \$178,000 decrease in special funds but I think we settled on 3% and I have not seen the final figure but it is probably under \$100,000 I would think.

Chairman Delzer: Where was that going? This was money that was going into their fund that they were putting out in grants and now it won't come in.

Senator Kilzer: There will be that much less coming in.

Senator Warner: I believe that money is for grants to local entities to enforce gambling related laws.

Senator Kilzer: Number nine restores \$132,000 in General Fund operating expenses. Also \$168,000 General Fund operating expenses that had been in the executive recommendation. And it restores \$72,000 in General Fund operating reductions made by the House when removing the positions for all arrestees forensic scientist, the civil commitment attorney and 5.5 identification technicians for early childcare record checks. Still under number nine reverses the funding source switch of \$375,000 from federal funds back to the General Fund and also adds \$99,000 from the General Fund for crime lab critical equipment service contracts.

Number ten we added a half time concealed weapons permit administrator needed as a result of Senate Bill 2415 which changes the requirements to provide as much reciprocity as possible

with other states to carry a concealed weapon. The position is funded by an increase from the permit fee from \$25 up to \$45 to be deposited in the Attorney General's operating fund.

Previously \$10 of the \$25 permit fee was deposited in the General Fund which overall results in a reduction of \$82,000 in General Fund revenues.

Chairman Delzer: What is the bill number?

Vice Chairman Thoreson: 2415.

Senator Kilzer: The next item adds \$80,000 in special fund operating expenses to implement House Bill 1368 the cigarette reduced ignition propensity standards regulation.

Vice Chairman Thoreson: On that number eleven, so what is this person's role going to be? They are going to be lighting cigarettes all day is that their job?

Senator Kilzer: They would be the operating expenses to do this and to record and to check on the major companies and I think as I recall 250 cigarette producing companies that would come under this law. So it would be for testing. Number twelve, \$200,000 special fund operating expense reduction maintains the current practice of agencies paying directly for requested legal services staff travel. A legislative intent section is added to the bill to continue this practice. As I recall this was suggested by auditors.

Chairman Delzer: Was this in the original bill?

Senator Kilzer: I think it was.

Chairman Delzer: Becky, was it?

Becky Keller, Legislative Council: I believe the funding was in the bill.

Senator Kilzer: Number 13 is the stimulus bill and there is the four items there the Byrne Memorial Justice Assistance Grants of \$1.652million and four FTEs, The Internet Crimes Against Children \$216,000 and one BCI agent FTE, the COPS program \$864,000 and four BCI agent FTEs, that includes the 24/7 sobriety position and the rural law enforcement assistance

act funding which was \$390,000 and three BCI analyst positions. Those were the thirteen enumerated items and then in addition we added amendments that would allow the Attorney General to retain the June 30, 2009 refund fund balance rather than transferring it to the General Fund.

Chairman Delzer: How much is that?

Senator Kilzer: I think it was in the range of \$4million.

Chairman Delzer: Becky, do you know?

Becky Keller, Legislative Council: That section was typically kept in the bill and I don't know the amount I would have to refer to the Attorney General's Office.

Chairman Delzer: We took that out?

Kathy Roll: It was not in the original bill. It has been included in the last several bienniums in the session laws. We provided an analysis to the House and that indicated that as of June 30, 2009 the balance would be about \$3.3million and then there were about \$3.2million worth of expenditures that were included in the budget and in the executive recommendation the revenue that would have been included for this is \$20,000.

Senator Kilzer: On the Senate side we determined to raise the salary of the Attorney General not in the coming biennium but in the subsequent biennium to the level of the justice of the Supreme Court. We did this realizing that this is the only office that requires the occupant to be an attorney and at the same time there are 74 other attorneys in the state system that are paid more than what the Attorney General is paid.

Vice Chairman Thoreson: Dollar wise what is the difference between the current salary of the Attorney General and what this would bump the salary to? Or a percentage increase, either one.

Tom Trenbeath, Deputy Attorney General: If you run those numbers out and if you presume that it would be a 5 & 5 for the Attorney General, under his present salary level and under the salary that would result from the passage of this bill by the second year of the second biennium after the one we are operating in, He would have received approximately a 35% raise.

Senator Holmberg: Two points on that. Number one there was when this was on the floor of the Senate the question was the one we always get and there is nothing wrong with the question is that the person who is the Attorney General knew what his salary was when he ran for the office. And the Senate had to be reminded that this goes into effect after the next election to the office because that office is again elected in 2010. The other point I could make is that I want to make it clear on the footnote 13 that those grants unlike the stimulus money that we have been dealing with, are with one exception four year grants. We know that those dollars are coming in over the next two biennia. The only difference is the COPS. That is a three year grant and the expectation is not expectation but our responsibility would be to pick up the fourth year. The other ones, the four year grants, if that money at the end of four years is no longer there the state is not stuck holding the bag on those. That is a legislative decision that has to be made. We wanted to make it clear that those were four year grants and that the COPS is slightly different.

Chairman Delzer: You didn't put anything in the bill saying that when that money is gone the positions are gone.

Becky Keller, Legislative Council: I think it is the assumption that if the funding is not there then those positions will be gone. However the COPS positions have to be funded an additional period in order to receive the funds.

Chairman Delzer: If we accept them.

Vice Chairman Thoreson: You said we know the grants are there for four years. Did they authorize them or did they appropriate them for four years. There is a big difference. A lot of times Congress will authorize funding but they don't appropriate the dollars to go with it so I guess I need to know whether or not that is the case.

Becky Keller, Legislative Council: The funding has been appropriated. There is a grant document out there that shows the amount that will split it out between the two bienniums.

Chairman Delzer: It is part of the stimulus package.

Becky Keller, Legislative Council: Yes.

Chairman Delzer: Becky, I guess I need to ask you why the amendment not match does or am I looking at the right bill? Is it the First Engrossment with Senate Amendments 0300? Is that the right bill to be working off of?

Becky Keller, Legislative Council: 0300 is the one on the website.

Chairman Delzer: How come the FTEs on page two is a total of 195.5 and yet you have 207 in your amendments?

Becky Keller, Legislative Council: The one in the amendments include the 12 for the federal fiscal stimulus funding and they won't be included up in the total amounts on the bill because they are carried in the section below. You won't see the appropriation dollars either except for in the bill total.

Chairman Delzer: They are part of the \$1.4million, of course you have no money in the next section. What section are you talking about? Ten.

Becky Keller, Legislative Council: If you look at page four of the bill line two, there is a FTE positions listing there of 12 so if you add that to the one in section one you should get the amount that you see on the amendment.

Chairman Delzer: That \$3.123million is part of the \$29.813million or not? No that is General Fund. The \$51.606million, is that part of that?

Becky Keller, Legislative Council: It will be in the total.

Chairman Delzer: It is in that total but you don't put the FTEs in that total and yet they are FTEs without anything saying that they would go away.

Becky Keller, Legislative Council: Correct. I don't know why we did it that way.

Senator Holmberg: I had the same question. I recalled during the interim when we talked about putting this line in and we wanted to make sure it was that line that reflected the total dollars that were before the additions corrections and then the final and we wanted the legislators to be able to look at one line and see the total number. This is the first time I noticed that. So the line that legislators on page two line two is really not what is included in the bill. That sounds more like a Legislative Council decision that perhaps we need some clarification as to why they did it that way.

Becky Keller, Legislative Council: Typically it is because we have that appropriations section in the bill as an appropriations section. So we don't want to confuse it by thinking that it is up in the dollars and it is also being appropriated down here it would appear as if we were doubling up and we don't want that to happen.

Chairman Delzer: You are doing that for the money but you are not doing that for the FTEs?

Becky Keller, Legislative Council: I don't think we are. If you look on page one of the bill the total all funds is \$51.606million where if you add in the fiscal stimulus it is \$54million.

Senator Holmberg: Wouldn't you have a section then that says grand total in the bill.

Chairman Delzer: You should have. Are you treating just the stimulus this way or the one time funding this way too?

Becky Keller, Legislative Council: No the one time funding is shown up above.

Chairman Delzer: So you are just doing the stimulus this way.

Becky Keller, Legislative Council: The stimulus and any other appropriation that we add to a bill that was not in a special section we don't show it up top.

Chairman Delzer: We are going to have to look into that a little more.

Senator Holmberg: Becky is not the one that put this together she was told this is how it is done perhaps at some time we could get an explanation from Allen or who ever put this together so that we could get our arms around it.

Chairman Delzer: Becky, note that down and also find out for us what other bills have the same situation if there are any.

Chairman Delzer closed the discussion.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 4/28/09

Recorder Job Number: 12354

Committee Clerk Signature

Ellen LeTang

Minutes:

Chairman Delzer: Called the conference committee on House Bill 1003 to order. All conferees were present.

Chairman Delzer: We met a few days back; I think we had some big differences concerning violent C felonies compared to all felonies. Seems to me we were in the neighborhood of 45 hundred for all of them and somewhere in the neighborhood of 21 or 22 hundred for the violence. I haven't as of yet written down any house proposals or anything. I was wondering if we wanted to have any discussions on anything?

Senator Kilzer: Could I just ask a quick question, I received an analysis of felony C arrests from 2001 to the present and that was 32 thousand cases. Is there any way of knowing how many convictions or plead guilty out of that 32 thousand?

(?): Not that I can recall. (didn't turn on the mike)

Chairman Delzer: This is not an open hearing and we need to keep it formal.

Chairman Delzer: When we look at the differences that we had, we had the salary equity, the rollup stuff is going to be going back in and be handled in 1015 and you have the things in question in number 3, 4, 5, 6 & 7. The language in 1306 is still in there with the 100,000. What the Senate did was put money back with the rest of that. Is that correct as far as the Senator's

are concerned? What about the language in 1306 that says that they are suppose to charge for fees? I'm working out of the red book. Number 8, reduction in hunting, I believe that is 178 and we actually need to change it to 107. Every one agrees with that?

Representative Kaldor: Is that something that we agreed on earlier?

Chairman Delzer: I don't know if we that we totally agreed on it but its the case where 1317 was in flux when we were working on both of these. It originally lowered the tax on pull tabs from 4 ½ to 2 and then it ended up at 3. That 3 the number that needs to be reflected in this bill needs to be 107 instead of the 178. Senator's do you have a problem adjusting that to the correct number? We have operating expenses of 168 that the Senate restored that the House removed. Along with the 375, did the Senators get any answer of the question whether or not we can use some of the Byrne grant money from the ARRA to replace some of the general fund money?

Senator Holmberg: I thought that had to be used for personnel and my memory isn't good. Is to me that was the purpose and we could accept the money and positions with the exceptions of the cops which was a 3 year grant but a 4 year commitment. The cops positions would have to be funded by us the 4th year of that particular program. That was my recollection.

Chairman Delzer: The COPS one that you are talking about is a committee oriented police service funding, did you ask what the cost to carry that over the fourth year?

Senator Holmberg: We had that but I don't have it here but if one assume the money is there, it isn't that they have authorized it. There is the number but I can't remember what that number is.

Chairman Delzer: What happens if we refuse the cops money because of the stipulation that we would have to carry it forward?

Senator Holmberg: Then the money would go elsewhere, to another state.

(?): My recollection is that that money is 380 thousand for the 4th year and as I recall the cops were competitive grants.

Chairman Delzer: You have a section where you took out our C and then you put in federal stimulus.

Senator Holmberg: Becky, the bill we have before us with the Senate version in general fund, what is the difference between the Governor's executive recommendation and the general fund that is in this bill right now?

Becky Keller~Legislative Council: It would be about 1300.

Senator Holmberg: That is cutting it pretty close.

Chairman Delzer: The House version is 3 million less.

Senator Holmberg: Because of stimulus money?

Chairman Delzer: No, that's general fund.

Senator Warner: We need to keep in mind that there are reductions in income generated by bills in the session, increases in expenses, seems to me the childcare background checks.

Chairman Delzer: The House had killed 2132 and the House did not support any increase in background checks in 2062. That is the House's position, we don't want to have the 5 ½ to have the FTE's, we don't want the background checks on the 18,000 people. I guess what we will do, the increase of 16.5 FTEs, we will need to go through all of these and do some work. A number of these are actually ones we removed from the original and then you have your 4, 5, 9 & 12 that you added with stimulus money. The stimulus money, that the only way that can be used is for new positions in state government?

Wayne Stenehjem~Attorney General: That is true for the COPS grants but it's not necessarily true for the Byrne grant. We don't have as our priority the purchase of additional

equipment that we need. What we need for most of those are the personnel that you see listed.

Chairman Delzer: The Byrne grant cannot be used be used for anything that you are doing with the general fund money up under number 9?

Wayne Stenehjem: That's correct and you have the \$375,000 that the House (?), that would create some plan issue which would be a violation of the stimulus section.

Chairman Delzer: If you used that for the \$375,000 but the \$375,000 was not granted.

Wayne Stenehjem: Are you talking about in the cops grant?

Chairman Delzer: The \$375,000 I can understand the Senate's point but it's never been granted to you. I don't know if that's a planning issue because that's an increase from last time.

Wayne Stenehjem: I'm going to have to defer.

Chairman Delzer: We are quite a bit apart Senators and I guess what we will do, we'll go and bring an amendment or a list of the ones that we think we can accept or can't, if that's how you prefer to have it done.

Senator Kilzer: It is OK with me.

Chairman Delzer: Closed the discussion.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 5/1/09

Recorder Job Number: 12446

Committee Clerk Signature



Minutes:

Chairman Delzer called the conference committee on House Bill 1003 to order. All conferees were present.

Chairman Delzer: Committee members we have a couple amendments. Amendment .0211, we want to see if this is a compromise that we can work on. First thing to note is if we amend the bill, it would take the Senate's amendments off and put this set on. The statement of purpose on page 2, the first one would restore employee turnover removed by the house. The second one would add one FTE evidence technician. The third would be to fund the 24/7 \$229,826. The fourth one would be adjust the grants. The fifth 1317 we've had discussion about that, is operating expenses it ends up being \$472,307 addition minus estimated income of \$97,307. Number six adds the FTE for the concealed weapons administrator. Number seven reduces funding for travel. I think there is an amendment of section nine staff travel same as before. Number eight appropriates the stimulus money. That is pretty much what this set of amendments does. The other amendment that I would like us to consider is 0212. That would remove the back part of lines 15 and 16 on the salary which is Section 8 of the Senate Bill and must be Section 9 of the House Bill. Becky does this amendment remove those lines?

Becky Keller, Legislative Council: It would because they are not in there because it goes back to the original House Bill.

Chairman Delzer: OK. Then it would add Section 10. (Reads aloud Section 10) Are there any questions?

Senator Warner: If I could speak on 0212. I would like to defend the Senate's position. I think the reason we were able to come to a consensus is because it didn't involve any personality. It was implemented beyond the term of the current incumbent. It was a point in time where we could safely examine the office without bringing any politics in with it. The salary of this office regardless of who the incumbent is should reflect the degree of education which is required for the office. I think it would be very difficult regardless of which party held that office in the future.

Representative Kaldor: If I might ask Senator Warner about the issue of tying it to another office. Did you consider any other criteria? We have a lot of other state office holders who may require similar if not the same educational backgrounds. Are we going to have a statewide elected official system?

Senator Warner: It is my understanding that we only have two offices in state government that have an education requirement, Justices of the Supreme Court or a justice at any level—the district courts as well and the Attorney General.

Representative Kaldor: Is there not something other than education that comes to play when selecting Supreme Court Justices?

Senator Warner: I am at a loss of how to respond. There is also an implied level of expertise for the electorate.

Chairman Delzer: I don't believe there is any age restriction to running for the Attorney General.

Vice Chairman Thoreson: I believe it is 25.

Chairman Delzer: Most people by the time they finish law school and the bar they are 25. We've had some really young attorney general candidates. Nothing says they couldn't win. I don't know if you would adjust that for their experience at that time. To me I think the bigger problem is we should have had this as a standalone issue. We also passed in the treasurer's office a request for a raise and we passed a study and it seemed to me that it was not proper. It could certainly be done after the study if that is what the study finds. That is why I brought forward .0212. I would be very uncomfortable putting it in place right now.

Senator Holmberg: The 0212 date we would be giving that individual a pay raise in the middle of his/her term, because this term is up in 2010. I am wondering that if that doesn't create its own set of problems for politicians when the argument that is used "they knew what the salary was when they ran for the office and now you are raising it in midterm." If you want to get rid of that issue, then you are talking about 2015 before you would make the changes.

Chairman Delzer: That is the reason to put the language in there that says "this should not reflect ill on any elected official" because I think all of the elected officials are under the study.

Representative Kaldor: The uncertainty of knowing what the pay will be in 2010 is much greater with Rep. Delzer's amendment than it is with your amendment.

Senator Holmberg: When I look at the language in here, it reminds me of George Washington. He said, "The standing army of the U.S. shall be no more than 5,000 people." His point was that he could support that as long as they also amended it saying that an enemy could not attack us with more than 5,000 people. This is nice language but if I was the candidate running for reelection I could weigh this and say I'm protected but my opponent's bullets would be quite lethal. That language doesn't give me a lot of comfort.

Chairman Delzer: Senator Holmberg, one of the things we have is that we are going to have this problem no matter what, when you have elected officials that run for 4-year terms. You'd have to say the only ones we are going to raise is after the next election.

Senator Warner: Could I ask how you would envision this study? Would we evaluate and classify state employees, we look at 11 state regional averages and look at local markets.

Chairman Delzer: I think the study, and I don't have the exact language for it, but it said it compares to certain other states, what the jobs entails, and other parameters. Those are the things that would have to be included. The committee that does the study could add to that list.

Senator Warner: I haven't researched it.

Chairman Delzer: That is certainly a possibility and one we are concerned about. If there is a massive change, you may not want to do it all at one time.

Representative Kaldor: What I have a real hard time accepting isn't so much the level the salary should be. I don't like the concept of us gauging the compensation of one political elected official the same as another with only the educational justification in play. Certainly they have to have the same degree, they have to have that legal documentation. I don't think we want to go in that direction because every time we look at changing the justice's salaries, we may have to do serious adjustments to the justice's salaries as well. I think we should just decide, this is what we are doing for the attorney general's office and this is what we are doing for the judiciary and keep the distinction between the two.

Senator Warner: I think your point is well taken especially the cross branch reference. We have kind of seen the evolution of tiers within the executive branch. Again this was very bipartisan and had nothing to do reflective of the personality. I understand your desire. That was just a number that we picked. That might be the way that we would do it.

Senator Holmberg: (not speaking into microphone) Would it be your wish that I passed them out? They are prepared the same as 0213 except the addition of language about the lottery commission continuity and the attorney general's salary or should I hold it.

Handed out.

Chairman Delzer: I think we should go through the study process and decide where we are going with everybody's salary not just the attorney general or the treasurer.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: 5/2/09

Recorder Job Number: 12462

Committee Clerk Signature

Ellen LeTang

Minutes:

Chairman Delzer: Called the conference committee on House Bill 1003 to order. All conferees were present.

Chairman Delzer: Hands out another possible amendment, .0214, that's just a little different language on elected official's study. We have pretty much have agreement on what's in .0211. The way I would like to proceed with this is that the Senate receded from their amendment, further amend with .0211 and further amend where ever we want to go with others.

Senator Wardner: I would rather vote on the various concepts because at the present time the senate a little leverage if we pass this motion on to .0211, then we have no leverage on the issue of salaries because salaries would be out.

Chairmand Delzer: What is your proposal?

Senator Kilzer: I would move from .0213, the bottom of page 1, where it says section 8.

Chairman Delzer: I think we all know what we are talking about here.

Representative Kaldor: Is the lottery advisory commission the primary difference between 11 and 13?

(?): No there are in both.

Chairman Delzer: The big difference between .0211 & .0212 and we would put the lottery up there somewhere is the pay raise, the end of section 8.

Senator Kilzer: I would move the end of eight and section ten. If there is no second, I would move the whole amendment .0213.

Senator Holmberg: Second.

Chairman Delzer: Further discussion.

Roll call was taken on amendment .0213, motion fails.

Chairman Delzer: Members, are we pretty much in agreement on .0211?

Senator Warner: With adding that section 8, which is in .0213.

Chairman Delzer: Section 8 is the lottery commission, that includes page 3, lines 19, the overstrike 2008, that's in .0211? Is that in .2011? But Senator Holmberg, that doesn't include page 3, line 20.

Senator Holmberg: No, all it includes is the language starting where it says section 8, down to the 2 sentences on the top of page 2.

Chairman Delzer: Where a member may serve as a chairman for more than 1 year.

Senator Holmberg: That's correct. I move that that be put into .0211.

Representative Kaldor: Second.

Chairman Delzer: Further discussion?

Roll call was taken to adding section 8 to .0211, motion carries.

Chairman Delzer: We added section 8 the amendment on lottery to .0211. Committee members, what are your wishes on .0211?

Representative Thoreson: Motions to move .0211.

Representative Kaldor: Second.

Senator Holmberg: I need to huddle for a moment.

Senator Holmberg: There is really no reference then in this amendment to the Attorney General's salary?

Chairman Delzer: No, not into .0211 itself, that would have to be added afterwards.

Senator Holmberg: Then this would go back to the same thing; the Senate would have to recede from its amendments.

Chairman Delzer: I don't know if .0212 or .0214 are acceptable to you? I would be opened to a motion to add those to .0211. On .0214, what we did was we took out the reference to not reflect negativity and basically said if the study recommends adjustments, progressive implementation may be considered, which may include adjusting an elected official's salary before they end of an elected official's term. Which is means is that the study shows that it should be adjusted; it could be adjusted at the same time your current language would do it but base it on whatever the study says instead of the Supreme Court Justice's wage. There may be a slight time frame because yours probably started at the start of the next Attorney's General's term.

Senator Warner: I still can't get in my head what the parameters of this study are going to be. When we talked last we talked about some different options about perhaps basing on the elected official's 11 state regional's or maybe we could find peer states of comparable size, try to do it internally and offices of who have relatively to staff sizes. The intent of the Senate was to remove the politics and personalities from this.

Chairman Delzer: That is what we did in the study, we are doing the same thing and again the study passed both houses on HB 1005, it's in the process that is going to take place whether or not we are going to do this and my perspective anyway. It would be very premature to pick this without having looked anything and adjust this and at the Supreme Court level, when we have the study coming up anyway. This is hard to talk about with the

Attorney General in here; it's certainly not meant to be reflective at all of his qualifications or duties.

Senator Warner: I am just uncomfortable seeing a study go forward when there are such few parameters built into and what the expectations are and how we are going to do it.

Chairman Delzer: The parameters are set there for the things that it must look at and the rest again will be set by that committee and the committee that's assign the study.

Senator Warner: It still doesn't establish any boundaries for what to compare to.

Chairman Delzer: I believe Becky is getting the language to that?

Senator Kilzer: As far as pay or salaries goes, certainly if you are going to have a salary amount or a given occupation but if you are talking about one individual, I'm not so sure a study without parameters would be very helpful. In all of these situations, in being a very technical person, dean of a medical school or some other highly qualified person, I think the regional figures are more accurate than what has to be done. I think very rigid parameters and done in a short period of time, would be in order rather than going through all the things that are laid out in HB 1005.

Chairman Delzer: The study has a couple musts and we will read them here in a minute. Anything else that could be added by that legislative counsel during the 09-10 interim, the counsel shall consider studying the salaries of state elected officials. Section four of the enrolled House Bill 1005 reads the study must include a comparison of salaries, number of full time equivalent and temporary employees supervised by an elected official, and the complexity of each elected official's responsibilities. The study also includes a comparison to similar positions in other state, the counsel shall report its finding and recommendation together, legislation required to implement these recommendations. When I read that it's pretty encompassing and if we want to add a line that it has to take in the education level required

but that's certainly going to be the part of the complexity of these elected official's responsibilities. I don't see anything missing but that's certainly up to the Senate.

Senator Warner: It still strikes me that be careful what you ask for because you may get it.

Chairman Delzer: Certainly that is entirely a possibility but that's part of why we should do instead of just basing on another branch of the state of North Dakota's levels.

Representative Kaldor: Just a question, I am assuming with that study we will also be studying the status of the Judiciary too?

Chairman Delzer: It says elected officials salaries, I would guess it would be all of the state wide holders and that's what the State Supreme Justices certainly are? That would be my guess of what it's meant to be. If you wanted to you could go to the point of broadening it to include legislators and everything that way but I don't think anybody has that idea.

Representative Kaldor: My point is that it seems like the fear of getting what you asked for, this study has already passed, it's going to happen and it is going to evaluate all of the state wide elected officials including the Judiciary and the Attorney General's office. Unless we want to put language in here that specifies a number, that study will provide us with information for the next legislative session.

Chairman Delzer: We either need to take a vote or hold this for another meeting. It's entirely up to the Senate what you would rather have.

Senator Warner: It would be my personal preference to let it percolate a little longer.

Chairman Delzer: We have a motion and a second on the table; we will hold that unless they want to withdraw their motion. We will hold the motion open and we will adjourn for now.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1003

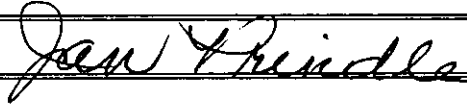
House Appropriations Committee
Government Operations Division

☒ Check here for Conference Committee

Hearing Date: **2 May 03, 5:00 p.m.**

Recorder Job Number: 12469

Committee Clerk Signature



Minutes:

Vice Chairman Thoreson called the conference committee to order on House Bill 1003. All conferees were present. There are some changes. I will chair the meeting and Representative Carlson will take the place of Chairman Delzer at this meeting.

We've been working and I think the issue we have been dealing with is the salary for the Attorney General. If there are any proposals or information that any members of the Committee would like to bring forward, I think we should do that, discuss them, and hopefully complete our work this afternoon.

Senator Kilzer: I would move .0213

Unknown: Second

Senator Kilzer: This has the features. There is a lot of common agreement and the things not in agreement have a reasonable delay before it comes in to effect. It wouldn't be too painful to reach our goal in that amount of time.

Representative Carlson: I need some kind of idea of how much money that is.

Becky Keller, Legislative Council: There was \$10,101 added to the 09-11 budgets for these extra salaries from January 1, 2011 to the end of the biennium. This is what the language requires.

Representative Carlson: What is the discrepancy between the two positions?

Becky Keller, Legislative Council: Right now it's \$10,001.

Senator Warner: This would only go into effect the last six months of the biennium

Representative Carlson: If we have the Attorney General salary here and the justice's salary over here, what's the total difference between the two?

Vice Chairman Thoreson: While we are waiting for that information, I was just informed by the clerk that **we had a motion on the table for .0211 that we have not taken action on.**

Since I made that motion, I'm going to withdraw my motion on that and then we'll continue on this. (The second was also withdrawn.)

Becky Keller, Legislative Council: Based on the information that I got for OMB to determine the \$10,001 to add at January 1, 2011, the salary of a justice would \$10,852 per month and the Attorney General's salary would be \$8,025 per month. At January 2011, that's \$130,224 annually for the justice and \$96,304 annually for the Attorney General.

Representative Kaldor: If the amendment were passed, would that be 106,000 for the Attorney General? Or would it be more than that?

Becky Keller, Legislative Council: If we pass the amendment, the \$10,100 is just for the last six months of the year. It would be like adding \$20.0 annually.

Representative Kaldor: The concern I shared is the way the language is drafted, the way we are doing this calculation. One of the discussion points we had is couldn't we just put a number in. Is there a cleaner way to do this rather than the language that we use? Could we

state that beginning January 1, 2011 the annual salary of the AG must be increased by "x" number to get to the goal we want to reach?

Becky Keller, Legislative Council: You are free to add any language you want so if you would like to add just a dollar amount increase, we can. It's up to you.

Representative Kaldor: I would so move.

Vice Chairman Thoreson: I'm not sure the mechanics of this and if that is a motion to amend a motion or a substitute motion or how we go about that but **the intent would be that instead of tying it to the Justice of the Supreme Court, it would just be a dollar amount in the amount that was previously discussed.**

Unknown: Second.

Senator Holmberg: What we are essentially doing then is adding on to 54.12.11 language that in the last section of 1003, is adding a section that says "and starting the next year, it will be "y." That is cleaner.

Senator Warner: I think the purpose of the amendment in .0213 establishes a two-year trajectory which gets in to a higher salary than simply adding an amount the last six months of the current biennium and then we would have readdress the issue. We would stop half-way short of the goal if we do that and presumably the budget would have normal inflators after that at half-way through the mark in .0213 so it's significantly money doing it that way.

Representative Carlson: I am not sure of any other place in government where we benchmark one branch of government's salaries against the salaries of another branch of government. I just find it very unusual to do that. If we believe someone should be worth "x" amount of dollars, then let's make him worth that much but to reference the two branches of government, I just don't see any logic for that other than it gives you a number to work

towards, but that's all it gives you is a number to work towards. It surely shouldn't be referenced between the two of them.

Representative Kaldor: In response to Senator Warner's concern, at the next biennial session, it would be the expectation that the salary would increase from this new baseline. It's not the intention to give the AG half of a pay raise. It's just for what we control today we raise that level and after the 2010 election we will be coming back in to session and making a decision about the salaries for everyone and we'll have a new base.

Senator Warner: We could remove those references to peer institutions or offices. We have these discussions and I think we have established that even without using the language that's the way we want to go. If we only include the first half which is the part that is effective in this biennium, as they go through the budget cycle the expectation is going to be to just apply a normal inflator to them. We would have to completely start at scratch again to address that second increment to get to the goal that we have talked about establishing through the peer relationship.

Representative Carlson: It seems and I am new to this and I'm not going to question any of the other budget work on this Committee, but Representative Delzer had very strong opinions about this being brought up at a quite late date in the budget negotiations and then the fact that other agencies were turned down when they had requests for the enhancement in their salaries. I am going to support a logical method to do this but I do think it creates a lot of heartburn at this late stage in the negotiations in wrapping up a budget. We get hung up at the end of the budget that has millions of dollars in it talking of fighting over whether we should raise a salary that was not originally in the budget. I will help to move it along because we need to do that very thing, but I can tell you that I don't think it was the right way to do it. I do support Representative Kaldor's motion to not tie it to somebody else's salary. If we believe he

should have a raise, put some money in there and I'll support that. It is very unusual that we end up bogged down on that. There are an awful lot of others things in this budget.

Vice Chairman Thoreson: I agree with that also. We have worked on this for weeks and weeks—several months. This has been a sticking point in the 11.5 hour. I want to get us out of here, but I still have some great concerns about this.

Representative Kaldor: In light of what Senator Warner had stated, the alternative and really what I intended to do is that we do one-half which is equivalent to \$10,200 and then we move it to the next level. We can state that amount in here could we not? Couldn't there be a way? Or is there uncertainty because we don't know what their salary level will be?

Becky Keller, Legislative Council: We could use what their salary is anticipated to be at the end of the 09-11 biennium. We just don't know what it's going to be at July 1.

Senator Holmberg: Representative Carlson was not here for the negotiations. I just wanted to make it clear in case he thought this is something that we were trying to add in the Conference Committee. This was added as an amendment when this bill was in the Senate.

Vice Chairman Thoreson: I know this is something the Senate added but it has been kind of eating at us in the last several days. We've been able to come to resolution on some very major things in this budget and I'm just surprised that this is what is holding us up. I think we are hopefully moving towards a solution here.

Representative Kaldor: I want to move this along too. As long as the record is clear that it is not our intention to tie this salary. This is just a reference point since we can't identify a number. They should not necessarily be tied from that point forward. That's my concern.

Tom Trenbeath, Deputy Attorney General: In actuality, on the amendment .0213, section 10 is intended exactly to do that. We are using that salary only as a jumping off point it's not tied to it.

Vice Chairman Thoreson: Are we ready to proceed? We do have amendment .0213 in front of us with the changes proposed. Let's clarify that before we take the vote.

Representative Kaldor: I hate to confuse this but it might be better if I withdraw my motion and we deal with this or we just vote on my portion.

Vice Chairman Thoreson: If that's the way we want to handle it, let's vote on the portion that you had asked for making the change and if that's accepted that would become part of the amendment .0213 and then we would take final action on that amendment. We will try this on a voice vote.

Senator Warner: Just a little more explanation on what we are voting on.

Representative Kaldor: Since it is too complicated to identify a number for July 2012, my amendment would be to just put the reference point at the dollar amount that we determined based January 1, 2011.

Senator Warner: Then we would make intent that we move that in to increments.

Becky Keller, Legislative Council: Let me get this clear. When we get to the salary section, it's going to say the annual salary is this, this, and this like on January 11 then it becomes \$113,264. Are we putting in the salary of July 1, 2012? And that would \$130,224? That's what the Justice's salary is at January 1, 2011 which is what it would be at the end of the biennium.

Representative Carlson: You might have it, but now you've lost me. The difference between the two salaries is \$33,000 basically. Is that correct? And, you are only talking half of the year for '11. But you are going to base his payments for the rest of that biennium based on half of the difference between \$130.0 and \$96.0. It happens to total \$10.0 but it's actually a larger raise than that because there is \$33.0 difference divided by 2, is \$16,500 difference,

but the \$10.0 is just for the six months. Does that math work out right or does it not work out right?

Becky Keller, Legislative Council: Yes, the \$10.0 that we add is what we have to put in to the budget with benefits and so if we stated that as the rest of the section is saying, his salary will become \$113,264 effective January 1 of 2011.

Representative Carlson: Then I can understand the numbers better. The \$10.0 is the right number but you have to understand it's an annual salary you are dealing with and that has to be referenced somewhere. You are going half of the way to \$130.0 one time and you are going to the full \$130.0 the next.

Tom Trenbeath, Deputy Attorney General: I just want to be clear because you know I have to go back and report to somebody. I understand the \$10.1 as of January 1, 2010. Is it your intention then to come up to the \$130.224 as of July 1, 2011 which would be the beginning of that biennium?

Representative Carlson: That might be our intent but we cannot do that unless we appropriate it the next biennium.

Vice Chairman Thoreson: I do show there is nodding in agreement.

Becky Keller, Legislative Council: The way the wording is written now is that it wouldn't become effective until July 1, 2012.

Tom Trenbeath, Deputy Attorney General: That is exactly why we used the non-numeric language. It takes place actually over three years.

Representative Carlson: I think it is more confusing to do it that way. You are either going to move him up to that level and you're going to fund it the rest of it the next biennium or you are not.

Tom Trenbeath, Deputy Attorney General: That's perfectly satisfactory.

Representative Carlson: He gets a bigger raise sooner.

Becky Keller, Legislative Council: So my amendment will read "the annual salary of the AG is \$91,719 through June 30, 2010, \$96,304 through December 31, 2010. Effective January 1, 2011, it's going to be \$113,364" Then we are going to July 1, 2011 to be the \$130,224? Is that what you intended.

Representative Carlson: That last part would be an intent section.

Becky Keller, Legislative Council: That will be intent.

Vice Chairman Thoreson: That was a good explanation. So we will try this again. **A voice vote was taken: Motion carried and the amendment was accepted.**

We now have amendment .0213 to HB 1003 which has been amended. It has already been moved and seconded. Is there any additional discussion?

A roll call vote was taken: The amendment was accepted.

Vice Chairman Thoreson: Thank you very much. We are done.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1171 and 1172 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 4, remove "and"

Page 1, line 5, after "study" insert "; and to provide legislative intent"

Page 3, after line 20, insert:

"SECTION 10. LEGISLATIVE INTENT - ELECTED OFFICIALS' SALARIES. It is the intent of the sixty-first legislative assembly that, pursuant to the findings of the elected officials' salary study authorized by the sixty-first legislative assembly in House Bill No. 1005, the salaries of elected officials for the 2011-13 biennium may be adjusted to reflect any salary adjustments recommended in the study as determined by the sixty-second legislative assembly. Any adjustments made should not reflect negatively on an elected official who may receive an adjustment in the middle of a term. If the study recommends adjustments, a progressive implementation may be considered."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides legislative intent that salary recommendations included in the 2009-10 interim study on elected officials' salaries be applied in the 2011-13 biennium.

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Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides legislative intent that salary recommendations included in the 2009-10 interim study on elected officials' salaries be applied in the 2011-13 biennium.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1171 and 1172 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;" and after "reenact" insert "subsection 1 of section 53-12.1-04 and"

Page 1, line 4, after the first "to" insert "the lottery commission and" and remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "3,351,102" and replace "24,824,285" with "25,779,037"

Page 1, line 15, replace "2,829,979" with "3,513,279" and replace "13,426,505" with "14,109,805"

Page 1, line 17, replace "(637,775)" with "(744,775)" and replace "3,559,225" with "3,452,225"

Page 1, line 24, replace "4,210,569" with "5,741,621" and replace "48,101,731" with "49,632,783"

Page 2, line 1, replace "1,008,689" with "1,167,232" and replace "21,910,610" with "22,069,153"

Page 2, line 2, replace "3,201,880" with "4,574,389" and replace "26,191,121" with "27,563,630"

Page 2, line 3, replace "2.50" with "4.00" and replace "191.00" with "192.50"

Page 2, line 17, replace "\$617,000" with "\$510,000"

Page 3, replace lines 11 through 14 with:

"SECTION 8. AMENDMENT. Subsection 1 of section 53-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. There is created the lottery advisory commission, which is composed of five members, three of whom are legislators selected by the chairman of the legislative council and two of whom are selected by the attorney general. The term of office is three years, expiring on June thirtieth with no more than two terms expiring in any one year. ~~No member may be appointed to more than two consecutive terms.~~ Each member must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually from the membership of the

commission by a majority of its members at the first meeting of the commission each fiscal year. A member may serve as chairman for more than one year."

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010"

Page 3, line 20, after the period insert "Beginning January 1, 2011, the annual salary of the attorney general must be increased by one-half of the difference between the December 2010 salary of the attorney general and the December 2010 salary of a justice of the North Dakota supreme court. Beginning July 1, 2012, the annual salary of the attorney general must be the same annual salary as a justice of the North Dakota supreme court."

Page 3, after line 20, insert:

"SECTION 10. LEGISLATIVE INTENT - SALARY OF ATTORNEY GENERAL.

It is the intent of the sixty-first legislative assembly that reference to the salary of a justice of the North Dakota supreme court is made only for the purpose of establishing a dollar amount to be used to initiate the salary changes referenced in section 9 of this Act, and not as a benchmark with respect to the relationship of compensation of the attorney general to that of a justice of the North Dakota supreme court.

SECTION 11. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL.

It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 12. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$2,259,188
Full-time equivalent positions	8.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 13. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority to hire up to two additional full-time equivalent positions with funding authorized under this section.

SECTION 14. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 15. EMERGENCY. Sections 12, 13, and 14 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0213 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$27,668,657	\$24,824,285	\$954,752	\$25,779,037	\$27,535,021	(\$1,755,984)
Operating expenses	14,204,579	13,426,505	683,300	14,109,805	14,398,945	(289,140)
Capital assets	2,391,187	2,391,187		2,391,187	2,391,187	
Grants	3,559,225	3,559,225	(107,000)	3,452,225	3,381,225	71,000
Litigation fees	50,000	50,000		50,000	50,000	
Medical examinations	250,000	250,000		250,000	250,000	
North Dakota Lottery	3,584,388	3,584,388		3,584,388	3,584,388	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	6,141	6,141		6,141	6,141	
Federal fiscal stimulus funds			2,259,188	2,259,188	3,123,884	(864,696)
Total all funds	\$51,724,177	\$48,101,731	\$3,790,240	\$51,891,971	\$54,730,791	(\$2,838,820)
Less estimated income	21,908,977	21,910,610	2,417,731	24,328,341	24,916,826	(588,485)
General fund	\$29,815,200	\$26,191,121	\$1,372,509	\$27,563,630	\$29,813,965	(\$2,250,335)
FTE	198.50	191.00	9.50	200.50	207.50	(7.00)

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Restores Funding for Salaries ¹	Adds Evidence Technician ²	Adds Funding for Sobriety Program ³	Reduces Funding for Grants ⁴	Increases Funding for Operating Expenses ⁵	Adds FTE Concealed Weapons Permit Administrator ⁶
Salaries and wages	\$799,095	\$81,053				\$64,504
Operating expenses		63,706	229,826		472,307	117,461
Capital assets						
Grants				(107,000)		
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Federal fiscal stimulus funds						
Total all funds	\$799,095	\$144,759	\$229,826	(\$107,000)	\$472,307	\$181,965
Less estimated income	186,271	0	0	(107,000)	97,307	181,965
General fund	\$612,824	\$144,759	\$229,826	\$0	\$375,000	\$0
FTE	0.00	1.00	0.00	0.00	0.00	0.50

	Reduces Funding for Travel ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Increases Salary for Attorney General ⁹	Total Conference Committee Changes
Salaries and wages			\$10,100	\$954,752
Operating expenses	(200,000)			683,300
Capital assets				
Grants				(107,000)
Litigation fees				
Medical examinations				
North Dakota Lottery				
Arrest and return of fugitives				
Gaming Commission				
Federal fiscal stimulus funds		2,259,188		2,259,188
Total all funds	(\$200,000)	\$2,259,188	\$10,100	\$3,790,240
Less estimated income	(200,000)	2,259,188	0	2,417,731
General fund	\$0	\$0	\$10,100	\$1,372,509
FTE	0.00	8.00	0.00	9.50

¹ This amendment restores salaries and wages funding relating to anticipated savings from vacant positions and employee turnover removed by the House, the same as the Senate version.

² One FTE evidence technician position is added to assist with DNA evidence collections, the same as the Senate version.

³ Funding for the 24/7 sobriety program is added, the same as the Senate version.

This amendment reduces funding for grants due to a reduction in pull tab excise taxes in accordance with provisions of 2009 House Bill No. 1317.

⁵ This amendment restores special fund support for operating expenses removed in the executive recommendation (\$168,287), restores special fund support removed by the House (\$204,298), and adds special fund support for Crime Laboratory service contracts (\$99,722). The amendment also restores the general fund support for operating expenses included in the executive recommendation (\$375,000). The House increased funding support from federal funds and decreased funding support from the general fund by \$375,000.

⁶ This amendment adds a .5 FTE position for a concealed weapons permit administrator, the same as the Senate version.

⁷ This amendment reduces funding for travel. A legislative intent section is added that the Attorney General continue the practice of state agencies paying directly for requested legal services staff travel. This is the same as the Senate version.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 for Edward J. Byrne Memorial Justice Assistance Grant funding (\$1,652,426 and 4 FTE positions), Internet Crimes Against Children Grant funding (\$216,174 and 1 FTE position), and Rural Law Enforcement Assistance Act funding (\$390,588 and 3 FTE positions).

⁹ This amendment increases the salary of the Attorney General effective January 1, 2011.

This amendment adds a section also added by the Senate relating to the Attorney General refund fund and adds a section of legislative intent relating to the Attorney General salary increase.

Section of the bill is removed relating to DNA testing, the same as the Senate version.

Section 9 of this bill is changed to correct the date relating to the second-year salary increase for the Attorney General for the 2009-11 biennium and to provide for an increase to the Attorney General's salary, effective January 1, 2011. The Senate provided a different salary increase beginning in July 2011.

All present

Vote 1

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1003 (, as (re)engrossed):

Date: 5/2/09

Your Conference Committee Gov Ops

For the Senate:

For the House:

	YES / NO			YES / NO	
Kilzer	X		Delzer		X
Holmberg	X		Thoreson		X
Wanner	X		Kalder		X

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment...
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Kilzer

0213

SECONDED BY: Holmberg

VOTE COUNT 3 YES 3 NO ABSENT

Revised 4/1/05

Motion Failed

REPORT OF CONFERENCE COMMITTEE (ACCEDE/RECEDE)

 Bill Number 1003 (, as (re)engrossed):

 Date: 5/2/09

 Your Conference Committee Gov Ops

For the Senate:

For the House:

	YES / NO			YES / NO	
Kilzer	X		Delzer	X	
Holmberg	X		Thoreson	X	
Warner	X		Kaddor	X	

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

 _____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

 _____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

 MOTION MADE BY: Holmberg

 SECONDED BY: Kaddor
~~DZFI~~
Add Section 8 to OZ11

VOTE COUNT YES NO ABSENT

Further
Amend 0213

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1003 (, as (re)engrossed):

Date: 5/2/09

Your Conference Committee Gov Ops

For the Senate:

For the House:

YES / NO			YES / NO		
Kilzer			Delzer Carlson		
Holmberg			Thoreson		
Wanner			Kaldor		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

____, and place _____ on the Seventh order.

____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Kaldor

\$ Amount added to
0213

SECONDED BY: Carlson

VOTE COUNT YES NO ABSENT

Revised 4/1/05

Vace Vote Motion Carried

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1171 and 1172 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;"

Page 1, line 4, remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "3,341,002" and replace "24,824,285" with "25,768,937"

Page 1, line 15, replace "2,829,979" with "3,513,279" and replace "13,426,505" with "14,109,805"

Page 1, line 17, replace "(637,775)" with "(744,775)" and replace "3,559,225" with "3,452,225"

Page 1, line 24, replace "4,210,569" with "5,731,521" and replace "48,101,731" with "49,622,683"

Page 2, line 1, replace "1,008,689" with "1,167,232" and replace "21,910,610" with "22,069,153"

Page 2, line 2, replace "3,201,880" with "4,564,289" and replace "26,191,121" with "27,553,530"

Page 2, line 3, replace "2.50" with "4.00" and replace "191.00" with "192.50"

Page 2, line 17, replace "\$617,000" with "\$510,000"

Page 3, remove lines 11 through 14

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010"

Page 3, after line 20, insert:

"SECTION 9. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 10. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available

to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$2,259,188
Full-time equivalent positions	8.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 11. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority to hire up to two additional full-time equivalent positions with funding authorized under this section.

SECTION 12. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 13. EMERGENCY. Sections 10, 11, and 12 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0211 FN 1

A copy of the statement of purpose of amendment is attached.

	Reduces Funding for Travel ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Total Conference Committee Changes
Salaries and wages			\$944,652
Operating expenses	(200,000)		683,300
Capital assets			
Grants			(107,000)
Litigation fees			
Medical examinations			
North Dakota Lottery			
Arrest and return of fugitives			
Gaming Commission			
Federal fiscal stimulus funds		2,259,188	2,259,188
Total all funds	(\$200,000)	\$2,259,188	\$3,780,140
Less estimated income	(200,000)	2,259,188	2,417,731
General fund	\$0	\$0	\$1,362,409
FTE	0.00	8.00	9.50

¹ This amendment restores salaries and wages funding relating to anticipated savings from vacant positions and employee turnover removed by the House, the same as the Senate version.

² One FTE evidence technician position is added to assist with DNA evidence collections, the same as the Senate version.

³ Funding for the 24/7 sobriety program is added, the same as the Senate version.

⁴ This amendment reduces funding for grants due to a reduction in pull tab excise taxes in accordance with provisions of 2009 House Bill No. 1317.

⁵ This amendment restores special fund support for operating expenses removed in the executive recommendation (\$168,287), restores special fund support removed by the House (\$204,298), and adds special fund support for Crime Laboratory service contracts (\$99,722). The amendment also restores the general fund support for operating expenses included in the executive recommendation (\$375,000). The House increased funding support from federal funds and decreased funding support from the general fund by \$375,000.

⁶ This amendment adds a .5 FTE position for a concealed weapons permit administrator, the same as the Senate version.

⁷ This amendment reduces funding for travel. A legislative intent section is added that the Attorney General continue the practice of state agencies paying directly for requested legal services staff travel. This is the same as the Senate version.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 for Edward J. Byrne Memorial Justice Assistance Grant funding (\$1,652,426 and 4 FTE positions), Internet Crimes Against Children Grant funding (\$216,174 and 1 FTE position), and Rural Law Enforcement Assistance Act funding (\$390,588 and 3 FTE positions).

This amendment adds a section also added by the Senate relating to the Attorney General refund fund.

A section of the bill is removed relating to DNA testing, the same as the Senate version.

Section 9 of this bill is changed to correct the date relating to the second-year salary increase for the Attorney General. The Senate also provided that beginning in July 2011 the salary of the Attorney General be the same as a North Dakota Supreme Court justice, which the conference committee did not include.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$27,668,657	\$24,824,285	\$944,652	\$25,768,937	\$27,535,021	(\$1,766,084)
Operating expenses	14,204,579	13,426,505	683,300	14,109,805	14,398,945	(289,140)
Capital assets	2,391,187	2,391,187		2,391,187	2,391,187	
Grants	3,559,225	3,559,225	(107,000)	3,452,225	3,381,225	71,000
Litigation fees	50,000	50,000		50,000	50,000	
Medical examinations	250,000	250,000		250,000	250,000	
North Dakota Lottery	3,584,388	3,584,388		3,584,388	3,584,388	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	6,141	6,141		6,141	6,141	
Federal fiscal stimulus funds			2,259,188	2,259,188	3,123,884	(864,696)
Total all funds	\$51,724,177	\$48,101,731	\$3,780,140	\$51,881,871	\$54,730,791	(\$2,848,920)
Less estimated income	21,908,977	21,910,610	2,417,731	24,328,341	24,916,826	(588,485)
General fund	\$29,815,200	\$26,191,121	\$1,362,409	\$27,553,530	\$29,813,965	(\$2,260,435)
FTE	198.50	191.00	9.50	200.50	207.50	(7.00)

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Restores Funding for Salaries ¹	Adds Evidence Technician ²	Adds Funding for Sobriety Program ³	Reduces Funding for Grants ⁴	Increases Funding for Operating Expenses ⁵	Adds FTE Concealed Weapons Permit Administrator ⁶
Salaries and wages	\$799,095	\$81,053				\$64,504
Operating expenses		63,706	229,826		472,307	117,461
Capital assets						
Grants				(107,000)		
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Federal fiscal stimulus funds						
Total all funds	\$799,095	\$144,759	\$229,826	(\$107,000)	\$472,307	\$181,965
Less estimated income	186,271	0	0	(107,000)	97,307	181,965
General fund	\$612,824	\$144,759	\$229,826	\$0	\$375,000	\$0
FTE	0.00	1.00	0.00	0.00	0.00	0.50

Vote 3
Motion Held

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1003 (, as (re)engrossed):

Date: 5/2/09

Your Conference Committee Gov Ops

For the Senate:

For the House:

YES / NO			YES / NO		
Kilzer			Delzer		
Holmberg			Thoreson		
Wanner			Kaddor		

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ - _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the
Seventh order:

_____, having been unable to agree, recommends that the committee be discharged
and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Thoreson

SECONDED BY: Kaddor

VOTE COUNT __ YES __ NO __ ABSENT

Revised 4/1/05

0211

Withdrawn

VR
5/2/09
1076

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1171 and 1172 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;" and after "reenact" insert "subsection 1 of section 53-12.1-04 and"

Page 1, line 4, after the first "to" insert "the lottery commission and" and remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "3,351,102" and replace "24,824,285" with "25,779,037"

Page 1, line 15, replace "2,829,979" with "3,513,279" and replace "13,426,505" with "14,109,805"

Page 1, line 17, replace "(637,775)" with "(744,775)" and replace "3,559,225" with "3,452,225"

Page 1, line 24, replace "4,210,569" with "5,741,621" and replace "48,101,731" with "49,632,783"

Page 2, line 1, replace "1,008,689" with "1,167,232" and replace "21,910,610" with "22,069,153"

Page 2, line 2, replace "3,201,880" with "4,574,389" and replace "26,191,121" with "27,563,630"

Page 2, line 3, replace "2.50" with "4.00" and replace "191.00" with "192.50"

Page 2, line 17, replace "\$617,000" with "\$510,000"

Page 3, replace lines 11 through 14 with:

"SECTION 8. AMENDMENT. Subsection 1 of section 53-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. There is created the lottery advisory commission, which is composed of five members, three of whom are legislators selected by the chairman of the legislative council and two of whom are selected by the attorney general. The term of office is three years, expiring on June thirtieth with no more than two terms expiring in any one year. ~~No member may be appointed to more than two consecutive terms.~~ Each member must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually from the membership of the

2066

commission by a majority of its members at the first meeting of the commission each fiscal year. A member may serve as chairman for more than one year."

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010", overstrike "and", and after "dollars" insert "through December 31, 2010, one hundred thirteen thousand two hundred sixty-six dollars through June 30, 2011, and one hundred thirty thousand two hundred twenty-eight dollars"

Page 3, after line 20, insert:

"SECTION 10. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 11. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Rural Law Enforcement Assistance Act funding	390,588
Total federal funds	\$2,259,188
Full-time equivalent positions	8.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 12. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority to hire up to two additional full-time equivalent positions with funding authorized under this section.

SECTION 13. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 14. EMERGENCY. Sections 11, 12, and 13 of this Act are declared to be an emergency measure."

Renumber accordingly

3 of 6

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0215 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Conference Committee Action**

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$27,668,657	\$24,824,285	\$954,752	\$25,779,037	\$27,535,021	(\$1,755,984)
Operating expenses	14,204,579	13,426,505	683,300	14,109,805	14,398,945	(289,140)
Capital assets	2,391,187	2,391,187		2,391,187	2,391,187	
Grants	3,559,225	3,559,225	(107,000)	3,452,225	3,381,225	71,000
Litigation fees	50,000	50,000		50,000	50,000	
Medical examinations	250,000	250,000		250,000	250,000	
North Dakota Lottery	3,584,388	3,584,388		3,584,388	3,584,388	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	6,141	6,141		6,141	6,141	
Federal fiscal stimulus funds			2,259,188	2,259,188	3,123,884	(864,696)
Total all funds	\$51,724,177	\$48,101,731	\$3,790,240	\$51,891,971	\$54,730,791	(\$2,838,820)
Less estimated income	21,908,977	21,910,610	2,417,731	24,328,341	24,916,826	(588,485)
General fund	\$29,815,200	\$26,191,121	\$1,372,509	\$27,563,630	\$29,813,965	(\$2,250,335)
FTE	198.50	191.00	9.50	200.50	207.50	(7.00)

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Restores Funding for Salaries¹	Adds Evidence Technician²	Adds Funding for Sobriety Program³	Reduces Funding for Grants⁴	Increases Funding for Operating Expenses⁵	Adds Concealed Weapons Permit Administrator⁶
Salaries and wages	\$799,095	\$81,053				\$64,504
Operating expenses		63,706	229,826		472,307	117,461
Capital assets						
Grants				(107,000)		
Litigation fees						
Medical examinations						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Federal fiscal stimulus funds						
Total all funds	\$799,095	\$144,759	\$229,826	(\$107,000)	\$472,307	\$181,965
Less estimated income	186,271	0	0	(107,000)	97,307	181,965
General fund	\$612,824	\$144,759	\$229,826	\$0	\$375,000	\$0
FTE	0.00	1.00	0.00	0.00	0.00	0.50

	Reduces Funding for Travel ⁷	Appropriates Federal Fiscal Stimulus Funds ⁸	Increases Salary for Attorney General ⁹	Total Conference Committee Changes
Salaries and wages			\$10,100	\$954,752
Operating expenses	(200,000)			683,300
Capital assets				
Grants				(107,000)
Litigation fees				
Medical examinations				
North Dakota Lottery				
Arrest and return of fugitives				
Gaming Commission				
Federal fiscal stimulus funds		2,259,188		2,259,188
Total all funds	(\$200,000)	\$2,259,188	\$10,100	\$3,790,240
Less estimated income	(200,000)	2,259,188	0	2,417,731
General fund	\$0	\$0	\$10,100	\$1,372,509
FTE	0.00	8.00	0.00	9.50

¹ This amendment restores salaries and wages funding relating to anticipated savings from vacant positions and employee turnover removed by the House, the same as the Senate version.

² One FTE evidence technician position is added to assist with DNA evidence collections, the same as the Senate version.

³ Funding for the 24/7 sobriety program is added, the same as the Senate version.

⁴ This amendment reduces funding for grants due to a reduction in pull tab excise taxes in accordance with provisions of 2009 House Bill No. 1317.

⁵ This amendment restores special fund support for operating expenses removed in the executive recommendation (\$168,287), restores special fund support removed by the House (\$204,298), and adds special fund support for Crime Laboratory service contracts (\$99,722). The amendment also restores the general fund support for operating expenses included in the executive recommendation (\$375,000). The House increased funding support from federal funds and decreased funding support from the general fund by \$375,000.

⁶ This amendment adds a .5 FTE position for a concealed weapons permit administrator, the same as the Senate version.

⁷ This amendment reduces funding for travel. A legislative intent section is added that the Attorney General continue the practice of state agencies paying directly for requested legal services staff travel. This is the same as the Senate version.

⁸ This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 for Edward J. Byrne Memorial Justice Assistance Grant funding (\$1,652,426 and 4 FTE positions), Internet Crimes Against Children Grant funding (\$216,174 and 1 FTE position), and Rural Law Enforcement Assistance Act funding (\$390,588 and 3 FTE positions).

⁹ This amendment increases the salary of the Attorney General effective January 1, 2011.

This amendment adds a section also added by the Senate relating to the Attorney General refund fund and adds a section of legislative intent relating to the Attorney General salary increase.

A section of the bill is removed relating to DNA testing, the same as the Senate version.

Section 9 of this bill is changed to correct the date relating to the second-year salary increase for the Attorney General for the 2009-11 biennium and to provide for an increase to the Attorney General's salary, effective January 1, 2011, and July 1, 2011. The Senate provided a different salary increase beginning in July 2011.

Vote 4

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)

Bill Number 1003 (, as (re)engrossed):

Date: 5/2/09

Your Conference Committee Gov Ops

For the Senate:

For the House:

	YES / NO			YES / NO	
Kilzer	X		Detzer Carlson	X	
Holmberg	X		Thoreson		X
Warner	X		Kalder	X	

recommends that the (SENATE/HOUSE) (ACCEDE ~~to~~) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) _____ -- _____

_____, and place _____ on the Seventh order.

_____, adopt (further) amendments as follows, and place _____ on the Seventh order:

_____, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) _____ was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Kilzer

0213

SECONDED BY: ~~Holmberg~~ Holmberg

w/ changes

VOTE COUNT 5 YES 1 NO ABSENT

Revised 4/1/05

Kalder Carrying

Kilzer

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. Kilzer, Holmberg, Warner and Reps. Carlson, Thoreson, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1171-1172, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1171 and 1172 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;" and after "reenact" insert "subsection 1 of section 53-12.1-04 and"

Page 1, line 4, after the first "to" insert "the lottery commission and" and remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "3,351,102" and replace "24,824,285" with "25,779,037"

Page 1, line 15, replace "2,829,979" with "3,513,279" and replace "13,426,505" with "14,109,805"

Page 1, line 17, replace "(637,775)" with "(744,775)" and replace "3,559,225" with "3,452,225"

Page 1, line 24, replace "4,210,569" with "5,741,621" and replace "48,101,731" with "49,632,783"

Page 2, line 1, replace "1,008,689" with "1,167,232" and replace "21,910,610" with "22,069,153"

Page 2, line 2, replace "3,201,880" with "4,574,389" and replace "26,191,121" with "27,563,630"

Page 2, line 3, replace "2.50" with "4.00" and replace "191.00" with "192.50"

Page 2, line 17, replace "\$617,000" with "\$510,000"

Page 3, replace lines 11 through 14 with:

"SECTION 8. AMENDMENT. Subsection 1 of section 53-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. There is created the lottery advisory commission, which is composed of five members, three of whom are legislators selected by the chairman of the legislative council and two of whom are selected by the attorney general. The term of office is three years, expiring on June thirtieth with no more than two terms expiring in any one year. ~~No member may be appointed to more than two consecutive terms.~~ Each member must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually from the membership of the commission by a majority of its members at the first meeting of the commission each fiscal year. A member may serve as chairman for more than one year."

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010", overstrike "and", and after "dollars" insert "through December 31, 2010, one hundred thirteen thousand two hundred sixty-six dollars through June 30, 2011, and one hundred thirty thousand two hundred twenty-eight dollars"

Page 3, after line 20, insert:

"SECTION 10. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL.

It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 11. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$2,259,188
Full-time equivalent positions	8.00

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 12. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority to hire up to two additional full-time equivalent positions with funding authorized under this section.

SECTION 13. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL 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, 2009.

SECTION 14. EMERGENCY. Sections 11, 12, and 13 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0215 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

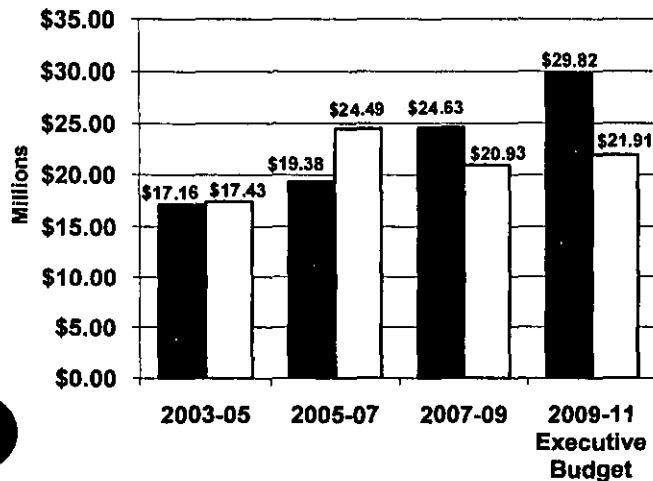
HB 1003

**Department 125 - Attorney General
House Bill No. 1003**

	FTE Positions	General Fund	Other Funds	Total
2009-11 Executive Budget	198.50	\$29,815,200	\$21,908,977	\$51,724,177
2007-09 Legislative Appropriations	188.50	24,626,296	20,926,170	45,552,466 ¹
Increase (Decrease)	10.00	\$5,188,904	\$982,807	\$6,161,711

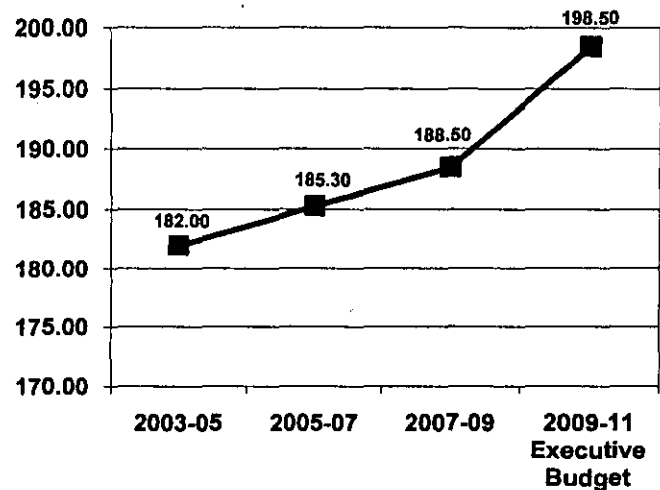
¹The 2007-09 appropriation amounts include \$218,464, \$194,215 of which is from the general fund, for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees. The 2007-09 appropriation amounts do not include \$25,000 of additional general fund appropriations from the state contingencies appropriation and \$200,000 of additional special funds authority resulting from Emergency Commission action during the 2007-09 biennium. In addition, the 2007-09 appropriation amounts do not include \$3,147,322 of special funds capital construction carryover.

Agency Funding



■ General Fund □ Other Funds

FTE Positions



Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 Executive Budget	\$29,815,200	\$0	\$29,815,200
2007-09 Legislative Appropriations	23,183,456	1,442,840	24,626,296
Increase (Decrease)	\$6,631,744	(\$1,442,840)	\$5,188,904

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Provides funding to address salary equity issues (\$1,303,733) and related second-year salary increases (\$66,126)	\$1,225,443	\$144,416	\$1,369,859
2. Removes one-time funding provided for the 2007-09 biennium for information technology projects		(\$402,260)	(\$402,260)
3. Increases federal funding for Bureau of Criminal Investigation operating expenses		\$1,107,116	\$1,107,116
4. Adds 3 FTE Crime Laboratory forensic scientist positions (\$359,757) and related operating expenses (\$109,000)	\$468,757		\$468,757
5. Adds 1 FTE position to assist with civil commitments for sexually dangerous individuals (\$156,387) and related operating expenses (\$75,000)	\$231,387		\$231,387
Adds 1 FTE position to assist with DNA evidence collection in the new Crime Laboratory (\$119,919) and related operating expenses (\$63,705)	\$140,944	\$42,680	\$183,624

7. Adds 1 FTE information technology position (\$159,198) and related operating expenses (\$14,334)	\$173,532	\$173,532
8. Adds 5.5 FTE positions to assist with child care provider background checks (\$399,112) and related operating expenses (\$507,369)	\$906,481	\$906,481
9. Provides funding from the Attorney General refund fund for a laboratory management information sharing system	\$700,000	\$700,000
10. Removes funding for capital projects for the 2007-09 biennium (Crime Laboratory)	(\$1,442,840)	(\$3,347,322) (\$4,790,162)
11. Removes 1 FTE computer network specialist I position and a .5 FTE auditor II position	(\$168,864)	(\$168,864)

Other Sections in Bill

Section 7 provides for the statutory changes necessary to increase the Attorney General's salary as follows:

Annual salary authorized by the 2007 Legislative Assembly:

July 1, 2007	\$83,991
July 1, 2008	\$87,351

Proposed annual salary recommended in the 2009-11 executive budget:

July 1, 2009	\$91,719
July 1, 2010	\$96,304

The executive budget recommendation provided funding for elected officials' salary increases equal to 5 percent of salaries, effective July 1, 2009, and 5 percent effective July 1, 2010.

Continuing Appropriations

Assets forfeiture fund - North Dakota Century Code (NDCC) Section 54-12-14 - To pay costs related to law enforcement activities of the Attorney General's office.

Lottery operating fund - NDCC Section 53-12.1-06 - To pay costs of operating the lottery.

Refund fund - NDCC Section 54-12-18 - To pay costs of the consumer protection and Antitrust Division and the Gaming Division.

Special operations team reimbursement fund - NDCC Section 54-12-23 - To reimburse city and county governments that provide special operations team services to rural areas.

Sobriety program fund - Section 11 of Senate Bill No. 2003 (2007) - To establish a pilot sobriety program for one or more judicial districts for the 2007-09 biennium. The continuing appropriation is authorized for the 2007-09 biennium.

Multijurisdictional Drug Task Force fund - NDCC Section 54-12-26 - To provide support for the narcotics enforcement efforts of the state.

Major Related Legislation

House Bill No. 1040 - This bill provides for a procedure for missing person investigations.

House Bill No. 1041 - This bill relates to statutory changes necessary for the implementation of a statewide automated victim information and notification (SAVIN) system.

House Bill No. 1306 - This bill authorizes the Attorney General to establish a statewide 24/7 sobriety program, creates the 24/7 sobriety program fund, and provides a continuing appropriation to the Attorney General from the fund for program expenses.

Senate Bill No. 2043 - This bill provides that the Racing Commission is subject to the supervision and direction of the Attorney General's office.

Senate Bill No. 2161 - This bill would require the Bureau of Criminal Investigation to establish and maintain a statewide file system relating to lost, missing, or runaway children.

2009 - 2011 BUDGET

Office of Attorney General
State of North Dakota

Wayne Stenehjem
Attorney General

**Presented to
House Appropriations Committee
Government Operations Section**

Attachment
1003.1.15.09A

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See
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CURRENT & FUTURE CRITICAL ISSUES

❖ Equity Adjustments

This office is very appreciative of the equity adjustments provided during the last session. As was indicated last session, the office again needs to request equity adjustments for every division. During this interim, a study was conducted analyzing state government salaries with like classifications in this office. This information was divided by years of service, averaged by years of service category and compared to this office's salaries. This analysis reflects a serious deficiency in Office of Attorney General salaries when compared to average state government salaries categorized by years of service. As a result, an increase of \$1.39 million was requested and included in the Executive Recommendation just to bring this office's salaries up to the average salary in state government. As a result of low salaries, we have to advertise several times to fill vacant positions. In addition, employee turnover continues to significantly impact necessary services provided to North Dakota citizens.

Crime Laboratory Equity Adjustments

- The Crime Laboratory (Lab) Division salaries have suffered significantly in comparison to similar positions in other state agencies and in comparison to similar positions in other crime laboratories. North Dakota salaries for the same positions are significantly below their Midwest counterparts which results in recruitment and retention difficulties.
- When employees leave state employment, the Lab has only been able to hire individuals without forensic experience. This places new hires in the Lab with a learning curve of between six months to two years, and results in it becoming a training ground for new scientists.
- Meanwhile, the workload continues to grow causing delays for processing casework. Experienced staff must not only monitor the work of the new employees, but also handle the growing workload.
- The situation has added to the delay in processing casework and has had a tremendous negative impact on employee morale which in turn causes employees to look for employment elsewhere.
- A comparison between NDSU and Lab salaries was conducted. The NDSU laboratory salaries on average are 39% higher than Lab salaries and have almost 8 years less state service than Lab staff.

- The forensic scientists' salaries must become competitive within the region. Recently, ND Human Resource Management Services released a 2007 Central States Compensation Association survey indicating that, out of the job classifications surveyed, the forensic scientist series was 36% below the market salaries.
- In addition to substantially lower salaries, the forensic scientist series is lower than the average chemist's salary in the state (a comparable job category). There are currently 5 staff members with over 10 years of state service still below the midpoint of their salary range. The increased salaries will allow the Lab to recruit and retain experienced scientists to provide the best possible service to the law enforcement community.

BCI Agent Equity Adjustments

- Recruitment and retention of agents continues to be a significant challenge for the Bureau of Criminal Investigation (BCI). The office goal is to hire seasoned officers with several years' experience, which allows them to be an immediate resource to law enforcement across the state. However, present salary levels make it difficult to recruit qualified applicants.
- At this time we are having difficulty competing with the federal government, the larger cities in the state, and some of the counties. In particular, we struggle to compete with local law enforcement agencies starting rookie officers, with less experience, at a higher wage.
- On the other side of the issue, we are losing experienced agents to entities who offer higher salaries. Thus, some agents, after gaining valuable training and experience with BCI, leave for greener fields, including federal law enforcement, where higher wages, an earlier retirement, and a higher retirement multiplier are offered. BCI agents are relied upon to bring expert staff resources and services to the field.
- New agents with no experience and limited education are able to begin their law enforcement careers with many local law enforcement agencies at salaries higher than can be offered to a new agent who is required to have a minimum of five years' experience and a four-year degree.
- It is critical this office compensate its agents with salaries commensurate with their experience, expertise, and education to recruit and retain highly qualified law enforcement staff.

Information Technology (IT) Staff Equity Adjustments

- The office's Information Technology Division continues to struggle with salary levels competitive enough to attract highly skilled individuals, as well as continue to retain current staff. The state's central ITD is the major department which utilizes technical staff and this office has been unable to maintain its IT salaries comparable with ITD's to attract quality candidates.
- The office continues to automate many manual processes, creating better efficiencies for the divisions supported by IT. This has been accomplished

with basically no additional FTEs, augmenting staff through use of consultants. As use of consultants increases, project risk also increases.

- When consultants work on a project, they gain the knowledge and expertise, and the transfer of knowledge and expertise to current staff is limited. The cost of consultants is extremely high and control of the processes they perform is limited. This creates additional work for current staff after consultants are gone.
- To provide adequate staff needed to support the infrastructure for real time information sharing, an enhancement in the office budget for additional staff to address several critical issues is requested.
- This office's IT staff salaries are significantly below the average salaries for IT staff **across state government**. It is also impossible to compete with the private sector for these highly skilled positions. These skills are highly desired in the marketplace and the lower salaries make it very difficult to find candidates for public sector positions.
- It is critical for adequate IT staff resources to be available to meet the requirements for the office's public safety responsibilities in a timely and efficient manner. In order to adequately support the applications within the office, it is critical to maintain highly trained and skilled IT staff. It is crucial in the criminal justice area to be able to respond quickly to change and to adequately secure the data retained by this office.
- The office has 13 divisions with very different business requirements. It takes time to understand the business areas of this office which includes legal, criminal justice, charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, Finance and Administration, and the Crime Lab. The business knowledge gained by the IT staff is very valuable and hard to replace. To learn the IT environment as well as the business side of the office can take a new IT employee two years.
- The office is developing more online applications for the Web. The design of the office web pages has been done in the past by office network staff. But, with the increased complexity of these pages, this is putting a strain on network resources as well as a need for more advanced skills in this area.

Legal Staff Equity

- This office continues to lose assistant attorneys general at an alarming rate. As a result, this equity increase is crucial to both hire and retain these staff members.
- In order to have a basis for developing an equity plan, state government attorneys were placed within five major categories: Executive, Legislative, Supreme Court, Higher Education, and Workforce Safety Insurance. For purposes of developing a comparison, a schedule was established within each category by segregating the attorneys into several groups based upon total years of legal experience and/or management responsibility. Within each group the average years of experience and average salary were

calculated. From these averages, an equity adjustment recommendation for the office legal staff was developed.

Consumer Protection, Finance & Administration, Fire Marshal, and Gaming

These divisions' employees have not been previously considered when equity increases were requested (except for legal staff in these areas). Employees in these divisions continue to lag significantly behind the average state employee salaries. As a result, employee turnover continues to be a significant issue, because of the low salaries at which vacant positions are advertised. This puts a substantial burden on remaining staff members and negatively impacts the service provided to the citizens of North Dakota. In order to retain trained, quality employees, this office needs salaries that at least reflect average state salaries to compete for employees other state agencies compete for to fill vacant positions.

STAFF MEMBER NEEDS

❖ Crime Laboratory New Staff

The Crime Laboratory's Toxicology Section is responsible for processing and analyzing questioned death and coroner samples. The section has experienced **an average 9% increase each year** in casework over the past 12 years, a total increase of 281%. The turn-around for these samples is approximately 60 to 90 days. This is not timely for law enforcement purposes or for the family members waiting for toxicology results of their deceased family members. The industry standard time frame for this analysis is two weeks. Several instruments have been purchased to increase efficiency, but workload demands have increased to the point of needing additional FTEs to adequately carry out legislative mandates. With an additional 2 forensic scientist FTEs the response time in the Toxicology Section can be reduced to two to four weeks.

The Lab DNA unit is responsible for maintaining the DNA database for convicted and registered offenders and performing DNA analysis on criminal casework. **The DNA unit has experienced a 37.9% increase in casework from 2005 to 2006 and a 33% increase from 2006 to 2007, a total increase of 183%.** Current trends indicate this will continue to increase, putting an additional workload stress on existing staff. To handle the current workload, Biological Screening/DNA cases are processed on a priority basis. Court dates or the urgency of a case drives the workload prioritization. Priority based casework analysis is not a long-term solution. DNA technology is an extremely valuable tool for law enforcement, but the Lab needs to be able to provide timely analysis.

In order to provide timely service to the law enforcement community, at least 2 additional forensic scientist FTEs are needed. With proper staffing, turn-around time for DNA casework could be as short as two to four weeks. The present staffing level is not adequate to meet the needs of the law enforcement community.

The Executive Recommendation included \$468,757 from the general fund to add 3 of the 5 forensic scientists requested above to address the significant increase in law enforcement casework. This request includes an additional forensic scientist and associated operating costs totaling \$164,136 from the general fund.

All arrestee DNA collection legislation was passed last session and is effective August 1, 2009. The Lab did not receive additional funding to handle the anticipated workload. Without 2 additional FTEs (one forensic scientist and one evidence technician), the Lab will not be able to handle the workload. An evidence technician is needed to process all arrestees' samples coming into the Lab. An additional forensic scientist is needed to process and analyze arrestee samples.

The evidence technicians are responsible for receiving the sample, verifying the offense and collector, packaging the sample for DNA analysis, and ensuring the proper documentation is filed correctly. Sometimes logging samples can take 10 minutes while others take 20 to 30 minutes depending on the submission documentation. Last year the laboratory received 1,507 offender samples. The number of arrestee samples is expected to be almost three times this number (approximately 4,283). With the existing administrative staff, the samples will not be logged in a timely manner without an additional evidence technician.

Currently, the laboratory has three FTEs and one part-time position to perform all the administrative duties. The forensic analysts depend on the evidence technicians for logging samples, report distribution, discovery requests, and other administrative duties. The amount of paperwork and other duties all have increased proportionally with the increased caseload. The laboratory last received an administrative position in 2005; since then the caseload has increased substantially.

The Executive Recommendation included \$183,624 in general and federal funds for one forensic scientist. This additional request reflects the \$144,759 from the general fund needed for the evidence technician and associated operating costs.

❖ Information Technology (IT) New Staff

The office's Information Technology Division continues to automate many manual processes, creating better efficiencies for the divisions supported. This has been accomplished with no additional FTEs, augmenting staff through use of

consultants. However, increasing consultant responsibility in projects also increases project risk. When consultants work on a project, they gain the knowledge and expertise, and the transfer of knowledge and expertise to current IT staff is limited. The cost of consultants is extremely high and control of the processes performed is limited. This creates additional work for current IT staff after consultants are gone.

The office is now at the critical point of not having enough IT staff to provide the core services and continue the process of building efficiencies. Information sharing has become essential to the success of the office's endeavors. For instance, much of the sex offender information is still shared via paper and mailing with significant delays between local law enforcement, state's attorneys, courts, and this office. These processes must be automated, but in doing so, the complexity of office applications and network connections increase exponentially. This requires an increase in staff as well as increase in the depth of knowledge and skill of these individuals. If IT is inadequately staffed, significant additional funding for consultants will be needed.

Providing the staff needed to support the infrastructure for real time information sharing has become a critical issue. **The Executive Recommendation included \$173,532 from the general fund for one additional programmer/analyst position.**

❖ **Civil Commitment of Sexually Dangerous Individuals**

State's attorneys have increasingly and emphatically requested the addition in this office of an assistant attorney general and related operating expenses to handle civil commitments of sexually dangerous individuals, particularly due to the increase in the number of commitments. In addition, a paralegal FTE and a .5 administrative assistant FTE are needed to assist an attorney in handling all of the civil commitment proceedings. This team will assist state's attorneys, particularly those located in small counties who may not have the resources, expertise, and/or time for these proceedings. It is crucial to commit sexually dangerous individuals to protect the public from very serious public safety issues. In addition to the preliminary and commitment hearings, once a sexually dangerous individual is committed, the individual can request a review hearing annually.

The Executive Recommendation includes \$217,646 from the general fund for one assistant attorney general and operating expenses. The additional \$206,925 general fund increase for this request includes a paralegal FTE and associated operating expenses and \$42,200 in attorney operating expenses not funded in the Executive Recommendation.

❖ Cybercrime Agent

BCI continues to be the only agency in the state to forensically analyze computers used in criminal activity. Three agents are currently assigned to investigate these activities. They are inundated with requests to assist with investigations that vary from narcotics activity to child pornography, child abuse, child molesters, and counterfeit documents such as driver's licenses, Internet auction fraud, terrorizing, extortion, and identity theft.

BCI also coordinates a task force which allows officers to work in an undercover capacity and develop cases against individuals who contact and lure victims into inappropriate sexual and criminal activities. This, along with assisting local agencies, has resulted in a workload beyond what three agents can handle.

Technology advances and greater storage capacities of new hardware have resulted in increased criminal activity and an enormous volume of information contained on each computer to be examined. As a result, the agents' workload has increased substantially and has resulted in a five to six-month computer processing delay. In several recent sex offense cases involving the abuse of children, systems seized each had storage capacity greater than what is available to this office's IT Division. These types of cases also typically require the analysis of numerous personal digital assistants (PDAs), thumb drives, and CD ROMs. Adding to the challenge is file encryption software which is readily available and easily downloaded. Breaking through this software can increase the imaging process of the average home computer from six to 38 hours. It is not uncommon for one case, from start to finish, to take literally hundreds of hours to thoroughly investigate.

The Executive Recommendation did not fund this request. This \$216,164 general fund request for an additional agent to be located in the eastern part of North Dakota includes 1.0 FTE, operating expenses, and an undercover vehicle.

OPERATING INCREASE NEEDS

❖ Additional Rate Increase Costs

The office continues to see **significant** rate increases particularly in State Fleet, motor fuel, telecommunications (the general fund increases requested for 07-09 were not funded), dues, office supplies, central services (including printing and supplies), rent, postage, state employee travel rates, and other private sector costs. Adequate funding for these rate increases has not been approved in past

budget cycles. If the office is to continue to provide the required services to local law enforcement agencies, fire departments, state agencies, etc., the office's budget needs to be increased to address these growing costs. **The Executive Recommendation reduced these amounts, and new operating expense amounts by \$186,841 for:**

- Crime Lab new building operating (\$40,027)
- BCI rent (\$34,379)
- Childcare background checks (\$60,793)
- BCI undercover vehicle fuel (\$9,566)
- Crime Lab forensic scientists (\$13,060)
- Crime Lab all arrestees (\$2,519)
- IT ongoing operating (\$11,373)
- Civil Commitment prosecutor operating (\$8,986)
- AG Administration NAAG dues (\$4,098)
- IT programmer (\$1,717)
- Gaming ongoing operating (\$322)

This \$186,841 general fund request will restore the needed operating monies to the above areas. Of this amount, we are requesting reinstatement of \$168,289 from the general fund in operating expenses to adequately fund these items.

❖ Crime Lab Service Agreements

Prior to the Crime Laboratory transfer to the Office of Attorney General, when budget reductions were required Crime Lab equipment service contracts were eliminated. Over the past two biennia the Crime Lab has been slowly requesting essential laboratory equipment to be covered by service contracts. The Crime Lab only requests service contracts for expensive, time critical equipment which they cannot repair themselves.

This general fund request is for \$99,722 for equipment coverage by service contracts, which was not allowed in the Executive Recommendation.

OFFICE OF ATTORNEY GENERAL 2009-11 BIENNIUM - REQUESTED CHANGES - HOUSE BILL NO. 1003

	<u>SALARY ISSUES</u>					<u>REQUIRED COSTS TO BE PAID</u>			
	2009-11 EXECUTIVE RECOMMENDATION	CRIME LAB FORENSIC SCIENTIST	STATES ATTORNEY CIVIL COMMITMENT PARALEGAL	ALL ARRESTEES EVIDENCE TECHNICIAN	CYBERCRIME AGENT	CRIME LAB SERVICE CONTRACTS	RESTORE OPERATING REDUCTIONS	TOTAL REQUESTED CHANGES	REVISED 2009-11 BIENNIUM APPROPRIATION
SALARIES AND WAGES	27,668,657	119,919	132,894	81,053	138,273			472,139	28,140,796
OPERATING EXPENSES	14,204,579	44,217	74,031	63,706	57,891	99,722	168,289	507,856	14,712,435
CAPITAL ASSETS	2,391,187				20,000			20,000	2,411,187
GRANTS	3,559,225							0	3,559,225
LITIGATION FEES	50,000							0	50,000
ARREST & RETURN OF FUGITIVES	10,000							0	10,000
GAMING COMMISSION	6141							0	6,141
FORENSIC MEDICAL EXAMS	250,000							0	250,000
LOTTERY	3,584,388							0	3,584,388
TOTAL	51,724,177	164,136	206,925	144,759	216,164	99,722	168,289	999,995	52,724,172
FTE	198.5	1.0	1.0	1.0	1.0			4.0	202.5
GENERAL FUND	29,815,200	164,136	206,925	144,759	216,164	99,722	168,289	999,995	30,815,195
FEDERAL FUNDS	10,581,910							-	10,581,910
SPECIAL FUNDS	11,327,067							-	11,327,067
TOTAL ALL FUNDS	51,724,177	164,136	206,925	144,759	216,164	99,722	168,289	999,995	52,724,172

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2009 Legislation Impacting the Office of Attorney General

House Bill No. 1023 – Deficiency Appropriations – This bill includes deficiency appropriations of:

- \$20,000 for Litigation fees
- \$5,000 for Arrest and Return of Fugitives, and
- \$74,000 for Prosecution Witness fees

House Bill No. 1040 provides for this office to analyze law enforcement evidence to assist in locating missing persons, develop a state database for missing persons information, an administrative assistant with medical/dental expertise, a forensic scientist to analyze the evidence and death investigation training expenses. The estimated fiscal impact of the bill is \$647,192 from the general fund.

House Bill No. 1306 authorizes a statewide 24 hours/7 days sobriety program.

Senate Bill No. 2043 transfers the Racing Commission to this office.

Senate Bill No. 2161 requires this office to establish and maintain a statewide database and data exchange system for immediate response by law enforcement to reports of lost, missing, or runaway children and associated available information. The estimated fiscal impact of the bill is \$328,725 from the general fund.

Criminal History Background Checks Legislation:

House Bill No. 1084 provides for background checks for Tax Department final applicants for a specified occupation.

House Bill No. 1090 requires approved relative childcare providers and their adult household members to have background checks completed prior to being authorized by the Department of Human Services to provide such services. The estimated fiscal impact of this bill is \$136,745 from the general fund and is also covered in Senate Bill Nos. 2123 and 2162.

House Bill No. 1095 requires background checks for staff members of child-placement agencies.

Senate Bill No. 2084 requires background checks for student teachers.

Senate Bill No. 2113 requires background checks for non-licensed members, partners, officers, and owners of at least 10% interest in private investigative or private security service entities.

Senate Bill No. 2123 provides for background checks for Department of Human Services:

- Employees hired by the Department,
- Vendors or grantees and their employees under contract or agreement with the Department who provide services which are paid with Department funding,
- County social service board employees providing Department services,
- Licensed service providers of services to the mentally ill, developmentally disabled, child-placing agencies, and substance abusers,
- Licensed and non-licensed providers of early childhood services,
- Licensed legal guardian appointments, and
- Petitions for adoption

The estimated fiscal impact of the bill is \$906,481 from the general fund, which was included in the Executive Recommendation. In this bill, the office can charge for the background checks requested. As a result, \$320,850 in special fund authority would need to be added to the office's budget. The number of background checks in this bill is very similar to those in Senate Bill No. 2162.

Senate Bill No. 2152 provides for background checks for marriage and family therapy licensed applicants, licensees, or investigations.

Senate Bill No. 2162 provides for background checks for licensed and non-licensed providers of early childhood services, and household members of in-home early childhood service providers. The estimated fiscal impact of the bill is \$906,481 from the general fund, which was included in the Executive Recommendation. The number of background checks in this bill is very similar to those in Senate Bill No. 2123.

SUMMARY OF OFFICE OF ATTORNEY GENERAL MAJOR ACCOMPLISHMENTS

Methamphetamine laboratory seizures in North Dakota decreased from 192 in 2005 to 46 in 2006, and to 25 in 2007 due to increased enforcement efforts and legislative changes. Laboratory seizures increased to 35 in 2008 due to repeat offenders released from prison who start laboratories.

Developed a Post Seizure Analysis Team (PSAT) to utilize local, state, and federal resources to more effectively identify, investigate, and prosecute out-of-state drug suppliers.

Issued 8,876 concealed weapon permits through the first 9 months of this biennium, an increase of 38% from March 1, 2004, issuance of 6,421 permits. In the 2005-2007 biennium, 5,897 permits were issued, up 45% from the 2001-2003 biennium total of 4,049 issued permits.

Processed 22,226 requests for criminal history record information in 2007 from non-criminal justice requesters, up 53% from the prior average of 14,500 requests per year.

Implemented the 24-7 Sobriety Pilot Program in the South Central Judicial District to remove intoxicated drivers from the road and improve their ability to succeed in their treatment choices. To date, 88 offenders have participated in the program, with 72 either currently participating or having completed the program. Future expansion of the 24-7 project is being evaluated.

Automated protection orders coming into this office directly from the courts through the Criminal Justice Information Sharing (CJIS Hub).

Completed major changes to the state and federal record check Automated Clearinghouse (ACH) process to handle legislative changes in fees and process.

Defended UND against the NCAA regarding the Sioux name and logo.

Defended the challenge by 9 school districts of the state's financing for public schools.

Obtained a court order allowing construction on the Northwest Area Pipeline Project to continue while the U.S. Bureau of Reclamation conducts further project environmental studies.

Successfully defended the Adjutant General in Supreme Court regarding separation of an officer from the Air National Guard.

Successfully defended the constitutionality of state hunting laws in a challenge brought by the State of Minnesota.

Successfully defended a suit brought by downstream Missouri River interests challenging the state's walleye stocking program for Lake Sakakawea.

Assisted Barnes County officials in the investigation of the death of a Valley City State University student and the trials of Moe Gibbs resulting in a murder conviction.

Assisted Wells County officials in the investigation of the deaths of a husband and wife

and trials of Tamara Sorenson and Aron Nichols resulting in murder convictions for both defendants.

Worked with the Health Department and the U.S. Environmental Protection Agency to clarify the Clean Air Act's application to North Dakota power plants, to address appropriate pollution control technologies on existing power plants, and to determine whether new plants can be built.

To support citizens harmed by a 2002 anhydrous ammonia spill in Minot, filed an amicus brief with the Eighth Circuit Court of Appeals (joined by 10 states) and with the U.S. Supreme Court (joined by 19 states).

By negotiation, settled a suit brought by the state and several counties challenging certain management aspects of National Grasslands by the U.S. Forest Service.

Opened 2,969 consumer complaints and investigations, closed 1,805 files in 2006-2007, and recovered \$1.4 million on behalf of consumers.

Completed construction of the new Crime Laboratory building.

Over 16,648 cases were submitted during 2006 and 2007 to the Crime Laboratory for physical and toxicological examinations.

Monitored 975 active gaming sites; \$518 million was wagered; \$32 million was raised for charitable uses; and \$18 million was paid to the state in gaming and pull-tab excise taxes. Since 1977, \$462 million has been raised for charitable uses.

Estimated Lottery sales of \$47.8 million and net proceeds of \$12.4 million to the general fund for this biennium are on track to meet or exceed these projections.

Lottery subscriptions enable players to prepay and be automatically entered into draws for 13, 26, or 52 weeks. There are over 3,000 subscribers and over 8,500 subscriptions with subscription sales accounting for over 2.5% of total draw sales.

2009 ENGROSSED HOUSE BILL NO. 1003

Office of Attorney General

The Office of Attorney General represents and defends the interests of the citizens of North Dakota by executing the responsibilities charged to the North Dakota Attorney General by the North Dakota Constitution, state statutes and administrative rules, North Dakota and federal case law, and common law. The Attorney General is the chief legal counsel and advisor to state government providing legal representation to all facets of state government, including the Governor, all departments of state government, local government and all state agencies, boards, and commissions.

The Attorney General has primary authority to act on behalf of the state of North Dakota in other areas, including criminal investigations; full arrest and law enforcement authority; sex offender risk assessment and registration; evidence examination and testimony; consumer protection and antitrust; administration, regulation, and enforcement of charitable gaming and Lottery activity; and fire inspections, investigations, and mitigation of hazardous materials incidents. Attorney General staff members provided a significant amount of training to North Dakota citizens and others, including law enforcement and the fire services.

The office consists of 13 divisions:

- Administration
- Bureau of Criminal Investigation
- Civil Litigation
- Consumer Protection and Antitrust
- Crime Laboratory
- Criminal and Regulatory
- Finance and Administration
- Fire Marshal
- Gaming
- Information Technology
- Lottery
- Natural Resources and Indian Affairs
- State and Local Government

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CURRENT AND FUTURE CRITICAL ISSUES

❖ Equity Adjustments

This office is very appreciative of the equity adjustments provided during the last session. As was indicated last session, the office again needs to request equity adjustments for every division. During this interim, a study was conducted analyzing state government salaries with like classifications in this office. This information was divided by years of service, averaged by years of service category and compared to this office's salaries. This analysis reflects a serious deficiency in Office of Attorney General salaries when compared to average state government salaries categorized by years of service. As a result, an increase of \$1.39 million was requested and included in the Executive Recommendation just to bring this office's salaries up to the average salary in state government. As a result of low salaries, we have to advertise several times to fill vacant positions. In addition, employee turnover continues to significantly impact necessary services provided to North Dakota citizens.

The House removed the \$1.39 million in equity adjustments included in the Executive Recommendation. This funding is critical to retain current staff and to hire new staff member. This request is to restore the \$1.39 million in equity adjustments, of which \$1,225,443 is from the general fund and \$171,748 is from special funds.

Crime Laboratory Equity Adjustments

- The Crime Laboratory (Lab) Division salaries have suffered significantly in comparison to similar positions in other state agencies and in comparison to similar positions in other crime laboratories. North Dakota salaries for the same positions are significantly below their Midwest counterparts which results in recruitment and retention difficulties.
- When employees leave state employment, the Lab has only been able to hire individuals without forensic experience. This places new hires in the Lab with a learning curve of between six months to two years, and results in it becoming a training ground for new scientists.
- Meanwhile, the workload continues to grow causing delays for processing casework. Experienced staff must not only monitor the work of the new employees, but also handle the growing workload.
- This situation has added to the delay in processing casework and has had a tremendous negative impact on employee morale which in turn causes employees to look for employment elsewhere.

- A comparison between NDSU and Lab salaries was conducted. The NDSU laboratory salaries on average are 39% higher than Crime Lab salaries and NDSU staff members have almost 8 years less state service than Crime Lab staff.
- The forensic scientists' salaries must become competitive within the region. ND Human Resource Management Services released a 2007 Central States Compensation Association survey indicating that, out of the job classifications surveyed, the forensic scientist series was 36% below the market salaries.
- In addition to substantially lower salaries, the forensic scientist series is lower than the average chemist's salary in the state (a comparable job category). There are currently 5 staff members with over 10 years of state service still below the midpoint of their salary range. The increased salaries will allow the Lab to recruit and retain experienced scientists to provide the best possible service to the law enforcement community.

BCI Agent Equity Adjustments

- Recruitment and retention of agents continues to be a significant challenge for the Bureau of Criminal Investigation (BCI). The office goal is to hire seasoned officers with several years' experience, which allows them to be an immediate resource to law enforcement across the state. However, present salary levels make it difficult to recruit qualified applicants.
- At this time we are having difficulty competing with the federal government, the larger cities in the state, and some of the counties. In particular, we struggle to compete with local law enforcement agencies starting rookie officers, with less experience, at a higher wage.
- On the other side of the issue, we are losing experienced agents to entities who offer higher salaries. Thus, some agents, after gaining valuable training and experience with BCI, leave for more profitable positions, including federal law enforcement, where higher wages, an earlier retirement, and a higher retirement multiplier are offered. BCI agents are relied upon to bring expert staff resources and services to the field.
- New agents with no experience and limited education are able to begin their law enforcement careers with many local law enforcement agencies at salaries higher than can be offered to a new agent who is required to have a minimum of five years' experience and a four-year degree.
- It is critical this office compensate its agents with salaries commensurate with their experience, expertise, education, and job responsibilities to recruit and retain highly qualified law enforcement staff.

Information Technology (IT) Staff Equity Adjustments

- The office's Information Technology Division continues to struggle with salary levels competitive enough to attract highly skilled individuals, as well as continue to retain current staff. The state's central ITD is the major department which utilizes technical staff and this office has been unable to maintain its IT salaries comparable with ITD's to attract quality candidates.

- This office's IT staff salaries are significantly below the average salaries for IT staff **across state government**. It is also impossible to compete with the private sector for these highly skilled positions. These skills are highly desired in the marketplace and the lower salaries make it very difficult to find candidates for public sector positions.
- It is critical for adequate IT staff resources to be available to meet the requirements for the office's public safety responsibilities in a timely and efficient manner. In order to adequately support the applications within the office, it is critical to maintain highly trained and skilled IT staff. It is crucial in the criminal justice area to respond quickly to change and adequately secure the data retained by this office.
- The office has 13 divisions with very different business requirements. It takes time to understand the business areas of this office which include legal, criminal justice, charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, Finance and Administration, and the Crime Lab. The business knowledge gained by the IT staff is very valuable and hard to replace. To learn the IT environment as well as the business side of the office can take a new IT employee two years.
- The office is developing more online applications for the Web. The design of the office web pages has been done in the past by office network staff. But, with the increased complexity of these pages, this is putting a strain on network resources as well as a need for more advanced skills in this area.

Legal Staff Equity

- This office continues to lose assistant attorneys general at an alarming rate. As a result, this equity increase is crucial to both hire and retain these staff members.
- In order to have a basis for developing an equity plan, state government attorneys were placed within five major categories: Executive, Legislative, Supreme Court, Higher Education, and Workforce Safety Insurance. For purposes of developing a comparison, a schedule was established within each category by segregating the attorneys into several groups based upon total years of legal experience and/or management responsibility. Within each group the average years of experience and average salary were calculated. From these averages, an equity adjustment recommendation for the office legal staff was developed.

Consumer Protection, Finance & Administration, Fire Marshal, and Gaming

These divisions' employees have not been previously considered when equity increases were requested (except for legal staff in these areas). Employees in these divisions continue to lag significantly behind the average state employee salaries. As a result, employee turnover continues to be a significant issue, because of the low salaries at which vacant positions are advertised. This puts a substantial burden on remaining staff members and negatively impacts the

service provided to the citizens of North Dakota. In order to retain trained, quality employees, this office needs salaries that at least reflect average state salaries to compete for employees other state agencies compete for to fill vacant positions.

STAFF MEMBER NEEDS

❖ Crime Laboratory New Staff

The Crime Laboratory's Toxicology Section is responsible for processing and analyzing questioned death and coroner samples. The section has experienced **an average 9% increase each year** in casework over the past 12 years, a total increase of 281%. The turn-around for these samples is approximately 60 to 90 days. This is not timely for law enforcement purposes or for the family members waiting for toxicology results of their deceased family members. The industry standard time frame for this analysis is 14 days. Several instruments have been purchased to increase efficiency, but workload demands have increased to the point of needing additional FTE's to adequately carry out legislative mandates. With an additional 2 forensic scientist FTE's the response time in the Toxicology Section can be reduced to two to four weeks.

The Lab's DNA Section is responsible for maintaining the DNA database for convicted and registered offenders and performing DNA analysis on criminal casework. **The DNA unit has experienced a 37.9% increase in casework from 2005 to 2006 and a 33% increase from 2006 to 2007, a total increase of 183%.** Current trends indicate this will continue to increase, putting an additional workload stress on existing staff. To handle the current workload, Biological Screening/DNA cases are processed on a priority basis. Court dates or the urgency of a case drives the workload prioritization. Priority based casework analysis is not a long-term solution. DNA technology is an extremely valuable tool for law enforcement, but the Lab needs to be able to provide timely analysis. In order to provide timely service to the law enforcement community, at least 2 additional forensic scientist FTE's are needed. With proper staffing, turn-around time for DNA casework could be as short as two to four weeks. The present staffing level is not adequate to meet the needs of the law enforcement community.

The Executive Recommendation included \$468,757 from the general fund to add 3 of the 5 forensic scientists requested above to address the significant increase in law enforcement casework. This request includes an additional forensic scientist and associated operating costs totaling \$165,496 from the general fund.

All arrestee DNA collection legislation was passed last session and is effective August 1, 2009. The Lab did not receive additional funding to handle the anticipated workload. Without 2 additional FTE's (one forensic scientist and one evidence technician), the Lab will not be able to handle the workload. An evidence technician is needed to process all arrestees' samples coming into the Lab. An additional forensic scientist is needed to process and analyze arrestee samples.

Evidence technicians are responsible for receiving samples, verifying the offense and collector, packaging samples for DNA analysis, and ensuring the proper documentation is filed correctly. Sometimes logging samples can take 10 minutes while others take 20 to 30 minutes depending on the submitted evidence. Last year the laboratory received 1,507 offender samples. The number of arrestee samples is expected to be almost three times this number (approximately 4,283). With the existing administrative staff, the samples will not be logged in a timely manner without an additional evidence technician.

Currently, the laboratory has three FTEs and one part-time position to perform all the administrative duties. The forensic scientists depend on the evidence technicians for logging samples, report distribution, discovery requests, and other administrative duties. The amount of paperwork and other duties all have increased proportionally with the increased caseload. The laboratory last received an administrative position in 2005; since then the caseload has increased substantially.

The House removed the forensic scientist the Executive Recommendation included - \$183,624 in general and federal funds. It also exempted the class C felony arrestees from submitting DNA samples, of which historically 9% are arrested again for a B or greater felony offense within 2 years of the felony C arrest. This request reflects \$328,383 from the general fund needed for the forensic scientist and the evidence technician and associated operating costs.

❖ Information Technology (IT) New Staff

The office's Information Technology Division continues to automate many manual processes, creating better efficiencies for the divisions supported. This has been accomplished with no additional FTEs, augmenting staff through use of consultants. However, increasing consultant responsibility in projects also increases project risk. When consultants work on a project, they gain the knowledge and expertise, and the transfer of knowledge and expertise to current IT staff is limited. The cost of consultants is extremely high and control of the processes performed is limited. This creates additional work for current IT staff after consultants are gone.

The office is at the critical point of not having enough IT staff to provide the core services and continue the process of building efficiencies. Information sharing has become essential to the success of the office's endeavors. For instance, much of the sex offender information is still shared via paper and mailing with significant delays between local law enforcement, state's attorneys, courts, and this office. These processes must be automated, but in doing so, the complexity of office applications and network connections increase exponentially. This requires an increase in staff as well as increase in the depth of knowledge and skill of these individuals. If IT is inadequately staffed, significant additional funding for consultants will be needed.

Providing the staff needed to support the infrastructure for real time information sharing has become a critical issue. The Executive Recommendation included \$173,532 from the general fund for one additional programmer/analyst position.

❖ Civil Commitment of Sexually Dangerous Individuals

State's attorneys have increasingly and emphatically requested the addition in this office of an assistant attorney general and related operating expenses to handle civil commitments of sexually dangerous individuals, particularly due to the complexity of the cases, the infrequency with which a county handles these cases and the expertise needed. In addition, a paralegal FTE and a .5 administrative assistant FTE are needed to assist an attorney in handling all of the civil commitment proceedings. This team will assist state's attorneys, particularly those located in small counties who may not have the resources, expertise, and/or time for these proceedings. It is crucial to commit sexually dangerous individuals to protect the public from very serious public safety issues. In addition to the preliminary and commitment hearings, once a sexually dangerous individual is committed, the individual can request a review hearing annually.

The Executive Recommendation included \$217,646 from the general fund for one assistant attorney general and operating expenses, which was removed by the House. This general fund request of \$438,312 is for an assistant attorney general, a paralegal, and associated operating expenses.

❖ Cybercrime Agent

BCI continues to be the only agency in the state to forensically analyze computers used in criminal activity. Three agents are currently assigned to investigate these activities. They are inundated with requests to assist with investigations that vary from narcotics activity to child pornography, child abuse, child molesters, and counterfeit documents such as driver's licenses, Internet auction fraud, terrorizing, extortion, and identity theft.

BCI also coordinates a task force which allows officers to work in an undercover capacity and develop cases against individuals who contact and lure victims into inappropriate sexual and criminal activities. This, along with assisting local agencies, has resulted in a workload beyond what three agents can handle.

Technology advances and greater storage capacities of new hardware have resulted in increased criminal activity and an enormous volume of information contained on each computer to be examined. As a result, the agents' workload has increased substantially and has **resulted in a five to six-month computer processing delay**. In several recent sex offense cases involving the abuse of children, systems seized each had storage capacity greater than what is available to this office's IT Division. These types of cases also typically require the analysis of numerous personal digital assistants (PDAs), thumb drives, and CD ROMs. Adding to the challenge is file encryption software which is readily available and easily downloaded. Breaking through this software can increase the imaging process of the average home computer from six to 38 hours. It is not uncommon for one case, from start to finish, to take literally hundreds of hours to thoroughly investigate.

The Executive Recommendation did not fund this request. This \$216,164 general fund request for an additional agent to be located in the eastern part of North Dakota includes 1.0 FTE, operating expenses, and an undercover vehicle.

OPERATING INCREASE NEEDS

❖ House Operating Expense Reductions

The House made the following operating expense reductions:

- Removed \$132,000 in general fund operating expenses without designation to specific work not to be performed.
- Replaced \$375,000 in general fund monies with federal funds from the economic stimulus package. **Unfortunately, new federal funds cannot be used to supplant the state's funding contribution.**
- **The total of these requests is \$507,000 from the general fund. This request is to restore the \$507,000 made in general fund reductions.**

❖ Additional Rate Increase Costs

The office continues to see **significant** rate increases particularly in State Fleet, motor fuel, telecommunications, dues, office supplies, central services (including printing and supplies), rent, postage, state employee travel rates, and other

private sector costs. Adequate funding for these rate increases has not been approved in past budget cycles. If the office is to continue to provide the required services to local law enforcement agencies, fire departments, state agencies, etc., the office's budget needs to be increased to address these growing costs. **The Executive Recommendation reduced these amounts, and new operating expense amounts by \$186,841 for:**

- Crime Lab new building operating (\$40,027)
- BCI rent (\$34,379)
- Childcare background checks (\$60,793)
- BCI undercover vehicle fuel (\$9,566)
- Crime Lab forensic scientists (\$13,060)
- Crime Lab all arrestees (\$2,519)
- IT ongoing operating (\$11,373)
- Civil Commitment prosecutor operating (\$8,986)
- AG Administration NAAG dues (\$4,098)
- IT programmer (\$1,717)
- Gaming ongoing operating (\$322)

This \$186,841 general fund request will restore the needed operating monies to the above areas. In addition, when the House removed new positions, it removed the full amount of associated operating expenses which had already been reduced as noted above. Of this amount, we are requesting reinstatement of \$168,289 from the general fund in operating expenses to adequately fund these items.

❖ Legal Services Travel Expenses

The Auditor's Office included a recommendation in the last office audit to budget for legal services travel and bill other agencies for these costs. For the 2009-11 biennium \$200,000 in special funds were budgeted, however we did not budget general fund monies for this purpose (for nonbillable state agencies). **This request is for \$40,000 from the general fund for legal services travel attributable to other state agencies which are not charged for legal services.**

❖ Crime Lab Service Agreements

Prior to the Crime Laboratory transfer to the Office of Attorney General, when budget reductions were required Crime Lab equipment service contracts were eliminated. Over the past two biennia the Crime Lab has been slowly requesting essential laboratory equipment to be covered by service contracts. The Crime Lab only requests service contracts for expensive, time critical equipment which they cannot repair themselves and which have expensive service call costs when not covered by a service contract.

This general fund request is for \$99,722 for equipment coverage by service contracts, which was not allowed in the Executive Recommendation.

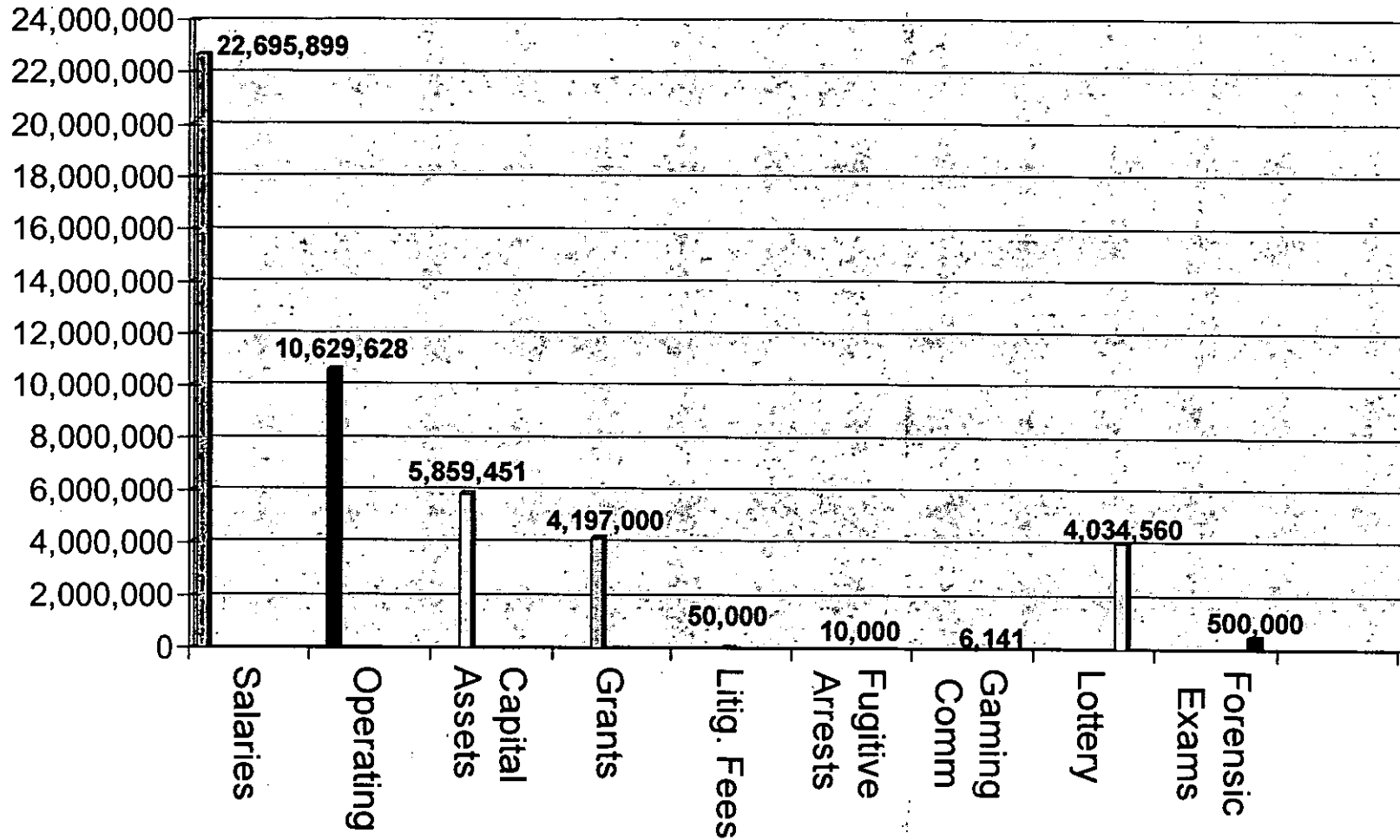
❖ **AG Refund Fund Carryover**

The 2009-11 biennium budget includes use of the AG Refund Fund 2007-09 remaining balance for Consumer Protection work, a Crime Lab Laboratory Information Management System (LIMS), and Crime Lab replacement equipment. Carryover authority for the fund is needed to make these expenditures. **This request is to carryover the AG Refund Fund balance as of the end of this biennium to the 2009-11 biennium.**

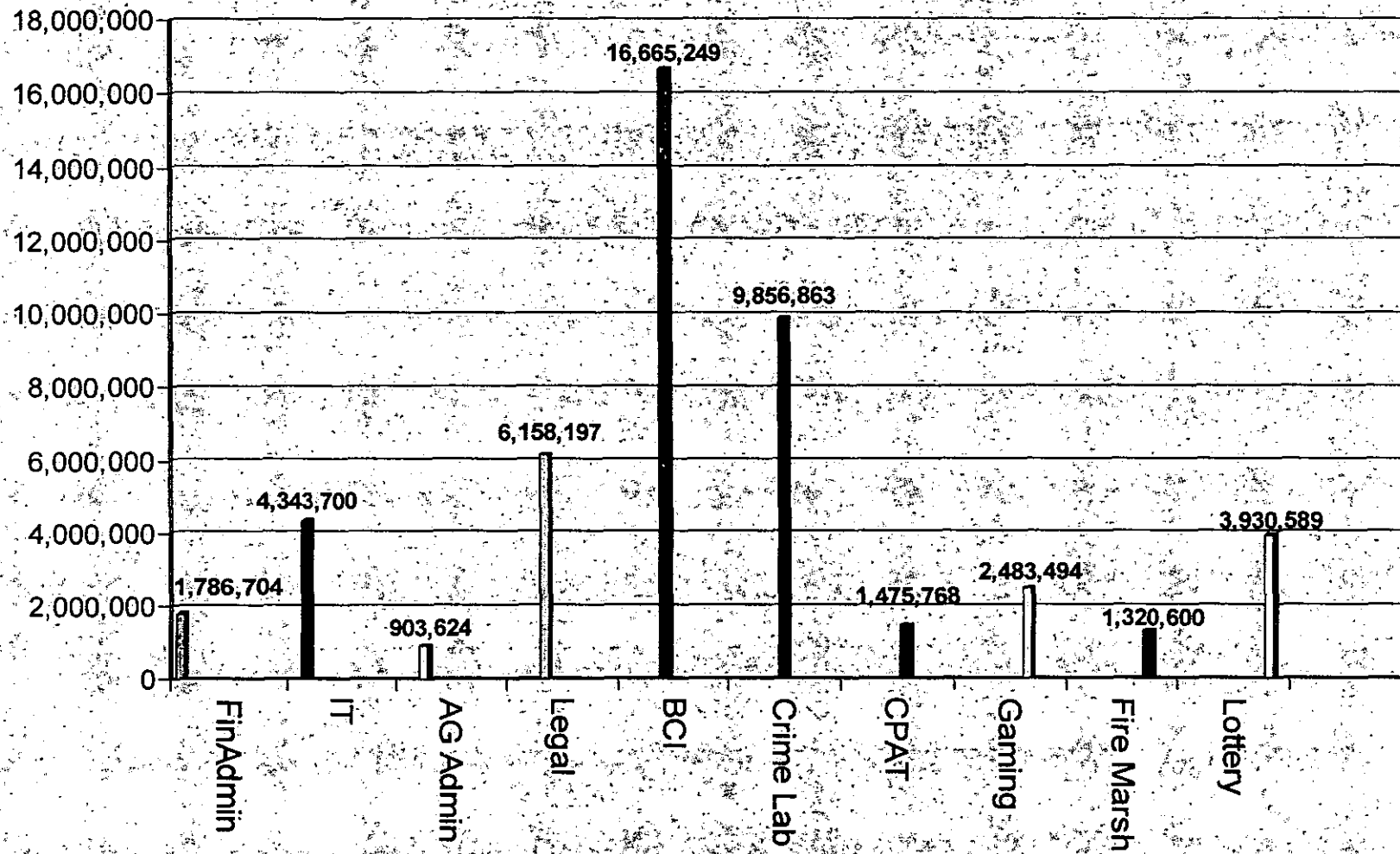
OFFICE OF ATTORNEY GENERAL 2009-11 BIENNIAL - REQUESTED CHANGES - ENGROSSED HOUSE BILL NO. 1003

	2009-11 EXECUTIVE RECOMMENDATION	RESTORE EXECUTIVE SALARY EQUITY	STATEWIDE CRITICAL POSITION POOL RESTORATION	SALARY ISSUES				REQUIRED COSTS TO BE PAID					FEDERAL FUNDING SOURCE CHANGE	TOTAL REQUESTED CHANGES	REVISED 2009-11 BIENNIAL APPROPRIATION
				CRIME LAB FORENSIC SCIENTIST	CIVIL CONSENT ATTORNEY AND PARALEGAL	ALL ARRESTEES FORENSIC SCIENTIST, EVIDENCE TECHNICIAN	CYBERCRIME AGENT	RESTORE HOUSE OPERATING REDUCTIONS	RESTORE EXECUTIVE OPERATING REDUCTIONS	CRIME LAB SERVICE CONTRACTS					
SALARIES AND WAGES	27,668,657	1,369,859	799,095	119,919	289,281	200,972	138,273							2,917,399	30,586,056
OPERATING EXPENSES	14,204,579			44,217	149,031	127,411	57,891	132,000		168,289	99,722			778,561	14,983,140
CAPITAL ASSETS	2,391,187						20,000							20,000	2,411,187
GRANTS	3,559,226													0	3,559,225
LITIGATION FEES	50,000													0	50,000
ARREST & RETURN OF FUGITIVES	10,000													0	10,000
GAMING COMMISSION	8141													0	8,141
FORENSIC MEDICAL EXAMS	250,000													0	250,000
LOTTERY	3,584,388													0	3,584,388
TOTAL	51,724,177	1,369,859	799,095	164,136	438,312	328,383	216,164	132,000		168,289	99,722	0	3,715,960	55,440,137	
FTE	198.5			1.0	2.0	2.0	1.0							6.0	204.5
GENERAL FUND	29,815,200	1,225,443	612,824	164,136	438,312	285,703	216,164	132,000		168,289	99,722	375,000	3,717,593	33,532,793	
FEDERAL FUNDS	10,581,910					42,680						(375,000)	(332,320)	10,249,590	
SPECIAL FUNDS	11,327,067	144,416	186,271										330,667	11,667,764	
TOTAL ALL FUNDS	51,724,177	1,369,859	799,095	164,136	438,312	328,383	216,164	132,000		168,289	99,722	0	3,715,960	55,440,137	

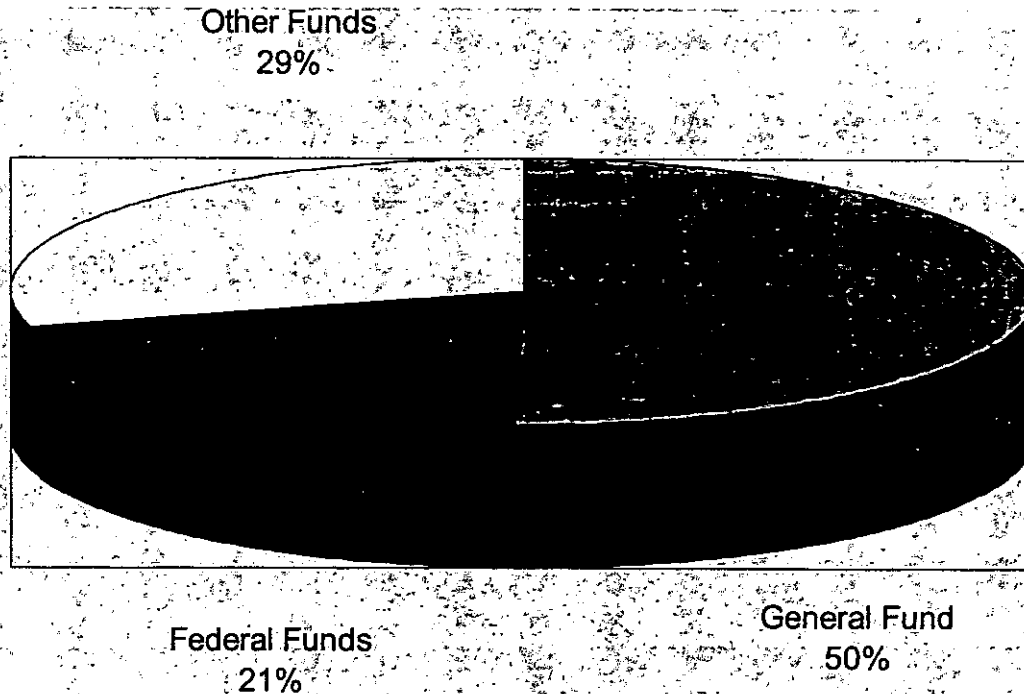
Office of Attorney General 2007-2009 Biennium
Appropriation By Line Item –
Total \$48,924,788



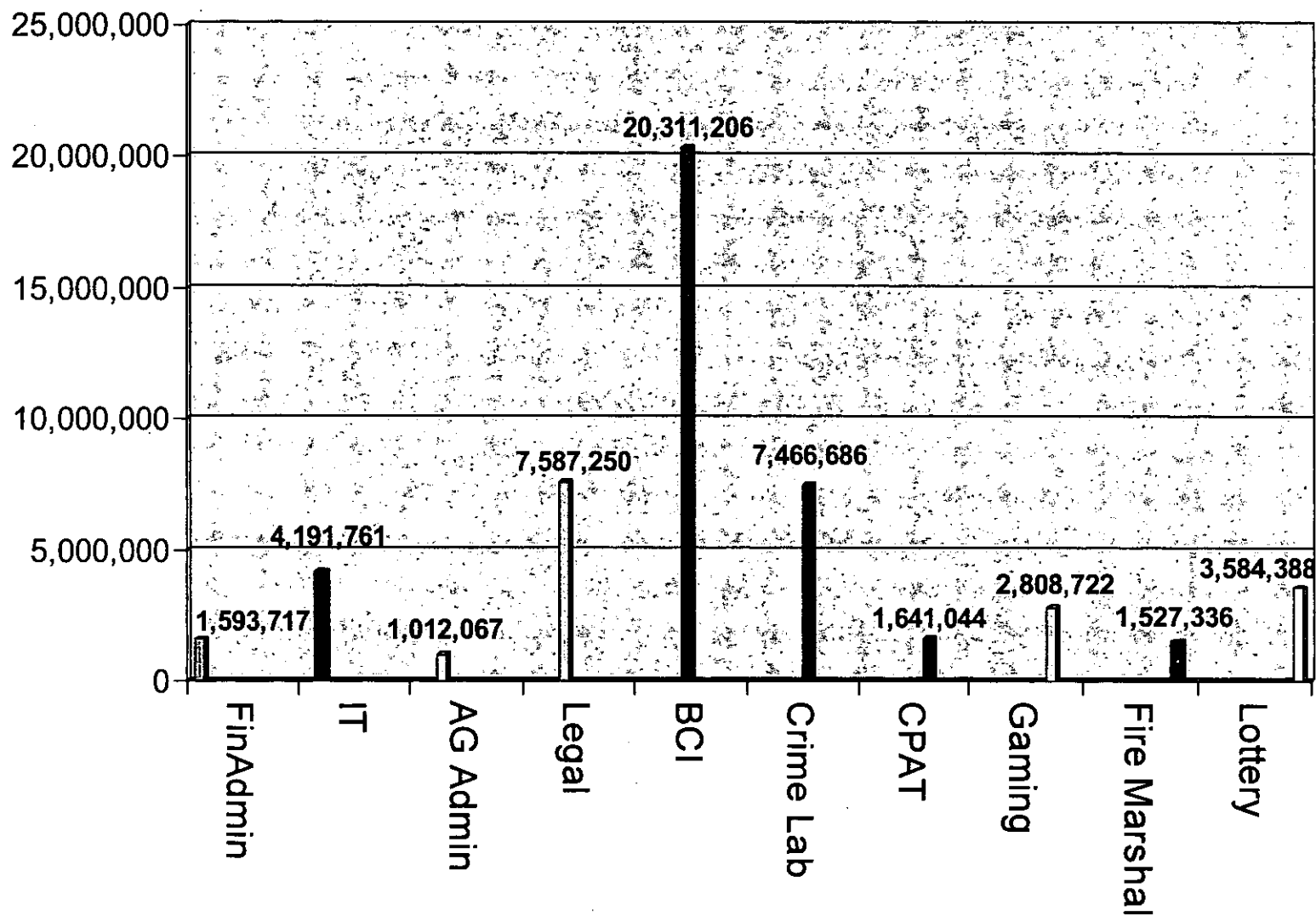
Office of Attorney General
2007-2009 Biennium Appropriation
By Division – Total \$48,924,788



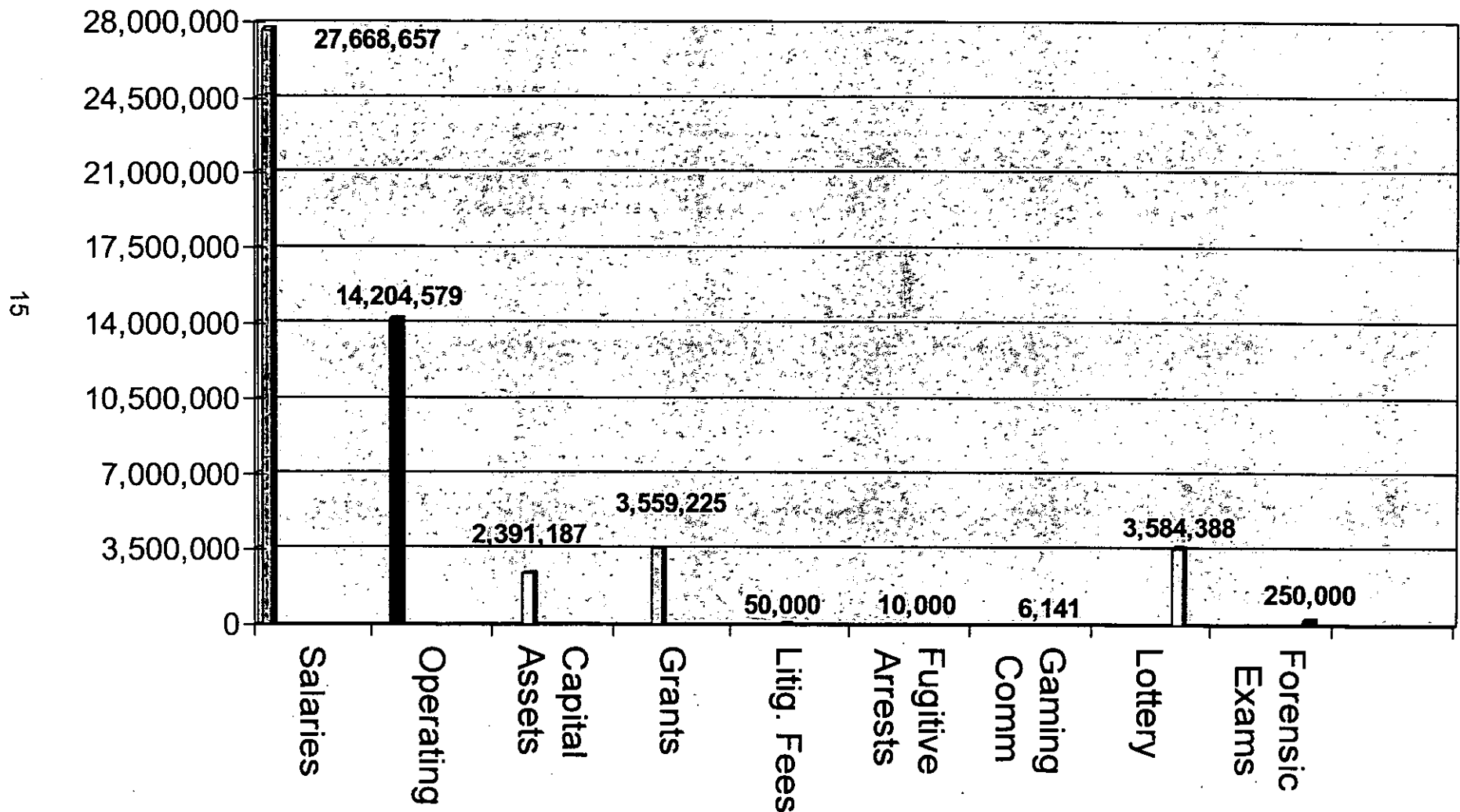
Office of Attorney General
2007-2009 Biennium Appropriation
By Funding Source
Total \$48,924,788



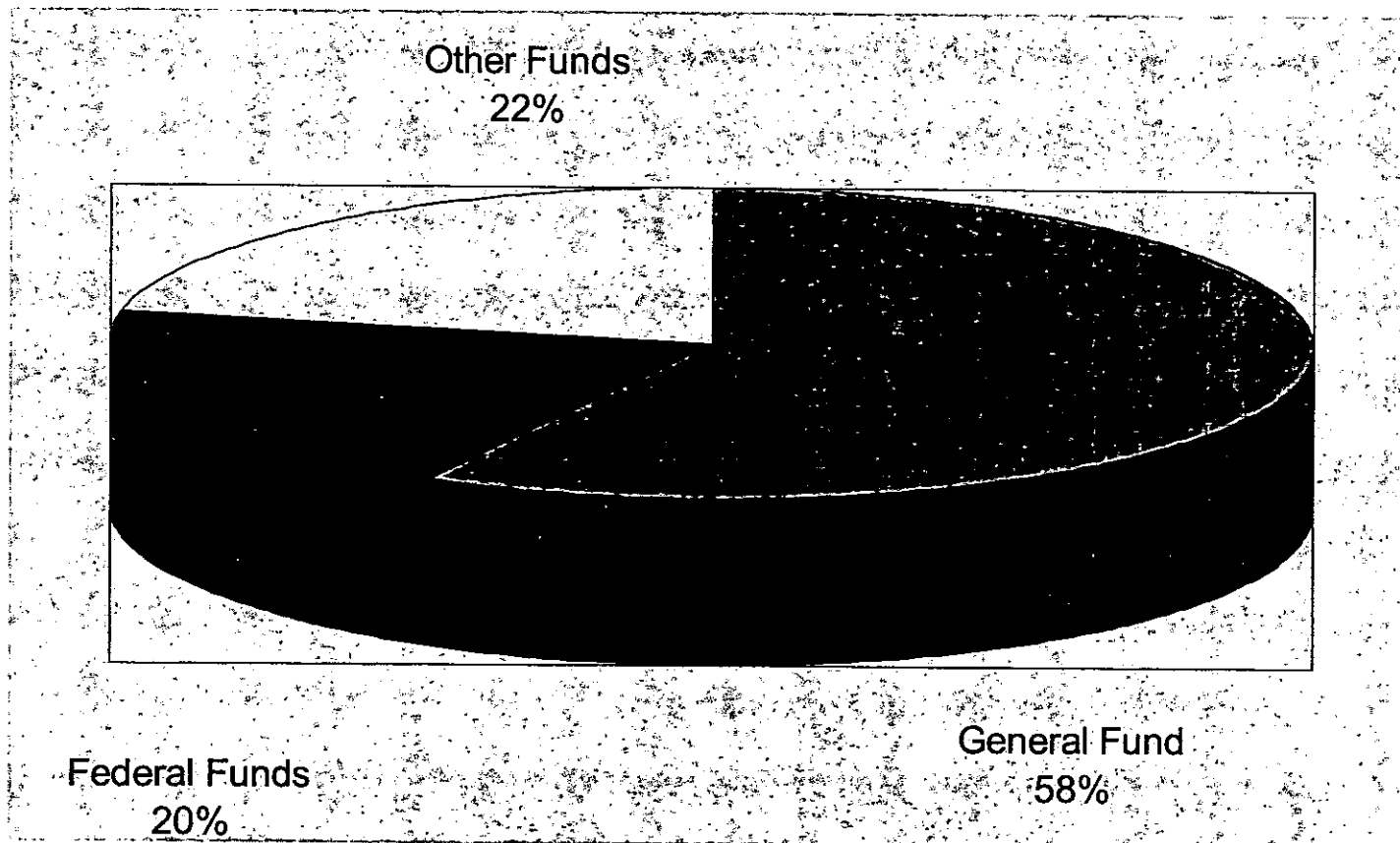
Office of Attorney General
2009-2011 Biennium Recommendation
By Division
Total \$51,724,177



Office of Attorney General 2009-2011 Biennium
Recommendation By Line Item –
Total \$51,724,177



Office of Attorney General
2009-2011 Biennium Recommendation
By Funding Source
Total \$51,724,177



2009 LEGISLATION IMPACTING THE OFFICE OF ATTORNEY GENERAL

Engrossed House Bill No. 1023 – Deficiency Appropriations – This bill includes deficiency appropriations of:

- \$20,000 for Litigation fees
- \$340,000 for capital assets (federal funds)
- \$74,000 for Prosecution Witness fees

Engrossed House Bill No. 1040 provides for this office to analyze law enforcement evidence to assist in locating missing persons, which requires a forensic scientist to analyze the evidence. The estimated fiscal impact of the bill is \$177,752 from the general fund.

Engrossed House Bill No. 1306 authorizes a statewide 24 hours/7 days a week sobriety program. The office implemented the 24-7 Sobriety Pilot Program during the 2007-09 biennium in the South Central Judicial District to remove intoxicated drivers from the road and improve their ability to succeed in their treatment choices. To date, 163 offenders have participated in the program, with 132 either currently participating or having completed the program. The bill originally included a \$546,000 general fund appropriation. The House reduced the \$546,000 appropriation to \$100,000. This request is to restore the original appropriation, which is an increase of \$446,000 from the general fund.

Engrossed House Bill No. 1317 reduces from 4 ½ % to 3% the pull-tab excise tax. As a result, the local gaming enforcement grants should be reduced by \$107,000 in special funds due to the decrease in the tax rate.

Engrossed House Bill No. 1368 provides for the Fire Marshal to regulate the sale of fire safer cigarettes. It includes two special funds and related appropriations. The Reduced Cigarette Ignition Propensity and Fire Prevention and Public Safety Act fund, into which the manufacturer certification fees are deposited, is to be used to support processing, testing, enforcement, and oversight activities provided for in the bill. The House added a \$200,000 special fund appropriation for this fund in the bill. The Fire Prevention and Public Safety Act fund, into which penalties assessed due to selling cigarettes which are not fire safer are deposited, is to be used to support fire safety and prevention programs. The House added a \$25,000 special fund appropriation for this fund.

Engrossed House Bill No. 1575 provides for the Bureau of Criminal Investigation peace officers to participate in the law enforcement retirement defined benefit plan. The bill includes a total of \$201,110, \$185,946 from the general fund and \$15,164 in other funds, for the cost of this change.

Engrossed Senate Bill No. 2161 requires this office to establish and maintain a statewide database and data exchange system for immediate response by law enforcement to reports of lost, missing, or runaway children and associated available information. **The estimated fiscal impact of the bill is \$328,725 from the general fund.**

Engrossed Senate Bill No. 2216 provides for the office to reimburse medical entities for preliminary medical exams prior to forensic exams. As a result of the bill, we request \$91,000 from the Insurance Regulatory Trust Fund to make the reimbursements.

Re-Engrossed Senate Bill No. 2415 provides for a reciprocal concealed weapon permit. **The estimated fiscal impact of the bill is \$230,706 from the general fund.**

Criminal History Record Checks Legislation:

House Bill No. 1084 provides for record checks for Tax Department final applicants for a specified occupation.

Engrossed House Bill No. 1090 requires approved relative childcare providers and their adult household members to have record checks completed prior to being authorized by the Department of Human Services to provide such services.

House Bill No. 1095 requires record checks for staff members of child-placement agencies.

Senate Bill No. 2113 requires record checks for non-licensed members, partners, officers, and owners of at least 10% interest in private investigative or private security service entities.

Engrossed Senate Bill No. 2123 provides for record checks for Department of Human Services:

- Employees hired by the Department,
- County social service board employees providing Department services,
- Licensed service providers of services to the mentally ill, developmentally disabled, child-placing agencies, and substance abusers,
- Licensed and non-licensed providers of early childhood services,
- Licensed legal guardian appointments, and
- Petitions for adoption

The estimated fiscal impact of the bill is \$906,481 from the general fund, which was included in the Executive Recommendation and removed in the House. This bill will result in a **29% increase in record checks** if passed. In this bill, the office can charge for the record checks requested. As a result, \$320,850 in special fund authority will need to be added to the office's budget. The type and number of record checks in this bill is very similar to those in Senate Bill No. 2162.

Engrossed Senate Bill No. 2152 provides for record checks for marriage and family therapy licensed applicants, licensees, or investigations.

Engrossed Senate Bill No. 2162 provides for record checks for licensed and non-licensed providers of early childhood services and household members of in-home early childhood service providers. **The estimated fiscal impact of the bill is \$906,481 from the general fund, which was included in the Executive Recommendation and removed in the House.** This bill will result in a **29% increase in record checks** if passed. The type and number of record checks in this bill is very similar to those in Senate Bill No. 2123.

SUMMARY OF OFFICE OF ATTORNEY GENERAL MAJOR ACCOMPLISHMENTS

Methamphetamine laboratory seizures in North Dakota decreased from 192 in 2005 to 46 in 2006 and to 25 in 2007 due to increased enforcement efforts and legislative changes. Laboratory seizures increased to 35 in 2008 due to repeat offenders released from prison who start laboratories.

Developed a Post Seizure Analysis Team (PSAT) to utilize local, state, and federal resources to more effectively identify, investigate, and prosecute out-of-state drug suppliers.

As of April 1, 2008, 8,876 concealed weapon permits have been issued. This is an increase of 38% from March 1 2004, figures of 6,421 permits. In the 2005-2007 biennium, a total of 5,897 permits were issued, which is up 45% from the 2001-2003 biennium when a total of 4,049 new or renewal permits were issued.

Processed 22,226 requests for criminal history record information in 2007 from non-criminal justice requesters, up 53% from the prior average of 14,500 requests per year.

Implemented the 24-7 Sobriety Pilot Program in the South Central Judicial District to remove intoxicated drivers from the road and improve their ability to succeed in their treatment choices. To date, 163 offenders have participated in the program, with 132 either currently participating or having completed the program. Future expansion of the 24-7 project is being evaluated by the legislature.

Automated protection orders coming into this office directly from the courts through the Criminal Justice Information Sharing (CJIS Hub).

Completed major changes to the state and federal record check Automated Clearinghouse (ACH) process to handle legislative changes in fees and process.

Represented UND in a lawsuit against the NCAA regarding use of the Sioux name and logo.

Defended the challenge by 9 school districts of the state's financing for public schools.

Obtained a court order allowing construction on the Northwest Area Pipeline Project to continue while the U.S. Bureau of Reclamation conducts further project environmental studies.

Successfully defended the Adjutant General in Supreme Court regarding separation of an officer from the Air National Guard.

Successfully defended the constitutionality of state hunting laws in a challenge brought by the State of Minnesota.

Successfully defended a suit brought by downstream Missouri River interests challenging the state's walleye stocking program for Lake Sakakawea.

Assisted Barnes County officials in the investigation of the death of a Valley City State University student and the trials of Moe Gibbs resulting in a murder conviction.

Assisted Wells County officials in the investigation of the deaths of a husband and wife and trials of Tamara Sorenson and Aron Nichols resulting in murder convictions for both defendants.

Worked with the Health Department and the U.S. Environmental Protection Agency to clarify the Clean Air Act's application to North Dakota power plants, to address appropriate pollution control technologies on existing power plants, and to determine whether new plants can be built.

To support citizens harmed by a 2002 anhydrous ammonia spill in Minot, filed an amicus brief with the Eighth Circuit Court of Appeals (joined by 10 states) and with the U.S. Supreme Court (joined by 19 states).

By negotiation, settled a suit brought by the state and several counties challenging certain management aspects of National Grasslands by the U.S. Forest Service.

Opened 2,969 consumer complaints and investigations, closed 1,805 files in 2006-2007, and recovered \$1.4 million on behalf of consumers.

Completed construction of the new Crime Laboratory building.

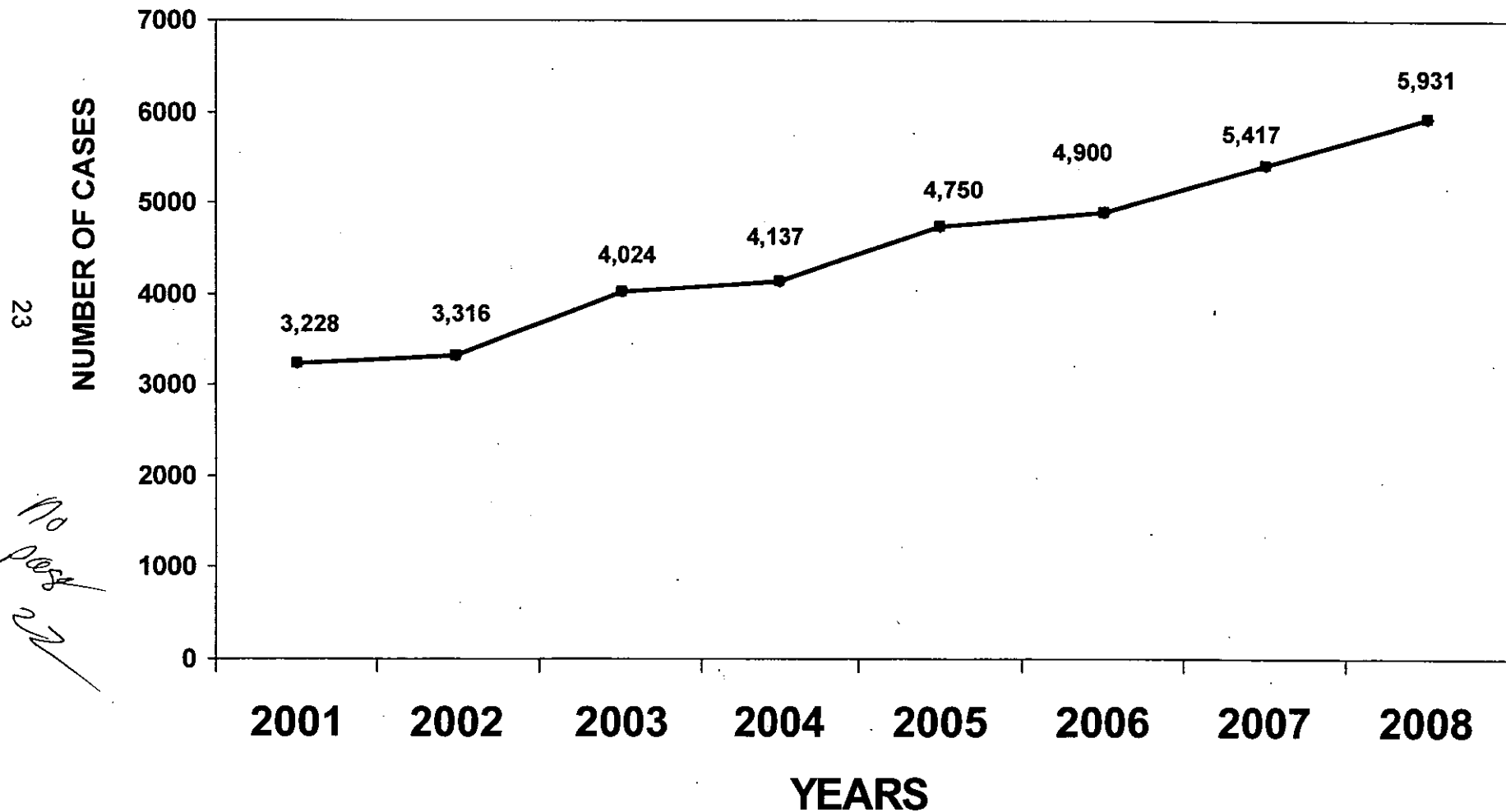
Over 16,648 cases were submitted during 2006 and 2007 to the Crime Laboratory for physical and toxicological examinations.

Monitored 975 active gaming sites; \$518 million was wagered; \$32 million was raised for charitable uses; and \$18 million was paid to the state in gaming and pull-tab excise taxes. Since 1977, \$462 million has been raised for charitable uses.

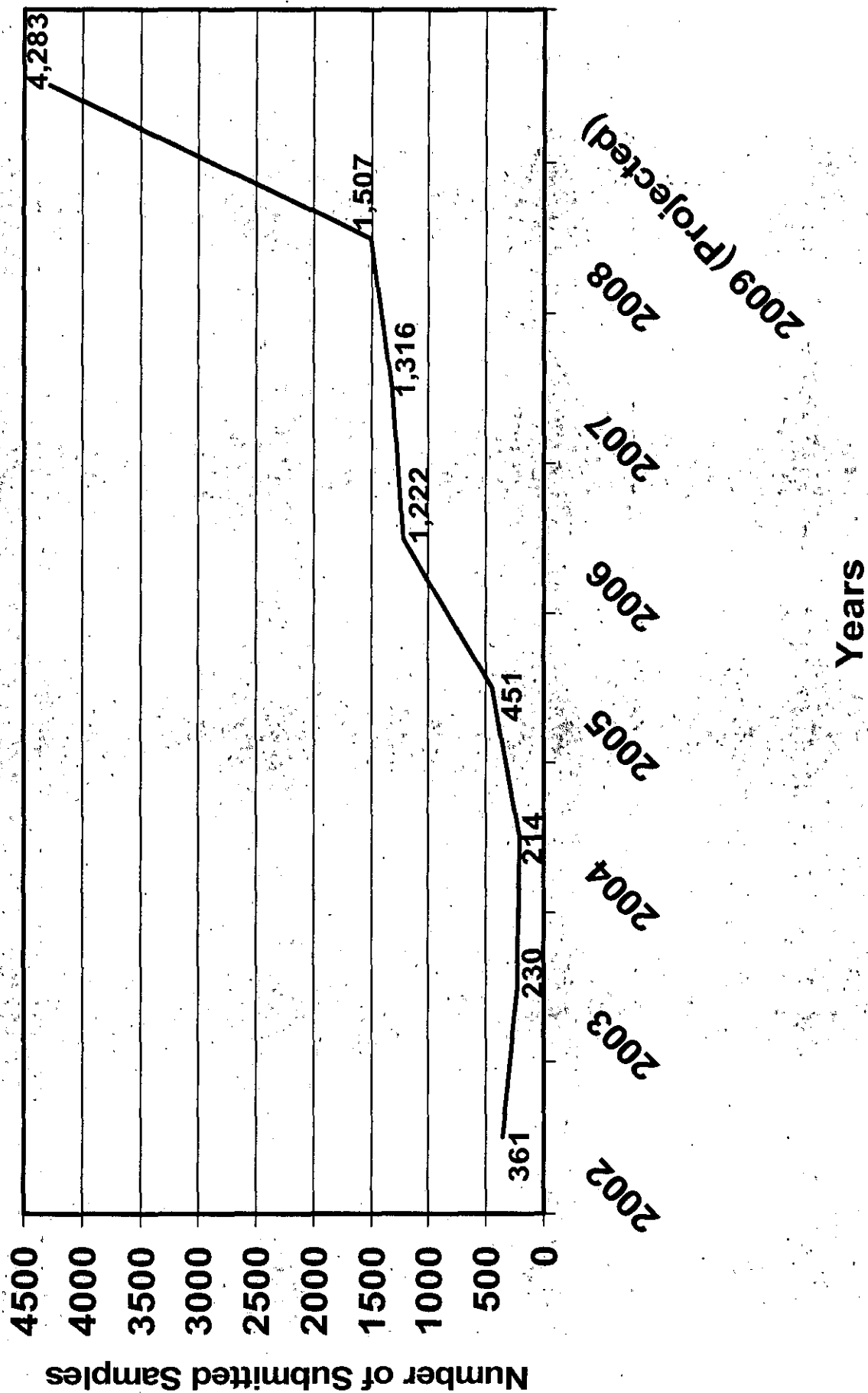
Estimated Lottery sales of \$47.8 million and net proceeds of \$12.4 million to the general fund for this biennium are on track to meet or exceed these projections.

Lottery subscriptions enable players to prepay and be automatically entered into draws for 13, 26, or 52 weeks. There are over 3,000 subscribers and over 8,500 subscriptions with subscription sales accounting for over 2.5% of total draw sales.

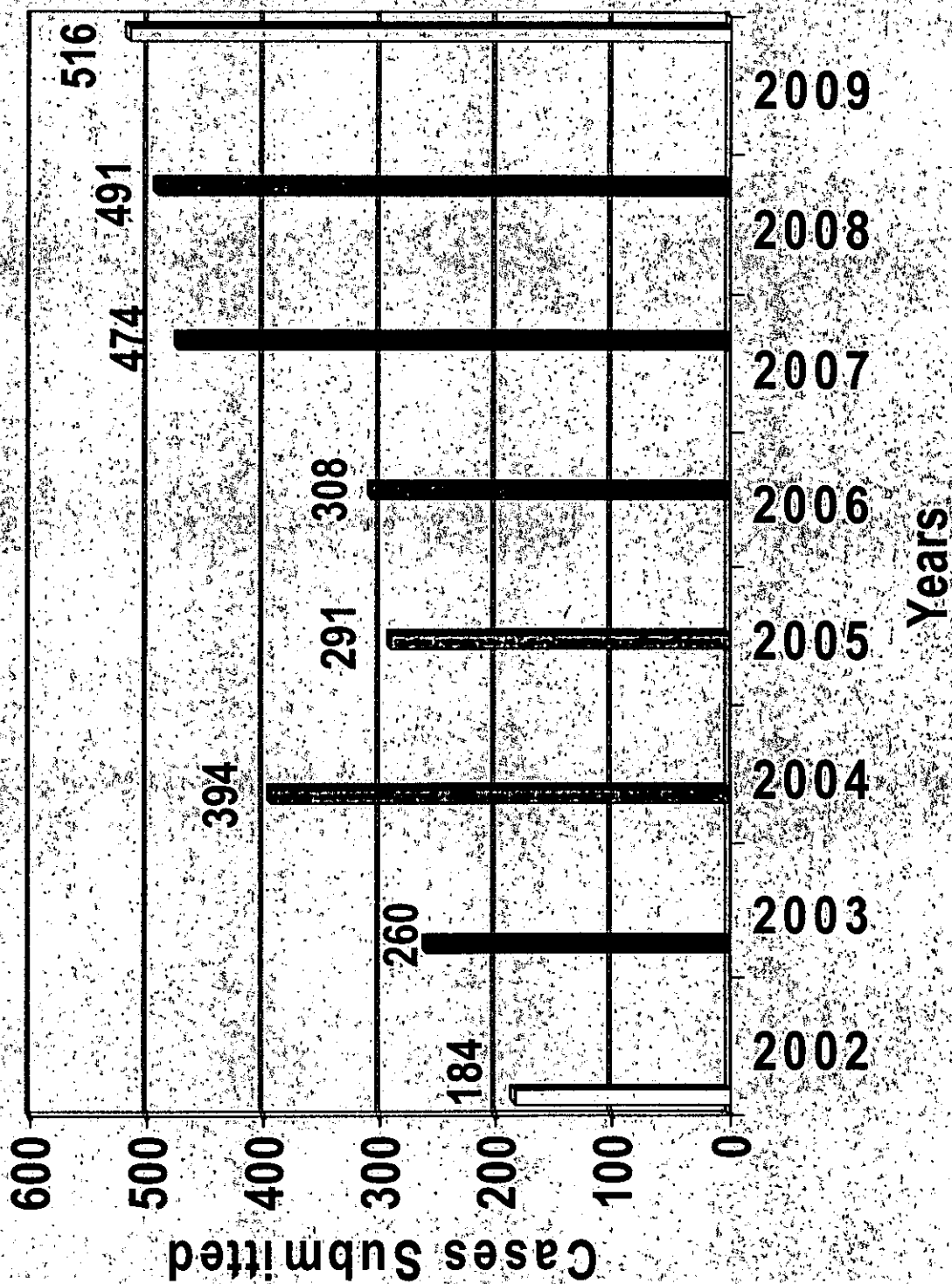
TOXICOLOGY ALCOHOL AND DRUG ANALYSIS REQUESTS



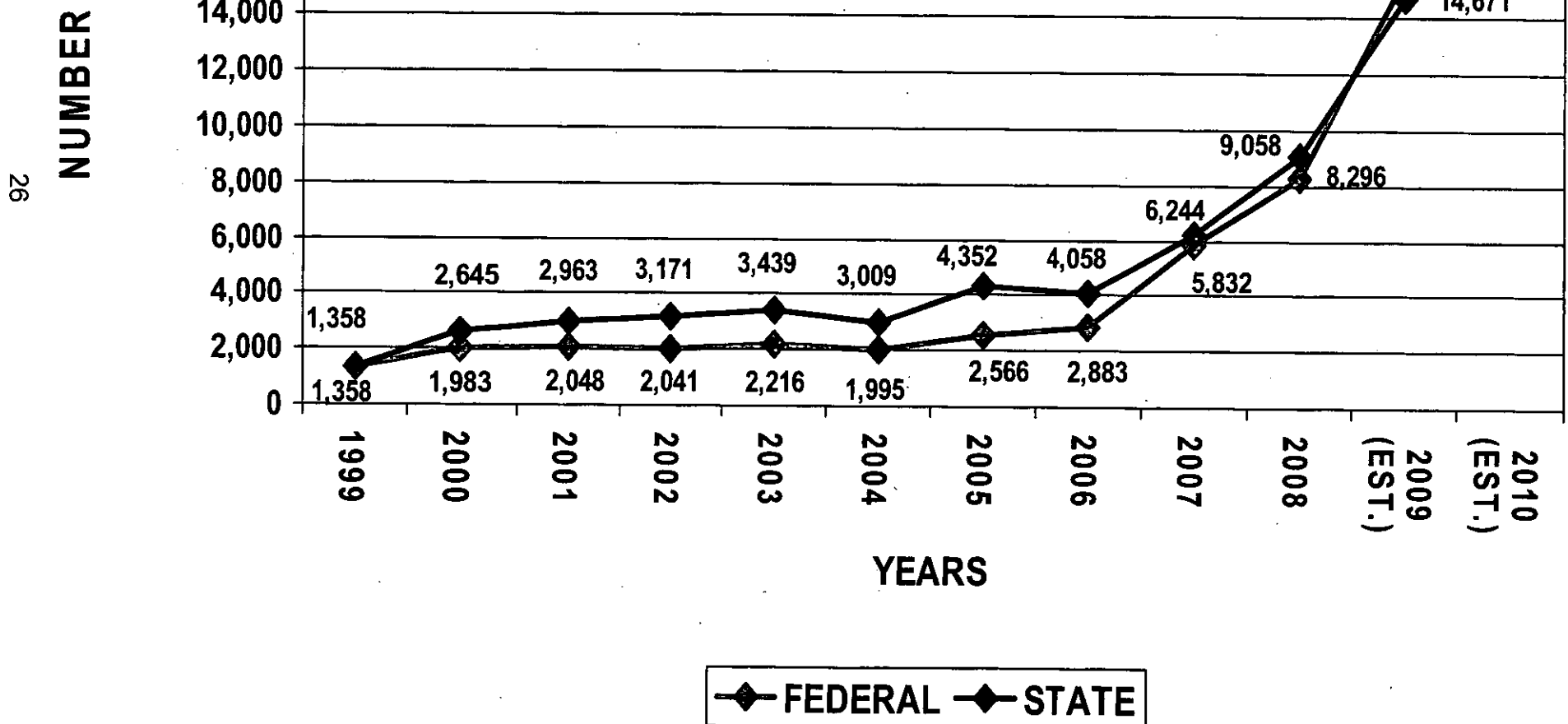
OFFENDER SAMPLES WORKLOAD



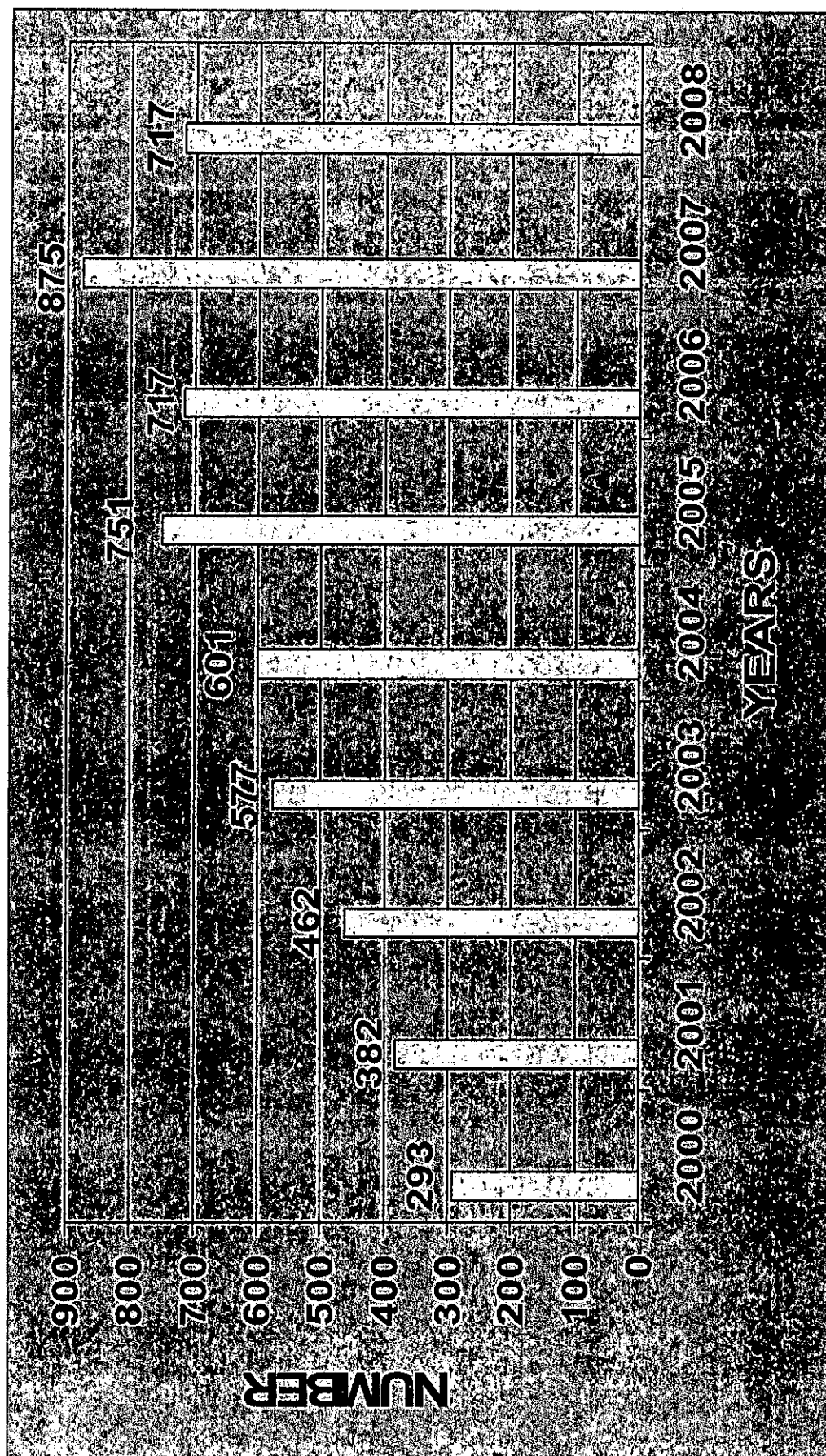
DNA SUBMITTED CASES



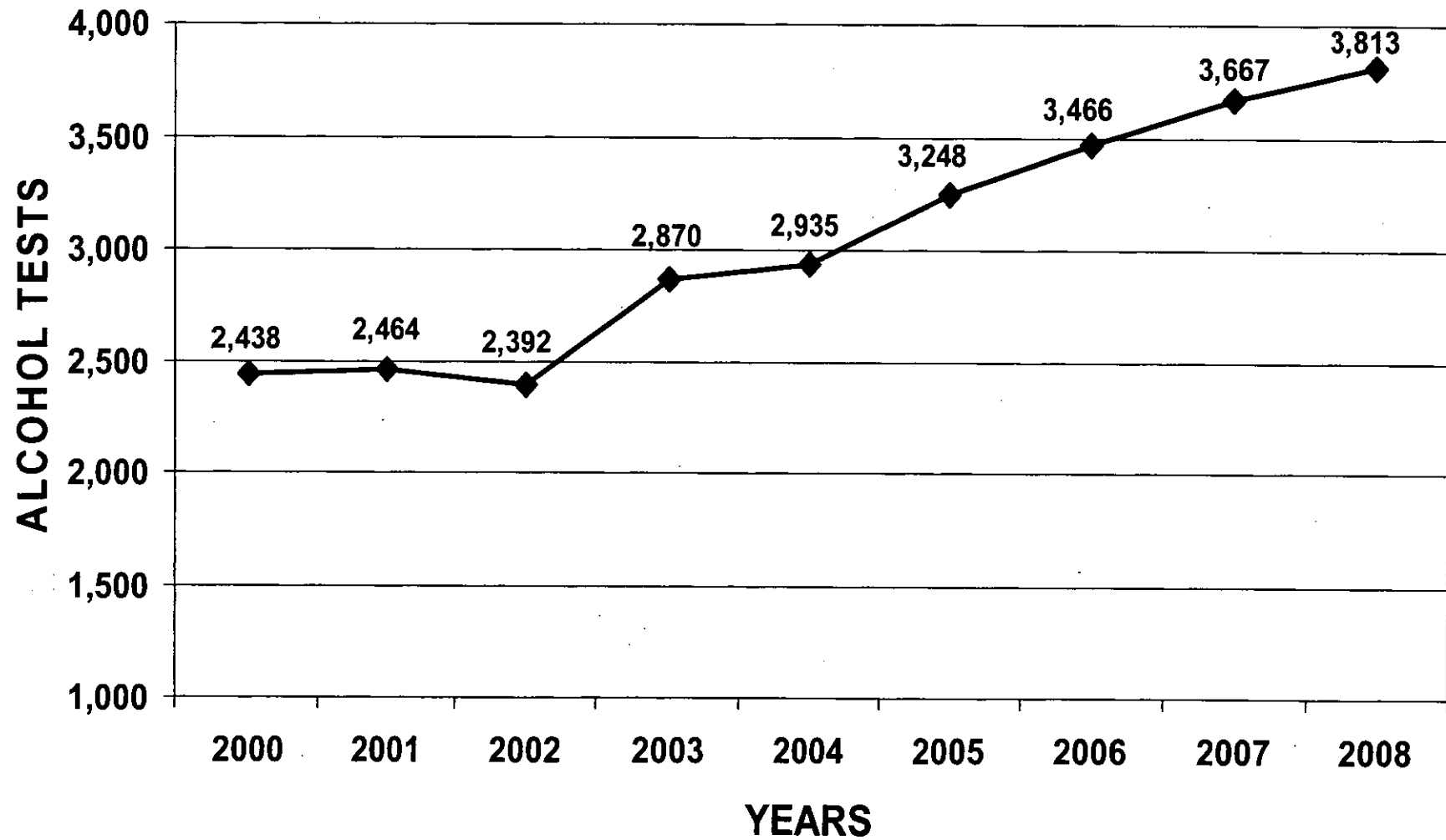
STATE & FEDERAL RECORD CHECKS UNDER NDCC 12-60-24 YEARS 1999-2010



TOXICOLOGY DRUG ANALYSIS SUBMISSIONS



TOXICOLOGY BLOOD ALCOHOL SUBMISSIONS



INFORMATION REQUESTED FOR OFFICE OF ATTORNEY GENERAL

INCREASED COST OF FUEL AT:

\$2.00 PER GALLON	6,000
\$2.50 PER GALLON	32,000

BYRNE GRANT FEDERAL FUNDS -
AMOUNT REPLACED BY THE
GENERAL FUND IN 2005

662,556

ALLOCATION OF BYRNE/JAG FUNDS:

CY 2009 CY2008

LOCAL TASKFORCES	63%	71%
DOMESTIC VIOLENCE PROGRAMS	37%	29%

ONGOING MAINTENANCE COST FOR
LABORATORY INFORMATION
MANAGEMENT SYSTEM

85,000

MEMORANDUM

To: House Government Operations Appropriations

From: Kathy Roll, Financial Administrator, Office of Attorney General

Subject: Requested Information

Date: January 25, 2009

This packet contains the following requested information:

- 2007-09 Biennium Internal Equity Adjustments by Position
- Office of Attorney General special fund balances
- Asset Forfeiture Fund Analysis for the 2007-09 and 2009-11 biennium
- AG Refund Fund Analysis for the 2007-09 and 2009-11 biennium
- AG Operating Fund for the 2007-09 and 2009-11 biennium
- 2009-11 Biennium Federal Funds Budgeted

Attachment
1003.1.26.09A

INTERNAL EQUITY

	INCREASE	TITLE
\$	337	forensic scientist I
\$	390	forensic science supervisor
\$	657	forensic scientist III
\$	473	forensic scientist II
\$	552	forensic scientist II
\$	378	forensic science supervisor
\$	373	forensic scientist II
\$	338	forensic scientist II
\$	580	forensic scientist II
\$	905	crime lab director
\$	365	state toxicologist
\$	544	forensic scientist II
\$	402	forensic scientist I
\$	424	state fire marshal
\$	138	chief deputy
\$	243	assistant attorney general
\$	200	assistant attorney general
\$	300	assistant attorney general
\$	229	assistant attorney general - administration
\$	479	assistant attorney general
\$	299	assistant attorney general
\$	415	assistant attorney general - administration
\$	276	assistant attorney general
\$	291	assistant attorney general
\$	30	assistant attorney general
\$	475	assistant attorney general
\$	542	assistant attorney general
\$	250	assistant attorney general
\$	100	assistant attorney general
\$	196	assistant attorney general - 75%
\$	422	assistant attorney general
\$	577	assistant attorney general
\$	333	assistant attorney general
\$	50	assistant attorney general
\$	545	assistant attorney general
\$	3	assistant attorney general
\$	65	assistant attorney general - administration
\$	480	assistant attorney general
\$	100	assistant attorney general
\$	480	assistant attorney general
\$	130	assistant attorney general
\$	223	assistant attorney general - administration
\$	255	assistant attorney general
\$	30,024	Monthly cost
\$	374,704	fy08 annual cost
\$	437,542	fy08 annual cost with fringes
\$	455,043	fy09 annual cost
\$	892,585	Total cost
\$	883,000	Equity provided
\$	9,585	Difference due to 4% salary increases in fy08 & fy09
	1%	Percent difference

**2007-09 INTERNAL EQUITY ADJUSTMENTS
OFFICE OF ATTORNEY GENERAL**

INTERNAL EQUITY

INCREASE TITLE

\$	250	legal administrative assistant
\$	220	legal administrative assistant
\$	336	legal administrative assistant
\$	150	administrative staff officer I
\$	460	programmer/analyst III
\$	476	systems development manager
\$	145	computer & network specialist II
\$	430	programmer/analyst I
\$	200	customer technician support specialist II
\$	98	data processing coordinator I
\$	641	information technology manager
\$	679	programmer/analyst I
\$	208	legal assistant
\$	403	legal assistant
\$	300	legal assistant
\$	452	legal assistant
\$	294	chief investigator
\$	264	chief investigator
\$	196	criminal investigator I
\$	300	criminal investigator III
\$	269	criminal investigator III
\$	280	criminal investigator III
\$	269	criminal investigator III
\$	269	criminal investigator III
\$	244	criminal investigator III
\$	300	criminal investigator III
\$	291	criminal investigator I
\$	259	criminal investigator I
\$	376	criminal investigator III
\$	269	criminal investigator I
\$	191	criminal investigator I
\$	191	criminal investigator I
\$	259	criminal investigator I
\$	269	criminal investigator III
\$	290	criminal investigator I
\$	374	criminal investigator III
\$	261	criminal investigator III
\$	280	criminal investigator III
\$	400	criminal investigator III
\$	207	criminal investigator III
\$	191	criminal investigator I
\$	259	criminal investigator I
\$	300	criminal investigator II
\$	145	criminal investigator III
\$	269	criminal investigator III
\$	320	criminal investigator II
\$	269	criminal investigator III
\$	191	criminal investigator I
\$	230	criminal investigator I
\$	376	criminal investigator II
\$	259	criminal investigator I
\$	321	forensic scientist I

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OFFICE OF ATTORNEY GENERAL FUND BALANCES
AS OF JANUARY 23, 2009

ASSET FORFEITURE FUND	91,170
AG REFUND FUND	3,906,229
LOTTERY OPERATING FUND	3,679,501
ND SOBRIETY PROGRAM FUND	18,153
AG OPERATING FUND	2,555,061
MULTIJURISDICTIONAL DRUG TASK FORCE FUND	433,809
GAMING AND EXCISE TAX ALLOCATION FUND	90,243

ASSET FORFEITURE FUND ANALYSIS FOR THE 2007-09 & 2009-11 BIENNIA

BALANCE AS OF 7/1/2007	177,182
ESTIMATED REVENUES	150,000
PROJECTED NARCOTICS EXPENSES	285,000
PROJECTED 6/30/2009 ENDING BALANCE ENDING BALANCE	75,333
PROJECTED 2009-11 REVENUES	200,000
PROJECTED 2009-11 NARCOTICS EXPENSES	250,000
PROJECTED 6/30/2011 ENDING BALANCE ENDING BALANCE	25,333

**AG REFUND FUND ANALYSIS
2007-09 & 2009-11 BIENNIA**

2007-09 BIENNIUM

BEGINNING BALANCE	1,478,209
ESTIMATED REVENUES	3,748,082
TOTAL AVAILABLE	5,226,291

ESTIMATED EXPENDITURES	
CPAT INVESTIGATOR, AAG - PARTIAL	
SALARY, EXPS., OPERATING EXPENSES,	
GAMING & LICENSING RECORD CHECKS,	
CLEANING	1,081,789

INDIAN GAMING INVESTIGATIONS	277,235
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CRIME LAB TOXICOLOGY APPLICATION	56,000
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DOCUMENT MANAGEMENT CONSULTANT	6,000
CONSUMER REFUNDS	128,984

CRIME LAB EQUIPMENT REPLACEMENT	
CYCLE FUNDING	170,000

CRIME LAB LC/MS/MS	200,000
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ESTIMATED EXPENDITURES	1,920,008
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ESTIMATED JUNE 30, 2009 BALANCE	3,306,283
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2009-11 BIENNIUM

BEGINNING BALANCE	3,306,283
ESTIMATED REVENUES	542,621
TOTAL AVAILABLE	3,848,904

ESTIMATED EXPENDITURES	
INDIAN GAMING INVESTIGATIONS	242,621

CPAT INVESTIGATOR, AAG, PARTIAL	
SALARIES, AA SALARY, NO-CALL,	
INFLATIONARY INCREASES - RENT,	
POSTAGE, PHONES, PRINTING, GAMING &	
LICENSING RECORD CHECKS	1,189,968

IT CJIS HUB INTERFACE	150,000
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CRIME LAB CASEWORK SUPPLIES	109,375
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IT CRIME LAB LIMS APPLICATION	700,000
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CONSUMER REFUNDS	500,000
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CRIME LAB EQUIPMENT REPLACEMENT	
CYCLE FUNDING	370,000

ESTIMATED EXPENDITURES	3,261,964
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ESTIMATED JUNE 30, 2011 BALANCE	586,940
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AG OPERATING FUND ANALYSIS FOR THE 2007-09 & 2009-11 BIENNIA

JULY 1, 2007 BEGINNING BALANCE	2,420,978
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ESTIMATED REVENUES

LEGAL SERVICES REVENUES	2,258,572
FIRE MARSHAL SERVICES REVENUES	282,262
GAMING STAMP REVENUES/GAMING ADMIN. RULES MANUAL SALES	15,000
CONCEALED WEAPONS PERMIT REVENUES	52,624
TOTAL ESTIMATED REVENUES	2,608,458

EXPENDITURES

LEGAL SERVICES COSTS	2,532,538
LESS: 1 VACANT AAG POSITION	(125,982)
FIRE MARSHAL COSTS	266,762
CONCEALED WEAPONS PERMIT COSTS	75,000
BCI CASE MANAGEMENT REWRITE	330,000
GAMING DIVISION COSTS	44,592
TOTAL ESTIMATED EXPENDITURES	3,122,910

JUNE 30, 2009 ESTIMATED ENDING BALANCE	1,906,526
-----------------------------------------------	------------------

ESTIMATED REVENUES - 2009-11 BIENNIUM

LEGAL SERVICES REVENUES	2,359,512
LEGAL SERVICES TRAVEL FORMERLY PAID BY OTHER AGENCIES - REVENUES	200,000
FIRE MARSHAL SERVICES REVENUES	350,860
GAMING STAMP REVENUES/GAMING ADMIN. RULES MANUAL SALES REVENUES	15,000
CONCEALED WEAPONS PERMIT REVENUES	112,860
FEDERAL BACKGROUND CHECKS REVENUES	587,250
AVAILABLE RESOURCES	5,532,008

EXPENDITURES - 2009-11 BIENNIUM

LEGAL SERVICES COSTS	3,077,738
LEGAL SERVICES TRAVEL FORMERLY PAID BY OTHER AGENCIES	200,000
FIRE MARSHAL COSTS	350,839
INFORMATION TECHNOLOGY COSTS FOR OTHER DIVISIONS	572,221
AG ADMINISTRATION OPERATING	25,843
FINANCE & ADMINISTRATION RENT	31,770
FEDERAL BACKGROUND CHECKS AND CONCEALED WEAPONS PERMIT COSTS	716,149
GAMING DIVISION COSTS	67,784

TOTAL ESTIMATED EXPENDITURES (USES)	5,042,344
--------------------------------------------	------------------

ESTIMATED JUNE 30, 2011 BALANCE	489,664
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FEDERAL FUNDS BUDGETED IN THE 2009-11 BIENNIUM BUDGET
OFFICE OF ATTORNEY GENERAL

<u>NAME OF GRANT</u>	2009-11 BIENNIUM RECOMMENDATION
JUSTICE ASSISTANCE GRANT (JAG)	3,713,611
HIGH INTENSITY DRUG TRAFFICKING ACT	1,238,800
RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT)	200,000
SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING AND TRACKING (SMART)	560,000
BULLETPROOF VEST PARTNERSHIP PROGRAM	5,000
NATIONAL HISTORY IMPROVEMENT PROJECT (NCHIP)	1,000,005
INTERNET CRIMES AGAINST CHILDREN (ICAC)	300,000
STATE DOMESTIC PREPAREDNESS GRANT	273,184
PROJECT SAFE NEIGHBORHOOD (PSN)	385,000
COMMUNITY ORIENTED POLICING RURAL METH INITIATIVE 2006 (COPS)	1,000,000
DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY PLAN	516,722
COVERDELL NATIONAL FORENSIC IMPROVEMENT	179,388
FORENSIC CASEWORK DNA	112,128
DNA CAPACITY ENHANCEMENT	323,606
CONVICTED OFFENDER DNA BACKLOG	588,966
HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP)	185,500
TOTAL FEDERAL FUNDS BUDGETED	10,581,910

MEMORANDUM

To: House Government Operations Appropriations
From: Kathy Roll, Financial Administrator, Office of Attorney General
Subject: Requested Information
Date: January 27, 2009

This packet contains the following requested information:

- Full-time State Agency Special Assistant Attorneys General
- Miscellaneous Information Requested
- AG Refund Fund Revenues through December 31, 2008
- 2009-11 Biennium Proposed Internal Equity Adjustments by Position.
- Allocation of (\$186,841) Governor's Operating Budget Reduction
- 2009-11 Biennium Federal Funds Budgeted

*updated
with 3/25/09 data*

*Attachment
1003.1.27.09C*

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**FULL-TIME STATE AGENCY SPECIAL ASSISTANT ATTORNEYS GENERAL
AS OF JANUARY 2009 OFFICE OF ATTORNEY GENERAL**

ADJUTANT GENERAL	1
DEPARTMENT OF HUMAN SERVICES	3
DEPARTMENT OF TRANSPORTATION	2
INSURANCE DEPARTMENT	3
NORTH DAKOTA STATE UNIVERSITY	1
NORTH DAKOTA UNIVERSITY SYSTEMS	1
PROTECTION & ADVOCACY	1
PUBLIC SERVICE COMMISSION	2
SECURITIES COMMISSION	1
TAX DEPARTMENT	2
UNIVERSITY OF NORTH DAKOTA	2
WORKFORCE SAFETY INSURANCE	4

23

Miscellaneous Information Requested by House Government Operations

Number of undercover vehicles 27

Vehicle replacement cycle Every 4 years or 75,000 miles

Total budgeted for computer replacements

Crime Lab Operating Expenses Increase for the 2009-11 biennium

New building expenses	334,061	general fund
Forensic scientists operating costs	109,000	general fund
DNA forensic scientist	63,705	general fund
Total	506,766	

General Fund Operating Expenses Changes for the 2009-11 Biennium

New Crime Lab building expenses	334,061
3 forensic scientists	109,000
1 DNA forensic scientist	63,705
AAG Civil Commitments of Sexually Dangerous Individuals	75,000
1 IT Programmer/analyst	14,334
IT inflation increases	94,922
Childcare Provider background checks	507,369
BCI building lease/rent costs	286,920
BCI undercover vehicle fuel	79,833
Less: Operating reduction	(186,841)
Total	1,378,303

Forensic Scientist turnover rate 8%

2009-11 Computer replacements 110,904

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AG Refund Fund Revenues Received through December 31 2008

Versizon Alltel merger	36,925	Attorneys fees, expert witness fees, and other costs
Pfizer, Inc. (Celebrex, Bextra)	578,006	Attorneys fees & other costs of investigation & litigation
Eli Lilly & Co. (Zyprexa)	940,628	Attorneys fees & other costs of investigation & litigation
Mandatory Poster Agency, Inc.	50,000	In lieu of civil penalties or recovery of attorneys fees
AOL LLC	45,000	Attorneys fees & other costs of investigation & litigation
Merck & Co., Inc. (Vioxx)	1,067,923	Attorneys fees & other costs of investigation & litigation
Warner Chilcott Company, Inc. (Ovcon)	70,255	Attorneys fees & other costs
Barr Pharmaceuticals, Inc. (Ovcon)	81,423	Attorneys fees & other costs
Guidant Corporation, Guidant Sales Corporation, & Cardiac Pacemakers, Inc.	390,000	Attorneys fees & other costs of investigation & litigation
Life Line Screening of America	7,500	In lieu of civil penalties
Pro Alarm LLC	12,500	In lieu of civil penalties
Imergent Inc. dba Stores Online	10,000	In lieu of civil penalties
Premier Fitness Marketing, Inc.	15,000	Civil penalties
Westurn Cedar Supply	7,500	In lieu of civil penalties
Warranty America LLC	17,000	In lieu of civil penalties
Community Welfare Services, Inc.	10,000	In lieu of civil penalties
Morgan Drexen	10,000	In lieu of civil penalties
HCI Direct Inc.	29,000	In lieu of civil penalties
Direct Billing, LLC	7,557	In lieu of civil penalties
Total	3,386,217	

STATEWIDE SALARIES FOR ALL EMPLOYEES WITH CLASSES SAME AS
ATTORNEY GENERAL
OCTOBER 2007

Job Title	Grade	Difference - Average vs. Actual salary
IDENTIFICATION TECH I	005 \$	122
IDENTIFICATION TECH I	005 \$	122
IDENTIFICATION TECH I	005 \$	190
IDENTIFICATION TECH I	005 \$	190
IDENTIFICATION TECH I	005 \$	117
IDENTIFICATION TECH I	005 \$	87
IDENTIFICATION TECH I	005 \$	18
ADMIN ASSISTANT I	006 \$	47
ADMIN ASSISTANT I	006 \$	137
ADMIN ASSISTANT I	006 \$	8
ADMIN ASSISTANT II	007 \$	285
ADMIN ASSISTANT II	007 \$	285
ADMIN ASSISTANT II	007 \$	209
ADMIN ASSISTANT II	007 \$	285
ADMIN ASSISTANT II	007 \$	174
AUDIT TECHNICIAN	007 \$	214
AUDIT TECHNICIAN	007 \$	202
ADMIN ASSISTANT II	007 \$	254
ADMIN ASSISTANT II	007 \$	178
ADMIN ASSISTANT II	007 \$	58
ADMIN ASSISTANT II	007 \$	20
EVIDENCE TECHNICIAN	006 \$	305
IDENTIFICATION TECH III	008 \$	469
IDENTIFICATION TECH III	008 \$	441
EVIDENCE TECHNICIAN	006 \$	485
IDENTIFICATION TECH III	008 \$	341
ADMIN ASSISTANT III	008 \$	51
IDENTIFICATION TECH III	008 \$	52
ADMIN STAFF OFFICER I	009 \$	154
CRIMINAL RECORDS ANALYST	009 \$	250
ADMIN STAFF OFFICER I	009 \$	13
CUST TECH SUPP SPEC II	009 \$	150
GRANTS/CONTRACTS OFR I	010 \$	434
GRANTS/CONTRACTS OFR I	010 \$	434
FORENSIC SCIENTIST I	010 \$	218
FORENSIC SCIENTIST II	010 \$	182
FORENSIC SCIENTIST I	010 \$	219
LICENSING ADMINISTRATOR	010 \$	294
CONSUMR FRAUD INVESTGR I	010 \$	308
CONSUMR FRAUD INVESTGR I	010 \$	462
AUDITOR II	011 \$	726

STATEWIDE SALARIES FOR ALL EMPLOYEES WITH CLASSES SAME AS
ATTORNEY GENERAL
OCTOBER 2007

Job Title	Grade	Difference - Average vs. Actual salary
DEPUTY FIRE MARSHAL I	011	\$ 79
AUDITOR II	011	\$ 521
FORENSIC SCIENTIST II	011	\$ 220
AUDITOR II	011	\$ 186
DEPUTY FIRE MARSHAL I	011	\$ 182
FORENSIC SCIENTIST I	011	\$ 102
AUDITOR II	011	\$ 182
AUDITOR II	011	\$ 162
COMPUTER & NETWK SPEC II	011	\$ 51
DEPUTY FIRE MARSHAL I	011	\$ 222
AUDITOR II	011	\$ 176
LOTTERY CUSTOMER SERVICE SPEC	012	\$ 288
CRIMINAL INVESTIGATOR I	012	\$ 228
CRIMINAL INVESTIGATOR I	012	\$ 216
LOTTERY CUSTOMER SERVICE SPEC	012	\$ 43
LOTTERY CUSTOMER SERVICE SPEC	012	\$ 43
AUDITOR III	012	\$ 553
PROGRAMMER ANALYST II	011	\$ 264
CRIMINAL INVESTIGATOR II	012	\$ 113
CRIMINAL INVESTIGATOR II	012	\$ 74
CRIMINAL INVESTIGATOR II	012	\$ 74
PROGRAMMER ANALYST I	012	\$ 332
ACCOUNT/BUDGET SPEC III	012	\$ 38
AUDITOR III	012	\$ 497
AUDITOR III	012	\$ 459
UNIFORM CRIME RPT PGM MGR	012	\$ 533
CRIMINAL INVESTIGATOR II	012	\$ 108
TRAINING OFFICER II	012	\$ 216
DEPUTY FIRE MARSHAL II	012	\$ 79
AUDITOR III	012	\$ 130
ACCOUNT/BUDGET SPEC III	012	\$ 130
DATABASE ANALYST II	013	\$ 278
HUMAN RESOURCE OFFICER II	013	\$ 272
PROGRAMMER ANALYST III	013	\$ 289
LOTTERY SECURITY OFFICER	013	\$ 55
EXECUTIVE STAFF OFFICER	013	\$ 75
BCI INFO SERVICES MGR	013	\$ 112
CRIMINAL INVESTIGATOR III	014	\$ 748
CRIMINAL INVESTIGATOR III	014	\$ 748
CRIMINAL INVESTIGATOR III	014	\$ 711
STATE TOXICOLOGIST	014	\$ 329

STATEWIDE SALARIES FOR ALL EMPLOYEES WITH CLASSES SAME AS
ATTORNEY GENERAL
OCTOBER 2007

Job Title	Grade	Difference - Average vs. Actual salary
CRIMINAL INVESTIGATOR III	014 \$	578
CRIMINAL INVESTIGATOR III	014 \$	466
CRIMINAL INVESTIGATOR III	014 \$	466
CRIMINAL INVESTIGATOR III	014 \$	466
FORENSIC SCIENCE SUPERVISOR	014 \$	452
CRIMINAL INVESTIGATOR III	014 \$	694
AUDITOR IV	014 \$	435
CRIMINAL INVESTIGATOR III	014 \$	356
CRIMINAL INVESTIGATOR III	014 \$	282
FORENSIC SCIENCE SUPERVISOR	014 \$	479
SYSTEMS DEVELOPMENT MGR	014 \$	267
CRIMINAL INVESTIGATOR III	014 \$	230
CRIMINAL INVESTIGATOR I	015 \$	276
INFO TECHNOLOGY ADMIN II	015 \$	193
AUDITOR V	015 \$	615
CHIEF INVESTIGATOR	015 \$	103
STATE FIRE MARSHAL	017 \$	343
CHIEF INVESTIGATOR	015 \$	391
ASST ATTY GEN-NOT CLASSFD	099 \$	365
ASST ATTY GEN-NOT CLASSFD	099 \$	369
ASST ATTY GEN-NOT CLASSFD	099 \$	397
ASST ATTY GEN-NOT CLASSFD	099 \$	397
ASST ATTY GEN-NOT CLASSFD	099 \$	409
ASST ATTY GEN-ADMIN	099 \$	440
ASST ATTY GEN-NOT CLASSFD	099 \$	452
ASST ATTY GEN-NOT CLASSFD	099 \$	460
ASST ATTY GEN-NOT CLASSFD	099 \$	472
ASST ATTY GEN-NOT CLASSFD	099 \$	480
ASST ATTY GEN-NOT CLASSFD	099 \$	485
ASST ATTY GEN-ADMIN	099 \$	605
ASST ATTY GEN-NOT CLASSFD	099 \$	504
ASST ATTY GEN-NOT CLASSFD	099 \$	500
ASST ATTY GEN-NOT CLASSFD	099 \$	510
ASST ATTY GEN-ADMIN	099 \$	611
ASST ATTY GEN-NOT CLASSFD	099 \$	518
ASST ATTY GEN-NOT CLASSFD	099 \$	535
ASST ATTY GEN-NOT CLASSFD	099 \$	542
ASST ATTY GEN-NOT CLASSFD	099 \$	550
ASST ATTY GEN-NOT CLASSFD	099 \$	571
ASST ATTY GEN-ADMIN	099 \$	668
ASST ATTY GEN-NOT CLASSFD	099 \$	575

STATEWIDE SALARIES FOR ALL EMPLOYEES WITH CLASSES SAME AS
ATTORNEY GENERAL
OCTOBER 2007

Job Title	Grade	Difference - Average vs. Actual salary
ASST ATTY GEN-NOT CLASSFD	099 \$	583
ASST ATTY GEN-NOT CLASSFD	099 \$	613
ASST ATTY GEN-ADMIN	099 \$	659
ASST ATTY GEN-NOT CLASSFD	099 \$	604
PROGRAMMER-ANALYST III	013 \$	329
SYSTEMS DEVELOPMENT MGR	014 \$	392
PROGRAMMER ANALYST II	011 \$	292
INFO TECHNOLOGY ADMIN II	015 \$	468
DATA PROC COORD I	009 \$	446
PROGRAMMER ANALYST II	011 \$	292
COMPUTER & NETWK SPEC II	011 \$	260
INFORMATION TECHNOLOGY MANAGER	014 \$	392
SR PROGRAMMER ANALYST	014 \$	493
FORENSIC SCIENTIST I	011 \$	224
FORENSIC SCIENTIST I	011 \$	224
FORENSIC SCIENTIST I	011 \$	224
FORENSIC SCIENTIST II	011 \$	550
FORENSIC SCIENTIST II	011 \$	550
FORENSIC SCIENTIST II	011 \$	332
FORENSIC SCIENTIST II	011 \$	301
FORENSIC SCIENTIST II	011 \$	576
FORENSIC SCIENTIST II	011 \$	402
FORENSIC SCIENTIST III	012 \$	538
FORENSIC SCIENCE SUPERVISOR	014 \$	187
FORENSIC SCIENCE SUPERVISOR	014 \$	184
STATE TOXICOLOGIST	014 \$	57
	\$	47,987
	\$	1,151,676
	\$	1,304,849
	\$	1,370,092

ALLOCATION OF (\$186,841) GOVERNOR'S OPERATING BUDGET ADJUSTMENT

DESCRIPTION	OPERATING INCREASE	GF	PERCENT OF TOTAL	REVISED OPERATING	DIFF.
IT - PHONES, TRAVEL, IT SOFTWARE/SUPPLIES, IT EQUIPMENT UNDER \$5,000	94,922	94,922	6%	83,549	(11,373)
IT - 1.0 PROGRAMMER FTE	14,334	14,334	1%	12,617	(1,717)
AG ADMINISTRATION - NAAG, CWAG DUES, TRAVEL	34,204	34,204	2%	30,106	(4,098)
BCI RENT	286,920	286,920	18%	252,541	(34,379)
BCI - 5.5 FTE'S CHILDCARE BACKGR. CKS.	507,369	507,369	33%	446,576	(60,793)
CRIME LAB - NEW BUILDING EXPENSES	334,061	334,061	21%	294,034	(40,027)
CR. LAB - 3.0 FORENSIC SCIENTISTS	109,000	109,000	7%	95,940	(13,060)
CR. LAB - 1.0 FTE'S - ALL ARRESTEES	21,025	21,025	1%	18,506	(2,519)
GAMING - TRAVEL, OFFICE SUPPLIES, POSTAGE, PHONES, DP	2,690	2,690	0%	2,368	(322)
LEGAL SERVICES - STATES ATTORNEY PROSECUTOR	75,000	75,000	5%	66,014	(8,986)
BCI - VEHICLE FUEL	79,833	79,833	5%	70,268	(9,566)
TOTAL	1,559,359	1,559,359	100%	1,372,518	(186,841)
DIFFERENCE				186,841	

OPERATING CHANGES TO RESTORE-12%
168,289

RESTORATIONS NOT REQUESTED

ALLOCATION OF (\$186,841) GOVERNOR'S OPERATING BUDGET ADJUSTMENT

DESCRIPTION	OPERATING INCREASE	GF	PERCENT OF TOTAL	REVISED OPERATING	DIFF.
IT - PHONES, TRAVEL, IT SOFTWARE/SUPPLIES, IT EQUIPMENT UNDER \$5,000	94,922	94,922	6%	83,549	(11,373)
IT - 1.0 PROGRAMMER FTE	14,334	14,334	1%	12,617	(1,717)
AG ADMINISTRATION - NAAG, CWAG DUES, TRAVEL	34,204	34,204	2%	30,106	(4,098)
BCI RENT	286,920	286,920	18%	252,541	(34,379)
BCI - 5.5 FTE'S CHILD CARE BACKGR. CKS.	507,369	507,369	33%	446,576	(60,793)
CRIME LAB - NEW BUILDING EXPENSES	334,061	334,061	21%	294,034	(40,027)
CR. LAB - 3.0 FORENSIC SCIENTISTS	109,000	109,000	7%	95,940	(13,060)
CR. LAB - 1.0 FTE'S ALL ARRESTEES	21,025	21,025	1%	18,506	(2,519)
GAMING - TRAVEL, OFFICE SUPPLIES, POSTAGE, PHONES, DP	2,690	2,690	0%	2,368	(322)
LEGAL SERVICES - STATES ATTORNEY PROSECUTOR	75,000	75,000	5%	66,014	(8,986)
BCI - VEHICLE FUEL	79,833	79,833	5%	70,268	(9,566)
TOTAL	1,559,359	1,559,359	100%	1,372,518	(186,841)
DIFFERENCE				186,841	

HOUSE CHANGES

(11,373) LEFT IN HOUSE APPROP.
(1,717) LEFT IN HOUSE APPROP.

(4,098) LEFT IN HOUSE APPROP.
(34,379) LEFT IN HOUSE APPROP.

(60,793) LEFT IN HOUSE APPROP.
(40,027) LEFT IN HOUSE APPROP.
(13,060) LEFT IN HOUSE APPROP.
(2,519)

D/N REQUEST

D/N REQUEST

D/N REQUEST

(72,298)

FEDERAL FUNDS BUDGETED IN THE 2009-11 BIENNium BUDGET
OFFICE OF ATTORNEY GENERAL

<u>DIVISION</u>	<u>NAME OF GRANT</u>	<u>2009-11 BIENNium</u> <u>RECOMMENDATION</u>	<u>LINE ITEMS</u>	<u>GENERAL FUND MATCH</u>
AG ADMINISTRATION	JUSTICE ASSISTANCE GRANT (JAG)	46,247	OPERATING - \$46,247	\$ -
CRIMINAL/REGUL ATORY	HIGH INTENSITY DRUG TRAFFICKING ACT	135,394	SALARIES - \$135,394	\$ 23,779
BUREAU OF CRIMINAL INVESTIGATION	RESIDENTIAL SUBSTANCE ABUSE TREATMENT (RSAT)	200,000	GRANTS - \$200,000 SALARIES - \$228,061, OPERATING - \$911,078, CAPITAL ASSETS \$364,000,	N/A
	JUSTICE ASSISTANCE GRANT (JAG)	3,667,364	GRANTS/TRANSFERS - \$2,134,225	\$ 227,500
	SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING AND TRACKING (SMART)	560,000	SALARIES - \$220,000, OPERATING - \$340,000 SALARIES - \$306,097, OPERATING - \$458,402, GRANTS -	\$ -
	HIGH INTENSITY DRUG TRAFFICKING ACT	934,498	\$170,000	\$ 105,024
	BULLETPROOF VESTS	5,000	OPERATING - \$5,000	\$ -
	NATIONAL CRIMINAL HISTORY IMPROVEMENT PROJECT	1,000,005	SALARIES - \$40,000, OPERATING - \$710,000, CAPITAL ASSETS - \$250,005	\$ -
	INTERNET CRIMES AGAINST CHILDREN	300,000	OPERATING \$300,000 SALARIES - \$176,396,	\$ -
	DOMESTIC PREPAREDNESS	273,184	OPERATING - \$96,788 OPERATING - \$27,000, GRANTS -	\$ -
	PROJECT SAFE NEIGHBORHOOD COMMUNITY ORIENTED POLICING - RURAL METHAMPHETAMINE INITIATIVE	385,000	\$358,000 SALARIES - \$110,000; OPERATING - \$575,000, CAPITAL ASSETS - \$315,000	\$ -
CRIME LAB	COVERDELL NATIONAL FORENSIC IMPROVEMENT	179,388	OPERATING - \$179,388	\$ -
	HIGH INTENSITY DRUG TRAFFICKING ACT	168,907	SALARIES - \$161,564, OPERATING - \$7,343	\$ 114,917
	DOT HIGHWAY SAFETY FORENSIC CASEWORK - DNA	516,722	ASSETS - \$141,900	\$ -
	DNA CAPACITY ENHANCEMENT	112,128	OPERATING - \$112,128	\$ -
	CONVICTED OFFENDER DNA BACKLOG	323,606	OPERATING - \$323,606	\$ -
	HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP)	588,966	OPERATING - \$588,966	\$ -
FIRE MARSHAL		185,500	OPERATING - \$105,500, GRANTS - \$80,000	\$ -
	TOTAL	10,581,910		\$ 471,220

FEDERAL GRANT

SEX OFFENDER SENTENCING, MONITORING,
APPREHENDING, REGISTERING AND TRACKING
(SMART)

JUSTICE ASSISTANCE GRANT

COMMUNITY ORIENTED POLICING - RURAL
METHAMPHETAMINE INITIATIVE

USE OF FUNDS

FINGERPRINT IDENTIFICATION SYSTEM TO INTERACT WITH CURRENT EQUIPMENT, REWRITE BCI
REPOSITORY, SEND MESSAGES TO INTERESTED PARTIES ALONG THE PATH OF SEX OFFENDERS
REGISTRATION

LOCAL TASKFORCES, DOMESTIC VIOLENCE PROJECTS

POST-SEIZURE ANALYSIS TEAM - USE LOCAL, STATE & FEDERAL RESOURCES MORE
EFFECTIVELY, IDENTIFY, INVESTIGATE, AND PROSECUTE SUPPLIERS FROM OUT-OF-STATE
SOURCES REQUESTED KIOSK FUNDING

MEMORANDUM

HB1003 Subcommittee
3/19/09

To: Senators Kilzer, Holmberg, and Warner

From: Kathy Roll, ^{Doll} Financial Administrator, Office of Attorney General

Re: Requested Information

Date: March 19, 2009

Attached is the following information:

- Revised Requested Changes schedule – includes general fund request for Legal Services travel as a result of a State Auditor audit recommendation
- Change Package Summary – Optional adjustment requests ^{updated with 3/25/09}
- 2009 Bills Fiscally Impacting the Office of Attorney General ^{updated with 3/25/09 IAB}
- Edward Byrne Memorial Justice Assistance Grant Program information
- Attorneys in State Government Who Earn More Than The Attorney General
- Anticipated Positions Needed in the 2011-13 Biennium – Office of Attorney General

OFFICE OF ATTORNEY GENERAL 2009-11 BIENNIUM - REQUESTED CHANGES - ENGROSSED HOUSE BILL NO. 1003

	<u>SALARY ISSUES</u>						<u>REQUIRED COSTS TO BE PAID</u>						TOTAL REQUESTED CHANGES	REVISED 2009-11 BIENNIUM APPROPRIATION
	2009-11 EXECUTIVE BUDGET	RESTORE SALARY EQUITY	STATEWIDE CRITICAL POSITION POOL RESTORATION	CRIME LAB FORENSIC SCIENTIST	CIVIL COMMITMENT ATTORNEY & PARALEGAL	ALL ARRESTEES FORENSIC SCIENTIST, EVIDENCE TECHNICIAN	CYBER CRIME AGENT	RESTORE HOUSE OPERATING REDUCTIONS	RESTORE EXECUTIVE OPERATING REDUCTIONS	CRIME LAB SERVICE CONTRACTS	SERVICES TRAVEL COSTS - AUDITORS	FEDERAL FUNDING SOURCE CHANGE		
SALARIES AND WAGES	27,668,657	1,369,859	799,095	119,919	289,281	200,972	138,273						2,917,399	30,586,056
OPERATING EXPENSES	14,204,579			44,217	149,031	127,411	57,891	132,000	168,289	99,722	40,000		818,561	15,023,140
CAPITAL ASSETS	2,391,187						20,000						20,000	2,411,187
GRANTS	3,559,225													3,559,225
LITIGATION FEES	50,000													50,000
ARREST & RETURN OF FUGITIVES	10,000													10,000
GAMING COMMISSION	6141													6,141
FORENSIC MEDICAL EXAMS	250,000													250,000
LOTTERY	3,584,388													3,584,388
TOTAL	51,724,177	1,369,859	799,095	164,136	438,312	328,383	216,164	132,000	168,289	99,722	40,000		3,755,960	55,480,137
FTE	198.5			1.0	2.0	2.0	1.0							198.5
GENERAL FUND	29,815,200	1,225,443	612,824	164,136	438,312	285,703	216,164	132,000	168,289	99,722	40,000	375,000	3,757,593	33,572,793
FEDERAL FUNDS	10,581,910					42,680						(375,000)	(332,320)	10,249,590
SPECIAL FUNDS	11,327,067	144,416	186,271										330,687	11,657,754
TOTAL ALL FUNDS	51,724,177	1,369,859	799,095	164,136	438,312	328,383	216,164	132,000	168,289	99,722	40,000		3,755,960	55,480,137

**Office of the Attorney General
Optional Change Package Summary**

Change Description	Request Priority	Request FTE	Exec. Rec FTE	Request Gen Fund	Exec. Rec Gen Fund	Request Fed Fund	Exec. Rec Fed Fund	Request Spec Fund	Exec. Rec Spec Fund
AC 14 Staff average salaries equity adjustment ¹	1			987,343	987,343	-	-	100,229	100,229
AC 1 IT, Crime Lab additional equity ¹	2			178,851	178,851	-	-	37,310	37,310
AC 3 HIDTA salary funding sourc change	3			12,233	12,233				
AC 15 BCI criminal justed FTE funding Soure change	4			58,534	58,152				
AC 2 New Crime Lab building operation costs	5			334,601	334,601				
AC 5 Telecommunications Changes	6			7,737	-				
AC 10 Operating inflationary increases	7			503,991	311,728				
AC 11 BCI replacement vehicles	8			24,000	-				
AC 6 Crime Lab forensic scientists and caseload mgr.	9	5.00	3.00	774,298	435,442				
AC 4 IT Staff	10	2.00	1.00	294,006	159,586				
AC 7 Civil Commitment of Sexually Dangerous Indiv.	11	2.50	1.00	491,336	217,646				
AC 12 BCI Cybercrime agent	12	1.00	0.00	204,355	-				
AC8 DNA evidence for all arrestees	13	2.00	1.00	266,174	129,389	42,680	42,680		
AC 13 BCI .50 FTE concealed weapons admin. asst.	14	0.50		87,458	-				
AC 9 Crime Lab equip service contracts	15	0.00		99,722	-				
AC 16 Crime Lab accreditation fee increase	16	0.00		6,000	-				
AC 19 Tobacco Diligent Enforcement Contingency	17	0.00		75,000	-				
Total		13.00	6.00	4,405,639	2,824,971	42,680	42,680	137,539	137,539
Exec. Rec. for Background Checks on Childcare Workers			5.50		906,481				
Grand Total		13.00	11.50	4,405,639	3,731,452	42,680	42,680	137,539	137,539

¹Equity adjustments are net of the impact of salary increases and fringe benefits

CHANGE PACKAGE SUMMARY

00125 OFFICE OF THE ATTORNEY GENERAL

Biennium: 2009-2011

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
<u>Optional Request</u>						
Other Optional Changes						
A-C 14 Staff average salaries equity adjustments	1	.00	987,343	0	100,229	1,087,572
A-C 1 IT, Crime Lab additional equity	2	.00	178,851	0	37,310	216,161
A-C 3 HIDTA salary funding source change	3	.00	12,233	0	0	12,233
A-C 15 BCI criminal justice FTE funding source change	4	.00	58,534	0	0	58,534
A-C 2 New Crime Lab building operation costs	5	.00	334,061	0	0	334,061
A-C 5 Telecommunications Changes	6	.00	7,737	0	0	7,737
A-C 10 Operating inflationary increases	7	.00	503,991	0	0	503,991
A-C 11 BCI replacement vehicles	8	.00	24,000	0	0	24,000
A-C 6 Cr Lab forensic scientists and caseload manager	9	5.00	774,298	0	0	774,298
A-C 4 IT Staff	10	2.00	294,006	0	0	294,006
A-C 7 Civil Commitment of Sexually Dangerous Individuals	11	2.50	491,336	0	0	491,336
A-C 12 BCI Cybercrime agent	12	1.00	204,355	0	0	204,355
A-C 8 DNA evidence for all arrestees	13	2.00	266,174	42,680	0	308,854
A-C 13 BCI .5 FTE Concealed Weapons admin assist	14	.50	87,458	0	0	87,458
A-C 9 Crime Lab equipment service contracts	15	.00	99,722	0	0	99,722
A-C 16 Crime Lab accreditation fee increase	16	.00	6,000	0	0	6,000
A-C 19 Tobacco Diligent Enforcement Contingency	17	.00	75,000	0	0	75,000
Total Other Optional Changes		13.00	4,405,099	42,680	137,539	4,585,318
Total Optional Budget Changes		13.00	4,405,099	42,680	137,539	4,585,318

**OFFICE OF ATTORNEY GENERAL 2009-11 BIENNIUM - REQUESTED OPERATING CHANGES - ENGROSSED
HOUSE BILL NO. 1003**

COSTS REQUIRED TO BE PAID

	RESTORE HOUSE OPERATING REDUCTIONS	RESTORE EXECUTIVE BUDGET OPERATING REDUCTIONS	CRIME LAB SERVICE CONTRACTS	RESTORATION OF HOUSE CHANGES - NEEDED DUE TO IMPACT OF POSITIONS REMOVED	FEDERAL FUNDING SOURCE CHANGE	TOTAL OPERATING REQUESTED TO RESTORE
OPERATING EXPENSES	132,000	168,289	99,722	72,298		472,309
GENERAL FUND	132,000	168,289	99,722	72,298	375,000	847,309
FEDERAL FUNDS					(375,000)	(375,000)
TOTAL CHANGE	132,000	168,289	99,722	72,298	-	472,309

NOTE: THE RESTORATION OF HOUSE CHANGES RESULTED FROM THE HOUSE REMOVING POSITIONS AND ASSOCIATED OPERATING EXPENSES AT THE ORIGINAL AMOUNT INCLUDED IN THE EXECUTIVE RECOMMENDATION, WITHOUT CONSIDERING THE OPERATING EXPENSES REDUCTION THE EXECUTIVE BUDGET MADE LATE IN THE BUDGET PROCESS.

THE HOUSE MADE A FUNDING SOURCE CHANGE FROM THE GENERAL FUND TO FEDERAL FUNDS OF \$375,000 WHICH NEEDS TO BE REVERSED. THE LEVEL OF EXISTING STATE SUPPORT (FROM THE GENERAL FUND) CANNOT BE SUPPLANTED WITH FEDERAL FUNDS.

2009 BILLS FISCALLY IMPACTING THE OFFICE OF ATTORNEY GENERAL

		APPROPRIATION IN BILL			APPROPRIATION NEEDED			NOTES	STATUS	FTE'S
		GF	SF	TOTAL	GF	SF	TOTAL			
HB 1023	DEFICIENCY APPROPRIATION - LITIGATION FEES, PROSECUTION WITNESS FEES, CAPITAL ASSETS (CRIME LAB)	94,000	340,000	434,000	N/A	N/A	N/A	2007-09 biennium	IN SENATE APPROPS.	
OTHER LEGISLATIVE BILLS IMPACTING THE OFFICE OF ATTORNEY GENERAL										
HB 1040	MISSING PERSON INVESTIGATIONS	-	-	-	177,752		177,752	FORENSIC SCIENTIST	IN SENATE APPROPS.	1
HB 1219	CHEMICAL TESTING OF DRIVER IN SERIOUS ACCIDENT	-	-	-	190,352		190,352	FORENSIC SCIENTIST	PASSED SENATE/AMENDED	1
HB 1306	24/7 SOBRIETY PROGRAM	100,000	-	100,000	446,000		446,000	1 AGENT	IN SENATE APPROPS.	1
HB 1317	DECREASE PULL-TAB EXCISE TAX FROM 4-1/2% TO 2% - DECREASES LOCAL GAMING GRANTS	-	-	-		(178,000)	(178,000)		IN SENATE APPROPS.	
HB 1368	FIRE SAFER CIGARETTES - FIRE MARSHAL, CREATES 2 SPECIAL FUNDS: REDUCED CIGARETTE IGNITION PROPENSITY & FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND; FIRE PREVENTION & PUBLIC SAFETY FUND		225,000	225,000			-	APPROPRIATION AMENDED IN BY THE HOUSE	SENATE FINANCE & TAX	
HB 1575	BCI PEACE OFFICERS RETIREMENT	185,946	15,164	201,110			-		PASSED SENATE	
SB 2123	DHS EMPLOYEES & EARLY CHILDCARE PROVIDERS RECORD CHECKS ^{1/}	-	-	-	906,481		906,481	IN EXECUTIVE BUDGET - HOUSE REMOVED	HOUSE APPROPS.	5.5 - SEE SB 2162
SB 2162	DHS EARLY CHILDCARE PROVIDERS RECORD CHECKS ^{1/}	-	-	-	906,481		906,481	IN EXECUTIVE BUDGET - HOUSE REMOVED	HOUSE HUMAN SERVICES	5.5 - SEE SB 2123
SB 2216	PRELIMINARY MEDICAL SCREENING EXAMS ^{2/}	-	660,000	660,000			-	REMOVE \$250,000 SF FROM HB 1003	HOUSE APPROPS.	
SB 2415	ALTERNATIVE CONCEALED WEAPON PERMIT HOLDERS LICENSE, CHANGES RENEWAL PERIOD FROM 3 TO 5 YEARS	-	-	-	-	246,206	246,206	PENDING AMEND TO MAKE EXPENDITURE NEUTRAL WITH RATE CHANGE	HOUSE APPROPS.	0.5
TOTAL ALL AMOUNTS		285,946	900,164	1,186,110	1,720,585	68,206	1,788,791			9.0

^{1/} Both Senate Bill Nos. 2123 and 2162 require early childcare provider record checks. Senate Bill No. 2123 provides for additional record checks for other entities, including Department of Human Services employees. The Executive Recommendation included 5.5 FTE's and associated operating expenses for early childcare provider record checks. The House removed the \$906,481 general fund appropriation and the 5.5 FTE's.

The total general fund appropriation needed reflects only one \$906,481 amount.

^{2/} Senate Bill No. 2216 includes a \$660,000 special fund appropriation. Currently, House Bill No. 1003 also includes \$250,000 in special funds for acute forensic exams which can be removed if SB 2216 is passed as amended.

2009 BILLS FISCALLY IMPACTING THE OFFICE OF ATTORNEY GENERAL

		<u>APPROPRIATION IN BILL</u>			<u>APPROPRIATION NEEDED</u>			<u>NOTES</u>	<u>STATUS</u>	<u>FTE'S</u>
		<u>GF</u>	<u>SF</u>	<u>TOTAL</u>	<u>GF</u>	<u>SF</u>	<u>TOTAL</u>			
HB 1023	DEFICIENCY APPROPRIATION - LITIGATION FEES, PROSECUTION WITNESS FEES, CAPITAL ASSETS (CRIME LAB)	94,000	340,000	434,000	N/A	N/A	N/A	2007-09 biennium	IN SENATE APPROPS.	
<u>OTHER LEGISLATIVE BILLS IMPACTING THE OFFICE OF ATTORNEY GENERAL</u>										
HB 1040	MISSING PERSON INVESTIGATIONS	-	-	-	177,752		177,752	FORENSIC SCIENTIST	IN SENATE APPROPS.	1
HB 1219	CHEMICAL TESTING OF DRIVER IN SERIOUS ACCIDENT	-	-	-	190,352		190,352	FORENSIC SCIENTIST	RETURNED TO HOUSE	1
HB 1306	24/7 SOBRIETY PROGRAM	100,000	-	100,000	446,000		446,000	1 AGENT	IN SENATE APPROPS.	1
HB 1317	DECREASE PULL-TAB EXCISE TAX FROM 4-1/2% TO 2% - DECREASES LOCAL GAMING GRANTS	-	-	-	(178,000)		(178,000)		IN SENATE APPROPS.	
HB 1368	FIRE SAFER CIGARETTES - REDUCED CIGARETTE IGNITION PROPENSITY & FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND			-		80,000	80,000		IN SENATE APPROPS.	
HB 1575	BCI PEACE OFFICERS RETIREMENT	185,946	15,164	201,110			-		ENROLLED	
SB 2162	DHS EARLY CHILDCARE PROVIDERS RECORD CHECKS	-	-	-	906,481		906,481	IN EXECUTIVE BUDGET - HOUSE REMOVED	HOUSE HUMAN SERVICES	5.5
SB 2216	PRELIMINARY MEDICAL SCREENING EXAMS	-	410,000	410,000			-		HOUSE FLOOR	
SB 2415	ALTERNATIVE CONCEALED WEAPON PERMIT HOLDERS LICENSE, CHANGES RENEWAL PERIOD FROM 3 TO 5 YEARS	-	-	-	-	246,206	246,206		HOUSE FLOOR	0.5
	TOTAL ALL AMOUNTS	285,946	425,164	711,110	1,720,585	148,206	1,868,791			9.0

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. JAG replaces the Byrne Formula and Local Law Enforcement Block Grant (LLEBG) programs that existed prior to FFY2005.

The procedure for allocating JAG funds is a formula based on population and crime statistics, in combination with a minimum allocation to ensure that each state and territory receives an appropriate share.

JAG Purpose Areas:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

ATTORNEYS IN STATE GOVERNMENT WHO EARN MORE THAN THE ATTORNEY GENERAL

Employing Agency	Job Class Code &/or Title	March 2009 Annual Salary	Monthly Salary	Number	Salary Range
UNIVERSITY OF ND	FACULTY	\$ 218,488	\$ 18,207		
UNIVERSITY OF ND	FACULTY	\$ 173,884	\$ 14,490		
UNIVERSITY OF ND	FACULTY	\$ 138,697	\$ 11,558		
UNIVERSITY OF ND FACULTY	FACULTY	\$ 138,697	\$ 11,558		
ND STATE UNIVERSITY	GENERAL COUNSEL	\$ 129,977	\$ 10,831		
UNIVERSITY OF ND	FACULTY	\$ 121,713	\$ 10,143		
STATE COURTS	ELECTED - NOT CLASSIFIED	\$ 121,513	\$ 10,126	Supreme Court Chief Justice	
STATE COURTS	ELECTED - NOT CLASSIFIED	\$ 118,121	\$ 9,843	4 Supreme Court judges	
ND UNIVERSITY SYSTEM	GENERAL COUNSEL	\$ 116,962	\$ 9,747		
LEGISLATIVE COUNCIL	OTHER-NOT CLS-OFCL/ADMIN	\$ 113,568	\$ 9,464		
LEGISLATIVE COUNCIL	APPOINTED-NOT CLASSIFIED	\$ 112,068	\$ 9,339		
STATE COURTS	PRESIDING JUDGE	\$ 111,362	\$ 9,280	7 presiding judges	
UNIVERSITY OF ND	FACULTY	\$ 110,159	\$ 9,180		
UNIVERSITY OF ND	GENERAL COUNSEL	\$ 109,294	\$ 9,108		
UNIVERSITY OF ND	FACULTY	\$ 108,303	\$ 9,025		
UNIVERSITY OF ND	FACULTY	\$ 108,303	\$ 9,025		
STATE COURTS	DISTRICT JUDGE	\$ 108,236	\$ 9,020	36 District Court judges	
LEGISLATIVE COUNCIL	OTHER-NOT CLS-PROF	\$ 103,784	\$ 8,649		
UNIVERSITY OF ND	FACULTY	\$ 103,692	\$ 8,641		
UNIVERSITY OF ND	FACULTY	\$ 102,900	\$ 8,575		
UNIVERSITY OF ND	FACULTY	\$ 102,900	\$ 8,575		
UNIVERSITY OF ND	FACULTY	\$ 102,900	\$ 8,575		
UNIVERSITY OF ND	FACULTY	\$ 102,900	\$ 8,575		
WORKFORCE SAFETY	OTHER-NOT CLS-PROF	\$ 101,635	\$ 8,470		
OFFICE OF ATTORNEY GENERAL	ASST ATTY GEN-ADMIN	\$ 94,044	\$ 7,837		
LEGISLATIVE COUNCIL	OTHER-NOT CLS-PROF	\$ 92,100	\$ 7,675		
OFFICE OF ADMINISTRATIVE HEARINGS	APPOINTED-NOT CLASSIFIED	\$ 91,636	\$ 7,636		
OFFICE OF ATTORNEY GENERAL	DEPUTY - NOT CLASSIFIED	\$ 90,960	\$ 7,580	State employee attorneys earning more than the AG	
COMMISSION ON INDIGENT DEFENSE	APPOINTED-NOT CLASSIFIED	\$ 89,993	\$ 7,499	74	\$88,658 - 218,488
JOB SERVICE	APPOINTED-NOT CLASSIFIED	\$ 88,695	\$ 7,391		
STATE COURTS	DIR CENTRAL LEGAL STAFF	\$ 88,658	\$ 7,388	In office attorneys earning more than the AG	
OFFICE OF ATTORNEY GENERAL	ATTORNEY GENERAL	\$ 87,351	\$ 7,279	2	\$90,960 - 94,044

ANTICIPATED POSITIONS NEEDED IN THE 2011-12 BIENNIUM - OFFICE OF ATTORNEY GENERAL

Federal Stimulus positions to continue

	FTE's	
Grants & contracts officer	1	If increased grant levels continue beyond the 2009-11 biennium
Criminal agents	4	If this office receives an award for these positions, there is a requirement to continue funding for 1 year beyond stimulus funding.
Cyber-crime agent	1	Requested in 2009-11 budget, not in Executive Recommendation
Forensic scientists	2	Included in budget request and Executive Recommendation
Civil Commitment of Sexually Dangerous Individuals paralegal	1	Requested in 2009-11 budget, not in Executive Recommendation
Subtotal federal stimulus	9	

New positions

Civil Commitment of Sexually Dangerous Individuals attorney	1	Included in Executive Recommendation, removed by House
Childcare record checks - identification technician	5.5	Included in Executive Recommendation, removed by House
Crime Lab forensic scientists	2	Requested in 2009-11 budget, not in Executive Recommendation
Crime Lab evidence technician - all arrestees	1	Requested in 2009-11 budget, not in Executive Recommendation
Programmer/Analyst II	1	Requested in 2009-11 budget, not in Executive Recommendation
Crime Lab forensic scientists	5	Based on anticipated casework increase - excluded from 2009-11 biennium budget request due to cost & other requests
24/7 Sobriety agent	1	House Bill No. 1306
Missing persons forensic scientist	1	House Bill No. 1040
Driver chemical testing - forensic scientist	1	House Bill No. 1219
Concealed weapons administration	0.5	Senate Bill No. 2415
Computer & Network Specialist II	1	Office document storage management, office networks - not requested due to cost & other requests
Subtotal	20	
Total Anticipated Positions	29	

GRANTS SUMMARY

00125 OFFICE OF THE ATTORNEY GENERAL

Version: 2009-B-01-00125

Description	Funding	2007-09 Biennium Appropriation	2009-11 Budget Request	2009-11 Optional Request	2009-11 Recommendation
Community Oriented Policing (COPS)	General Fund	0	0	0	0
	Federal Funds	640,000	0	0	0
	Special Funds	0	0	0	0
		<u>640,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Hazardous Materials Emergency Preparedness	General Fund	0	0	0	0
	Federal Funds	80,000	80,000	0	0
	Special Funds	0	0	0	0
		<u>80,000</u>	<u>80,000</u>	<u>0</u>	<u>0</u>
High Intensity Drug Trafficking	General Fund	0	0	0	0
	Federal Funds	250,000	170,000	0	0
	Special Funds	0	0	0	0
		<u>250,000</u>	<u>170,000</u>	<u>0</u>	<u>0</u>
Justice Assistance Grant	General Fund	0	0	0	0
	Federal Funds	1,860,000	2,134,225	0	0
	Special Funds	0	0	0	0
		<u>1,860,000</u>	<u>2,134,225</u>	<u>0</u>	<u>0</u>
Local Gaming grants	General Fund	0	0	0	0
	Federal Funds	0	0	0	0
	Special Funds	617,000	617,000	0	0
		<u>617,000</u>	<u>617,000</u>	<u>0</u>	<u>0</u>

Attachment

Base

1003.1.27.09 B

GRANTS SUMMARY

00125 OFFICE OF THE ATTORNEY GENERAL

Version: 2009-B-01-00125

Description	Funding	2007-09 Biennium Appropriation	2009-11 Budget Request	2009-11 Optional Request	2009-11 Recommendation
Project Safe Neighborhood	General Fund	0	0	0	0
	Federal Funds	350,000	358,000	0	0
	Special Funds	0	0	0	0
		350,000	358,000	0	0
Residential Substance Abuse Treatment	General Fund	0	0	0	0
	Federal Funds	400,000	200,000	0	0
	Special Funds	0	0	0	0
		400,000	200,000	0	0
Agency Totals	General Fund	0	0	0	0
	Federal Funds	3,580,000	2,942,225	0	0
	Special Funds	617,000	617,000	0	0
	Agency Total	4,197,000	3,559,225	0	0

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~~Security and attorney equipment -~~

Change Group: A

Change Type: A

Change No: 23

Priority:

~~Crime Lab and funding source change -~~

Change Group: A

Change Type: C

Change No: 1

Priority: 1

IT, Crime Lab additional equity -

Information Technology

ITD is planning to give 15% salary increases to over the course of the 2009-11 biennium. The 4 types of IT positions to which the increases apply are: security, software development, system administrators, and network analysts.

This anticipated increase will significantly impact the salaries of the Office's IT staff. As a result, this request is for an 7% increase, assuming the salary package will be at least 8% over the course of the 2009-11 biennium budget. The total general fund request for equity salary increases to match those to be given by ITD is \$56,979, and \$37,310 from special funds.

Crime Lab Forensic Scientists

A comparison was made between the Crime Lab scientists salaries and the 2006 regional states survey completed by Human Resources Management Services (highest state salaries were removed from HRMS survey in this comparison). The Crime Lab scientist salaries fell far short of the average regional salaries for these positions.

Three levels of salaries were developed for forensic scientist salaries based on this comparison (levels 1, 2, & 3). Forensic scientist supervisor salaries and state toxicologist salaries were developed based on comparing other states average salaries for these positions to Office of Attorney General salaries and dividing the

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average difference by one-half.

The total general fund request to bring forensic scientist salaries to a more comparable regional level is \$121,872.

Change Group: A	Change Type: C	Change No: 2	Priority: 2
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New Crime Lab building operation costs -

The 2005 and 2007 legislatures provided funding for a new Crime Lab building, which has been desperately needed for many biennia. The new Crime Lab should be operational in mid October 2008. As a result, additional operating expenses are needed since the 2007-09 biennium included funding only for 9 months of the current biennium.

The estimated utilities for the 2009-11 biennium include a 30% increase in electricity and a 40% in gas as is included in Facility Management's budget. Additional cleaning, telecommunications, building maintenance supplies, and service contract estimated costs are included in the above request.

The total general fund request is \$578,930. Of this amount, \$182,270 was included for utilities in the 2007-09 biennium budget for Crime Lab new building operating and \$62,599 was included for other operating costs of the new building, making the net general fund request \$334,061.

Change Group: A	Change Type: C	Change No: 3	Priority: 1
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HIDTA salary funding source change -

The High Intensity Drug Trafficking Act (HIDTA) grant continues to limit the amount of salaries and wages for which it will pay. The salary caps are the same as during the 2007-09 biennium, however the salary increases provided by the legislature have increased these salary costs. The salary caps for two Crime Lab forensic scientists, and 3 BCI agents partially funded with HIDTA require an increase in the general fund monies for these positions. This general fund request totals \$12,233.

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IT Staff -

The office's Information Technology Division continues to struggle with salary levels competitive enough to attract highly skilled individuals, as well as continue to retain current staff. ITD is the current major department utilizing technical staff and the office continues to struggle to maintain staff salaries comparable to ITD's to be able to attract quality candidates.

Staff members continue to automate many manual processes, creating better efficiencies for the divisions supported. This has been accomplished which basically no additional FTEs; augmenting staff through use of consultants. However, increasing consultant responsibility in projects also increases project risk. When consultants work on a project, they gain the knowledge and expertise, and the transfer of knowledge and expertise to current IT staff is limited. The cost of consultants is extremely high and control of the processes performed is limited. This creates additional work for current IT staff after consultants are gone.

The office is now at the critical point of not having enough IT staff to provide the core services and continue the process of building efficiencies. Information sharing has become critical to the success of the office's endeavors. For instance, much of the sex offender information is still shared through paper and mailing with critical delays between local law enforcement, states attorneys, courts and this office. These processes must be automated, but in doing so, the complexity of office applications and network connections increase exponentially. This requires an increase in staff as well as increase in the depth of knowledge and skill of these individuals. This \$294,006 general fund request funds 2 IT staff and associated operating expenses.

Providing the amount of staff needed to support the infrastructure for real time information sharing has become a critical issue. This request includes an enhancement to the office's budget for additional IT staff to address this critical issue.

In the event that additional staff are not granted, additional funding will be needed for consultant help to move forward with projects which need to be done next biennium.

Change Group: A	Change Type: C	Change No: 5	Priority: 1
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Telecommunications Changes -

These general fund requests include telecommunication increases realized this biennium which were unable to be funded. These critical increases are necessary

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to continue the current level of telecommunication services to the office.

Change Group: A	Change Type: C	Change No: 6	Priority: 3
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Cr Lab forensic scientists and caseload manager -

The Crime Laboratory's Toxicology Section is responsible for processing and analyzing questioned death and coroner samples. The section has experienced approximately an average 9% increase each year in casework over the past twelve years. The turnaround for these samples is approximately 60 to 90 days. This is not timely for law enforcement purposes or for the family members waiting for toxicology results of their deceased family members. An acceptable time frame for analysis is two weeks. Several instruments have been purchased to increase efficiency, but workload demands have increased to the point of needing additional FTE's to adequately carry out legislative mandates. With an additional 2 FTE's the workload analysis in the Toxicology Section can be reduced.

The DNA unit is responsible for maintaining the DNA database for convicted and registered offenders and performing DNA analysis on criminal casework. The DNA Unit of the laboratory has experienced a 37.9% increase in casework from 2005 to 2006 and a 33% increase from 2006 to 2007. Current trends indicate this will continue to increase, putting an additional workload and stress on existing staff. To handle the current workload, Biological Screening/DNA cases are processed on a priority basis. Court dates or the urgency of a case drives the workload prioritization. Priority basing casework is not a long term solution; all cases should be worked within two to four weeks. DNA technology is an extremely valuable tool for law enforcement to solve crimes, but the laboratory needs to provide timely analysis. In order to provide timely service to the law enforcement community at least 3 additional FTE's are needed. With proper staffing, turnaround time for DNA casework could be as short as two weeks to four weeks. The present staffing level is not adequate to meet the needs of the law enforcement community or its legislative mandates. If the laboratory can process the caseload in a timely manner, law enforcement and the citizens of North Dakota will be better served because the law enforcement community will have more tools available to solve crimes (more DNA profiles).

This general fund request which totals \$774,298 includes 5 FTE's and associated operating costs to help address the tremendous in laboratory workload.

Change Group: A	Change Type: C	Change No: 7	Priority: 4
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Civil Commitment of Sexually Dangerous Individuals -

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This \$503,542 general fund request funds a 1.0 FTE assistant attorney general, 1.0 FTE paralegal and .5 FTE administrative assistant and related operating expenses to handle civil commitments of sexually dangerous individuals for states' attorneys. This team will assist states attorneys, particularly those located in small counties who may not have the resources, expertise and/or time for these proceedings. It is critical to commit sexually dangerous individuals to protect the public from very serious public safety issues.

In addition to the preliminary and commitment hearings, once a sexually dangerous individual is committed, the individual can request a review hearing annually.

Change Group: A	Change Type: C	Change No: 8	Priority: 6
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DNA evidence for all arrestees -

All arrestee DNA collection legislation was passed last session and is effective August 1, 2009. The laboratory did not receive additional funding to handle the anticipated workload. Without 2.0 additional FTEs (one forensic scientist and one evidence technician) the laboratory will not be able to handle the workload. The evidence technician is needed to process the samples coming into the laboratory. An additional forensic scientist is needed to process and analyze arrestee samples. Federal funds are anticipated to be available to pay for the kits needed to collect the DNA evidence. The total request is \$605,001, of which \$342,680 is from federal funds and \$262,321 is from the general fund.

Change Group: A	Change Type: C	Change No: 9	Priority: 9
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Crime Lab equipment service contracts -

In addition to an equipment recycling budget, a \$99,722 general fund increase is needed for preventative maintenance agreements. This funding will ensure the lab equipment is properly calibrated and running efficiently. Without maintenance agreements, some instruments will become idle because only certified trained technicians can repair/calibrate the instruments. In effect, the Lab would not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community. Maintenance agreements are requested only for equipment the Lab staff cannot fix and to keep the integrity associated with the equipment for court purposes. The Lab has been slowly requesting funding for crucial lab equipment maintenance agreements.

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Change Group: A	Change Type: C	Change No: 10	Priority: 8
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Operating inflationary increases -

Significant operating expense increases are projected for the 2009-11 biennium. These increases relate to State Fleet and other travel, rent, repairs, IT software, IT equipment under \$5,000, professional development, postage, printing, accreditation fees, office supplies, and clothing.

Finance and Administration:	\$ 12,126
Administration	33,360
IT	94,922
BCI	366,753
Crime Laboratory	6,000
Gaming	2,690
Total general fund increase requested	\$510,335

Change Group: A	Change Type: C	Change No: 11	Priority: 1
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BCI replacement vehicles -

As a result of the requirement to remove current biennium capital assets, the BCI replacement vehicles must be requested again. This replaces 7 vehicles at a total of \$140,000 from the general fund.

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Change Group: A	Change Type: C	Change No: 12	Priority: 5
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BCI Cybercrime agent -

BCI continues to be the only agency in the state forensically analyzing computers which were used in criminal activity. Three agents are currently assigned to investigate these activities. These agents are inundated with requests to assist with investigations that vary from narcotics activity to child pornography, child abuse, child molesters, and counterfeit documents such as drivers' licenses, internet auction fraud, terrorizing, extortion, and identity theft.

Technology advances and greater storage capacities of new hardware have resulted in increased criminal activity and an enormous volume of information contained on each computer to be examined. As a result, agents' workload has increased substantially and has resulted in a five to six month delay in completion of the work. In several recent sex offense cases involving the abuse of children, systems seized each had storage capacity greater than what is available to IT Division of the Attorney General's Office. Each of these systems included one to two terabytes of information and consisted of at least eight computers, with three to four hard drives in each computer, and at least eight external hard drives as part of the set up. These types of cases also typically require the analysis of numerous personal digital assistants (PDAs), thumb drives, and CD roms. Only a few years ago, this volume of storage capacity would have been unheard of at any level other than a university-type system. Now, adding to the challenge is file encryption software which is readily available and easily downloaded. Breaking through this software can increase the imaging process of the average home computer from six to 38 hours. It is not uncommon for one case, from start to finish, to take literally hundreds of hours to thoroughly investigate.

This general fund request includes 1.0 FTE, operating expenses and an undercover vehicle. The total request is \$204,355.

BCI also coordinates a task force which allows officers to work in an undercover capacity and develop cases against individuals who contact and lure victims into inappropriate sexual and criminal activities. This, along with assisting local agencies, has resulted in a workload beyond what three agents can handle. This request for general fund support is for an additional agent to be located in the eastern part of North Dakota.

Change Group: A	Change Type: C	Change No: 13	Priority: 7
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BCI .5 FTE Concealed Weapons admin assist -

Changes to state statute in August 2005 reduced the testing requirements for concealed weapon permit applications, and has resulted in substantial increases in the number of applications. During the 2005-2007 biennium, 5,900 new and renewal permits were issued. This is a 45% increase compared to the number of

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permits issued in the 2001-2003 biennium which was just over 4,100. Based on 2007-2009 activity to date, we anticipate a total of 6,700 permits will be issued, which is a 63% increase compared to 2001-03.

State statute requires the BCI to process new and renewal permits within thirty days of receipt from the forwarding agency. The increased workload jeopardizes the office's ability to complete this work on time. As a result, a .5 FTE administrative assistant position is requested to allow the office to process permits in a timely manner as well as meet the requirements set forth in state statute. The total general fund request for this position and associated operating expenses is \$87,458.

Change Group: A	Change Type: C	Change No: 14	Priority: 1
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Staff average salaries equity adjustments -

Even with the equity adjustments given by the 2007 Legislative Assembly, the Office of Attorney General salaries remain 6th lowest in state government. As a result, a comparison of same classification salaries was done based on October 2007 statewide salaries to determine the difference between average salaries based on years of state service and Office of Attorney General salaries. This comparison results in an increase of \$1,113,705 of which \$977,204 is from the general fund, \$150,600 is from special funds and \$13,071 is from federal funds.

In addition, other salary comparisons were completed:

The first compares the HRMS regional forensic scientist salary report (highest state salaries were removed from HRMS survey in this comparison) and Office of Attorney General forensic scientist salaries. Three levels of salaries were developed for forensic scientist salaries based on this comparison (levels 1, 2, & 3). Forensic scientist supervisor salaries and state toxicologist salaries were developed based on comparing other states average salaries for these positions to Office of Attorney General salaries and dividing the average difference by one-half.

The second compares average state government attorney salaries with Office of Attorney General salaries. A longevity factor of .1% was applied which recognizes those attorneys with substantial state experience.

The last compares Office of Attorney General division director salaries with each other based on years of division director experience with this office.

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Change Group: A	Change Type: C	Change No: 15	Priority: 8
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BCI criminal justice FTE funding source change -

The National Criminal History Improvement Project (NCHIP) federal funds for salaries and wages have been significantly reduced. As a result, the criminal records analyst who works with and trains local law enforcement and criminal justice entities to ensure accurate information is entered into the Automated Fingerprint Identification System (AFIS) is requested to be funded from the general fund, a \$58,534 request.

The following summarizes the criminal records analyst major duties:

- Provides training to local police departments, sheriff's offices, and jail staff on how to properly fill out a fingerprint card, Trains staff on reportable offenses etc., and to take fingerprints using ink,
- Trains jail staff on the proper use of the livescan fingerprinting units,
- Troubleshooting livescan submissions with the new AFIS,
- Trains states attorneys office staff on disposition reporting,
- Works with Parole and Probation and others routinely to attempt to get missing arrest prints, and
- Helps with disposition backlogs.

Change Group: A	Change Type: C	Change No: 16	Priority: 13
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Crime Lab accreditation fee increase -

The Crime Lab is accredited by the The American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD - LAB), which was created to meet the needs of the criminal justice system. Laboratory accreditation is one part of a laboratory's quality assurance program which includes proficiency testing, continuing education, and other programs to help the laboratory provide better overall service to the criminal justice system. Accreditation adds significant credibility to court testimony given by Crime Lab staff.

The dues have increased \$6,000 for the 2009-11 biennium. This is a general fund request.

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Change Group: A	Change Type: C	Change No: 19	Priority: 14
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Tobacco Diligent Enforcement Contingency -

The tobacco companies withheld over \$700 million due under the Master Settlement Agreement (MSA) alleging the states did not diligently enforce their statutes. Over \$2,600,000 of that amount was due North Dakota. The North Dakota Supreme Court held that the issue whether North Dakota diligently enforced its statute must be resolved in a multi-state arbitration.

The multi-state arbitration will likely commence in 2009. The multi-state arbitration will involve significant discovery, witnesses, experts, travel, and other litigation costs. It is anticipated that the states involved in the multi-state arbitration will enter into a cost sharing agreement to share costs incurred for the benefit of all states. North Dakota will need to pay a portion of the shared costs and its own costs. The office requests \$75,000 be appropriated to cover those costs.

Change Group: A	Change Type: C	Change No: 20	Priority: 0
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BCI .5 FTE Concealed Weapons administrative assist -

Change Group: A	Change Type: E	Change No: 1	Priority: 1
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Remove IT projects -

This request removes the following IT projects included in the 2007-09 biennium appropriation:

NO 20-22 Fund

Run Date: 01/12/09

12500 - Attorney Generals Office

Level: 12500

Attorney General

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		Biennium to Date				Actual vs. BTD		
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under	Total Budget	Total Budget Remaining
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	701,930.23	12,292,616.38	13,240,881.00	948,264.62	7%	17,654,508.00	5,361,891.62
513000	Temporary Salaries	12,292.04	138,683.62	192,488.25	53,804.63	28%	256,651.00	117,967.38
514000	Overtime	3,440.92	155,275.07	211,956.75	56,681.68	27%	282,609.00	127,333.93
516000	Fringe Benefits	230,683.69	4,055,407.05	4,517,973.00	462,565.95	10%	6,023,964.00	1,988,556.95
510000	Salaries and Benefits	948,346.88	16,641,982.12	18,163,299.00	1,521,316.88	8%	24,217,732.00	7,575,749.88
520000	Operating Expenses							
521000	Travel	16,483.75	623,151.51	823,809.00	200,657.49	24%	1,098,412.00	475,260.49
531000	Supplies - IT Software	(88,616.03)	347,530.70	504,956.94	157,426.24	31%	673,275.92	325,745.22
532000	Supply/Material-Professional	7,064.51	52,944.67	122,832.00	69,887.33	57%	163,776.00	110,831.33
533000	Food and Clothing	433.44	20,577.18	30,073.50	9,496.32	32%	40,098.00	19,520.82
534000	Bldg, Grounds, Vehicle Supply	6,781.20	165,217.22	214,769.25	49,552.03	23%	286,359.00	121,141.78
535000	Miscellaneous Supplies	3,097.11	110,321.72	198,776.25	88,454.53	44%	265,035.00	154,713.28
536000	Office Supplies	6,426.82	102,809.46	127,152.75	24,343.29	19%	169,537.00	66,727.54
541000	Postage	1,337.80	58,182.83	124,381.50	66,198.67	53%	165,842.00	107,659.17
542000	Printing	2,875.06	63,700.07	179,500.50	115,800.43	65%	239,334.00	175,633.93
551000	IT Equip under \$5,000	25,892.23	162,926.11	144,900.00	(18,026.11)	-12%	193,200.00	30,273.89
552000	Other Equip under \$5,000	3,462.40	94,357.53	196,029.75	101,672.22	52%	261,373.00	167,015.47
553000	Office Equip & Furniture-Under	0.00	13,058.48	72,236.25	59,177.77	82%	96,315.00	83,256.52
561000	Utilities	8,873.31	72,921.70	168,277.50	95,355.80	57%	224,370.00	151,448.30
571000	Insurance	0.00	38,978.64	74,958.75	35,980.11	48%	99,945.00	60,966.36
581000	Rentals/Leases-Equip & Other	2,322.62	77,338.98	140,722.50	63,383.52	45%	187,630.00	110,291.02
582000	Rentals/Leases - Bldg/Land	67,871.12	682,254.91	715,626.75	33,371.84	5%	954,169.00	271,914.09
591000	Repairs	34,152.04	308,603.65	577,620.75	269,017.10	47%	770,161.00	461,557.35
601000	IT - Data Processing	25,252.62	420,497.84	700,485.00	279,987.16	40%	933,980.00	513,482.16
602000	IT-Communications	13,435.60	222,391.93	266,814.00	44,422.07	17%	355,752.00	133,360.07
603000	IT Contractual Services and Re	3,231.75	419,939.44	871,085.25	451,145.81	52%	1,161,447.00	741,507.56
611000	Professional Development	12,075.00	244,344.88	342,666.75	98,321.87	29%	456,889.00	212,544.12
621000	Operating Fees and Services	146,965.66	1,469,196.62	2,552,067.00	1,082,870.38	42%	3,402,756.00	1,933,559.38
623000	Fees - Professional Services	41,990.09	421,338.40	1,426,243.56	1,004,905.16	70%	1,901,658.08	1,480,319.68
625000	Medical, Dental and Optical	37,824.63	418,450.58	354,593.25	(63,857.33)	-18%	472,791.00	54,340.42
520000	Operating Expenses	379,232.73	6,611,035.05	10,930,578.75	4,319,543.70	40%	14,574,105.00	7,963,069.95
681000	Capital Assets							
682000	Land and Buildings	(5,610.50)	4,249,017.47	3,592,621.50	(656,395.97)	-18%	4,790,162.00	541,144.53
683000	Other Capital Payments	0.00	86,771.56	136,863.75	50,092.19	37%	182,485.00	95,713.44
684000	Extraordinary Repairs	(915.00)	0.00	0.00	0.00	0%	0.00	0.00
691000	Equipment Over \$5000	0.00	300,471.72	548,762.25	248,290.53	45%	731,683.00	431,211.28
692000	Motor Vehicles	10,731.00	121,263.43	100,632.00	(20,631.43)	-21%	134,176.00	12,912.57
693000	IT Equip / Software Over \$5000	0.00	14,945.00	152,583.75	137,638.75	90%	203,445.00	188,500.00
681000	Capital Assets	4,205.50	4,772,469.18	4,531,463.25	(241,005.93)	-5%	6,041,951.00	1,269,481.82
712000	Grants, Benefits & Claims	19,020.44	1,166,525.60	2,750,250.00	1,583,724.40	58%	3,667,000.00	2,500,474.40
713000	Tax Dist to Government Units	0.00	0.00	0.00	0.00	0%	0.00	0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
722000	Transfers Out	9,414.31	249,832.94	397,500.00	147,667.06	37%	530,000.00	280,167.06
Total	Expenditures	1,360,219.86	29,441,844.89	36,773,091.00	7,331,246.11	20%	49,030,788.00	19,588,943.11

1003.1.26.09
Attachment

Expenditures by Source

Total General Fund Expenditures	216,598.51	16,693,749.93	18,567,972.00	1,874,222.07	10%	24,757,296.00	8,063,546.07
Total Federal Fund Expenditures	130,022.10	3,791,511.66	7,436,153.25	3,644,641.59	49%	9,914,871.00	6,123,359.34
Total Special Fund Expenditures	1,013,599.25	8,956,583.30	10,768,965.75	1,812,382.45	17%	14,358,621.00	5,402,037.70
Total Expenditures by Source	1,360,219.86	29,441,844.89	36,773,091.00	7,331,246.11	20%	49,030,788.00	19,588,943.11

12500 - Attorney Generals Office

Level: 125-100
Finance and Administration

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under			(Over)/Under
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	42,877.00	750,649.73	774,643.50	23,993.77	3%	1,032,858.00	282,208.27
513000	Temporary Salaries	271.80	7,659.67	18,000.00	10,340.33	57%	24,000.00	16,340.33
516000	Fringe Benefits	14,915.49	264,607.66	302,123.25	37,515.59	12%	402,831.00	138,223.34
510000	Salaries and Benefits	58,064.29	1,022,917.06	1,094,766.75	71,849.69	7%	1,459,689.00	436,771.94
520000	Operating Expenses							
521000	Travel	0.00	11,271.21	12,750.00	1,478.79	12%	17,000.00	5,728.79
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	0.00	2,390.06	3,750.00	1,359.94	36%	5,000.00	2,609.94
533000	Food and Clothing	0.00	0.00	487.50	487.50	100%	650.00	650.00
534000	Bldg. Grounds, Vehicle Supply	12.76	2,249.62	2,616.00	366.38	14%	3,488.00	1,238.38
535000	Miscellaneous Supplies	131.73	5,800.56	6,258.75	458.19	7%	8,345.00	2,544.44
536000	Office Supplies	70.80	4,930.39	5,956.50	1,026.11	17%	7,942.00	3,011.61
541000	Postage	27.39	1,841.55	3,150.00	1,308.45	42%	4,200.00	2,358.45
542000	Printing	0.00	1,475.32	2,625.00	1,149.68	44%	3,500.00	2,024.68
553000	Office Equip & Furniture-Under	0.00	37.20	3,000.00	2,962.80	99%	4,000.00	3,962.80
571000	Insurance	0.00	1,366.10	2,793.75	1,427.65	51%	3,725.00	2,358.90
581000	Rentals/Leases-Equip & Other	151.39	4,734.04	8,250.00	3,515.96	43%	11,000.00	6,265.96
582000	Rentals/Leases - Bldg/Land	0.00	20,783.94	31,313.25	10,529.31	34%	41,751.00	20,967.06
591000	Repairs	97.19	3,160.48	3,187.50	27.02	1%	4,250.00	1,089.52
602000	IT-Communications	525.32	9,060.07	9,606.00	545.93	6%	12,808.00	3,747.93
611000	Professional Development	0.00	14,418.00	16,626.00	2,208.00	13%	22,168.00	7,750.00
621000	Operating Fees and Services	55.95	884.73	3,375.00	2,490.27	74%	4,500.00	3,615.27
623000	Fees - Professional Services	64.75	363.15	3,703.50	3,340.35	90%	4,938.00	4,574.85
520000	Operating Expenses	1,137.28	84,766.42	119,448.75	34,682.33	29%	159,265.00	74,498.58
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	59,201.57	1,107,683.48	1,214,215.50	106,532.02	9%	1,618,954.00	511,270.52
Expenditures by Source								
Total	General Fund Expenditures	59,190.09	1,105,823.82	1,157,664.00	51,840.18	4%	1,543,552.00	437,728.18
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	11.48	1,859.66	56,551.50	54,691.84	97%	75,402.00	73,542.34
Total	Expenditures by Source	59,201.57	1,107,683.48	1,214,215.50	106,532.02	9%	1,618,954.00	511,270.52

12500 - Attorney Generals Office

Level: 125-105

Information Technology

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	40,039.35	657,479.57	779,430.75	121,951.18	16%	1,039,241.00	381,761.43
513000	Temporary Salaries	1,129.50	16,776.57	19,268.25	2,491.68	13%	25,691.00	8,914.43
514000	Overtime	75.42	1,173.79	1,875.00	701.21	37%	2,500.00	1,326.21
516000	Fringe Benefits	13,504.55	213,070.50	267,387.75	54,317.25	20%	356,517.00	143,446.50
510000	Salaries and Benefits	54,748.82	888,600.43	1,067,961.75	179,461.32	17%	1,423,949.00	535,448.57
520000	Operating Expenses							
521000	Travel	833.52	15,865.21	35,897.25	20,032.04	56%	47,863.00	31,997.79
531000	Supplies - IT Software	(88,666.67)	331,778.46	452,456.94	120,678.48	27%	603,275.92	271,497.46
532000	Supply/Material-Professional	3,984.95	4,892.27	1,875.00	(3,017.27)	-161%	2,500.00	(2,392.27)
534000	Bldg, Grounds, Vehicle Supply	0.00	53.54	375.00	321.46	86%	500.00	446.46
535000	Miscellaneous Supplies	163.98	6,022.02	7,200.00	1,177.98	16%	9,600.00	3,577.98
536000	Office Supplies	52.49	328.81	1,500.00	1,171.19	78%	2,000.00	1,671.19
541000	Postage	0.00	42.58	112.50	69.92	62%	150.00	107.42
542000	Printing	0.00	148.81	450.00	301.19	67%	600.00	451.19
551000	IT Equip under \$5,000	25,892.23	162,624.40	141,900.00	(20,724.40)	-15%	189,200.00	26,575.60
553000	Office Equip & Furniture-Under	0.00	0.00	975.00	975.00	100%	1,300.00	1,300.00
571000	Insurance	0.00	3,300.44	2,850.00	(450.44)	-16%	3,800.00	499.56
581000	Rentals/Leases-Equip & Other	0.00	26.20	75.00	48.80	65%	100.00	73.80
582000	Rentals/Leases - Bldg/Land	8,957.00	62,699.00	54,000.00	(8,699.00)	-16%	72,000.00	9,301.00
591000	Repairs	328.00	4,962.93	25,500.00	20,537.07	81%	34,000.00	29,037.07
601000	IT - Data Processing	24,154.32	402,623.00	665,295.00	262,672.00	39%	887,060.00	484,437.00
602000	IT-Communications	756.62	13,408.22	22,500.00	9,091.78	40%	30,000.00	16,591.78
603000	IT Contractual Services and Re	3,231.75	419,939.44	868,985.25	449,045.81	52%	1,158,647.00	738,707.56
611000	Professional Development	0.00	18,168.00	31,792.50	13,624.50	43%	42,390.00	24,222.00
621000	Operating Fees and Services	0.00	3,457.86	3,150.00	(307.86)	-10%	4,200.00	742.14
623000	Fees - Professional Services	0.00	691.59	975.00	283.41	29%	1,300.00	608.41
520000	Operating Expenses	(20,311.81)	1,451,032.78	2,317,864.44	866,831.66	37%	3,090,485.92	1,639,453.14
681000	Capital Assets							
691000	Equipment Over \$5000	0.00	5,000.00	20,616.00	15,616.00	76%	27,488.00	22,488.00
693000	IT Equip / Software Over \$5000	0.00	14,945.00	137,583.75	122,638.75	89%	183,445.00	168,500.00
681000	Capital Assets	0.00	19,945.00	158,199.75	138,254.75	87%	210,933.00	190,988.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	34,437.01	2,359,478.21	3,544,025.94	1,184,547.73	33%	4,725,367.92	2,365,889.71
Expenditures by Source								
Total	General Fund Expenditures	13,615.04	1,571,665.23	1,662,645.75	90,980.52	5%	2,216,861.00	645,195.77
Total	Federal Fund Expenditures	6,172.62	425,296.36	1,076,054.19	650,757.83	60%	1,434,738.92	1,009,442.56
Total	Special Fund Expenditures	14,649.35	362,516.62	805,326.00	442,809.38	55%	1,073,768.00	711,251.38
Total	Expenditures by Source	34,437.01	2,359,478.21	3,544,025.94	1,184,547.73	33%	4,725,367.92	2,365,889.71

Level: 125-105-11
IT-General Fund

For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	31,242.85	506,856.23	486,711.75	(20,144.48)	-4%	648,949.00	142,092.77
513000	Temporary Salaries	1,129.50	16,776.57	19,268.25	2,491.68	13%	25,691.00	8,914.43
514000	Overtime	75.42	1,173.79	1,875.00	701.21	37%	2,500.00	1,326.21
516000	Fringe Benefits	10,708.69	162,962.90	168,700.50	5,737.60	3%	224,934.00	61,971.10
510000	Salaries and Benefits	43,156.46	687,769.49	676,555.50	(11,213.99)	-2%	902,074.00	214,304.51
520000	Operating Expenses							
521000	Travel	833.52	12,008.85	19,575.75	7,566.90	39%	26,101.00	14,092.15
531000	Supplies - IT Software	(94,777.79)	146,086.12	162,750.00	16,663.88	10%	217,000.00	70,913.88
532000	Supply/Material-Professional	3,984.95	4,892.27	1,875.00	(3,017.27)	-161%	2,500.00	(2,392.27)
534000	Bldg. Grounds, Vehicle Supply	0.00	53.54	375.00	321.46	86%	500.00	446.46
535000	Miscellaneous Supplies	163.98	4,712.48	3,750.00	(962.48)	-26%	5,000.00	287.52
536000	Office Supplies	52.49	328.81	1,500.00	1,171.19	78%	2,000.00	1,671.19
541000	Postage	0.00	42.58	112.50	69.92	62%	150.00	107.42
542000	Printing	0.00	148.81	450.00	301.19	67%	600.00	451.19
551000	IT Equip under \$5,000	25,892.23	117,056.05	111,738.75	(5,317.30)	-5%	148,985.00	31,928.95
553000	Office Equip & Furniture-Under	0.00	0.00	975.00	975.00	100%	1,300.00	1,300.00
571000	Insurance	0.00	3,300.44	2,850.00	(450.44)	-16%	3,800.00	499.56
581000	Rentals/Leases-Equip & Other	0.00	26.20	75.00	48.80	65%	100.00	73.80
582000	Rentals/Leases - Bldg/Land	8,957.00	62,699.00	54,000.00	(8,699.00)	-16%	72,000.00	9,301.00
591000	Repairs	328.00	4,962.93	3,000.00	(1,962.93)	-65%	4,000.00	(962.93)
601000	IT - Data Processing	21,035.83	349,788.63	430,778.25	80,989.62	19%	574,371.00	224,582.37
602000	IT-Communications	756.62	13,408.22	15,000.00	1,591.78	11%	20,000.00	6,591.78
603000	IT Contractual Services and Re	3,231.75	144,816.90	143,667.00	(1,149.90)	-1%	191,556.00	46,739.10
611000	Professional Development	0.00	13,778.00	28,500.00	14,722.00	52%	38,000.00	24,222.00
621000	Operating Fees and Services	0.00	3,270.32	3,000.00	(270.32)	-9%	4,000.00	729.68
623000	Fees - Professional Services	0.00	691.59	750.00	58.41	8%	1,000.00	308.41
520000	Operating Expenses	(29,541.42)	882,071.74	984,722.25	102,650.51	10%	1,312,963.00	430,891.26
681000	Capital Assets							
693000	IT Equip / Software Over \$5000	0.00	1,824.00	1,368.00	(456.00)	-33%	1,824.00	0.00
681000	Capital Assets	0.00	1,824.00	1,368.00	(456.00)	-33%	1,824.00	0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	13,616.04	1,571,665.23	1,662,645.75	90,980.52	5%	2,216,861.00	645,195.77
Expenditures by Source								
Total	General Fund Expenditures	13,615.04	1,571,665.23	1,662,645.75	90,980.52	5%	2,216,861.00	645,195.77
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Expenditures by Source	13,615.04	1,571,665.23	1,662,645.75	90,980.52	5%	2,216,861.00	645,195.77

12500 - Attorney Generals Office

Level: 125-105-12
IT-Federal Funds

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

		Biennium to Date				Actual vs. BTD Percent	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
516000	Fringe Benefits	0.00	0.00	0.00	0.00	0%	0.00	0.00
510000	Salaries and Benefits	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000	Operating Expenses							
521000	Travel	0.00	3,856.36	2,821.50	(1,034.86)	-37%	3,762.00	(94.36)
531000	Supplies - IT Software	6,111.12	185,692.34	116,831.94	(68,860.40)	-59%	155,775.92	(29,916.42)
535000	Miscellaneous Supplies	0.00	1,309.54	3,450.00	2,140.46	62%	4,600.00	3,290.46
551000	IT Equip under \$5,000	0.00	40,759.35	28,466.25	(12,293.10)	-43%	37,955.00	(2,804.35)
601000	IT - Data Processing	61.50	1,045.50	1,107.00	61.50	6%	1,476.00	430.50
603000	IT Contractual Services and Re	0.00	170,122.27	105,068.25	(65,054.02)	-62%	140,091.00	(30,031.27)
611000	Professional Development	0.00	4,390.00	3,292.50	(1,097.50)	-33%	4,390.00	0.00
520000	Operating Expenses	6,172.62	407,175.36	261,037.44	(146,137.92)	-56%	348,049.92	(59,125.44)
681000	Capital Assets							
691000	Equipment Over \$5000	0.00	5,000.00	20,616.00	15,616.00	76%	27,488.00	22,488.00
693000	IT Equip / Software Over \$5000	0.00	13,121.00	9,840.75	(3,280.25)	-33%	13,121.00	0.00
681000	Capital Assets	0.00	18,121.00	30,456.75	12,335.75	41%	40,609.00	22,488.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	6,172.62	425,296.36	291,494.19	(133,802.17)	-46%	388,658.92	(36,637.44)
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Federal Fund Expenditures	6,172.62	425,296.36	291,494.19	(133,802.17)	-46%	388,658.92	(36,637.44)
Total	Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Expenditures by Source	6,172.62	425,296.36	291,494.19	(133,802.17)	-46%	388,658.92	(36,637.44)

12500 - Attorney Generals Office

Level: 125-105-13

IT- Special Funds

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent	Total Budget	Total Budget Remaining	
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under			
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	8,796.50	150,623.34	233,903.25	83,279.91	36%	311,871.00	161,247.66
516000	Fringe Benefits	2,795.86	50,107.60	75,603.00	25,495.40	34%	100,804.00	50,696.40
510000	Salaries and Benefits	11,592.36	200,730.94	309,506.25	108,775.31	35%	412,675.00	211,944.06
520000	Operating Expenses							
531000	Supplies - IT Software	0.00	0.00	89,625.00	89,625.00	100%	119,500.00	119,500.00
551000	IT Equip under \$5,000	0.00	4,809.00	1,695.00	(3,114.00)	-184%	2,260.00	(2,549.00)
571000	Insurance	0.00	0.00	0.00	0.00	0%	0.00	0.00

601000	IT - Data Processing	3,056.99	51,788.87	79,374.75	27,585.88	35%	105,833.00	54,044.13
603000	IT Contractual Services and Re	0.00	105,000.27	320,250.00	215,249.73	67%	427,000.00	321,999.73
621000	Operating Fees and Services	0.00	187.54	150.00	(37.54)	-25%	200.00	12.46
623000	Fees - Professional Services	0.00	0.00	225.00	225.00	100%	300.00	300.00
520000	Operating Expenses	3,056.99	161,785.68	491,319.75	329,534.07	67%	655,093.00	493,307.32
681000	Capital Assets							
693000	IT Equip / Software Over \$5000	0.00	0.00	4,500.00	4,500.00	100%	6,000.00	6,000.00
681000	Capital Assets	0.00	0.00	4,500.00	4,500.00	100%	6,000.00	6,000.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	14,649.35	362,516.62	805,326.00	442,809.38	55%	1,073,768.00	711,251.38
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	14,649.35	362,516.62	805,326.00	442,809.38	55%	1,073,768.00	711,251.38
Total Expenditures by Source		14,649.35	362,516.62	805,326.00	442,809.38	55%	1,073,768.00	711,251.38

12500 - Attorney Generals Office

Level: 125-105-14

IT Sex Offender Kiosk Project

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date				Actual vs. BTD Percent	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	0.00	0.00	58,815.75	58,815.75	100%	78,421.00	78,421.00
516000	Fringe Benefits	0.00	0.00	23,084.25	23,084.25	100%	30,779.00	30,779.00
510000	Salaries and Benefits	0.00	0.00	81,900.00	81,900.00	100%	109,200.00	109,200.00
520000	Operating Expenses							
521000	Travel	0.00	0.00	13,500.00	13,500.00	100%	18,000.00	18,000.00
531000	Supplies - IT Software	0.00	0.00	83,250.00	83,250.00	100%	111,000.00	111,000.00
591000	Repairs	0.00	0.00	22,500.00	22,500.00	100%	30,000.00	30,000.00
601000	IT - Data Processing	0.00	0.00	154,035.00	154,035.00	100%	205,380.00	205,380.00
602000	IT-Communications	0.00	0.00	7,500.00	7,500.00	100%	10,000.00	10,000.00
603000	IT Contractual Services and Re	0.00	0.00	300,000.00	300,000.00	100%	400,000.00	400,000.00
520000	Operating Expenses	0.00	0.00	580,785.00	580,785.00	100%	774,380.00	774,380.00
681000	Capital Assets							
693000	IT Equip / Software Over \$5000	0.00	0.00	121,875.00	121,875.00	100%	162,500.00	162,500.00
681000	Capital Assets	0.00	0.00	121,875.00	121,875.00	100%	162,500.00	162,500.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	0.00	0.00	784,560.00	784,560.00	100%	1,046,080.00	1,046,080.00

Expenditures by Source

Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	784,560.00	784,560.00	100%	1,046,080.00	1,046,080.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	0.00	0.00	784,560.00	784,560.00	100%	1,046,080.00	1,046,080.00

12500 - Attorney Generals Office

Level: 125-110
AG Administration

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	23,081.25	402,406.50	402,515.25	108.75	0%	536,687.00	134,280.50
516000	Fringe Benefits	6,550.06	115,549.11	116,502.00	952.89	1%	155,336.00	39,786.89
510000	Salaries and Benefits	29,631.31	517,955.61	519,017.25	1,061.64	0%	692,023.00	174,067.39
520000	Operating Expenses							
521000	Travel	1,707.96	35,564.02	33,674.25	(1,889.77)	-6%	44,899.00	9,334.98
532000	Supply/Material-Professional	27.33	4,239.40	4,425.00	185.60	4%	5,900.00	1,660.60
533000	Food and Clothing	0.00	36.33	150.00	113.67	76%	200.00	163.67
534000	Bldg. Grounds, Vehicle Supply	0.00	3,587.61	4,825.50	1,237.89	26%	6,434.00	2,846.39
535000	Miscellaneous Supplies	0.00	4,597.57	6,161.25	1,563.68	25%	8,215.00	3,617.43
536000	Office Supplies	(3.92)	1,336.71	1,663.50	326.79	20%	2,218.00	881.29
541000	Postage	0.00	1,731.42	2,817.00	1,085.58	39%	3,756.00	2,024.58
542000	Printing	360.00	1,438.25	2,625.00	1,186.75	45%	3,500.00	2,061.75
553000	Office Equip & Furniture-Under	0.00	55.80	24,492.00	24,436.20	100%	32,656.00	32,600.20
571000	Insurance	0.00	389.40	512.25	122.85	24%	683.00	293.60
581000	Rentals/Leases-Equip & Other	112.98	1,962.71	2,925.00	962.29	33%	3,900.00	1,937.29
582000	Rentals/Leases - Bldg/Land	160.01	160.01	750.00	589.99	79%	1,000.00	839.99
591000	Repairs	0.00	623.12	915.00	291.88	32%	1,220.00	596.88
602000	IT-Communications	382.41	7,205.07	7,537.50	332.43	4%	10,050.00	2,844.93
611000	Professional Development	1,060.00	33,889.00	43,039.50	9,150.50	21%	57,386.00	23,497.00
621000	Operating Fees and Services	60.00	4,989.19	6,578.25	1,589.06	24%	8,771.00	3,781.81
623000	Fees - Professional Services	0.00	1,919.75	3,795.00	1,875.25	49%	5,060.00	3,140.25
520000	Operating Expenses	3,866.77	103,725.36	146,886.00	43,160.64	29%	195,848.00	92,122.64
681000	Capital Assets							
684000	Extraordinary Repairs	0.00	0.00	0.00	0.00	0%	0.00	0.00
681000	Capital Assets	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	33,498.08	621,680.97	665,903.25	44,222.28	7%	887,871.00	266,190.03
Expenditures by Source								
Total	General Fund Expenditures	33,498.08	620,538.13	611,835.75	(8,702.38)	-1%	815,781.00	195,242.87
Total	Federal Fund Expenditures	0.00	0.00	34,685.25	34,685.25	100%	46,247.00	46,247.00
Total	Special Fund Expenditures	0.00	1,142.84	19,382.25	18,239.41	94%	25,843.00	24,700.16
Total	Expenditures by Source	33,498.08	621,680.97	665,903.25	44,222.28	7%	887,871.00	266,190.03

12500 - Attorney Generals Office

Level: 125-130

Payroll Clearing

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	0.00	0.00	237,929.25	237,929.25	100%	317,239.00	317,239.00
513000	Temporary Salaries	0.00	0.00	0.00	0.00	0%	0.00	0.00
514000	Overtime	0.00	0.00	0.00	0.00	0%	0.00	0.00
516000	Fringe Benefits	0.00	0.00	59,512.50	59,512.50	100%	79,350.00	79,350.00
510000	Salaries and Benefits	0.00	0.00	297,441.75	297,441.75	100%	396,589.00	396,589.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	0.00	0.00	297,441.75	297,441.75	100%	396,589.00	396,589.00
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	180,032.25	180,032.25	100%	240,043.00	240,043.00
Total	Federal Fund Expenditures	0.00	0.00	10,188.75	10,188.75	100%	13,585.00	13,585.00
Total	Special Fund Expenditures	0.00	0.00	107,220.75	107,220.75	100%	142,961.00	142,961.00
Total	Expenditures by Source	0.00	0.00	297,441.75	297,441.75	100%	396,589.00	396,589.00

12500 - Attorney Generals Office

Level: 125-150

Legal Services

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Percent of Biennium Remaining - 25%

		----- Biennium to Date -----			Actual vs. BTD			
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under	Total Budget	Total Budget Remaining
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	155,698.00	2,917,796.12	3,112,216.50	194,420.38	6%	4,149,622.00	1,231,825.88
516000	Fringe Benefits	44,012.49	814,383.76	902,535.00	88,151.24	10%	1,203,380.00	388,996.24
510000	Salaries and Benefits	199,710.49	3,732,179.88	4,014,751.50	282,571.62	7%	5,353,002.00	1,620,822.12
520000	Operating Expenses							
521000	Travel	670.08	48,599.75	75,654.75	27,055.00	36%	100,873.00	52,273.25
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	0.00	6,771.49	15,894.75	9,123.26	57%	21,193.00	14,421.51
533000	Food and Clothing	0.00	0.00	201.75	201.75	100%	269.00	269.00
534000	Bldg, Grounds, Vehicle Supply	29.15	7,342.40	8,760.75	1,418.35	16%	11,681.00	4,338.60
535000	Miscellaneous Supplies	0.00	11,253.97	18,359.25	7,105.28	39%	24,479.00	13,225.03
536000	Office Supplies	212.72	9,035.77	11,815.50	2,779.73	24%	15,754.00	6,718.23

541000	Postage	99.01	8,552.67	16,734.75	8,182.08	49%	22,313.00	13,760.33
542000	Printing	318.13	7,049.37	14,035.50	6,986.13	50%	18,714.00	11,664.63
553000	Office Equip & Furniture-Under	0.00	720.70	2,491.50	1,770.80	71%	3,322.00	2,601.30
571000	Insurance	0.00	3,241.12	10,581.00	7,339.88	69%	14,108.00	10,866.88
581000	Rentals/Leases-Equip & Other	650.07	10,561.99	16,263.75	5,701.76	35%	21,685.00	11,123.01
582000	Rentals/Leases - Bldg/Land	0.00	67,276.64	101,553.00	34,276.36	34%	135,404.00	68,127.36
591000	Repairs	1,276.68	9,078.21	8,060.25	(1,017.96)	-13%	10,747.00	1,668.79
602000	IT-Communications	1,284.96	23,674.03	27,368.25	3,694.22	13%	36,491.00	12,816.97
611000	Professional Development	9,405.00	36,730.25	52,074.00	15,343.75	29%	69,432.00	32,701.75
621000	Operating Fees and Services	7,280.80	262,038.83	246,241.50	(15,797.33)	-6%	328,322.00	66,283.17
623000	Fees - Professional Services	1,222.50	46,884.92	57,306.00	10,421.08	18%	76,408.00	29,523.08
520000	Operating Expenses	22,447.10	558,812.11	683,396.25	124,584.14	18%	911,196.00	352,382.89
681000	Capital Assets							
684000	Extraordinary Repairs	(915.00)	0.00	0.00	0.00	0%	0.00	0.00
681000	Capital Assets	(915.00)	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	221,242.59	4,290,991.99	4,698,147.75	407,155.76	9%	6,264,197.00	1,973,205.01
Expenditures by Source								
Total	General Fund Expenditures	130,453.69	2,457,425.41	2,702,696.25	245,270.84	9%	3,603,595.00	1,146,169.59
Total	Federal Fund Expenditures	117.90	100,162.43	95,884.50	(4,277.93)	-4%	127,846.00	27,683.57
Total	Special Fund Expenditures	90,671.00	1,733,404.15	1,899,567.00	166,162.85	9%	2,532,756.00	799,351.85
Total Expenditures by Source		221,242.59	4,290,991.99	4,698,147.75	407,155.76	9%	6,264,197.00	1,973,205.01

12500 - Attorney Generals Office

Level: 125-150-11

Litigation Fees

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

	Biennium to Date			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget			
Expenditures						
			0.00	0.00	0%	0.00
520000	Operating Expenses					
521000	Travel	98.89	5,255.49	3,818.25	(1,437.24)	-38%
532000	Supply/Material-Professional	0.00	0.00	10.50	10.50	100%
536000	Office Supplies	0.00	42.00	31.50	(10.50)	-33%
541000	Postage	36.40	174.62	191.25	16.63	9%
542000	Printing	0.00	0.00	877.50	877.50	100%
581000	Rentals/Leases-Equip & Other	0.00	7.49	22.50	15.01	67%
591000	Repairs	0.00	2.39	22.50	20.11	89%
611000	Professional Development	0.00	0.00	9.75	9.75	100%
621000	Operating Fees and Services	0.00	2,465.00	2,934.75	469.75	16%
623000	Fees - Professional Services	348.90	36,345.22	29,581.50	(6,763.72)	-23%
520000	Operating Expenses	484.19	44,292.21	37,500.00	(6,792.21)	-18%
			0.00	0.00	0%	0.00
			0.00	0.00	0%	0.00

			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	484.19	44,292.21	37,500.00	(6,792.21)	-18%	50,000.00	5,707.79
Expenditures by Source							
Total General Fund Expenditures	484.19	44,292.21	37,500.00	(6,792.21)	-18%	50,000.00	5,707.79
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	484.19	44,292.21	37,500.00	(6,792.21)	-18%	50,000.00	5,707.79

12500 - Attorney Generals Office

Level: 125-150-14
Prosecution Witness Fees

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	----- Biennium to Date -----			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under		
Expenditures						
			0.00	0.00	0%	0.00
520000 Operating Expenses						
521000 Travel	0.00	0.00	0.00	0.00	0%	0.00
621000 Operating Fees and Services	7,224.85	189,339.89	156,750.00	(32,589.89)	-21%	209,000.00
520000 Operating Expenses	7,224.85	189,339.89	156,750.00	(32,589.89)	-21%	209,000.00
			0.00	0.00	0%	0.00
			0.00	0.00	0%	0.00
			0.00	0.00	0%	0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00
			0.00	0.00	0%	0.00
Total Expenditures	7,224.85	189,339.89	156,750.00	(32,589.89)	-21%	209,000.00
Expenditures by Source						
Total General Fund Expenditures	7,224.85	189,339.89	156,750.00	(32,589.89)	-21%	209,000.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00
Total Expenditures by Source	7,224.85	189,339.89	156,750.00	(32,589.89)	-21%	209,000.00

12500 - Attorney Generals Office

Level: 125-150-15
Civil Litigation

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	----- Biennium to Date -----			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under		
Expenditures						
510000 Salaries and Benefits						
511000 Salaries - Permanent	43,437.00	819,419.84	915,318.00	95,898.16	10%	1,220,424.00

516000	Fringe Benefits	12,696.33	235,406.01	276,142.50	40,736.49	15%	368,190.00	132,783.99
510000	Salaries and Benefits	56,133.33	1,054,825.85	1,191,460.50	136,634.65	11%	1,588,614.00	533,788.15
520000	Operating Expenses							
521000	Travel	364.41	4,349.16	19,869.00	15,519.84	78%	26,492.00	22,142.84
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	0.00	1,971.17	5,389.50	3,418.33	63%	7,186.00	5,214.83
533000	Food and Clothing	0.00	0.00	72.00	72.00	100%	96.00	96.00
534000	Bldg. Grounds, Vehicle Supply	18.22	1,261.66	1,273.50	11.84	1%	1,698.00	436.34
535000	Miscellaneous Supplies	0.00	7,663.11	11,666.25	4,003.14	34%	15,555.00	7,891.89
536000	Office Supplies	122.82	3,551.81	3,921.00	369.19	9%	5,228.00	1,676.19
541000	Postage	39.13	347.42	5,575.50	5,228.08	94%	7,434.00	7,086.58
542000	Printing	100.00	2,511.12	3,663.00	1,151.88	31%	4,884.00	2,372.88
553000	Office Equip & Furniture-Under	0.00	0.00	906.00	906.00	100%	1,208.00	1,208.00
571000	Insurance	0.00	968.61	3,681.00	2,712.39	74%	4,908.00	3,939.39
581000	Rentals/Leases-Equip & Other	305.00	3,977.29	7,008.00	3,030.71	43%	9,344.00	5,366.71
582000	Rentals/Leases - Bldg/Land	0.00	41,667.90	63,120.00	21,452.10	34%	84,160.00	42,492.10
591000	Repairs	237.43	4,336.66	3,681.00	(655.66)	-18%	4,908.00	571.34
602000	IT-Communications	428.86	7,563.23	9,333.75	1,770.52	19%	12,445.00	4,881.77
611000	Professional Development	2,730.00	10,194.00	8,805.75	(1,388.25)	-16%	11,741.00	1,547.00
621000	Operating Fees and Services	0.00	24,801.73	25,285.50	483.77	2%	33,714.00	8,912.27
623000	Fees - Professional Services	0.00	1,630.08	9,354.00	7,723.92	83%	12,472.00	10,841.92
520000	Operating Expenses	4,345.87	116,794.95	182,604.75	65,809.80	36%	243,473.00	126,678.05
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	60,479.20	1,171,620.80	1,374,065.25	202,444.45	15%	1,832,087.00	660,466.20
Expenditures by Source								
Total	General Fund Expenditures	7,589.82	134,376.18	247,132.50	112,756.32	46%	329,510.00	195,133.82
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	52,889.38	1,037,244.62	1,126,932.75	89,688.13	8%	1,502,577.00	465,332.38
Total	Expenditures by Source	60,479.20	1,171,620.80	1,374,065.25	202,444.45	15%	1,832,087.00	660,466.20

12500 - Attorney Generals Office

Level: 125-150-16

Criminal & Regulatory

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	31,279.00	534,054.00	534,150.75	96.75	0%	712,201.00	178,147.00
516000	Fringe Benefits	9,287.62	161,787.12	162,951.00	1,163.88	1%	217,268.00	55,480.88
510000	Salaries and Benefits	40,566.62	695,841.12	697,101.75	1,260.63	0%	929,469.00	233,627.88
520000	Operating Expenses							
521000	Travel	206.78	6,932.66	11,015.25	4,082.59	37%	14,687.00	7,754.34
532000	Supply/Material-Professional	0.00	424.17	2,223.75	1,799.58	81%	2,965.00	2,540.83
533000	Food and Clothing	0.00	0.00	11.25	11.25	100%	15.00	15.00
535000	Miscellaneous Supplies	0.00	0.00	519.00	519.00	100%	692.00	692.00

536000	Office Supplies	3.83	1,302.38	2,560.50	1,258.12	49%	3,414.00	2,111.62
541000	Postage	0.00	7,182.23	8,332.50	1,150.27	14%	11,110.00	3,927.77
542000	Printing	204.23	2,302.23	4,693.50	2,391.27	51%	6,258.00	3,955.77
553000	Office Equip & Furniture-Under	0.00	581.20	377.25	(203.95)	-54%	503.00	(78.20)
571000	Insurance	0.00	629.19	2,442.00	1,812.81	74%	3,256.00	2,626.81
581000	Rentals/Leases-Equip & Other	0.00	2,321.13	3,358.50	1,037.37	31%	4,478.00	2,156.87
582000	Rentals/Leases - Bldg/Land	0.00	460.00	825.00	365.00	44%	1,100.00	640.00
591000	Repairs	0.00	505.49	999.00	493.51	49%	1,332.00	826.51
602000	IT-Communications	232.98	4,277.44	5,373.75	1,096.31	20%	7,165.00	2,887.56
611000	Professional Development	1,235.00	4,062.00	14,643.75	10,581.75	72%	19,525.00	15,463.00
621000	Operating Fees and Services	55.95	7,314.80	15,134.25	7,819.45	52%	20,179.00	12,864.20
623000	Fees - Professional Services	873.60	4,981.10	7,149.75	2,168.65	30%	9,533.00	4,551.90
520000	Operating Expenses	2,812.37	43,276.02	79,659.00	36,382.98	46%	106,212.00	62,935.98
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	43,378.99	739,117.14	776,760.75	37,643.61	5%	1,035,681.00	296,563.86
Expenditures by Source								
Total	General Fund Expenditures	41,736.04	616,594.17	627,377.25	10,783.08	2%	836,503.00	219,908.83
Total	Federal Fund Expenditures	117.90	100,162.43	95,884.50	(4,277.93)	-4%	127,846.00	27,683.57
Total	Special Fund Expenditures	1,525.05	22,360.54	53,499.00	31,138.46	58%	71,332.00	48,971.46
Total Expenditures by Source		43,378.99	739,117.14	776,760.75	37,643.61	5%	1,035,681.00	296,563.86

12500 - Attorney Generals Office

Level: 125-150-17
State & Local Government

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		----- Biennium to Date -----				Actual vs. BTD	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	53,851.00	979,332.69	1,064,991.75	85,659.06	8%	1,419,989.00	440,656.31
516000	Fringe Benefits	14,106.72	251,524.92	289,857.75	38,332.83	13%	386,477.00	134,952.08
510000	Salaries and Benefits	67,957.72	1,230,857.61	1,354,849.50	123,991.89	9%	1,806,466.00	575,608.39
520000	Operating Expenses							
521000	Travel	0.00	3,539.92	4,500.00	960.08	21%	6,000.00	2,460.08
532000	Supply/Material-Professional	0.00	2,373.21	5,778.75	3,405.54	59%	7,705.00	5,331.79
533000	Food and Clothing	0.00	0.00	67.50	67.50	100%	90.00	90.00
534000	Bldg, Grounds, Vehicle Supply	0.00	5,318.79	6,475.50	1,156.71	18%	8,634.00	3,315.21
535000	Miscellaneous Supplies	0.00	2,679.61	5,141.25	2,461.64	48%	6,855.00	4,175.39
536000	Office Supplies	12.38	1,937.85	2,742.00	804.15	29%	3,656.00	1,718.15
541000	Postage	0.00	477.74	1,178.25	700.51	59%	1,571.00	1,093.26
542000	Printing	6.20	694.92	3,007.50	2,312.58	77%	4,010.00	3,315.08
553000	Office Equip & Furniture-Under	0.00	139.50	755.25	615.75	82%	1,007.00	867.50
571000	Insurance	0.00	1,060.11	3,067.50	2,007.39	65%	4,090.00	3,029.89
581000	Rentals/Leases-Equip & Other	282.46	3,302.83	3,158.25	(144.58)	-5%	4,211.00	908.17
582000	Rentals/Leases - Bldg/Land	0.00	108.00	0.00	(108.00)	0%	0.00	(108.00)
591000	Repairs	915.00	2,031.99	1,254.75	(777.24)	-62%	1,673.00	(358.99)
602000	IT-Communications	461.23	8,364.54	8,237.25	(127.29)	-2%	10,983.00	2,618.46

611000	Professional Development	3,845.00	11,983.25	18,145.50	6,162.25	34%	24,194.00	12,210.75
621000	Operating Fees and Services	0.00	24,125.83	26,518.50	2,392.67	9%	35,358.00	11,232.17
623000	Fees - Professional Services	0.00	2,933.29	7,012.50	4,079.21	58%	9,350.00	6,416.71
520000	Operating Expenses	5,522.27	71,071.38	97,040.25	26,968.87	27%	129,387.00	58,315.62
681000	Capital Assets							
684000	Extraordinary Repairs	(915.00)	0.00	0.00	0.00	0%	0.00	0.00
681000	Capital Assets	(915.00)	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	72,564.99	1,301,928.99	1,451,889.75	149,960.76	10%	1,935,853.00	633,924.01
Expenditures by Source								
Total	General Fund Expenditures	59,311.36	1,078,294.99	1,195,756.50	117,461.51	10%	1,594,342.00	516,047.01
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	13,253.63	223,634.00	256,133.25	32,499.25	13%	341,511.00	117,877.00
Total	Expenditures by Source	72,564.99	1,301,928.99	1,451,889.75	149,960.76	10%	1,935,853.00	633,924.01

12500 - Attorney Generals Office

Level: 125-150-18

Natural Rsrc & Indian Affairs

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD			
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under	Total Budget	Total Budget Remaining
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	27,131.00	584,989.59	597,756.00	12,766.41	2%	797,008.00	212,018.41
516000	Fringe Benefits	7,921.82	165,665.71	173,583.75	7,918.04	5%	231,445.00	65,779.29
510000	Salaries and Benefits	35,052.82	750,655.30	771,339.75	20,684.45	3%	1,028,453.00	277,797.70
520000	Operating Expenses							
521000	Travel	0.00	11,888.86	12,452.25	563.39	5%	16,603.00	4,714.14
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	0.00	2,002.94	2,492.25	489.31	20%	3,323.00	1,320.06
533000	Food and Clothing	0.00	0.00	51.00	51.00	100%	68.00	68.00
534000	Bldg. Grounds, Vehicle Supply	10.93	761.95	1,011.75	249.80	25%	1,349.00	587.05
535000	Miscellaneous Supplies	0.00	911.25	1,032.75	121.50	12%	1,377.00	465.75
536000	Office Supplies	73.69	2,201.73	2,560.50	358.77	14%	3,414.00	1,212.27
541000	Postage	23.48	370.66	1,457.25	1,086.59	75%	1,943.00	1,572.34
542000	Printing	5.70	1,541.10	1,794.00	252.90	14%	2,392.00	850.90
553000	Office Equip & Furniture-Under	0.00	0.00	453.00	453.00	100%	604.00	604.00
571000	Insurance	0.00	583.21	1,390.50	807.29	58%	1,854.00	1,270.79
581000	Rentals/Leases-Equip & Other	62.61	953.25	2,716.50	1,763.25	65%	3,622.00	2,668.75
582000	Rentals/Leases - Bldg/Land	0.00	25,040.74	37,608.00	12,567.26	33%	50,144.00	25,103.26
591000	Repairs	124.25	2,201.68	2,103.00	(98.68)	-5%	2,804.00	602.32
602000	IT-Communications	161.89	3,468.82	4,423.50	954.68	22%	5,898.00	2,429.18
611000	Professional Development	1,595.00	10,491.00	10,469.25	(21.75)	0%	13,959.00	3,468.00
621000	Operating Fees and Services	0.00	13,991.58	19,618.50	5,626.92	29%	26,158.00	12,166.42
623000	Fees - Professional Services	0.00	995.23	4,208.25	3,213.02	76%	5,611.00	4,615.77
520000	Operating Expenses	2,057.55	77,404.00	105,842.25	28,438.25	27%	141,123.00	63,719.00
				0.00	0.00	0%		0.00

			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	37,110.37	828,059.30	877,182.00	49,122.70	6%	1,169,576.00	341,516.70
Expenditures by Source							
Total General Fund Expenditures	14,107.43	377,894.31	414,180.00	36,285.69	9%	552,240.00	174,345.69
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	23,002.94	450,164.99	463,002.00	12,837.01	3%	617,336.00	167,171.01
Total Expenditures by Source	37,110.37	828,059.30	877,182.00	49,122.70	6%	1,169,576.00	341,516.70

12500 - Attorney Generals Office
 Level: 125-150-91
 Arrest & Return Fugitives

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	Current Month	Biennium to Date			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
		Actuals	Budget	(Over)/Under			
Expenditures							
			0.00	0.00	0%		0.00
520000 Operating Expenses							
521000 Travel	0.00	16,633.66	24,000.00	7,366.34	31%	32,000.00	15,366.34
623000 Fees - Professional Services	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000 Operating Expenses	0.00	16,633.66	24,000.00	7,366.34	31%	32,000.00	15,366.34
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	0.00	16,633.66	24,000.00	7,366.34	31%	32,000.00	15,366.34
Expenditures by Source							
Total General Fund Expenditures	0.00	16,633.66	24,000.00	7,366.34	31%	32,000.00	15,366.34
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	0.00	16,633.66	24,000.00	7,366.34	31%	32,000.00	15,366.34

12500 - Attorney Generals Office
 Level: 125-200
 Bureau of Criminal Investigati

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	Current Month	Biennium to Date			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
		Actuals	Budget	(Over)/Under			
Expenditures							

510000	Salaries and Benefits							
511000	Salaries - Permanent	223,456.75	3,867,962.94	4,201,459.50	333,496.56	8%	5,601,946.00	1,733,983.06
513000	Temporary Salaries	2,157.25	21,951.00	17,842.50	(4,108.50)	-23%	23,790.00	1,839.00
514000	Overtime	3,177.02	153,800.12	209,159.25	55,359.13	26%	278,879.00	125,078.88
516000	Fringe Benefits	77,463.98	1,359,342.39	1,510,433.25	151,090.86	10%	2,013,911.00	654,568.61
510000	Salaries and Benefits	306,255.00	5,403,056.45	5,938,894.50	535,838.05	9%	7,918,526.00	2,515,469.55
520000	Operating Expenses							
521000	Travel	11,899.42	326,813.26	391,940.25	65,126.99	17%	522,587.00	195,773.74
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	87.25	25,085.44	75,960.75	50,875.31	67%	101,281.00	76,195.56
533000	Food and Clothing	156.74	15,742.53	21,846.75	6,104.22	28%	29,129.00	13,386.47
534000	Bldg, Grounds, Vehicle Supply	5,315.53	142,687.57	188,430.75	45,743.18	24%	251,241.00	108,553.43
535000	Miscellaneous Supplies	2,745.36	44,382.38	74,272.50	29,890.12	40%	99,030.00	54,647.62
536000	Office Supplies	5,091.83	57,955.67	65,256.00	7,300.33	11%	87,008.00	29,052.33
541000	Postage	227.26	7,726.11	36,549.75	28,823.64	79%	48,733.00	41,006.89
542000	Printing	1,140.16	26,654.58	33,279.00	6,624.42	20%	44,372.00	17,717.42
552000	Other Equip under \$5,000	0.00	18,021.06	97,479.75	79,458.69	82%	129,973.00	111,951.94
553000	Office Equip & Furniture-Under	0.00	11,598.49	28,812.75	17,214.26	60%	38,417.00	26,818.51
571000	Insurance	0.00	18,152.68	38,065.50	19,912.82	52%	50,754.00	32,601.32
581000	Rentals/Leases-Equip & Other	1,193.58	54,072.27	96,507.00	42,434.73	44%	128,676.00	74,603.73
582000	Rentals/Leases - Bldg/Land	40,415.79	350,186.77	348,203.75	(3,983.02)	-1%	461,605.00	111,418.23
591000	Repairs	4,127.01	141,770.12	296,421.00	154,650.88	52%	395,228.00	253,457.88
602000	IT-Communications	6,126.68	110,045.80	105,587.25	(4,458.55)	-4%	140,783.00	30,737.20
603000	IT Contractual Services and Re	0.00	0.00	0.00	0.00	0%	0.00	0.00
611000	Professional Development	1,560.00	73,476.56	106,746.75	33,270.19	31%	142,329.00	68,852.44
621000	Operating Fees and Services	18,516.12	400,097.81	930,157.50	530,059.69	57%	1,240,210.00	840,112.19
623000	Fees - Professional Services	20,051.02	211,157.40	563,487.81	352,330.41	63%	751,317.08	540,159.68
625000	Medical, Dental and Optical	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000	Operating Expenses	118,653.76	2,035,626.50	3,497,004.81	1,461,378.31	42%	4,662,673.08	2,627,046.58
681000	Capital Assets							
691000	Equipment Over \$5000	0.00	0.00	44,543.25	44,543.25	100%	59,391.00	59,391.00
692000	Motor Vehicles	10,731.00	121,263.43	100,632.00	(20,631.43)	-21%	134,176.00	12,912.57
681000	Capital Assets	10,731.00	121,263.43	145,175.25	23,911.82	16%	193,567.00	72,303.57
712000	Grants, Benefits & Claims	25,601.44	737,245.47	2,227,500.00	1,490,254.53	67%	2,970,000.00	2,232,754.53
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
722000	Transfers Out	9,414.31	249,832.94	397,500.00	147,667.06	37%	530,000.00	280,167.06
Total	Expenditures	470,655.50	8,547,024.79	12,206,074.56	3,659,049.77	30%	16,274,766.08	7,727,741.29
Expenditures by Source								
Total	General Fund Expenditures	356,711.70	5,960,300.80	6,477,326.25	517,025.45	8%	8,636,435.00	2,676,134.20
Total	Federal Fund Expenditures	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45
Total	Special Fund Expenditures	18,705.73	190,917.36	686,779.50	495,862.14	72%	915,706.00	724,788.64
Total Expenditures by Source		470,655.50	8,547,024.79	12,206,074.56	3,659,049.77	30%	16,274,766.08	7,727,741.29

12500 - Attorney Generals Office

Level: 125-200-1

BCI - General Fund

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Percent of Biennium Remaining - 25%

----- Biennium to Date -----				Actual vs. BTD	Total Budget	Total Budget
Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under		
						Remaining

Expenditures

510000	Salaries and Benefits							
511000	Salaries - Permanent	208,385.66	3,513,321.06	3,805,950.00	292,628.94	8%	5,074,600.00	1,561,278.94
513000	Temporary Salaries	2,157.25	21,951.00	17,842.50	(4,108.50)	-23%	23,790.00	1,839.00
514000	Overtime	1,224.62	55,729.68	110,244.75	54,515.07	49%	146,993.00	91,263.32
516000	Fringe Benefits	72,595.28	1,222,524.77	1,356,008.25	133,483.48	10%	1,808,011.00	585,486.23
510000	Salaries and Benefits	284,362.81	4,813,526.51	5,290,045.50	476,518.99	9%	7,053,394.00	2,239,867.49
520000	Operating Expenses							
521000	Travel	9,149.51	196,509.67	241,190.25	44,680.58	19%	321,587.00	125,077.33
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	87.25	20,752.03	31,940.25	11,188.22	35%	42,587.00	21,834.97
533000	Food and Clothing	142.99	6,311.42	10,596.75	4,285.33	40%	14,129.00	7,817.58
534000	Bldg. Grounds, Vehicle Supply	2,577.87	68,112.54	113,342.25	45,229.71	40%	151,123.00	83,010.46
535000	Miscellaneous Supplies	2,745.36	35,429.48	41,557.50	6,128.02	15%	55,410.00	19,980.52
536000	Office Supplies	5,091.83	52,076.36	53,256.00	1,179.64	2%	71,008.00	18,931.64
541000	Postage	227.26	7,683.52	23,799.75	16,116.23	68%	31,733.00	24,049.48
542000	Printing	1,140.16	25,267.10	27,279.00	2,011.90	7%	36,372.00	11,104.90
552000	Other Equip under \$5,000	0.00	2,111.97	41,850.00	39,738.03	95%	55,800.00	53,688.03
553000	Office Equip & Furniture-Under	0.00	11,598.49	28,812.75	17,214.26	60%	38,417.00	26,818.51
571000	Insurance	0.00	16,453.45	26,065.50	9,612.05	37%	34,754.00	18,300.55
581000	Rentals/Leases-Equip & Other	24.50	7,138.49	8,007.00	868.51	11%	10,676.00	3,537.51
582000	Rentals/Leases - Bldg/Land	33,065.96	253,943.54	239,703.75	(14,239.79)	-6%	319,605.00	65,661.46
591000	Repairs	3,358.74	114,514.53	116,421.00	1,906.47	2%	155,228.00	40,713.47
602000	IT-Communications	5,386.66	97,444.55	83,790.00	(13,654.55)	-16%	111,720.00	14,275.45
611000	Professional Development	971.75	30,648.81	39,771.00	9,122.19	23%	53,028.00	22,379.19
621000	Operating Fees and Services	14,999.20	223,705.52	598,159.50	374,453.98	63%	797,546.00	573,840.48
623000	Fees - Professional Services	1,354.58	46,726.75	47,886.00	1,159.25	2%	63,848.00	17,121.25
520000	Operating Expenses	80,323.62	1,216,428.22	1,773,428.25	557,000.03	31%	2,364,571.00	1,148,142.78
681000	Capital Assets							
692000	Motor Vehicles	10,731.00	121,263.43	100,632.00	(20,631.43)	-21%	134,176.00	12,912.57
681000	Capital Assets	10,731.00	121,263.43	100,632.00	(20,631.43)	-21%	134,176.00	12,912.57
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	375,417.43	6,161,218.16	7,164,105.75	1,012,887.59	14%	9,552,141.00	3,400,922.84
Expenditures by Source								
Total General Fund Expenditures		356,711.70	5,960,300.80	6,477,326.25	517,025.45	8%	8,636,435.00	2,676,134.20
Total Federal Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures		18,705.73	190,917.36	686,779.50	495,862.14	72%	915,706.00	724,788.64
Total Expenditures by Source		375,417.43	6,161,218.16	7,164,105.75	1,012,887.59	14%	9,552,141.00	3,400,922.84

12500 - Attorney Generals Office

Level: 125-200-1-26

BCI - Investigative

Organizational Status Report by Summary Account

For Month Ending December 31, 2008

Percent of Biennium Remaining - 25%

	Biennium to Date			Actual vs. BTD		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under		
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	129,752.80	2,251,130.09	2,412,050.25	160,920.16	7%	3,216,067.00	964,936.91

514000	Overtime	1,051.53	44,811.95	100,175.25	55,363.30	55%	133,567.00	88,755.05
516000	Fringe Benefits	41,860.13	736,101.61	808,245.75	72,144.14	9%	1,077,661.00	341,559.39
510000	Salaries and Benefits	172,664.46	3,032,043.65	3,320,471.25	288,427.60	9%	4,427,295.00	1,395,251.35
520000	Operating Expenses							
521000	Travel	8,311.61	174,757.58	206,625.00	31,867.42	15%	275,500.00	100,742.42
531000	Supplies - IT Software	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	87.25	18,986.42	20,315.25	1,328.83	7%	27,087.00	8,100.58
533000	Food and Clothing	142.99	5,836.03	7,596.75	1,760.72	23%	10,129.00	4,292.97
534000	Bldg, Grounds, Vehicle Supply	1,945.28	62,292.27	91,680.75	29,388.48	32%	122,241.00	59,948.73
535000	Miscellaneous Supplies	1,009.23	14,742.90	18,309.75	3,566.65	19%	24,413.00	9,670.10
536000	Office Supplies	199.49	11,280.92	6,000.00	(5,280.92)	-88%	8,000.00	(3,280.92)
541000	Postage	148.90	5,008.75	5,087.25	78.50	2%	6,783.00	1,774.25
542000	Printing	(53.90)	2,223.16	5,625.00	3,401.84	60%	7,500.00	5,276.84
552000	Other Equip under \$5,000	0.00	973.58	61,849.50	60,875.92	98%	82,466.00	81,492.42
553000	Office Equip & Furniture-Under	0.00	0.00	7,500.00	7,500.00	100%	10,000.00	10,000.00
571000	Insurance	0.00	10,262.72	11,065.50	802.78	7%	14,754.00	4,491.28
581000	Rentals/Leases-Equip & Other	24.50	2,048.80	957.00	(1,091.80)	-114%	1,276.00	(772.80)
582000	Rentals/Leases - Bldg/Land	12,059.96	105,899.41	155,703.75	49,804.34	32%	207,605.00	101,705.59
591000	Repairs	2,137.74	57,591.28	38,421.00	(19,170.28)	-50%	51,228.00	(6,363.28)
602000	IT-Communications	3,706.72	64,338.38	28,957.50	(35,380.88)	-122%	38,610.00	(25,728.38)
611000	Professional Development	656.75	17,698.81	20,646.00	2,947.19	14%	27,528.00	9,829.19
621000	Operating Fees and Services	55.95	73,391.06	27,564.00	(45,827.06)	-166%	36,752.00	(36,639.06)
623000	Fees - Professional Services	884.08	10,459.95	7,875.00	(2,584.95)	-33%	10,500.00	40.05
520000	Operating Expenses	31,316.65	637,792.02	721,779.00	83,986.98	12%	962,372.00	324,579.98
681000	Capital Assets							
692000	Motor Vehicles	0.00	84,237.03	100,632.00	16,394.97	16%	134,176.00	49,938.97
681000	Capital Assets	0.00	84,237.03	100,632.00	16,394.97	16%	134,176.00	49,938.97
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	203,981.01	3,754,072.70	4,142,882.25	388,809.55	9%	5,523,843.00	1,769,770.30
Expenditures by Source								
Total	General Fund Expenditures	203,981.01	3,754,072.70	4,117,912.50	363,839.80	9%	5,490,550.00	1,736,477.30
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	0.00	0.00	24,969.75	24,969.75	100%	33,293.00	33,293.00
Total	Expenditures by Source	203,981.01	3,754,072.70	4,142,882.25	388,809.55	9%	5,523,843.00	1,769,770.30

12500 - Attorney Generals Office

Level: 125-200-1-27

BCI - Training Division

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		----- Biennium to Date -----			Actual vs. BTD		
		Current Month	Actuals	Budget	(Over)/Under	Percent	Total Budget
					(Over)/Under		Total Budget Remaining
Expenditures							
510000	Salaries and Benefits						
511000	Salaries - Permanent	10,348.00	164,300.77	172,515.00	8,214.23	5%	230,020.00
516000	Fringe Benefits	3,742.51	55,158.89	56,031.75	872.86	2%	74,709.00
510000	Salaries and Benefits	14,090.51	219,459.66	228,546.75	9,087.09	4%	304,729.00
520000	Operating Expenses						

521000	Travel	339.00	5,125.93	0.00	(5,125.93)	0%	0.00	(5,125.93)
534000	Bldg, Grounds, Vehicle Supply	164.87	665.29	0.00	(665.29)	0%	0.00	(665.29)
535000	Miscellaneous Supplies	0.00	842.78	0.00	(842.78)	0%	0.00	(842.78)
536000	Office Supplies	0.00	64.99	0.00	(64.99)	0%	0.00	(64.99)
542000	Printing	0.00	137.48	0.00	(137.48)	0%	0.00	(137.48)
571000	Insurance	0.00	221.69	0.00	(221.69)	0%	0.00	(221.69)
591000	Repairs	0.00	103.90	0.00	(103.90)	0%	0.00	(103.90)
602000	IT-Communications	116.70	2,445.58	0.00	(2,445.58)	0%	0.00	(2,445.58)
611000	Professional Development	0.00	1,995.00	0.00	(1,995.00)	0%	0.00	(1,995.00)
621000	Operating Fees and Services	25.00	640.90	0.00	(640.90)	0%	0.00	(640.90)
623000	Fees - Professional Services	0.00	77.50	0.00	(77.50)	0%	0.00	(77.50)
520000	Operating Expenses	645.57	12,321.04	0.00	(12,321.04)	0%	0.00	(12,321.04)
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total Expenditures		14,736.08	231,780.70	228,546.75	(3,233.95)	-1%	304,729.00	72,948.30
Expenditures by Source								
Total	General Fund Expenditures	14,736.08	231,780.70	228,546.75	(3,233.95)	-1%	304,729.00	72,948.30
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source		14,736.08	231,780.70	228,546.75	(3,233.95)	-1%	304,729.00	72,948.30

12500 - Attorney Generals Office

Level: 125-200-1-28

BCI - Administration/Services

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date				Actual vs. BTD		
		Current Month	Actuals	Budget	(Over)/Under	Percent	Total Budget	Total Budget
						(Over)/Under		Remaining
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	68,284.86	1,097,890.20	1,221,384.75	123,494.55	10%	1,628,513.00	530,622.80
513000	Temporary Salaries	2,157.25	21,951.00	17,842.50	(4,108.50)	-23%	23,790.00	1,839.00
514000	Overtime	173.09	10,917.73	10,069.50	(848.23)	-8%	13,426.00	2,508.27
516000	Fringe Benefits	26,992.64	431,264.27	491,730.75	60,466.48	12%	655,641.00	224,376.73
510000	Salaries and Benefits	97,607.84	1,562,023.20	1,741,027.50	179,004.30	10%	2,321,370.00	759,346.80
520000	Operating Expenses							
521000	Travel	498.90	16,626.16	34,565.25	17,939.09	52%	46,087.00	29,460.84
532000	Supply/Material-Professional	0.00	1,765.61	11,625.00	9,859.39	85%	15,500.00	13,734.39
533000	Food and Clothing	0.00	475.39	3,000.00	2,524.61	84%	4,000.00	3,524.61
534000	Bldg, Grounds, Vehicle Supply	467.72	5,154.98	21,661.50	16,506.52	76%	28,882.00	23,727.02
535000	Miscellaneous Supplies	1,736.13	19,843.80	23,247.75	3,403.95	15%	30,997.00	11,153.20
536000	Office Supplies	4,892.34	40,730.45	47,256.00	6,525.55	14%	63,008.00	22,277.55
541000	Postage	78.36	2,674.77	18,712.50	16,037.73	86%	24,950.00	22,275.23
542000	Printing	1,194.06	22,906.46	21,654.00	(1,252.46)	-6%	28,872.00	5,965.54
552000	Other Equip under \$5,000	0.00	1,138.39	(19,999.50)	(21,137.89)	106%	(26,666.00)	(27,804.39)
553000	Office Equip & Furniture-Under	0.00	11,598.49	21,312.75	9,714.26	46%	28,417.00	16,818.51
571000	Insurance	0.00	5,969.04	15,000.00	9,030.96	60%	20,000.00	14,030.96
581000	Rentals/Leases-Equip & Other	0.00	5,089.69	7,050.00	1,960.31	28%	9,400.00	4,310.31
582000	Rentals/Leases - Bldg/Land	21,006.00	148,044.13	84,000.00	(64,044.13)	-76%	112,000.00	(36,044.13)

591000	Repairs	1,221.00	56,819.35	78,000.00	21,180.65	27%	104,000.00	47,180.65
602000	IT-Communications	1,563.24	30,660.59	54,832.50	24,171.91	44%	73,110.00	42,449.41
611000	Professional Development	315.00	10,955.00	19,125.00	8,170.00	43%	25,500.00	14,545.00
621000	Operating Fees and Services	14,918.25	149,673.56	570,595.50	420,921.94	74%	760,794.00	611,120.44
623000	Fees - Professional Services	470.50	36,189.30	40,011.00	3,821.70	10%	53,348.00	17,158.70
520000	Operating Expenses	48,361.50	566,315.16	1,051,649.25	485,334.09	46%	1,402,199.00	835,883.84
681000	Capital Assets							
692000	Motor Vehicles	10,731.00	37,026.40	0.00	(37,026.40)	0%	0.00	(37,026.40)
681000	Capital Assets	10,731.00	37,026.40	0.00	(37,026.40)	0%	0.00	(37,026.40)
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	156,700.34	2,165,364.76	2,792,676.75	627,311.99	22%	3,723,569.00	1,558,204.24
Expenditures by Source								
	Total General Fund Expenditures	137,994.61	1,974,447.40	2,130,867.00	156,419.60	7%	2,841,156.00	866,708.60
	Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
	Total Special Fund Expenditures	18,705.73	190,917.36	661,809.75	470,892.39	71%	882,413.00	691,495.64
Total Expenditures by Source		156,700.34	2,165,364.76	2,792,676.75	627,311.99	22%	3,723,569.00	1,558,204.24

12500 - Attorney Generals Office

Level: 125-200-2

BCI - Federal Funds

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		Biennium to Date				Actual vs. BTD	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	15,071.09	354,641.88	395,509.50	40,867.62	10%	527,346.00	172,704.12
514000	Overtime	1,952.40	98,070.44	98,914.50	844.06	1%	131,886.00	33,815.56
516000	Fringe Benefits	4,868.70	136,817.62	154,425.00	17,607.38	11%	205,900.00	69,082.38
510000	Salaries and Benefits	21,892.19	589,529.94	648,849.00	59,319.06	9%	865,132.00	275,602.06
520000	Operating Expenses							
521000	Travel	2,749.91	130,303.59	150,750.00	20,446.41	14%	201,000.00	70,696.41
532000	Supply/Material-Professional	0.00	4,333.41	44,020.50	39,687.09	90%	58,694.00	54,360.59
533000	Food and Clothing	13.75	9,431.11	11,250.00	1,818.89	16%	15,000.00	5,568.89
534000	Bldg. Grounds, Vehicle Supply	2,737.66	74,575.03	75,088.50	513.47	1%	100,118.00	25,542.97
535000	Miscellaneous Supplies	0.00	8,952.90	32,715.00	23,762.10	73%	43,620.00	34,667.10
536000	Office Supplies	0.00	5,879.31	12,000.00	6,120.69	51%	16,000.00	10,120.69
541000	Postage	0.00	42.59	12,750.00	12,707.41	100%	17,000.00	16,957.41
542000	Printing	0.00	1,387.48	6,000.00	4,612.52	77%	8,000.00	6,612.52
552000	Other Equip under \$5,000	0.00	15,909.09	55,629.75	39,720.66	71%	74,173.00	58,263.91
571000	Insurance	0.00	1,699.23	12,000.00	10,300.77	86%	16,000.00	14,300.77
581000	Rentals/Leases-Equip & Other	1,169.08	46,933.78	88,500.00	41,566.22	47%	118,000.00	71,066.22
582000	Rentals/Leases - Bldg/Land	7,349.83	96,243.23	106,500.00	10,256.77	10%	142,000.00	45,756.77
591000	Repairs	768.27	27,255.59	180,000.00	152,744.41	85%	240,000.00	212,744.41
602000	IT-Communications	740.02	12,601.25	21,797.25	9,196.00	42%	29,063.00	16,461.75
603000	IT Contractual Services and Re	0.00	0.00	0.00	0.00	0%	0.00	0.00
611000	Professional Development	588.25	42,827.75	66,975.75	24,148.00	36%	89,301.00	46,473.25
621000	Operating Fees and Services	3,516.92	176,392.29	331,998.00	155,605.71	47%	442,664.00	266,271.71
623000	Fees - Professional Services	18,696.44	164,430.65	515,601.81	351,171.16	68%	687,469.00	523,038.43

625000	Medical, Dental and Optical	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000	Operating Expenses	38,330.13	819,198.28	1,723,576.56	904,378.28	52%	2,298,102.08	1,478,903.80
681000	Capital Assets							
691000	Equipment Over \$5000	0.00	0.00	44,543.25	44,543.25	100%	59,391.00	59,391.00
681000	Capital Assets	0.00	0.00	44,543.25	44,543.25	100%	59,391.00	59,391.00
712000	Grants, Benefits & Claims	25,601.44	737,245.47	2,227,500.00	1,490,254.53	67%	2,970,000.00	2,232,754.53
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
722000	Transfers Out	9,414.31	249,832.94	397,500.00	147,667.06	37%	530,000.00	280,167.06
Total	Expenditures	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45
Expenditures by Source								
	Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
	Total Federal Fund Expenditures	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45
	Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Expenditures by Source	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45

12500 - Attorney Generals Office

Level: 125-200-2-21

BCI - Federal Funds

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		----- Biennium to Date -----			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	15,071.09	354,641.88	395,509.50	40,867.62	10%	527,346.00	172,704.12
514000	Overtime	1,952.40	98,070.44	98,914.50	844.06	1%	131,886.00	33,815.56
516000	Fringe Benefits	4,868.70	136,817.62	154,425.00	17,607.38	11%	205,900.00	69,082.38
510000	Salaries and Benefits	21,892.19	589,529.94	648,849.00	59,319.06	9%	865,132.00	275,602.06
520000	Operating Expenses							
521000	Travel	2,749.91	130,303.59	150,750.00	20,446.41	14%	201,000.00	70,696.41
532000	Supply/Material-Professional	0.00	4,333.41	44,020.50	39,687.09	90%	58,694.00	54,360.59
533000	Food and Clothing	13.75	9,431.11	11,250.00	1,818.89	16%	15,000.00	5,568.89
534000	Bldg, Grounds, Vehicle Supply	2,737.66	74,575.03	75,088.50	513.47	1%	100,118.00	25,542.97
535000	Miscellaneous Supplies	0.00	8,952.90	32,715.00	23,762.10	73%	43,620.00	34,667.10
536000	Office Supplies	0.00	5,879.31	12,000.00	6,120.69	51%	16,000.00	10,120.69
541000	Postage	0.00	42.59	12,750.00	12,707.41	100%	17,000.00	16,957.41
542000	Printing	0.00	1,387.48	6,000.00	4,612.52	77%	8,000.00	6,612.52
552000	Other Equip under \$5,000	0.00	15,909.09	55,629.75	39,720.66	71%	74,173.00	58,263.91
571000	Insurance	0.00	1,699.23	12,000.00	10,300.77	86%	16,000.00	14,300.77
581000	Rentals/Leases-Equip & Other	1,169.08	46,933.78	88,500.00	41,566.22	47%	118,000.00	71,066.22
582000	Rentals/Leases - Bldg/Land	7,349.83	96,243.23	106,500.00	10,256.77	10%	142,000.00	45,756.77
591000	Repairs	768.27	27,255.59	180,000.00	152,744.41	85%	240,000.00	212,744.41
602000	IT-Communications	740.02	12,601.25	21,797.25	9,196.00	42%	29,063.00	16,461.75
603000	IT Contractual Services and Re	0.00	0.00	0.00	0.00	0%	0.00	0.00
611000	Professional Development	588.25	42,827.75	66,975.75	24,148.00	36%	89,301.00	46,473.25
621000	Operating Fees and Services	3,516.92	176,392.29	331,998.00	155,605.71	47%	442,664.00	266,271.71
623000	Fees - Professional Services	18,696.44	164,430.65	515,601.81	351,171.16	68%	687,469.08	523,038.43
625000	Medical, Dental and Optical	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000	Operating Expenses	38,330.13	819,198.28	1,723,576.56	904,378.28	52%	2,298,102.08	1,478,903.80
681000	Capital Assets							

691000	Equipment Over \$5000	0.00	0.00	44,543.25	44,543.25	100%	59,391.00	59,391.00
681000	Capital Assets	0.00	0.00	44,543.25	44,543.25	100%	59,391.00	59,391.00
712000	Grants, Benefits & Claims	25,601.44	737,245.47	2,227,500.00	1,490,254.53	67%	2,970,000.00	2,232,754.53
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
722000	Transfers Out	9,414.31	249,832.94	397,500.00	147,667.06	37%	530,000.00	280,167.06
Total	Expenditures	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Federal Fund Expenditures	95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45
Total	Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source		95,238.07	2,395,806.63	5,041,968.81	2,646,162.18	52%	6,722,625.08	4,326,818.45

12500 - Attorney Generals Office

Level: 125-300
Crime Laboratory

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		----- Biennium to Date -----			Actual vs. BTD	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under			Percent (Over)/Under
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	59,160.00	1,025,166.32	1,039,474.50	14,308.18	1%	1,385,966.00	360,799.68
513000	Temporary Salaries	7,054.50	64,805.50	100,800.00	35,994.50	36%	134,400.00	69,594.50
516000	Fringe Benefits	21,853.36	378,986.93	392,149.50	13,162.57	3%	522,866.00	143,879.07
510000	Salaries and Benefits	88,067.86	1,468,958.75	1,532,424.00	63,465.25	4%	2,043,232.00	574,273.25
520000	Operating Expenses							
521000	Travel	504.68	38,953.60	56,889.00	17,935.40	32%	75,852.00	36,898.40
531000	Supplies - IT Software	50.64	14,551.44	24,000.00	9,448.56	39%	32,000.00	17,448.56
532000	Supply/Material-Professional	2,964.98	7,091.39	12,253.50	5,162.11	42%	16,338.00	9,246.61
533000	Food and Clothing	255.76	4,578.44	5,259.00	680.56	13%	7,012.00	2,433.56
534000	Bldg. Grounds, Vehicle Supply	1,429.76	9,075.39	7,186.50	(1,888.89)	-26%	9,582.00	506.61
535000	Miscellaneous Supplies	56.04	35,710.10	69,958.50	34,248.40	49%	93,278.00	57,567.90
536000	Office Supplies	634.15	9,068.69	14,298.75	5,230.06	37%	19,065.00	9,996.31
541000	Postage	984.14	16,203.43	16,233.00	29.57	0%	21,644.00	5,440.57
542000	Printing	321.77	3,220.53	4,210.50	989.97	24%	5,614.00	2,393.47
551000	IT Equip under \$5,000	0.00	0.00	0.00	0.00	0%	0.00	0.00
552000	Other Equip under \$5,000	3,462.40	76,022.47	85,500.00	9,477.53	11%	114,000.00	37,977.53
553000	Office Equip & Furniture-Under	0.00	0.00	8,400.00	8,400.00	100%	11,200.00	11,200.00
561000	Utilities	8,873.31	72,908.17	168,202.50	95,294.33	57%	224,270.00	151,361.83
571000	Insurance	0.00	8,029.84	7,875.00	(154.84)	-2%	10,500.00	2,470.16
581000	Rentals/Leases-Equip & Other	214.60	2,682.40	5,544.75	2,862.35	52%	7,393.00	4,710.60
582000	Rentals/Leases - Bldg/Land	0.00	949.25	1,182.75	233.50	20%	1,577.00	627.75
591000	Repairs	28,323.16	147,898.57	227,690.25	79,791.68	35%	303,587.00	155,688.43
601000	IT - Data Processing	0.00	0.00	0.00	0.00	0%	0.00	0.00
602000	IT-Communications	1,648.66	11,671.08	29,805.75	18,134.67	61%	39,741.00	28,069.92
611000	Professional Development	0.00	23,606.50	31,797.00	8,190.50	26%	42,396.00	18,789.50
621000	Operating Fees and Services	55.95	11,174.44	11,629.50	455.06	4%	15,506.00	4,331.56
623000	Fees - Professional Services	17,547.91	146,134.80	506,875.50	360,740.70	71%	675,834.00	529,699.20
625000	Medical, Dental and Optical	37,824.63	418,450.58	354,593.25	(63,857.33)	-18%	472,791.00	54,340.42
520000	Operating Expenses	105,152.54	1,057,981.11	1,649,386.00	591,403.89	36%	2,199,180.00	1,141,198.89
681000	Capital Assets							

682000	Land and Buildings	(5,610.50)	4,249,017.47	3,592,621.50	(656,395.97)	-18%	4,790,162.00	541,144.53
683000	Other Capital Payments	0.00	86,771.56	136,863.75	50,092.19	37%	182,485.00	95,713.44
691000	Equipment Over \$5000	0.00	295,471.72	483,603.00	188,131.28	39%	644,804.00	349,332.28
681000	Capital Assets	(5,610.50)	4,631,260.75	4,213,088.25	(418,172.50)	-10%	5,617,451.00	986,190.25
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	187,609.90	7,158,200.61	7,394,897.25	236,696.64	3%	9,859,863.00	2,701,662.39
Expenditures by Source								
Total	General Fund Expenditures	148,445.48	3,315,118.82	3,341,409.00	26,290.18	1%	4,455,212.00	1,140,093.18
Total	Federal Fund Expenditures	28,493.51	813,478.11	1,038,246.75	224,768.64	22%	1,384,329.00	570,850.89
Total	Special Fund Expenditures	10,670.91	3,029,603.68	3,015,241.50	(14,362.18)	0%	4,020,322.00	990,718.32
Total Expenditures by Source		187,609.90	7,158,200.61	7,394,897.25	236,696.64	3%	9,859,863.00	2,701,662.39

12500 - Attorney Generals Office

Level: 125-300-31

Crime Lab - General Fund

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		----- Biennium to Date -----			Actual vs. BTD	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under			Percent (Over)/Under
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	53,782.56	930,856.40	944,796.75	13,940.35	1%	1,259,729.00	
513000	Temporary Salaries	672.00	13,753.00	20,250.00	6,497.00	32%	27,000.00	
516000	Fringe Benefits	19,543.26	342,980.08	351,705.75	8,725.67	2%	468,941.00	
510000	Salaries and Benefits	73,997.82	1,287,589.48	1,316,752.50	29,163.02	2%	1,755,670.00	
520000	Operating Expenses							
521000	Travel	504.68	10,807.40	23,139.00	12,331.60	53%	30,852.00	
531000	Supplies - IT Software	50.64	50.64	0.00	(50.64)	0%	0.00	
532000	Supply/Material-Professional	2,964.98	7,091.39	4,828.50	(2,262.89)	-47%	6,438.00	
533000	Food and Clothing	255.76	4,578.44	5,259.00	680.56	13%	7,012.00	
534000	Bldg, Grounds, Vehicle Supply	1,429.76	8,990.88	7,047.75	(1,943.13)	-28%	9,397.00	
535000	Miscellaneous Supplies	56.04	1,225.10	6,208.50	4,983.40	80%	8,278.00	
536000	Office Supplies	634.15	9,068.69	14,298.75	5,230.06	37%	19,065.00	
541000	Postage	984.14	16,203.43	16,233.00	29.57	0%	21,644.00	
542000	Printing	321.77	3,220.53	4,210.50	989.97	24%	5,614.00	
552000	Other Equip under \$5,000	2,449.40	21,295.27	18,000.00	(3,295.27)	-18%	24,000.00	
553000	Office Equip & Furniture-Under	0.00	0.00	8,400.00	8,400.00	100%	11,200.00	
561000	Utilities	8,873.31	72,908.17	168,202.50	95,294.33	57%	224,270.00	
571000	Insurance	0.00	8,029.84	7,875.00	(154.84)	-2%	10,500.00	
581000	Rentals/Leases-Equip & Other	214.60	2,682.40	5,544.75	2,862.35	52%	7,393.00	
582000	Rentals/Leases - Bldg/Land	0.00	949.25	1,182.75	233.50	20%	1,577.00	
591000	Repairs	28,323.16	147,898.57	227,690.25	79,791.68	35%	303,587.00	
602000	IT-Communications	1,648.66	11,671.08	29,805.75	18,134.67	61%	39,741.00	
611000	Professional Development	0.00	1,696.50	7,797.00	6,100.50	78%	10,396.00	
621000	Operating Fees and Services	55.95	11,174.44	11,629.50	455.06	4%	15,506.00	
623000	Fees - Professional Services	1,266.50	12,228.39	60,010.50	47,782.11	80%	80,014.00	
625000	Medical, Dental and Optical	24,414.16	160,880.72	151,749.75	(9,130.97)	-6%	202,333.00	
520000	Operating Expenses	74,447.66	512,651.13	779,112.75	266,461.62	34%	1,038,817.00	
681000	Capital Assets							

691000 Equipment Over \$5000	0.00	85,211.45	156,300.00	71,088.55	45%	208,400.00	123,188.55
681000 Capital Assets	0.00	85,211.45	156,300.00	71,088.55	45%	208,400.00	123,188.55
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	148,445.48	1,885,452.06	2,252,165.25	366,713.19	16%	3,002,887.00	1,117,434.94
Expenditures by Source							
Total General Fund Expenditures	148,445.48	1,785,507.26	2,122,415.25	336,907.99	16%	2,829,887.00	1,044,379.74
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	99,944.80	129,750.00	29,805.20	23%	173,000.00	73,055.20
Total Expenditures by Source	148,445.48	1,885,452.06	2,252,165.25	366,713.19	16%	3,002,887.00	1,117,434.94

12500 - Attorney Generals Office

Level: 125-300-32

Crime Lab - Federal Funds

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date				Actual vs. BTD	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	5,377.44	94,309.92	94,677.75	367.83	0%	126,237.00	31,927.08
513000	Temporary Salaries	6,382.50	51,052.50	80,550.00	29,497.50	37%	107,400.00	56,347.50
516000	Fringe Benefits	2,310.10	36,006.85	40,443.75	4,436.90	11%	53,925.00	17,918.15
510000	Salaries and Benefits	14,070.04	181,369.27	215,671.50	34,302.23	16%	287,562.00	106,192.73
520000	Operating Expenses							
521000	Travel	0.00	28,146.20	33,750.00	5,603.80	17%	45,000.00	16,853.80
531000	Supplies - IT Software	0.00	14,500.80	24,000.00	9,499.20	40%	32,000.00	17,499.20
532000	Supply/Material-Professional	0.00	0.00	7,425.00	7,425.00	100%	9,900.00	9,900.00
534000	Bldg. Grounds, Vehicle Supply	0.00	84.51	138.75	54.24	39%	185.00	100.49
535000	Miscellaneous Supplies	0.00	34,485.00	63,750.00	29,265.00	46%	85,000.00	50,515.00
551000	IT Equip under \$5,000	0.00	0.00	0.00	0.00	0%	0.00	0.00
552000	Other Equip under \$5,000	1,013.00	54,727.20	67,500.00	12,772.80	19%	90,000.00	35,272.80
571000	Insurance	0.00	0.00	0.00	0.00	0%	0.00	0.00
611000	Professional Development	0.00	21,910.00	24,000.00	2,090.00	9%	32,000.00	10,090.00
623000	Fees - Professional Services	0.00	10,425.00	71,865.00	61,440.00	85%	95,820.00	85,395.00
625000	Medical, Dental and Optical	13,410.47	257,569.86	202,843.50	(54,726.36)	-27%	270,458.00	12,888.14
520000	Operating Expenses	14,423.47	421,848.57	495,272.25	73,423.68	15%	660,363.00	238,514.43
681000	Capital Assets							
691000	Equipment Over \$5000	0.00	210,260.27	327,303.00	117,042.73	36%	436,404.00	226,143.73
681000	Capital Assets	0.00	210,260.27	327,303.00	117,042.73	36%	436,404.00	226,143.73
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	28,493.51	813,478.11	1,038,246.75	224,768.64	22%	1,384,329.00	570,850.89

Expenditures by Source

Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	28,493.51	813,478.11	1,038,246.75	224,768.64	22%	1,384,329.00	570,850.89
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	28,493.51	813,478.11	1,038,246.75	224,768.64	22%	1,384,329.00	570,850.89

12500 - Attorney Generals Office

Level: 125-300-34

Crime Lab-Bldg Construction

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Percent of Biennium Remaining - 25%

	Current Month	Biennium to Date			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
		Actuals	Budget	(Over)/Under			
Expenditures							
			0.00	0.00	0%		0.00
520000 Operating Expenses							
601000 IT - Data Processing	0.00	0.00	0.00	0.00	0%	0.00	0.00
623000 Fees - Professional Services	8,381.41	8,381.41	0.00	(8,381.41)	0%	0.00	(8,381.41)
520000 Operating Expenses	8,381.41	8,381.41	0.00	(8,381.41)	0%	0.00	(8,381.41)
681000 Capital Assets							
682000 Land and Buildings	(5,610.50)	4,249,017.47	3,592,621.50	(656,395.97)	-18%	4,790,162.00	541,144.53
683000 Other Capital Payments	0.00	86,771.56	136,863.75	50,092.19	37%	182,485.00	95,713.44
691000 Equipment Over \$5000	0.00	0.00	0.00	0.00	0%	0.00	0.00
681000 Capital Assets	(5,610.50)	4,335,789.03	3,729,485.25	(606,303.78)	-16%	4,972,647.00	636,857.97
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	2,770.91	4,344,170.44	3,729,485.25	(614,685.19)	-16%	4,972,647.00	628,476.56
Expenditures by Source							
Total General Fund Expenditures	0.00	1,529,611.56	1,218,993.75	(310,617.81)	-25%	1,625,325.00	95,713.44
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	2,770.91	2,814,558.88	2,510,491.50	(304,067.38)	-12%	3,347,322.00	532,763.12
Total Expenditures by Source	2,770.91	4,344,170.44	3,729,485.25	(614,685.19)	-16%	4,972,647.00	628,476.56

12500 - Attorney Generals Office

Level: 125-300-35

Forensic Med. Exam Reimbursemt

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Percent of Biennium Remaining - 25%

	Current Month	Biennium to Date			Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
		Actuals	Budget	(Over)/Under			
Expenditures							
			0.00	0.00	0%		0.00
520000 Operating Expenses							
623000 Fees - Professional Services	7,900.00	115,100.00	375,000.00	259,900.00	69%	500,000.00	384,900.00
520000 Operating Expenses	7,900.00	115,100.00	375,000.00	259,900.00	69%	500,000.00	384,900.00

			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	7,900.00	115,100.00	375,000.00	259,900.00	69%	500,000.00	384,900.00
Expenditures by Source							
Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	7,900.00	115,100.00	375,000.00	259,900.00	69%	500,000.00	384,900.00
Total Expenditures by Source	7,900.00	115,100.00	375,000.00	259,900.00	69%	500,000.00	384,900.00

12500 - Attorney Generals Office

Level: 125-400

Consumer Protection

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	35,694.00	626,520.48	606,338.25	(20,182.23)	-3%	808,451.00	181,930.52
513000	Temporary Salaries	0.00	148.00	1,327.50	1,179.50	89%	1,770.00	1,622.00
514000	Overtime	0.00	112.68	922.50	809.82	88%	1,230.00	1,117.32
516000	Fringe Benefits	12,020.53	209,357.77	211,965.75	2,607.98	1%	282,621.00	73,263.23
510000	Salaries and Benefits	47,714.53	836,138.93	820,554.00	(15,584.93)	-2%	1,094,072.00	257,933.07
520000	Operating Expenses							
521000	Travel	341.00	4,167.33	9,124.50	4,957.17	54%	12,166.00	7,998.67
532000	Supply/Material-Professional	0.00	214.85	450.00	235.15	52%	600.00	385.15
534000	Bldg. Grounds, Vehicle Supply	0.00	53.54	487.50	433.96	89%	650.00	596.46
535000	Miscellaneous Supplies	0.00	0.00	117.75	117.75	100%	157.00	157.00
536000	Office Supplies	1.30	1,903.20	4,071.00	2,167.80	53%	5,428.00	3,524.80
541000	Postage	0.00	379.23	7,938.00	7,558.77	95%	10,584.00	10,204.77
542000	Printing	0.00	3,172.61	4,077.00	904.39	22%	5,436.00	2,263.39
553000	Office Equip & Furniture-Under	0.00	69.75	0.00	(69.75)	0%	0.00	(69.75)
571000	Insurance	0.00	822.49	2,857.50	2,035.01	71%	3,810.00	2,987.51
581000	Rentals/Leases-Equip & Other	0.00	420.02	1,266.00	845.98	67%	1,688.00	1,267.98
582000	Rentals/Leases - Bldg/Land	12,461.00	87,527.00	90,258.00	2,731.00	3%	120,344.00	32,817.00
591000	Repairs	0.00	119.50	823.50	704.00	85%	1,098.00	978.50
602000	IT-Communications	848.69	11,780.56	16,892.25	5,111.69	30%	22,523.00	10,742.44
611000	Professional Development	0.00	331.00	3,050.25	2,719.25	89%	4,067.00	3,736.00
621000	Operating Fees and Services	0.00	7,822.54	24,354.75	16,532.21	68%	32,473.00	24,650.46
623000	Fees - Professional Services	0.00	89.30	120,504.00	120,414.70	100%	160,672.00	160,582.70
520000	Operating Expenses	13,651.99	118,872.92	286,272.00	167,399.08	58%	381,696.00	262,823.08
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00

			0.00	0.00	0%		0.00
Total Expenditures	61,366.52	955,011.85	1,106,826.00	151,814.15	14%	1,475,768.00	520,756.15
Expenditures by Source							
Total General Fund Expenditures	(631,713.45)	(29,418.18)	697,403.25	726,821.43	104%	929,871.00	959,289.18
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	693,079.97	984,430.03	409,422.75	(575,007.28)	-140%	545,897.00	(438,533.03)
Total Expenditures by Source	61,366.52	955,011.85	1,106,826.00	151,814.15	14%	1,475,768.00	520,756.15

12500 - Attorney Generals Office

Level: 125-500

Gaming

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	Biennium to Date		Actual vs. BTD		Percent	Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under			
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	48,627.00	844,098.87	912,996.75	68,897.88	8%	1,217,329.00	373,230.13
516000 Fringe Benefits	16,859.62	297,750.43	349,002.75	51,252.32	15%	465,337.00	167,586.57
510000 Salaries and Benefits	65,486.62	1,141,849.30	1,261,999.50	120,150.20	10%	1,682,666.00	540,816.70
520000 Operating Expenses							
521000 Travel	(1,430.24)	25,905.86	34,629.00	8,723.14	25%	46,172.00	20,266.14
531000 Supplies - IT Software	0.00	424.00	750.00	326.00	43%	1,000.00	576.00
532000 Supply/Material-Professional	0.00	0.00	217.50	217.50	100%	290.00	290.00
534000 Bldg. Grounds, Vehicle Supply	(6.00)	26.80	165.00	138.20	84%	220.00	193.20
535000 Miscellaneous Supplies	0.00	997.45	5,010.75	4,013.30	80%	6,681.00	5,683.55
536000 Office Supplies	191.07	8,959.07	9,238.50	279.43	3%	12,318.00	3,358.93
541000 Postage	0.00	7,839.45	12,571.50	4,732.05	38%	16,762.00	8,922.55
542000 Printing	0.00	8,945.69	11,848.50	2,902.81	24%	15,798.00	6,852.31
552000 Other Equip under \$5,000	0.00	314.00	300.00	(14.00)	-5%	400.00	86.00
553000 Office Equip & Furniture-Under	0.00	544.00	2,625.00	2,081.00	79%	3,500.00	2,956.00
561000 Utilities	0.00	13.53	75.00	61.47	82%	100.00	86.47
571000 Insurance	0.00	1,542.27	2,298.75	756.48	33%	3,065.00	1,522.73
581000 Rentals/Leases-Equip & Other	0.00	1,814.60	3,516.00	1,701.40	48%	4,688.00	2,873.40
582000 Rentals/Leases - Bldg/Land	0.00	6,772.20	8,428.50	1,656.30	20%	11,238.00	4,465.80
591000 Repairs	0.00	244.62	6,735.75	6,491.13	96%	8,981.00	8,736.38
601000 IT - Data Processing	31.85	541.45	1,440.00	898.55	62%	1,920.00	1,378.55
602000 IT-Communications	644.59	11,537.26	10,978.50	(558.76)	-5%	14,638.00	3,100.74
611000 Professional Development	0.00	3,259.00	10,290.75	7,031.75	68%	13,721.00	10,462.00
621000 Operating Fees and Services	0.00	229.35	6,654.00	6,424.65	97%	8,872.00	8,642.65
623000 Fees - Professional Services	0.00	0.00	438.75	438.75	100%	585.00	585.00
520000 Operating Expenses	(568.73)	79,910.60	128,211.75	48,301.15	38%	170,949.00	91,038.40
			0.00	0.00	0%		0.00
712000 Grants, Benefits & Claims	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00
713000 Tax Dist to Government Units	0.00	0.00	0.00	0.00	0%	0.00	0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	58,336.89	1,594,271.90	1,852,961.25	258,689.35	14%	2,470,615.00	876,343.10
Expenditures by Source							
Total General Fund Expenditures	59,529.52	1,047,367.43	1,085,706.00	38,338.57	4%	1,447,608.00	400,240.57

Total Federal Fund Expenditures
Total Special Fund Expenditures
Total Expenditures by Source

0.00	0.00	0.00	0.00	0%	0.00	0.00
(1,192.63)	546,904.47	767,255.25	220,350.78	29%	1,023,007.00	476,102.53
58,336.89	1,594,271.90	1,852,961.25	258,689.35	14%	2,470,615.00	876,343.10

12500 - Attorney Generals Office

Level: 125-500-50
Gaming

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

	Current Month	Actuals	Budget	(Over)/Under	Actual vs. BTD Percent (Over)/Under	Total Budget	Total Budget Remaining
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	48,627.00	843,273.87	912,183.00	68,909.13	8%	1,216,244.00	372,970.13
516000 Fringe Benefits	16,859.62	297,686.13	348,932.25	51,246.12	15%	465,243.00	167,556.87
510000 Salaries and Benefits	65,486.62	1,140,960.00	1,261,115.25	120,155.25	10%	1,681,487.00	540,527.00
520000 Operating Expenses							
521000 Travel	(1,430.24)	24,442.51	32,887.50	8,444.99	26%	43,850.00	19,407.49
531000 Supplies - IT Software	0.00	424.00	750.00	326.00	43%	1,000.00	576.00
532000 Supply/Material-Professional	0.00	0.00	217.50	217.50	100%	290.00	290.00
534000 Bldg, Grounds, Vehicle Supply	(6.00)	26.80	165.00	138.20	84%	220.00	193.20
535000 Miscellaneous Supplies	0.00	997.45	5,010.75	4,013.30	80%	6,681.00	5,683.55
536000 Office Supplies	191.07	8,959.07	9,238.50	279.43	3%	12,318.00	3,358.93
541000 Postage	0.00	7,839.45	12,571.50	4,732.05	38%	16,762.00	8,922.55
542000 Printing	0.00	8,945.69	11,848.50	2,902.81	24%	15,798.00	6,852.31
552000 Other Equip under \$5,000	0.00	314.00	300.00	(14.00)	-5%	400.00	86.00
553000 Office Equip & Furniture-Under	0.00	544.00	2,625.00	2,081.00	79%	3,500.00	2,956.00
561000 Utilities	0.00	13.53	75.00	61.47	82%	100.00	86.47
571000 Insurance	0.00	1,542.27	2,298.75	756.48	33%	3,065.00	1,522.73
581000 Rentals/Leases-Equip & Other	0.00	1,814.60	3,516.00	1,701.40	48%	4,688.00	2,873.40
582000 Rentals/Leases - Bldg/Land	0.00	6,772.20	8,343.75	1,571.55	19%	11,125.00	4,352.80
591000 Repairs	0.00	244.62	6,735.75	6,491.13	96%	8,981.00	8,736.38
601000 IT - Data Processing	31.85	541.45	1,440.00	898.55	62%	1,920.00	1,378.55
602000 IT-Communications	644.59	11,472.21	10,903.50	(568.71)	-5%	14,538.00	3,065.79
611000 Professional Development	0.00	3,259.00	10,290.75	7,031.75	68%	13,721.00	10,462.00
621000 Operating Fees and Services	0.00	229.35	4,833.75	4,604.40	95%	6,445.00	6,215.65
623000 Fees - Professional Services	0.00	0.00	438.75	438.75	100%	585.00	585.00
520000 Operating Expenses	(568.73)	78,382.20	124,490.25	46,108.05	37%	166,987.00	87,604.80
			0.00	0.00	0%		0.00
712000 Grants, Benefits & Claims	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00
713000 Tax Dist to Government Units	0.00	0.00	0.00	0.00	0%	0.00	0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	58,336.89	1,591,854.20	1,848,355.50	256,501.30	14%	2,464,474.00	872,619.80
Expenditures by Source							
Total General Fund Expenditures	59,529.52	1,044,949.73	1,081,100.25	36,150.52	3%	1,441,467.00	396,517.27
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	(1,192.63)	546,904.47	767,255.25	220,350.78	29%	1,023,007.00	476,102.53
Total Expenditures by Source	58,336.89	1,591,854.20	1,848,355.50	256,501.30	14%	2,464,474.00	872,619.80

12500 - Attorney Generals Office**Organizational Status Report by Summary Account**

Level: 125-500-50-22
Gaming - AG Operating Fund

For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

	Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures			0.00	0.00	0%		0.00
520000 Operating Expenses							
521000 Travel	(1,550.10)	4,769.20	15,487.50	10,718.30	69%	20,650.00	15,880.80
532000 Supply/Material-Professional	0.00	0.00	195.00	195.00	100%	260.00	260.00
534000 Bldg, Grounds, Vehicle Supply	(6.00)	(6.00)	15.00	21.00	140%	20.00	26.00
535000 Miscellaneous Supplies	0.00	997.45	3,450.00	2,452.55	71%	4,600.00	3,602.55
536000 Office Supplies	178.37	8,318.27	5,784.75	(2,533.52)	-44%	7,713.00	(605.27)
541000 Postage	0.00	7,579.50	7,854.00	274.50	3%	10,472.00	2,892.50
542000 Printing	0.00	8,842.10	7,973.25	(868.85)	-11%	10,631.00	1,788.90
561000 Utilities	0.00	0.00	0.00	0.00	0%	0.00	0.00
582000 Rentals/Leases - Bldg/Land	0.00	0.00	0.00	0.00	0%	0.00	0.00
591000 Repairs	0.00	0.00	0.00	0.00	0%	0.00	0.00
602000 IT-Communications	606.99	10,801.33	10,078.50	(722.83)	-7%	13,438.00	2,636.67
611000 Professional Development	0.00	0.00	0.00	0.00	0%	0.00	0.00
621000 Operating Fees and Services	0.00	0.00	0.00	0.00	0%	0.00	0.00
623000 Fees - Professional Services	0.00	0.00	0.00	0.00	0%	0.00	0.00
520000 Operating Expenses	(770.74)	41,301.85	50,838.00	9,536.15	19%	67,784.00	26,482.15
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	(770.74)	41,301.85	50,838.00	9,536.15	19%	67,784.00	26,482.15
Expenditures by Source							
Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	(770.74)	41,301.85	50,838.00	9,536.15	19%	67,784.00	26,482.15
Total Expenditures by Source	(770.74)	41,301.85	50,838.00	9,536.15	19%	67,784.00	26,482.15

12500 - Attorney Generals Office

Level: 125-500-50-3
Gaming - General Fund

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

	Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	44,101.00	765,935.87	775,288.50	9,352.63	1%	1,033,718.00	267,782.13
516000 Fringe Benefits	15,428.52	272,553.54	283,254.00	10,700.46	4%	377,672.00	105,118.46
510000 Salaries and Benefits	59,529.52	1,038,489.41	1,058,542.50	20,053.09	2%	1,411,390.00	372,900.59

520000	Operating Expenses							
521000	Travel	0.00	0.00	0.00	0.00	0%	0.00	0.00
532000	Supply/Material-Professional	0.00	0.00	0.00	0.00	0%	0.00	0.00
534000	Bldg, Grounds, Vehicle Supply	0.00	0.00	0.00	0.00	0%	0.00	0.00
535000	Miscellaneous Supplies	0.00	0.00	0.00	0.00	0%	0.00	0.00
536000	Office Supplies	0.00	0.00	0.00	0.00	0%	0.00	0.00
541000	Postage	0.00	0.00	0.00	0.00	0%	0.00	0.00
542000	Printing	0.00	0.00	3,425.25	3,425.25	100%	4,567.00	4,567.00
553000	Office Equip & Furniture-Under	0.00	544.00	375.00	(169.00)	-45%	500.00	(44.00)
561000	Utilities	0.00	13.53	75.00	61.47	82%	100.00	86.47
571000	Insurance	0.00	1,393.62	1,998.75	605.13	30%	2,665.00	1,271.38
581000	Rentals/Leases-Equip & Other	0.00	1,573.40	1,708.50	135.10	8%	2,278.00	704.60
582000	Rentals/Leases - Bldg/Land	0.00	690.20	1,125.00	434.80	39%	1,500.00	809.80
591000	Repairs	0.00	212.22	3,927.00	3,714.78	95%	5,236.00	5,023.78
602000	IT-Communications	0.00	0.00	0.00	0.00	0%	0.00	0.00
611000	Professional Development	0.00	1,804.00	8,415.75	6,611.75	79%	11,221.00	9,417.00
621000	Operating Fees and Services	0.00	229.35	1,068.75	839.40	79%	1,425.00	1,195.65
623000	Fees - Professional Services	0.00	0.00	438.75	438.75	100%	585.00	585.00
520000	Operating Expenses	0.00	6,460.32	22,557.75	16,097.43	71%	30,077.00	23,616.68
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total Expenditures		59,529.52	1,044,949.73	1,081,100.25	36,150.52	3%	1,441,467.00	396,517.27
Expenditures by Source								
Total General Fund Expenditures		59,529.52	1,044,949.73	1,081,100.25	36,150.52	3%	1,441,467.00	396,517.27
Total Federal Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source		59,529.52	1,044,949.73	1,081,100.25	36,150.52	3%	1,441,467.00	396,517.27

12500 - Attorney Generals Office

Level: 125-500-50-33

Racing Audit/Investigation

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
Percent of Biennium Remaining - 25%

		Biennium to Date				Actual vs. BTD Percent	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	0.00	0.00	28,816.50	28,816.50	100%	38,422.00	38,422.00
516000	Fringe Benefits	0.00	0.00	16,924.50	16,924.50	100%	22,566.00	22,566.00
510000	Salaries and Benefits	0.00	0.00	45,741.00	45,741.00	100%	60,988.00	60,988.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00

Total Expenditures	0.00	0.00	45,741.00	45,741.00	100%	60,988.00	60,988.00
Expenditures by Source							
Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	0.00	45,741.00	45,741.00	100%	60,988.00	60,988.00
Total Expenditures by Source	0.00	0.00	45,741.00	45,741.00	100%	60,988.00	60,988.00

12500 - Attorney Generals Office

Level: 125-500-50-46

Local Gaming Grants

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

	----- Biennium to Date -----			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures							
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
712000 Grants, Benefits & Claims	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00
713000 Tax Dist to Government Units	0.00	0.00	0.00	0.00	0%	0.00	0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00
Expenditures by Source							
Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00
Total Expenditures by Source	(6,581.00)	372,512.00	462,750.00	90,238.00	20%	617,000.00	244,488.00

12500 - Attorney Generals Office

Level: 125-500-50-50

Gaming - Indian Gaming

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

	----- Biennium to Date -----			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	4,526.00	77,338.00	108,078.00	30,740.00	28%	144,104.00	66,766.00
516000 Fringe Benefits	1,431.10	25,132.59	48,753.75	23,621.16	48%	65,005.00	39,872.41
510000 Salaries and Benefits	5,957.10	102,470.59	156,831.75	54,361.16	35%	209,109.00	106,638.41
520000 Operating Expenses							
521000 Travel	119.86	19,673.31	17,400.00	(2,273.31)	-13%	23,200.00	3,526.69
531000 Supplies - IT Software	0.00	424.00	750.00	326.00	43%	1,000.00	576.00

Expenditures by Source

Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	0.00	0.00	0.00	0.00	0%	0.00	0.00

12500 - Attorney Generals Office

Level: 125-500-50-50-55

Gmng-Indian Gmng-Turtle Mntn

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		----- Biennium to Date -----			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	905.20	15,467.60	21,615.00	6,147.40	28%	28,820.00	13,352.40
516000	Fringe Benefits	286.24	5,026.89	9,750.75	4,723.86	48%	13,001.00	7,974.11
510000	Salaries and Benefits	1,191.44	20,494.49	31,365.75	10,871.26	35%	41,821.00	21,326.51
520000	Operating Expenses							
521000	Travel	0.00	4,240.63	3,480.00	(760.63)	-22%	4,640.00	399.37
531000	Supplies - IT Software	0.00	84.80	150.00	65.20	43%	200.00	115.20
532000	Supply/Material-Professional	0.00	0.00	4.50	4.50	100%	6.00	6.00
534000	Bldg. Grounds, Vehicle Supply	0.00	6.56	30.00	23.44	78%	40.00	33.44
535000	Miscellaneous Supplies	0.00	0.00	312.00	312.00	100%	416.00	416.00
536000	Office Supplies	2.54	128.16	690.75	562.59	81%	921.00	792.84
541000	Postage	0.00	51.99	943.50	891.51	94%	1,258.00	1,206.01
542000	Printing	0.00	20.71	90.00	69.29	77%	120.00	99.29
552000	Other Equip under \$5,000	0.00	62.80	60.00	(2.80)	-5%	80.00	17.20
553000	Office Equip & Furniture-Under	0.00	0.00	450.00	450.00	100%	600.00	600.00
571000	Insurance	0.00	29.73	60.00	30.27	50%	80.00	50.27
581000	Rentals/Leases-Equip & Other	0.00	48.24	361.50	313.26	87%	482.00	433.76
582000	Rentals/Leases - Bldg/Land	0.00	1,216.40	1,443.75	227.35	16%	1,925.00	708.60
591000	Repairs	0.00	6.48	561.75	555.27	99%	749.00	742.52
601000	IT - Data Processing	6.37	108.29	288.00	179.71	62%	384.00	275.71
602000	IT-Communications	7.52	134.19	165.00	30.81	19%	220.00	85.81
611000	Professional Development	0.00	291.00	375.00	84.00	22%	500.00	209.00
621000	Operating Fees and Services	0.00	0.00	753.00	753.00	100%	1,004.00	1,004.00
520000	Operating Expenses	16.43	6,429.98	10,218.75	3,788.77	37%	13,625.00	7,195.02
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	1,207.87	26,924.47	41,584.50	14,660.03	35%	55,446.00	28,521.53
Expenditures by Source								
Total General Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures		1,207.87	26,924.47	41,584.50	14,660.03	35%	55,446.00	28,521.53
Total Expenditures by Source		1,207.87	26,924.47	41,584.50	14,660.03	35%	55,446.00	28,521.53

12500 - Attorney Generals Office

Level: 125-500-50-50-56

Organizational Status Report by Summary Account**For Month Ending December 31, 2008**

Gmng-Indian Gmng-Spirit Lake

Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD Percent	Total Budget	Total Budget Remaining
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	
Expenditures							
510000	Salaries and Benefits						
511000	Salaries - Permanent	905.20	15,467.60	21,615.75	6,148.15	28,821.00	13,353.40
516000	Fringe Benefits	286.24	5,026.67	9,750.75	4,724.08	13,001.00	7,974.33
510000	Salaries and Benefits	1,191.44	20,494.27	31,366.50	10,872.23	41,822.00	21,327.73
520000	Operating Expenses						
521000	Travel	0.00	3,709.33	3,480.00	(229.33)	4,640.00	930.67
531000	Supplies - IT Software	0.00	84.80	150.00	65.20	200.00	115.20
532000	Supply/Material-Professional	0.00	0.00	4.50	4.50	6.00	6.00
534000	Bldg. Grounds, Vehicle Supply	0.00	6.56	30.00	23.44	40.00	33.44
535000	Miscellaneous Supplies	0.00	0.00	312.00	312.00	416.00	416.00
536000	Office Supplies	2.54	128.16	690.75	562.59	921.00	792.84
541000	Postage	0.00	51.99	943.50	891.51	1,258.00	1,206.01
542000	Printing	0.00	20.71	90.00	69.29	120.00	99.29
552000	Other Equip under \$5,000	0.00	62.80	60.00	(2.80)	80.00	17.20
553000	Office Equip & Furniture-Under	0.00	0.00	450.00	450.00	600.00	600.00
571000	Insurance	0.00	29.73	60.00	30.27	80.00	50.27
581000	Rentals/Leases-Equip & Other	0.00	48.24	361.50	313.26	482.00	433.76
582000	Rentals/Leases - Bldg/Land	0.00	1,216.40	1,443.75	227.35	1,925.00	708.60
591000	Repairs	0.00	6.48	561.75	555.27	749.00	742.52
601000	IT - Data Processing	6.37	108.29	288.00	179.71	384.00	275.71
602000	IT-Communications	7.52	134.18	165.00	30.82	220.00	85.82
611000	Professional Development	0.00	291.00	375.00	84.00	500.00	209.00
621000	Operating Fees and Services	0.00	0.00	753.00	753.00	1,004.00	1,004.00
520000	Operating Expenses	16.43	5,898.67	10,218.75	4,320.08	13,625.00	7,726.33
				0.00	0.00		0.00
				0.00	0.00		0.00
				0.00	0.00		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0.00	0.00
				0.00	0.00		0.00
Total	Expenditures	1,207.87	26,392.94	41,585.25	15,192.31	55,447.00	29,054.06
Expenditures by Source							
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0.00	0.00
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0.00	0.00
Total	Special Fund Expenditures	1,207.87	26,392.94	41,585.25	15,192.31	55,447.00	29,054.06
Total Expenditures by Source		1,207.87	26,392.94	41,585.25	15,192.31	55,447.00	29,054.06

12500 - Attorney Generals Office

Level: 125-500-50-50-57

Gmng-Indian Gmng-Standing Rock

Organizational Status Report by Summary Account

For Month Ending December 31, 2008

Percent of Biennium Remaining - 25%

----- Biennium to Date -----				Actual vs. BTD Percent		
Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Total Budget Remaining

Expenditures

510000	Salaries and Benefits							
511000	Salaries - Permanent	905.20	15,467.60	21,615.75	6,148.15	28%	28,821.00	13,353.40
516000	Fringe Benefits	266.24	5,026.89	9,750.75	4,723.86	48%	13,001.00	7,974.11
510000	Salaries and Benefits	1,191.44	20,494.49	31,366.50	10,872.01	35%	41,822.00	21,327.51
520000	Operating Expenses							
521000	Travel	0.00	2,889.29	3,480.00	590.71	17%	4,640.00	1,750.71
531000	Supplies - IT Software	0.00	84.80	150.00	65.20	43%	200.00	115.20
532000	Supply/Material-Professional	0.00	0.00	4.50	4.50	100%	6.00	6.00
534000	Bldg, Grounds, Vehicle Supply	0.00	6.56	30.00	23.44	78%	40.00	33.44
535000	Miscellaneous Supplies	0.00	0.00	312.75	312.75	100%	417.00	417.00
536000	Office Supplies	2.54	128.16	690.75	562.59	81%	921.00	792.84
541000	Postage	0.00	51.99	943.50	891.51	94%	1,258.00	1,206.01
542000	Printing	0.00	20.71	90.00	69.29	77%	120.00	99.29
552000	Other Equip under \$5,000	0.00	62.80	60.00	(2.80)	-5%	80.00	17.20
553000	Office Equip & Furniture-Under	0.00	0.00	450.00	450.00	100%	600.00	600.00
571000	Insurance	0.00	29.73	60.00	30.27	50%	80.00	50.27
581000	Rentals/Leases-Equip & Other	0.00	48.24	361.50	313.26	87%	482.00	433.76
582000	Rentals/Leases - Bldg/Land	0.00	1,216.40	1,443.75	227.35	16%	1,925.00	708.60
591000	Repairs	0.00	6.48	561.75	555.27	99%	749.00	742.52
601000	IT - Data Processing	6.37	108.29	288.00	179.71	62%	384.00	275.71
602000	IT-Communications	7.52	134.17	165.00	30.83	19%	220.00	85.83
611000	Professional Development	0.00	291.00	375.00	84.00	22%	500.00	209.00
621000	Operating Fees and Services	0.00	0.00	753.00	753.00	100%	1,004.00	1,004.00
520000	Operating Expenses	16.43	5,078.62	10,219.50	5,140.88	50%	13,626.00	8,547.38
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total Expenditures		1,207.87	25,573.11	41,586.00	16,012.89	39%	55,448.00	29,874.89
Expenditures by Source								
Total General Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures		1,207.87	25,573.11	41,586.00	16,012.89	39%	55,448.00	29,874.89
Total Expenditures by Source		1,207.87	25,573.11	41,586.00	16,012.89	39%	55,448.00	29,874.89

12500 - Attorney Generals Office

Level: 125-500-50-50-58

Gmng-Indian Gmng-Three Aff Tr

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

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		Biennium to Date			Actual vs. BTD Percent			
		Current Month	Actuals	Budget	(Over)/Under	(Over)/Under	Total Budget	Total Budget Remaining
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	905.20	15,467.60	21,615.75	6,148.15	28%	28,821.00	13,353.40
516000	Fringe Benefits	286.24	5,026.88	9,750.75	4,723.87	48%	13,001.00	7,974.12
510000	Salaries and Benefits	1,191.44	20,494.48	31,366.50	10,872.02	35%	41,822.00	21,327.52
520000	Operating Expenses							
521000	Travel	119.88	3,740.37	3,480.00	(260.37)	-7%	4,640.00	899.63

531000	Supplies - IT Software	0.00	84.80	150.00	65.20	43%	200.00	115.20
532000	Supply/Material-Professional	0.00	0.00	4.50	4.50	100%	6.00	6.00
534000	Bldg. Grounds, Vehicle Supply	0.00	6.56	30.00	23.44	78%	40.00	33.44
535000	Miscellaneous Supplies	0.00	0.00	312.00	312.00	100%	416.00	416.00
536000	Office Supplies	2.54	128.16	690.75	562.59	81%	921.00	792.84
541000	Postage	0.00	51.99	943.50	891.51	94%	1,258.00	1,206.01
542000	Printing	0.00	20.71	90.00	69.29	77%	120.00	99.29
552000	Other Equip under \$5,000	0.00	62.80	60.00	(2.80)	-5%	80.00	17.20
553000	Office Equip & Furniture-Under	0.00	0.00	450.00	450.00	100%	600.00	600.00
571000	Insurance	0.00	29.73	60.00	30.27	50%	80.00	50.27
581000	Rentals/Leases-Equip & Other	0.00	48.24	361.50	313.26	87%	482.00	433.76
582000	Rentals/Leases - Bldg/Land	0.00	1,216.40	1,443.75	227.35	16%	1,925.00	708.60
591000	Repairs	0.00	6.48	561.75	555.27	99%	749.00	742.52
601000	IT - Data Processing	6.37	108.29	288.00	179.71	62%	384.00	275.71
602000	IT-Communications	7.52	134.17	165.00	30.83	19%	220.00	85.83
611000	Professional Development	0.00	291.00	375.00	84.00	22%	500.00	209.00
621000	Operating Fees and Services	0.00	0.00	753.00	753.00	100%	1,004.00	1,004.00
520000	Operating Expenses	136.29	5,929.70	10,218.75	4,289.05	42%	13,625.00	7,695.30
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total Expenditures		1,327.73	26,424.18	41,585.25	15,161.07	36%	55,447.00	29,022.82
Expenditures by Source								
Total General Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures		0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures		1,327.73	26,424.18	41,585.25	15,161.07	36%	55,447.00	29,022.82
Total Expenditures by Source		1,327.73	26,424.18	41,585.25	15,161.07	36%	55,447.00	29,022.82

12500 - Attorney Generals Office

Level: 125-500-50-50-59

Gmng-Indian Gmng-Sisseton-Wahp

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		Biennium to Date			Actual vs. BTD			
		Current Month	Actuals	Budget	(Over)/Under	Percent	Total Budget	Total Budget Remaining
						(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	905.20	15,467.60	21,615.75	6,148.15	28%	28,821.00	13,353.40
516000	Fringe Benefits	286.14	5,025.26	9,750.75	4,725.49	48%	13,001.00	7,975.74
510000	Salaries and Benefits	1,191.34	20,492.86	31,366.50	10,873.64	35%	41,822.00	21,329.14
520000	Operating Expenses							
521000	Travel	0.00	5,093.69	3,480.00	(1,613.69)	-46%	4,640.00	(453.69)
531000	Supplies - IT Software	0.00	84.80	150.00	65.20	43%	200.00	115.20
532000	Supply/Material-Professional	0.00	0.00	4.50	4.50	100%	6.00	6.00
534000	Bldg, Grounds, Vehicle Supply	0.00	6.56	30.00	23.44	78%	40.00	33.44
535000	Miscellaneous Supplies	0.00	0.00	312.00	312.00	100%	416.00	416.00
536000	Office Supplies	2.54	128.16	690.75	562.59	81%	921.00	792.84
541000	Postage	0.00	51.99	943.50	891.51	94%	1,258.00	1,206.01
542000	Printing	0.00	20.75	90.00	69.25	77%	120.00	99.25
552000	Other Equip under \$5,000	0.00	62.80	60.00	(2.80)	-5%	80.00	17.20

553000 Office Equip & Furniture-Under	0.00	0.00	450.00	450.00	100%	600.00	600.00
571000 Insurance	0.00	29.73	60.00	30.27	50%	80.00	50.27
581000 Rentals/Leases-Equip & Other	0.00	48.24	361.50	313.26	87%	482.00	433.76
582000 Rentals/Leases - Bldg/Land	0.00	1,216.40	1,443.75	227.35	16%	1,925.00	708.60
591000 Repairs	0.00	6.48	561.75	555.27	99%	749.00	742.52
601000 IT - Data Processing	6.37	108.29	288.00	179.71	62%	384.00	275.71
602000 IT-Communications	7.52	134.17	165.00	30.83	19%	220.00	85.83
611000 Professional Development	0.00	291.00	375.00	84.00	22%	500.00	209.00
621000 Operating Fees and Services	0.00	0.00	753.00	753.00	100%	1,004.00	1,004.00
520000 Operating Expenses	16.43	7,283.06	10,218.75	2,935.69	29%	13,625.00	6,341.94
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	1,207.77	27,775.92	41,585.25	13,809.33	33%	55,447.00	27,671.08
Expenditures by Source							
Total General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	1,207.77	27,775.92	41,585.25	13,809.33	33%	55,447.00	27,671.08
Total Expenditures by Source	1,207.77	27,775.92	41,585.25	13,809.33	33%	55,447.00	27,671.08

12500 - Attorney Generals Office

Level: 125-500-76

Gaming Commission

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

		----- Biennium to Date -----			Actual vs. BTD Percent	Total Budget	Total Budget Remaining	
		Current Month	Actuals	Budget	(Over)/Under			(Over)/Under
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	0.00	825.00	813.75	(11.25)	-1%	1,085.00	260.00
516000	Fringe Benefits	0.00	64.30	70.50	6.20	9%	94.00	29.70
510000	Salaries and Benefits	0.00	889.30	884.25	(5.05)	-1%	1,179.00	289.70
520000	Operating Expenses							
521000	Travel	0.00	1,463.35	1,741.50	278.15	16%	2,322.00	858.65
582000	Rentals/Leases - Bldg/Land	0.00	0.00	84.75	84.75	100%	113.00	113.00
602000	IT-Communications	0.00	65.05	75.00	9.95	13%	100.00	34.95
621000	Operating Fees and Services	0.00	0.00	1,820.25	1,820.25	100%	2,427.00	2,427.00
520000	Operating Expenses	0.00	1,528.40	3,721.50	2,193.10	59%	4,962.00	3,433.60
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	0.00	2,417.70	4,605.75	2,188.05	48%	6,141.00	3,723.30

Expenditures by Source

Total General Fund Expenditures	0.00	2,417.70	4,605.75	2,188.05	48%	6,141.00	3,723.30
Total Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source	0.00	2,417.70	4,605.75	2,188.05	48%	6,141.00	3,723.30

12500 - Attorney Generals Office

Level: 125-600

Fire Marshal

Organizational Status Report by Summary Account
For Month Ending December 31, 2008
 Percent of Biennium Remaining - 25%

	Biennium to Date			Actual vs. BTD Percent		Total Budget	Total Budget Remaining
	Current Month	Actuals	Budget	(Over)/Under	(Over)/Under		
Expenditures							
510000 Salaries and Benefits							
511000 Salaries - Permanent	36,564.57	517,173.02	505,780.50	(11,392.52)	-2%	674,374.00	157,200.98
513000 Temporary Salaries	621.73	10,568.21	12,750.00	2,181.79	17%	17,000.00	6,431.79
514000 Overtime	188.48	188.48	0.00	(188.48)	0%	0.00	(188.48)
516000 Fringe Benefits	10,893.91	183,269.48	184,161.00	891.52	0%	245,548.00	62,278.52
510000 Salaries and Benefits	48,268.69	711,199.19	702,691.50	(8,507.69)	-1%	936,922.00	225,722.81
520000 Operating Expenses							
521000 Travel	1,627.00	39,603.52	63,750.00	24,146.48	38%	85,000.00	45,396.48
532000 Supply/Material-Professional	0.00	2,234.77	4,968.00	2,733.23	55%	6,624.00	4,389.23
533000 Food and Clothing	20.94	163.58	1,725.00	1,561.42	91%	2,300.00	2,136.42
534000 Bldg. Grounds, Vehicle Supply	0.00	105.60	750.00	644.40	86%	1,000.00	894.40
535000 Miscellaneous Supplies	0.00	312.37	2,250.00	1,937.63	86%	3,000.00	2,687.63
536000 Office Supplies	95.02	2,123.22	2,478.00	354.78	14%	3,304.00	1,180.78
541000 Postage	0.00	1,059.68	5,775.00	4,715.32	82%	7,700.00	6,640.32
542000 Printing	0.00	2,034.76	2,850.00	815.24	29%	3,800.00	1,765.24
552000 Other Equip under \$5,000	0.00	0.00	1,500.00	1,500.00	100%	2,000.00	2,000.00
571000 Insurance	0.00	1,077.00	4,125.00	3,048.00	74%	5,500.00	4,423.00
581000 Rentals/Leases-Equip & Other	0.00	0.69	2,625.00	2,624.31	100%	3,500.00	3,499.31
582000 Rentals/Leases - Bldg/Land	5,877.32	47,380.62	48,187.50	806.88	2%	64,250.00	16,869.38
591000 Repairs	0.00	568.73	6,225.00	5,656.27	91%	8,300.00	7,731.27
602000 IT-Communications	687.32	12,161.42	12,750.00	588.58	5%	17,000.00	4,838.58
611000 Professional Development	50.00	3,895.00	6,000.00	2,105.00	35%	8,000.00	4,105.00
621000 Operating Fees and Services	4.64	1,433.30	3,000.00	1,566.70	52%	4,000.00	2,566.70
623000 Fees - Professional Services	0.00	1,773.00	58,800.00	57,027.00	97%	78,400.00	76,627.00
520000 Operating Expenses	8,362.24	115,927.26	227,758.50	111,831.24	49%	303,678.00	187,750.74
			0.00	0.00	0%		0.00
712000 Grants, Benefits & Claims	0.00	56,768.13	60,000.00	3,231.87	5%	80,000.00	23,231.87
			0.00	0.00	0%		0.00
714000 Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
			0.00	0.00	0%		0.00
Total Expenditures	56,630.93	883,894.58	990,450.00	106,555.42	11%	1,320,600.00	436,705.42
Expenditures by Source							
Total General Fund Expenditures	46,868.36	644,928.47	651,253.50	6,325.03	1%	868,338.00	223,409.53
Total Federal Fund Expenditures	0.00	56,768.13	139,125.00	82,356.87	59%	185,500.00	128,731.87
Total Special Fund Expenditures	9,762.57	182,197.98	200,071.50	17,873.52	9%	266,762.00	84,564.02
Total Expenditures by Source	56,630.93	883,894.58	990,450.00	106,555.42	11%	1,320,600.00	436,705.42

12500 - Attorney Generals Office

Level: 125-600-60

Fire Marshal - State

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		Blennium to Date			Actual vs. BTD		Total Budget	Total Budget
		Current Month	Actuals	Budget	(Over)/Under	Percent		Remaining
						(Over)/Under		
Expenditures								
510000	Salaries and Benefits							
511000	Salaries - Permanent	36,564.57	517,173.02	505,780.50	(11,392.52)	-2%	674,374.00	157,200.98
513000	Temporary Salaries	621.73	10,568.21	12,750.00	2,181.79	17%	17,000.00	6,431.79
514000	Overtime	188.48	188.48	0.00	(188.48)	0%	0.00	(188.48)
516000	Fringe Benefits	10,893.91	183,269.48	184,161.00	891.52	0%	245,548.00	62,278.52
510000	Salaries and Benefits	48,268.69	711,199.19	702,691.50	(8,507.69)	-1%	936,922.00	225,722.81
520000	Operating Expenses							
521000	Travel	1,627.00	39,603.52	52,500.00	12,896.48	25%	70,000.00	30,396.48
532000	Supply/Material-Professional	0.00	2,234.77	2,868.00	633.23	22%	3,824.00	1,589.23
533000	Food and Clothing	20.94	163.58	1,725.00	1,561.42	91%	2,300.00	2,136.42
534000	Bldg. Grounds, Vehicle Supply	0.00	105.60	750.00	644.40	86%	1,000.00	894.40
535000	Miscellaneous Supplies	0.00	312.37	2,250.00	1,937.63	86%	3,000.00	2,687.63
536000	Office Supplies	95.02	2,123.22	2,478.00	354.78	14%	3,304.00	1,180.78
541000	Postage	0.00	1,059.68	3,525.00	2,465.32	70%	4,700.00	3,640.32
542000	Printing	0.00	2,034.76	2,850.00	815.24	29%	3,800.00	1,765.24
552000	Other Equip under \$5,000	0.00	0.00	1,500.00	1,500.00	100%	2,000.00	2,000.00
571000	Insurance	0.00	1,077.00	4,125.00	3,048.00	74%	5,500.00	4,423.00
581000	Rentals/Leases-Equip & Other	0.00	0.69	750.00	749.31	100%	1,000.00	999.31
582000	Rentals/Leases - Bldg/Land	5,877.32	47,380.62	48,187.50	806.88	2%	64,250.00	16,869.38
591000	Repairs	0.00	568.73	1,725.00	1,156.27	67%	2,300.00	1,731.27
602000	IT-Communications	687.32	12,161.42	12,750.00	588.58	5%	17,000.00	4,838.58
611000	Professional Development	50.00	3,895.00	4,500.00	605.00	13%	6,000.00	2,105.00
621000	Operating Fees and Services	4.64	1,433.30	3,000.00	1,566.70	52%	4,000.00	2,566.70
623000	Fees - Professional Services	0.00	1,773.00	3,150.00	1,377.00	44%	4,200.00	2,427.00
520000	Operating Expenses	8,362.24	115,927.26	148,633.50	32,706.24	22%	198,178.00	82,250.74
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	56,630.93	827,126.45	851,325.00	24,198.55	3%	1,135,100.00	307,973.55
Expenditures by Source								
Total	General Fund Expenditures	46,868.36	644,928.47	651,253.50	6,325.03	1%	868,338.00	223,409.53
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	9,762.57	182,197.98	200,071.50	17,873.52	9%	266,762.00	84,564.02
Total	Expenditures by Source	56,630.93	827,126.45	851,325.00	24,198.55	3%	1,135,100.00	307,973.55

12500 - Attorney Generals Office

Level: 125-600-65

Fire Marshal - Federal

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

----- Blennium to Date ----- Actual vs. BTD

		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under	Total Budget	Total Budget Remaining
Expenditures				0.00	0.00	0%		0.00
520000	Operating Expenses							
521000	Travel	0.00	0.00	11,250.00	11,250.00	100%	15,000.00	15,000.00
532000	Supply/Material-Professional	0.00	0.00	2,100.00	2,100.00	100%	2,800.00	2,800.00
541000	Postage	0.00	0.00	2,250.00	2,250.00	100%	3,000.00	3,000.00
581000	Rentals/Leases-Equip & Other	0.00	0.00	1,875.00	1,875.00	100%	2,500.00	2,500.00
591000	Repairs	0.00	0.00	4,500.00	4,500.00	100%	6,000.00	6,000.00
611000	Professional Development	0.00	0.00	1,500.00	1,500.00	100%	2,000.00	2,000.00
623000	Fees - Professional Services	0.00	0.00	55,650.00	55,650.00	100%	74,200.00	74,200.00
520000	Operating Expenses	0.00	0.00	79,125.00	79,125.00	100%	105,500.00	105,500.00
				0.00	0.00	0%		0.00
712000	Grants, Benefits & Claims	0.00	56,768.13	60,000.00	3,231.87	5%	80,000.00	23,231.87
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total Expenditures		0.00	56,768.13	139,125.00	82,356.87	59%	185,500.00	128,731.87
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Federal Fund Expenditures	0.00	56,768.13	139,125.00	82,356.87	59%	185,500.00	128,731.87
Total	Special Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total Expenditures by Source		0.00	56,768.13	139,125.00	82,356.87	59%	185,500.00	128,731.87

12500 - Attorney Generals Office

Level: 125-711

Lottery

Organizational Status Report by Summary Account**For Month Ending December 31, 2008****Percent of Biennium Remaining - 25%**

		----- Biennium to Date -----			Actual vs. BTD		
		Current Month	Actuals	Budget	(Over)/Under	Percent (Over)/Under	Total Budget Remaining
Expenditures							
510000	Salaries and Benefits						
511000	Salaries - Permanent	36,732.31	683,362.83	668,096.25	(15,266.58)	-2%	890,795.00
513000	Temporary Salaries	1,057.26	16,774.67	22,500.00	5,725.33	25%	30,000.00
516000	Fringe Benefits	12,609.70	219,089.02	222,200.25	3,111.23	1%	296,267.00
510000	Salaries and Benefits	50,399.27	919,226.52	912,796.50	(6,430.02)	-1%	1,217,062.00
520000	Operating Expenses						
521000	Travel	330.33	76,407.75	109,500.00	33,092.25	30%	146,000.00
531000	Supplies - IT Software	0.00	776.80	27,750.00	26,973.20	97%	37,000.00
532000	Supply/Material-Professional	0.00	25.00	3,037.50	3,012.50	99%	4,050.00
533000	Food and Clothing	0.00	56.30	403.50	347.20	86%	538.00
534000	Bldg. Grounds, Vehicle Supply	0.00	35.15	1,172.25	1,137.10	97%	1,563.00
535000	Miscellaneous Supplies	0.00	1,245.30	9,187.50	7,942.20	86%	12,250.00
536000	Office Supplies	81.36	7,167.93	10,875.00	3,707.07	34%	14,500.00
541000	Postage	0.00	12,806.71	22,500.00	9,693.29	43%	30,000.00
542000	Printing	737.00	9,560.15	103,500.00	93,939.85	91%	138,000.00
551000	IT Equip under \$5,000	0.00	301.71	3,000.00	2,698.29	90%	4,000.00

552000	Other Equip under \$5,000	0.00	0.00	11,250.00	11,250.00	100%	15,000.00	15,000.00
553000	Office Equip & Furniture-Under	0.00	32.54	1,440.00	1,407.46	98%	1,920.00	1,887.46
571000	Insurance	0.00	1,057.30	3,000.00	1,942.70	65%	4,000.00	2,942.70
581000	Rentals/Leases-Equip & Other	0.00	1,064.06	3,750.00	2,685.94	72%	5,000.00	3,935.94
582000	Rentals/Leases - Bldg/Land	0.00	38,519.48	33,750.00	(4,769.48)	-14%	45,000.00	6,480.52
591000	Repairs	0.00	177.37	2,062.50	1,885.13	91%	2,750.00	2,572.63
601000	IT - Data Processing	1,066.45	17,333.39	33,750.00	16,416.61	49%	45,000.00	27,666.61
602000	IT-Communications	530.35	11,848.42	23,788.50	11,940.08	50%	31,718.00	19,669.58
603000	IT Contractual Services and Re	0.00	0.00	2,100.00	2,100.00	100%	2,800.00	2,800.00
611000	Professional Development	0.00	36,571.57	41,250.00	4,678.43	11%	55,000.00	18,428.43
621000	Operating Fees and Services	120,992.20	777,068.57	1,316,926.50	539,857.93	41%	1,755,902.00	978,833.43
623000	Fees - Professional Services	3,103.91	12,324.49	110,358.00	98,033.51	89%	147,144.00	134,819.51
520000	Operating Expenses	126,841.60	1,004,379.99	1,874,351.25	869,971.26	46%	2,499,135.00	1,494,755.01
681000	Capital Assets							
693000	IT Equip / Software Over \$5000	0.00	0.00	15,000.00	15,000.00	100%	20,000.00	20,000.00
681000	Capital Assets	0.00	0.00	15,000.00	15,000.00	100%	20,000.00	20,000.00
				0.00	0.00	0%		0.00
				0.00	0.00	0%		0.00
714000	Refunds	0.00	0.00	0.00	0.00	0%	0.00	0.00
				0.00	0.00	0%		0.00
Total	Expenditures	177,240.87	1,923,606.51	2,802,147.75	878,541.24	31%	3,736,197.00	1,812,590.49
Expenditures by Source								
Total	General Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Federal Fund Expenditures	0.00	0.00	0.00	0.00	0%	0.00	0.00
Total	Special Fund Expenditures	177,240.87	1,923,606.51	2,802,147.75	878,541.24	31%	3,736,197.00	1,812,590.49
Total	Expenditures by Source	177,240.87	1,923,606.51	2,802,147.75	878,541.24	31%	3,736,197.00	1,812,590.49

Agency - [REDACTED] Attorney General

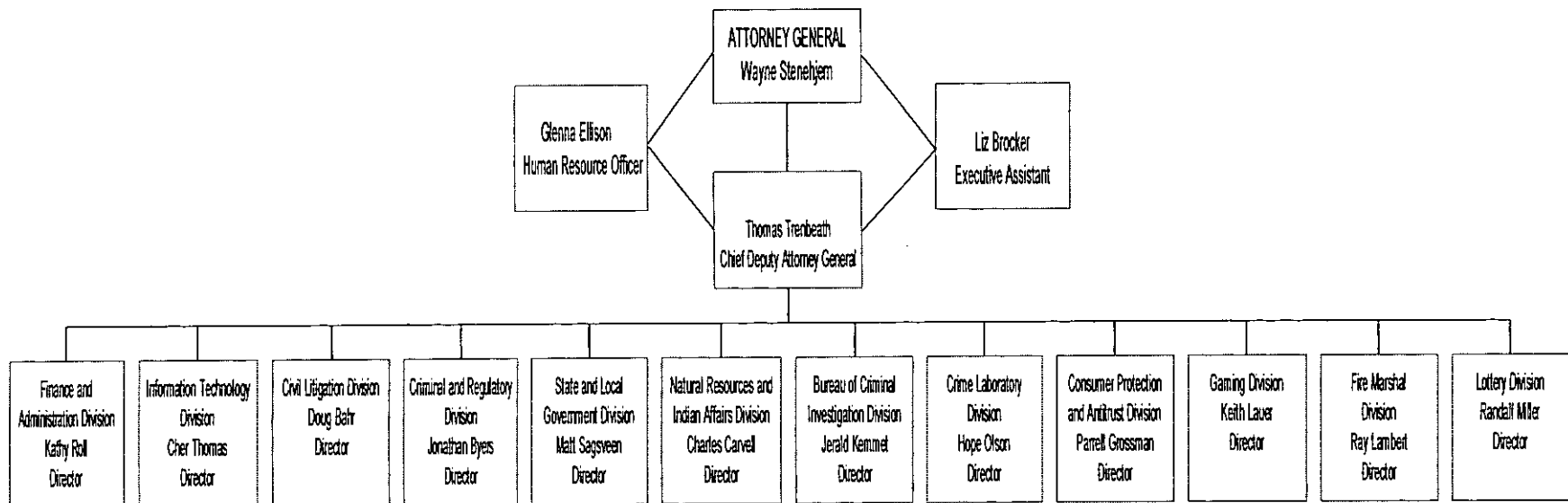
Position No.	FTE	Position Description	Grade	Date Vacated	Number of Months Vacant January 2009	Date Expected to Be Filled	Current Status	Salary and Fringe Benefit Amounts Included in the 2009-11 Executive Budget		
								General Fund	Special Funds	Total
601	1.00	Assistant Attorney General*	N/A	8/07	17	unknown	Advertising until filled*		\$180,335	\$180,335
593	1.00	Assistant Attorney General*	N/A	12/07	12	unknown	Advertising until filled*	\$180,335		\$180,335
591	1.00	Assistant Attorney General*	N/A	10/08	2	unknown	Advertising until filled*	\$206,940		\$206,940
25583	1.00	Identification Technician	5	12/08	0	3/09	Interviewing	\$75,874		\$75,874
26618	1.00	Identification Technician	5	9/08	3	3/09	Interviewing	\$75,874		\$75,874
26619	1.00	Identification Technician	5	9/08	3	3/09	Interviewing	\$75,874		\$75,874
23652	1.00	Lottery Customer Service Representative	12	12/08	0	4/09	Advertising		\$131,628	\$131,628
Total	<u>7.00</u>							<u>\$614,897</u>	<u>\$311,963</u>	<u>\$926,860</u>

Additional narrative explanations, if necessary:

* The office is having significant difficulty recruiting assistant attorneys general due to the low salaries we can pay.

Attachment
1003.1.27.09D

**NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
January 2009**



A. Finance and Budget
B. Administrative Operations
C. Payroll

A. Licensing
B. Attorneys

A. Investigations
B. Administrative Services
C. Business Services
D. Information Services

Attachment
1003.1.27.09E

2007-09 INTERNAL EQUITY ADJUSTMENTS
OFFICE OF ATTORNEY GENERAL

INTERNAL EQUITY INCREASE	MARKET EQUITY INCREASES	DIVISION	TITLE
\$ 250	\$ -	1000	legal administrative assistant
\$ 220	\$ 22	1000	legal administrative assistant
\$ -	\$ 10	1000	legal administrative assistant
\$ -	\$ 19	1000	legal administrative assistant
\$ -	\$ 13	1000	legal administrative assistant
\$ -	\$ 16	1000	legal administrative assistant
\$ -	\$ 45	1000	legal administrative assistant
\$ -	\$ 36	1000	legal administrative assistant
\$ -	\$ 28	1000	legal administrative assistant
\$ 336	\$ 13	1000	legal administrative assistant
\$ 150	\$ 37	1000	administrative staff officer I
\$ 460	\$ 31	1011	programmer/analyst III
\$ 476	\$ 75	1011	systems development manager
\$ 145	\$ -	1011	computer & network specialist II
\$ 430	\$ 23	1011	programmer/analyst I
\$ 200	\$ -	1011	customer technician support specialist II
\$ 98	\$ 32	1011	data processing coordinator I
\$ 641	\$ 75	1011	information technology manager
\$ 679	\$ 23	1011	programmer/analyst I
\$ -	\$ 19	1050	human resources officer
\$ 208	\$ 47	1500	legal assistant
\$ 403	\$ 42	1500	legal assistant
\$ -	\$ 48	1600	legal assistant
\$ -	\$ 27	1600	legal assistant
\$ 300	\$ 15	1700	legal assistant
\$ 452	\$ 78	1800	legal assistant
\$ -	\$ 87	2800	administrative assistant II
\$ -	\$ 32	2800	administrative assistant II
\$ -	\$ 19	2800	administrative assistant II
\$ -	\$ 35	2800	administrative staff officer I
\$ -	\$ 15	2800	administrative assistant II
\$ -	\$ 63	2800	grants/contracts officer I
\$ -	\$ 20	2800	administrative assistant I
\$ -	\$ 42	2800	grants/contracts officer I
\$ -	\$ 51	2800	executive staff officer
\$ -	\$ 62	2800	administrative assistant II
\$ -	\$ 26	2800	administrative assistant III
\$ -	\$ 79	2800	identification technician III
\$ -	\$ 65	2800	criminal records analyst
\$ -	\$ 50	2800	identification technician I
\$ -	\$ 124	2800	identification technician III
\$ -	\$ 33	2800	identification technician III
\$ -	\$ 50	2800	identification technician I
\$ -	\$ 60	2800	administrative assistant II
\$ -	\$ 50	2800	identification technician I
\$ -	\$ 52	2800	identification technician III
\$ -	\$ 50	2800	bci information services manager
\$ -	\$ 136	2800	ucr program manager
\$ -	\$ 48	2700	training officer II
\$ -	\$ 50	2700	training officer II
\$ 294	\$ 64	2600	chief investigator
\$ 264	\$ 64	2600	chief investigator
\$ -	\$ 100	2600	director - bci
\$ 196	\$ 32	2600	criminal investigator I
\$ 300	\$ 90	2600	criminal investigator III
\$ 269	\$ 100	2600	criminal investigator III
\$ 280	\$ 89	2600	criminal investigator III
\$ 269	\$ 143	2600	criminal investigator III
\$ 269	\$ 150	2600	criminal investigator III
\$ 244	\$ 74	2600	criminal investigator III
\$ 300	\$ 34	2600	criminal investigator III
\$ 291	\$ 17	2600	criminal investigator I
\$ 259	\$ 17	2600	criminal investigator I
\$ 376	\$ 54	2600	criminal investigator III
\$ 269	\$ 50	2600	criminal investigator I
\$ 191	\$ 32	2600	criminal investigator I
\$ 191	\$ 32	2600	criminal investigator I
\$ 259	\$ 17	2600	criminal investigator I
\$ 269	\$ 143	2600	criminal investigator III
\$ 290	\$ 57	2600	criminal investigator I
\$ 374	\$ 35	2600	criminal investigator III
\$ 261	\$ 34	2600	criminal investigator III
\$ 280	\$ 89	2600	criminal investigator III
\$ 400	\$ 54	2600	criminal investigator III
\$ 207	\$ 57	2600	criminal investigator III
\$ 191	\$ 32	2600	criminal investigator I
\$ 259	\$ 17	2600	criminal investigator I
\$ 300	\$ 34	2600	criminal investigator III
\$ 145	\$ 57	2600	criminal investigator III
\$ 269	\$ 143	2600	criminal investigator III
\$ 320	\$ 58	2600	criminal investigator II
\$ 269	\$ 136	2600	criminal investigator III
\$ 191	\$ 32	2600	criminal investigator I
\$ 230	\$ 16	2600	criminal investigator I
\$ 376	\$ 54	2600	criminal investigator II
\$ 259	\$ 17	2600	criminal investigator I
\$ 321	\$ -	3200	forensic scientist I

Attachement
1003.1.26.09 B

INTERNAL EQUITY INCREASE	MARKET EQUITY INCREASES	DIVISION	TITLE
\$ 337	\$ -	3200	forensic scientist I
\$ 390	\$ 100	3200	forensic science supervisor
\$ -	\$ 256	3200	administrative assistant I
\$ 657	\$ -	3200	forensic scientist III
\$ 473	\$ 25	3200	forensic scientist II
\$ 552	\$ -	3200	forensic scientist II
\$ 378	\$ 75	3200	forensic science supervisor
\$ 373	\$ -	3200	forensic scientist II
\$ 338	\$ -	3200	forensic scientist II
\$ 580	\$ -	3200	forensic scientist II
\$ -	\$ 80	3200	administrative assistant I
\$ 905	\$ -	3200	crime lab director
\$ 365	\$ -	3200	state toxicologist
\$ 544	\$ -	3200	forensic scientist II
\$ 402	\$ -	3200	forensic scientist I
\$ -	\$ 60	3200	administrative assistant II
\$ -	\$ 21	4000	consumer fraud investigator I
\$ -	\$ 53	4000	administrative assistant II
\$ -	\$ 68	4000	consumer fraud investigator I
\$ -	\$ 20	4000	consumer fraud investigator I
\$ -	\$ 10	4000	administrative assistant I
\$ -	\$ 64	4000	consumer fraud investigator I
\$ -	\$ 141	5000	auditor III
\$ -	\$ 29	5000	administrative assistant I
\$ -	\$ 133	5000	auditor II
\$ -	\$ 76	5000	auditor III
\$ -	\$ 206	5000	auditor II
\$ -	\$ 160	5000	auditor V
\$ -	\$ 113	5000	auditor II
\$ -	\$ 45	5000	auditor II
\$ -	\$ 42	5000	auditor II
\$ -	\$ 144	5000	auditor III
\$ -	\$ 98	5000	auditor IV
\$ -	\$ 58	5000	audit technician
\$ -	\$ 206	5000	auditor II
\$ -	\$ 94	5000	audit technician
\$ -	\$ 45	5000	auditor III
\$ -	\$ 203	6000	deputy fire marshal I
\$ -	\$ 84	6000	deputy fire marshal II
\$ -	\$ 104	6000	deputy fire marshal I
\$ -	\$ 79	6000	administrative assistant III
\$ 424	\$ 56	6000	state fire marshal
\$ -	\$ 71	6000	deputy fire marshal I
\$ -	\$ 78	6000	deputy fire marshal I
\$ -	\$ 75	6000	deputy fire marshal I
\$ -	\$ 25	7100	account/budget specialist III
\$ -	\$ 50	7100	administrative assistant II
\$ -	\$ 20	7100	lottery security officer
\$ 138	\$ -	1050	chief deputy
\$ 243	\$ -	1500	assistant attorney general
\$ 200	\$ -	1500	assistant attorney general
\$ 300	\$ -	1500	assistant attorney general
\$ 229	\$ -	1500	assistant attorney general - administration
\$ 479	\$ -	1500	assistant attorney general
\$ 299	\$ -	1500	assistant attorney general
\$ 415	\$ -	1500	assistant attorney general - administration
\$ 276	\$ -	1800	assistant attorney general
\$ 291	\$ -	1800	assistant attorney general
\$ 30	\$ -	1800	assistant attorney general
\$ 475	\$ -	1800	assistant attorney general
\$ 542	\$ -	1700	assistant attorney general
\$ 250	\$ -	1700	assistant attorney general
\$ 100	\$ -	1700	assistant attorney general
\$ 196	\$ -	1700	assistant attorney general - 75%
\$ 422	\$ -	1700	assistant attorney general
\$ 577	\$ -	1700	assistant attorney general
\$ 333	\$ -	1700	assistant attorney general
\$ 50	\$ -	1700	assistant attorney general
\$ 545	\$ -	1700	assistant attorney general
\$ 3	\$ -	1700	assistant attorney general
\$ 65	\$ -	1800	assistant attorney general - administration
\$ 480	\$ -	1800	assistant attorney general
\$ 100	\$ -	1800	assistant attorney general
\$ 480	\$ -	1800	assistant attorney general
\$ 130	\$ -	1800	assistant attorney general
\$ 223	\$ -	4000	assistant attorney general - administration
\$ 255	\$ -	4000	assistant attorney general
\$ 30,024	\$ 7,564		Monthly cost
\$ 374,704	\$ 90,788		fy08 annual cost
\$ 437,542	\$ 105,990		fy08 annual cost with fringes
\$ 455,043	\$ 128,715		fy09 annual cost
\$ 892,585	\$ 234,705		Total cost
\$ 883,000	\$ 218,464		Equity provided
\$ 9,585	\$ 16,241		Difference due to 4% salary increases in fy08 & fy09
1%	7%		Percent difference

North Dakota Class Description

ND Human Resource Management Services

Phone: (701) 328-3290

LOTTERY CUSTOMER SERVICE SPECIALIST (0862)

Grade 12

SCOPE OF WORK:

Work consists of establishing and maintaining an outreach program through development and implementation of sales strategies, promotional programs, and education and guidance to retailers to increase the sales of lottery tickets.

DUTIES PERFORMED:

- Analyze sales data and retailer/player feedback to evaluate the effectiveness of lottery-sponsored marketing promotions, point-of-sale items, and advertising; recommend corrective actions; write comprehensive evaluation reports on marketing promotions.
- Develop sales strategies, sales goals, and action plans; develop and implement retailer promotional sales programs; assist retailers in developing and conducting individualized marketing promotions.
- Persuade retailers, including corporate officers, to actively support sales promotional programs and winner awareness activities; encourage participation in marketing promotions.
- Participate in state, community, and industry events such as trade shows and show cases; arrange promotional events with retailers and winning players; provide information through verbal and written communication to retailers, media, trade organizations, and the public.
- Develop and implement retailer award programs.
- Determine retailer training needs, design training modules, and present educational seminars and individual guidance to retailers covering such topics as laws, rules, policies, sales strategies and marketing promotions, lottery terminal operation, etc.; develop and maintain a comprehensive retailer handbook.
- Recruit potential retailers; coordinate with the gaming system vendor on startup of new retailers and terminal relocations.
- Develop criteria for approval of new retailers, retailer performance evaluation, and retailer site inspections; evaluate the sites and recommend approval or denial of licensure; develop corrective action plans for retailers' improved performance; recommend license revocation if necessary.
- Develop and maintain effective relationships with retailers and industry trade organization officials.
- Provide service advice, disseminate information, and address unique merchandising and non-compliance issues with retailers.
- Balance retailer transactions and conduct online draw procedures in coordination with the Multi-State Lottery Association and online system vendor.

NOTE: The duties listed are not intended to be all-inclusive. Duties assigned any individual employee are at the discretion of the appointing authority.

MINIMUM QUALIFICATIONS:

Requires a bachelor's degree with coursework in business administration, marketing, or sales; and five years of customer service work experience that included developing and implementing sales strategies and/or promotions, receiving and analyzing information, determining and developing an appropriate solution, and assisting or directing customers in implementing and completing steps for conducting certain activities or reaching certain financial goals.

CLASS EVALUATION:

Attachment

1002 1 11 09E

Technical Knowledge

- Requires knowledge of principles, concepts, and methodology.
- Requires completion of an undergraduate degree.
- Requires extensive experience in duties of an equivalent type and complexity as those performed at this level.

Management Breadth

- The requirement to manage others is limited in scope and/or duration.

Interpersonal Skills

- Requires extensive written and verbal communication skills needed to motivate, convince, and/or change behavior or attitude of contacts and interact with the public.

Guidelines

- General guidelines exist.
- Requires judgement in selecting appropriate guidelines.
- Interpretation/adaptation of guidelines is required for specific cases/problems.

Mental Challenge

- Duties are defined in general terms and may vary depending upon circumstances.
- A variety of unrelated procedures are provided which may require modification for performing duties under varying circumstances.
- Analyzing circumstances to modify appropriate procedure to use is necessary.

Independence Of Action

- Employees receive guidance and direction.
- Duties include coordinating policy interpretation and individual initiative.
- Problems are solved by revising the procedures or methods needed to fit the situation.
- Duties include planning, organizing, and determining method to produce desired results.

Control Of Budget Dollars

- Up to \$500,000.

Effect On Decisions

- Specific effect - Activities include decisions made in conjunction with others.

Eff. Date: 11/04

Rev. 10/05 – revised scope, duties, minimum qualifications, and class evaluation

North Dakota Class Description

ND Human Resource Management Services

Phone: (701) 328-3290

FORENSIC SCIENTIST (3235-7)**SCOPE OF WORK:**

Work involves performing tasks associated with the scientific examination, analysis, and identification of physical evidence gathered by law enforcement in support of a criminal investigation and/or legal proceedings.

DUTIES PERFORMED AT ALL LEVELS:

- Receive, record, secure, store, and return or dispose of evidence submitted to the Crime Laboratory so that the chain of custody is properly maintained for court presentation.
- Use a variety of laboratory equipment and instrumentation and accepted chemical testing methods and techniques to analyze and identify unknown materials, such as fibers, residue, liquids, and plant material.
- Perform toxicology-related examinations of biological specimens to determine the presence and level of foreign substances.
- Analyze and identify substances to determine composition; analyze biological specimens to determine the presence of controlled substances and/or toxic materials for toxicological purposes.
- Prepare and maintain written records and reports of examination and analysis findings; provide assistance in the investigation and processing of incidents alleged to involve criminal acts.
- Testify in court as an expert witness providing technical information regarding laboratory analysis findings of evidence submitted in trial.

NOTE: The duties listed are not intended to be all-inclusive. Duties assigned any individual employee are at the discretion of the appointing authority.

FORENSIC SCIENTIST I (3235)

Grade 10

LEVEL DEFINITION:

Work at this entry-level typically involves applying standardized analytical, chemical, and instrumental methods and techniques in performing a variety of less complex forensic scientific examinations. The incumbent in a position assigned this level works independently under general supervision; however, obtains knowledge through work experience under close supervision in areas of increasingly complex forensic science examinations.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- None.

MINIMUM QUALIFICATIONS:

Requires a bachelor's degree in forensic science, chemistry, microbiology, toxicology, or a closely related natural science; and two years of work experience in a laboratory setting.

CLASS EVALUATION:

Attachment
1003.1.26.09 G

Technical Knowledge

- Requires knowledge of principles, concepts, and methodology.
- Requires completion of an undergraduate degree.
- Requires extensive experience in duties of an equivalent type and complexity as those performed at this level.

Management Breadth

- The requirement for managing others does not exist.

Interpersonal Skills

- Requires a high degree of written and/or verbal communication skills in dealing with other employees, clients, or the general public.

Guidelines

- General guidelines exist.
- Requires judgement in selecting appropriate guidelines.
- Interpretation/adaptation of guidelines is required for specific cases/problems.

Mental Challenge

- Duties are defined in general terms and may vary depending upon circumstances.
- A variety of unrelated procedures are provided for performing duties under varying circumstances.
- Analyzing circumstances to select appropriate procedure to use is necessary.

Independence Of Action

- Instructions are given in general terms.
- Duties include deciding methods and details to complete tasks.
- Duties include utilizing established policies and practices in strategy development and problem solving.

Control Of Budget Dollars

- None.

Effect On Decisions

- Indirect effect - Activities provide analysis, recommendation, or advice used by others in making decisions.

Hazardous Working Condition

- Work includes exposure to hazardous conditions resulting in a risk of serious physical injury requiring medical attention and some lost time from work.
- Exposure occurs on a seasonal, periodic, or similar intermittent basis.

FORENSIC SCIENTIST II (3236)

Grade 11

LEVEL DEFINITION:

Work at this fully functioning level involves applying different types of analytical, chemical, and instrumental methods and techniques in performing a variety of complex forensic scientific examinations.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- Train other forensic scientists on analytical techniques and methods; train criminal investigators and others in recognizing, gathering, and preserving evidence.
- Develop examination methods and make changes to established standard operating procedures.
- Research equipment and prepare specifications for bids or sole source purchasing.
- Conduct peer reviews of examinations.

MINIMUM QUALIFICATIONS:

Requires a bachelor's degree in forensic science, chemistry, microbiology, toxicology, or a closely related natural science; and two years of work experience as a forensic scientist.

CLASS EVALUATION:

(Those Factors Rated Differently from Previous Level)

Independence Of Action

- Employees receive guidance and direction.
- Duties include coordinating policy interpretation and individual initiative.
- Problems are solved by revising the procedures or methods needed to fit the situation.
- Duties include planning, organizing, and determining method to produce desired results.

FORENSIC SCIENTIST III (3237)

Grade 12

LEVEL DEFINITION:

Work at this level primarily involves applying highly complex and advanced analytical, chemical, and instrumental methods and techniques in performing forensic scientific examinations of varying complexity, most of which are at the greatest level of complexity.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- Plan for and oversee the maintenance of quality assurance and quality control for all instrumentation.
- Suspend laboratory examinations/casework if instrumentation is not operating within specifications.
- Provide oversight and technical assistance for other levels of forensic scientists; verify results obtained and assist in interpreting difficult tests.
- Serve as lead worker in method development and case management.

MINIMUM QUALIFICATIONS:

Requires a bachelor's degree in forensic science, chemistry, microbiology, toxicology, or a closely related natural science; and six years of work experience as a forensic scientist.

CLASS EVALUATION:

(Those Factors Rated Differently from Previous Level)

Interpersonal Skills

- Requires extensive written and verbal communication skills needed to motivate, convince, and/or change behavior or attitude of contacts.

Guidelines

- Guidelines may not exist for all situations.
- Requires judgement in selection or establishment of guidelines.
- Significant analysis of guidelines is required for a variety of situations.

Mental Challenge

- Duties are defined in general terms and may vary depending upon circumstances.
- A variety of unrelated procedures are provided which may require modification for performing duties under varying circumstances.
- Analyzing circumstances to modify appropriate procedure to use is necessary.

Effect On Decisions

- Specific effect - Activities include decisions made in conjunction with others.

Eff. Date: 7/88

Rev: 1/00 - Word processing conversion

Rev: 6/04 - Revised scope of work, duties, and minimum qualifications; added level definitions; conducted grade review

[Top of Page] [HRMS_Home]

North Dakota Class Description

ND Human Resource Management Services

Phone: (701) 328-3290

Attachment
1003.1.26.09 H**IDENTIFICATION TECHNICIAN****SCOPE OF WORK:**

Work involves specialized administrative support duties within the Criminal Records/Identification Unit of the Bureau of Criminal Investigation Division of the Office of the Attorney General.

DUTIES PERFORMED AT ALL LEVELS:

- Operate the Automated Fingerprint Identification System (AFIS) for entry, search, and comparison of electronic fingerprint images.
- Enter information on criminal and custodial fingerprint cards to submit to AFIS and to the FBI for identification purposes.
- Classify and compare fingerprints utilizing standardized fingerprint classification systems and visual fingerprint comparison techniques.
- Examine fingerprints on fingerprint cards for completeness and clarity; develop standardized fingerprint classifications; compare fingerprint cards utilizing standardized classifications along with individual fingerprint characteristics.
- Provide positive identification of individuals to assist law enforcement agencies.
- Maintain the Computerized Criminal History (CCH) database; notify law enforcement agencies on incomplete or incorrect data; assign state identification numbers; enter and update demographic and arrest data; review and enter prosecution information and court case dispositions.
- Maintain the fingerprint cards using approved filing methods and receiving, inputting, editing, and purging file data as required.
- Conduct criminal justice record checks for federal, state, and local law enforcement agencies and courts; identify and retrieve information utilizing computerized systems to access local, interstate, and foreign databases.
- Conduct non-criminal justice record checks; receive fees; maintain dissemination information; follow up on incomplete or missing information; ensure dissemination of information is in accordance with limitation established by state law and administrative rules.
- Conduct fingerprint-based record checks; receive and reconcile state fees, utilize computer systems to electronically submit fingerprint card to the FBI; receive and route responses to appropriate agency; notify agencies regarding monthly FBI billing; receive and reconcile fees related to the FBI billing.
- Conduct teletype activities for the Bureau of Criminal Investigation; compose and transmit teletype messages; review and disseminate received messages; maintain teletype activity logs.
- Maintain the Central Warrant Information System (CWIS), National Criminal Information Center (NCIC), and protection/disorderly conduct restraining order databases.

NOTE: The duties listed are not intended to be all-inclusive. Duties assigned any individual employee are at the discretion of the appointing authority.

IDENTIFICATION TECHNICIAN I (5012)

Grade 5

LEVEL DEFINITION:

Work at this level is performed under close supervision and generally considered a training status. Individuals

participate in training to meet requirements for the law enforcement telecommunications license, the FBI Basic Fingerprint Classification Course, and automated fingerprint identification system operator's training.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- Participate in formal training requirements

MINIMUM QUALIFICATIONS:

Requires a high school diploma or GED, and three years of work experience in administrative support duties that included the use of personal computer database software and the maintenance of a specialized records system. College level coursework may be substituted for up to two years of the required work experience on a year-for-year basis. Individuals assigned to positions in this class are required to attend training and obtain the appropriate license in the operation of communications equipment utilized in performing the assigned duties.

CLASS EVALUATION:

Technical Knowledge

- Requires knowledge of processes, procedures, or methods.
- Requires considerable specialized knowledge, skill, and ability.
- Requires an associate degree or specific technical training in the occupation.
- Requires work experience in duties similar in type and complexity to those performed at this level.

Management Breadth

- The requirement for managing others does not exist.

Interpersonal Skills

- Requires the use of common courtesy in everyday contacts with employees, clients, and the general public.

Guidelines

- General guidelines exist.
- Requires judgement in selecting appropriate guidelines.
- Interpretation of guidelines is required as tasks may vary when repeated.

Mental Challenge

- Specific duties are clearly defined.
- A variety of related procedures are provided for performing duties.
- Choosing the appropriate work procedure from available choices is necessary.

Independence of Action

- Instructions are given in general terms.
- Duties include completing a variety of recurring activities independently.
- Supervisor reviews work as necessary assuring work progress, accuracy, and task completion.

Control of Budget Dollars

- None.

Effect on Decisions

- Limited effect - Activities provide a product, information, or service used by others in making decisions.

IDENTIFICATION TECHNICIAN II (5013)

Grade 7

LEVEL DEFINITION:

Work at this level is generally performed without close supervision, i.e., the fully qualified level for performing standard identification work. A lead worker is generally available to handle unusual or non-routine tasks. Individual(s) will also begin training in advanced latent fingerprint techniques.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- Perform fingerprint comparisons on latent fingerprints submitted by law enforcement agencies.
- Conduct training of local law enforcement officers and staff in the proper preparation and handling of fingerprint cards, proper use of the telecommunication system to conduct record system inquiries, and proper procedures for requesting record checks.
- Conduct audits of local agencies for compliance with information records systems such as the Criminal History Record Information (CHRI) system.
- Respond to routine inquiries for information and/or documents through verbal and written communication.
- Conduct AFIS demonstrations for the public, law enforcement, legislators and students.
- Assist in training lower level identification technicians.

MINIMUM QUALIFICATIONS:

Requires a high school diploma or GED, and three years of work experience in administrative support duties that included the use of personal computer database software and the maintenance of a specialized records system. College level coursework may be substituted for up to two years of the required work experience on a year-for-year basis. Also requires completion of the law enforcement telecommunications license, the FBI Basic Fingerprint Classification Course, and the Automated Fingerprint Identification System Tenprint operation's training.

CLASS EVALUATION:

(Those Factors Rated Differently from Previous Level)

Interpersonal Skills

- Requires a high degree of written and/or verbal communication skills in dealing with other employees, clients, or the general public.

Mental Challenge

- Specific duties are clearly defined.
- A variety of unrelated procedures are provided for performing duties.
- Choosing the appropriate work procedure from available choices is necessary.

Dependence of Action

- Instructions are given in general terms.
- Duties include deciding methods and details to complete tasks.

- Duties include utilizing established policies and practices in strategy development and problem solving.

Effect on Decisions

- Indirect effect - Activities provide analysis, recommendation, or advice used by others in making decisions.

IDENTIFICATION TECHNICIAN III (5014)

Grade 8

LEVEL DEFINITION:

Work at this level includes responsibility as lead worker and requires that individual(s) will have obtained thorough knowledge of all facets of the fingerprint identification process and be able to resolve all but the most difficult situations that may arise.

ADDITIONAL DUTIES PERFORMED AT THIS LEVEL:

- Monitor and assign work in a lead worker capacity.
- Provide input to development and implementation of work policies and procedures.
- Perform required administrative reporting and coordination.
- Assist in the preparation of responses to inquiries or in providing information to other agencies or individuals.
- Train lower level identification technicians in processes and procedures.

MINIMUM QUALIFICATIONS:

Requires a high school diploma or GED, and four years of work experience in administrative support duties that included the use of personal computer database software and the maintenance of a specialized records system. College level coursework may be substituted for up to two years of the required work experience on a year-for-year basis. Also requires completion of the law enforcement telecommunications license, the FBI Basic Fingerprint Classification Course, and the Automated Fingerprint Identification System Tenprint operation's training. Individuals at this level will have completed or be required to complete advanced training in latent fingerprint techniques, palm print identification, and Automated Fingerprint Identification System Latent operations training.

CLASS EVALUATION:

(Those Factors Rated Differently from Previous Level)

Interpersonal Skills

- Requires extensive written and verbal communication skills needed to motivate, convince, and/or change behavior or attitude of contacts.

Mental Challenge

- Duties are defined in general terms and may vary depending upon circumstances.
- A variety of unrelated procedures are provided for performing duties under varying circumstances.
- Analyzing circumstances to select appropriate procedure to use is necessary.

Effect on Decisions

- Specific effect - Activities include decisions made in conjunction with others.

Testimony to the
HOUSE APPROPRIATIONS
Prepared January 26, 2009 by the North Dakota Association of Counties
Aaron Birst, Legal Counsel

CONCERNING HOUSE BILL 1003

Chairman Delzer and members of the Committee, the State's Attorneys through the North Dakota Association of Counties is here today to strongly support House Bill 1003, the appropriation for the Attorney General's Office.

Out of all the bills filed so far this session, the Attorney General's budget is the highest priority for State's Attorneys. The Attorney General, Assistant AG's, and the staff provide crucial resources to all of the State's Attorney Offices ranging from large to small.

However, today I would like to focus my comments particularly on what is probably the single most important resource the Attorney General's office provides to prosecutors which is the administration and oversight of the State Crime Lab. The State Lab assists prosecutors on a daily basis whether it is providing blood analysis in a DUI case to testing carpet fibers in homicide case. Without a well functioning State Crime Lab, justice cannot be done.

Fortunately, the North Dakota State Crime Lab is staffed with some of the best and highly dedicated experts in the country. However, as demand continues to grow for their services there must also be an equivalent response to ensure our lab maintains the absolute highest integrity. You may have read newspaper accounts of other State's labs failing to maintain that standard and the repercussions from such failure is far reaching and has devastating effects for law enforcement and defendants alike. Thankfully, our lab is not in that position because of the determination to choose quality over quantity.

The Attorney General's office, crime lab personnel, prosecutors, and law enforcement have attempted to work through the increase in quantity of items to be tested by creating a working group to help prioritize items and limit those items which do not need to be tested. As effective as this has been, there is only so much cutting that can be done.

The State's Attorney do wish to thank the legislature for their support of the new crime lab authorized last session and we ask for your continued support by way of the Attorney General's budget.

For the following reasons I ask that you support House Bill 1003 and any additional funding that is possible.

Thank you.

Attachment
1003. 1.27.09 A

**SUMMARY OF AMOUNTS NEEDED FOR ALL ARRESTEES
IMPLEMENTATION AFTER REMOVING C FELONY TESTING**

EVIDENCE TECHNICIAN SALARIES & WAGES	81,053
LESS: EXISTING TEMPORARY SALARIES	(29,700)
NET SALARIES & WAGES NEEDED	51,353
 EVIDENCE TECHNICIAN OPERATING EXPENSES	 14,503
 FORENSIC SCIENTIST OPERATING EXPENSES STILL NEEDED AFTER REDUCTION IN TESTING SUPPLIES	 18,185
 TOTAL AMOUNT NEEDED TO IMPLEMENT ALL ARRESTEES, EXCLUDING TESTING FOR C FELONY ARRESTEES	 <u>84,041</u>
 FTE NEEDED - EVIDENCE TECHNICIAN	 1.0

ANALYSIS OF FELONY B & A ARRESTEES ANTICIPATED FOR THE 2009-11 BIENNIUM

Year	Most Serious Offense for First Felony Arrest					Percent FC
	FC	FB	FA	AA	Total	
2003	1,643	229	162	11	2,045	80
2004	1,684	257	167	8	2,116	80
2005	1,854	236	157	25	2,272	82
2006	1,648	231	161	29	2,069	80
2007	1,551	267	158	26	2,002	77

Average number of individuals with First Felony Arrest 2,101

Average by felony 244 161 20 425

Factor in those not printed estimated at 20 percent per consultation with J. Curtis (most are FC).
We expect to see change because of deployment of new livescans.

2,101 times 1.2 2,521

Please note that the percentage of First Felony Arrests that are FC is dropping. 2008 data indicates 76 %, but the year is not complete
Use 77 % as value rather than average of several years

Number of Arrests expected to be FB or greater = 2,521 * .23

580

If First Felony Arrest was FC, analysis of number of individuals with subsequent FB or higher arrest and when the first subsequent arrest occurs

Year	2001	2002	2003	2004	2005	2006	Average
Same Yr	13	24	25	28	26	30	24
Year 1	25	36	30	32	45	20	31
Year 2	11	26	22	30	28		
Year 3	15	16	21	16			
Year 4	12	18	11				
Year 5	11	13					
Year 6	5						

First Year of Biennium

Number of individuals expected to have first felony arrest above felony C

580

Number of individuals arrested for FC & have subsequent FB or higher w/in same year

24

604

Second Year of Biennium

Number of individuals expected to have first felony arrest above felony C

580

Number of individuals arrested for FC & have subsequent FB or higher w/in same year

24

Number of individuals arrested for FC and have subsequent arrest FB or higher next year

31

635

2009-11 Biennium - Number of individuals expected to have first felony arrest above felony C 1,240

HOPE - 2/3/09 - BASED ON # OF FELONY B & ABOVE ARRESTS, LEAVE A FORENSIC SCIENTIST FTE
SHE THINKS MAKING THE TEMPORARY EVIDENCE TECHNICIAN FULL-TIME WILL HANDLE THE
WORKLOAD FOR LOGGING IN SAMPLES.

1
Representative Jeff Delzer

January 27, 2009

Information on Sex Offender Program:

The 07-09 North Dakota State Hospital (Sex Offender Unit) appropriated budget contained \$270,000 for payments to independent evaluators of sex offenders - both for initial evaluations and annual evaluations. The 09 - 11 request contains \$352,000 for initials and annual evaluations. The majority of this increase is because more clients are requesting independent evaluations during their annual review. (plus projected fee increases from evaluators).

The Hospital during the first 18 months of this biennium completed 13 initial evaluations and 27 annual evaluations, of which we paid an independent evaluator \$5,000 per evaluation. We anticipate 4 initials and 10 annual evaluations for the last six months of the biennium, for a biennial total of 54 evaluations that require our payment.

Regards;

Alex Schweitzer
Superintendent
North Dakota State Hospital

6

2

OFFICE OF ATTORNEY GENERAL

11



BIENNIAL REPORT

2005-2007

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OFFICE OF ATTORNEY GENERAL

THE AGENCY

The Attorney General is one of 12 statewide elected offices in North Dakota, and was established in the 1889 state constitution. The office is headed by the Attorney General, an independently elected constitutional officer, and is comprised of several divisions of highly specialized staff and attorneys.

The Office of Attorney General is organized into 13 divisions with specific duties and responsibilities: Administration, Bureau of Criminal Investigation, Civil Litigation, Consumer Protection and Antitrust, Criminal and Regulatory, Finance and Administration, Fire Marshal, Gaming, Information Technology, Natural Resources and Indian Affairs, North Dakota Crime Laboratory, North Dakota Lottery, and the State and Local Government.

QUALIFICATIONS

To be eligible for election to the Office of Attorney General, an individual must be 25 years of age, qualified to vote in North Dakota, and a licensed attorney.

BOARDS/COMMISSIONS

The Attorney General serves on numerous boards and commissions, including the Board of University and School Lands, Industrial Commission (which oversees all state-owned industries), ND Commission on Drug and Alcohol Abuse, ND PERS Board, Judicial Council, and Pardon Advisory Board.

DUTIES AND FUNCTIONS

The Attorney General represents the state in all legal matters, civil and criminal, where the state is named as a party or the state may have an interest in the outcome of the litigation. The duties of the Attorney General are set out in several chapters of the Century Code.

The office also provides legal services and opinions to the state legislature, state officials, constitutional officers, state agencies, boards, and commissions. The office enforces the Open Meetings and Open Records laws, and issues opinions in response to complaints that a public entity has violated those laws.

North Dakota ATTORNEYS GENERAL

Wayne Stenehjem 2001-

M. K. "Heidi" Heitkamp 1993-2000

Nicholas Spaeth 1985-1992

Robert Wefald 1981-1984

Allen I. Olson 1973-1980

Helgi Johanneson 1963-1972

Leslie R. Burgum 1955-1962

Paul Benson 1954-1954

Elmo T. Christianson 1951-1954

Wallace E. Warner 1949-1950

P.O. Sathre 1948-1948

Nels G. Johnson 1945-1948

Alvin C. Strutz 1937-1944

P.O. Sathre 1933-1937

Arthur J. Gronna 1933-1933

James Morris 1929-1932

George F. Shafer 1923-1928

Sveinbjorn Johnson 1921-1922

William Lembke 1921-1921

William Langer 1917-1920

Henry Linde 1915-1916

Andrew Miller 1909-1914

Thomas F. McCue 1907-1908

Carl N. Frich 1903-1906

Oliver D. Comstock 1901-1902

John F. Cowan 1895-1900

William H. Standish 1893-1894

Clarence A.M. Spencer 1891-1892

George F. Goodwin 1889-1890

Office of Attorney General
600 E. Boulevard Ave
Dept. 125
Bismarck, ND 58505
(701) 328-2210
(701) 328-2226 (fax)
E-mail: ndag@nd.gov
Website: www.ag.nd.gov

Consumer Protection and Antitrust
4205 State Street
PO Box 1054
Bismarck ND 58502-1054
(701) 328-3404
Toll free (800) 472-2600

Bureau of Criminal Investigation
PO Box 1054
Bismarck ND 58502
(701) 328-5500
Tip Hotline (800) 472-2185

Gaming Division
17th Floor, Capitol Building
(701) 328-4848

Licensing Section
17th Floor, Capitol Building
(701) 328-2329

Fire Marshal
(701) 328-5555

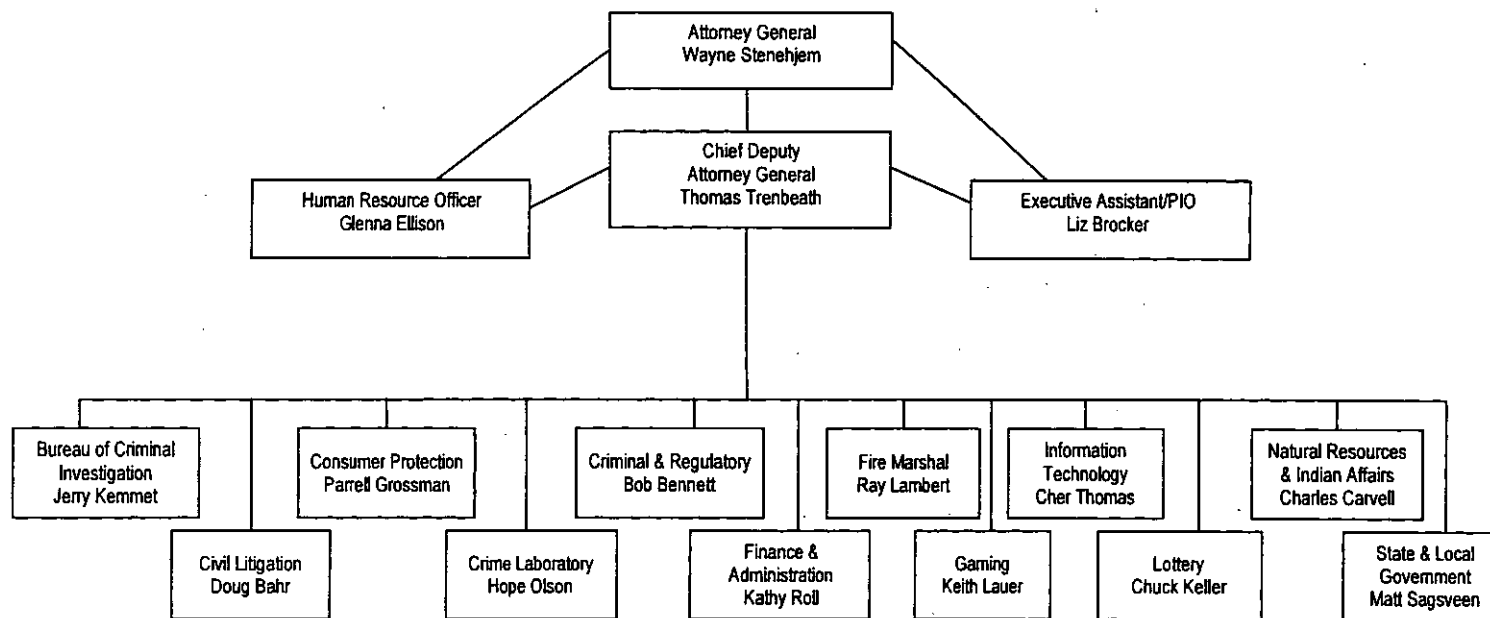
North Dakota Lottery
600 E. Boulevard Ave
Dept. 125
Bismarck, ND 58505
(17th Floor, Capitol Building)
(701) 328-1574
E-mail: ndlottery@nd.gov
Website: www.lottery.nd.gov

The Office of Attorney General has approximately 30 attorneys divided into five divisions: State and Local Government, Criminal and Regulatory, Consumer Protection and Antitrust, Natural Resources and Indian Affairs, and Civil Litigation.

In addition to its legal duties, the Office of Attorney General has several divisions with regulatory or investigative functions:

- The Bureau of Criminal Investigation (BCI) assists local governments in criminal and drug enforcement investigations, maintains the criminal history and sex offender registration systems, and provides training for law enforcement officials.
- The Fire Marshal's Office conducts fire safety training and inspections, controls hazardous materials incidents, and investigates fires.
- The Lottery division is responsible for the day-to-day operation of the lottery and its games.
- The Gaming division regulates charitable gaming, and ensures compliance with tribal-state casino gaming compacts. The Licensing section regulates and issues certain wholesale, retail, and distributor licenses.
- The Crime Laboratory analyzes samples from drug and alcohol related criminal cases, and evidence from crime scenes.
- The Finance, Administration, and Information Technology divisions provide support within the agency.

ORGANIZATIONAL CHART



ADMINISTRATION

The Administration Division is responsible for providing personnel support services, coordinating public education and information programs, coordinating relations with the legislative branch, and supporting the efforts of the North Dakota Commission on Drug and Alcohol Abuse and committees created by the Attorney General.

PUBLIC INFORMATION

❖ CONSTITUENT RESPONSES

In addition to literally thousands of telephone calls received by the Office of Attorney General dealing with everything from requests for general information to referrals to other government entities, the office addressed numerous written questions from citizens.

The Administration division received and responded to 1,600 citizen e-mails during the biennium and 538 letters. The public information office maintained an average time of 2-3 days for responding to constituent letters and 1-2 days for e-mail responses.

❖ PUBLICATIONS

During the biennium, the division continued its efforts to provide the public with useful information regarding the Office of Attorney General and state government in general. The office also continued to prepare and offer brochures to the public on a variety of topics including: The Office of Attorney General, the Opinion process, Choosing a Contractor, Concealed Weapons Permits, Disaster Scams, Do Not Call laws, Landowner rights under the Eminent Domain process, Identity Theft, the state's Lemon Laws, Liability of State Employees, Methamphetamine, Pyramid Schemes, Open Records and Open Meetings, Security Freeze protections, Small Claims Court, a Summary of Open Records, Tenant Rights, and a brochure that is particularly popular with educators and persons involved with youth explaining the legal consequences of teenage sexual activity.

The office also issued a booklet entitled "Scams, Shams and Flimflams" containing information on consumer rights and common scams, and provided informational handouts explaining the federal Fair Debt Collection Practices Act, Fair Credit Reporting Act, how credit scoring works, and Online Safety tips.

❖ WEB ACCESS

The Office of Attorney General serves the people of North Dakota and is committed to providing instant access, via the Internet, to information and resources on a variety of issues, including:

- Information about sex offenders, through the state's Sex Offender website, www.sexoffender.nd.gov;

The web address for the Office of Attorney General is
www.ag.nd.gov

LEGISLATION

The 2007 Legislature passed several bills which directly or indirectly affect the Office of Attorney General.

HB 1126: Racing Commission. Provides Office of Attorney General regulatory authority of the Racing Commission and authorizes the Attorney General to audit and investigate pari-mutuel wagering.

HB 1216: Sex Offender Sentencing. Amended the criminal code relating to sentencing for sex offense convictions.

HB 1330: Drug Task Force Grant Fund. Created a new section to ch. 54-12 and amended sections relating to funding, creating a multi-jurisdictional drug task force grant fund, funded from Lottery operating fund.

HB 1355: DNA Testing. Amended N.D.C.C. §31-13-03 (DNA Analysis) to provide that felons whose convictions are later reduced to misdemeanors must provide DNA sample.

HB 1357: Possession of Child Pornography. Amended N.D.C.C. ch. 12.1-27.2, to provide that the penalty for possession of child pornography is a C-felony even for a first offense (from misdemeanor).

HB 1417: Security Freeze. Created N.D.C.C. ch. 51-33 permitting an individual to request a notice to be placed on his or her credit report to prevent unauthorized access to, or use of, credit information.

HB 1472: Sex Offenders. Restricts sex offenders near school property.

SB 2040: Facilitating Deceptive Practices. Created new section in N.D.C.C. ch. 51-15 (Unlawful sales & advertising practices) prohibiting facilitating or assisting with deceptive practices.

- Information about scams, identity theft, and consumer fraud;
- The state's Open Record and Open Meetings laws;
- Attorney General Opinions;
- Do Not Call registration;
- Concealed weapons permits;
- Criminal History Record Checks;
- Information about the North Dakota Lottery and lottery games, at www.lottery.nd.gov.

Recognizing that the World Wide Web has changed the way people look for and find information and answers, the Office of Attorney General updated its website to include news releases, forms, brochures, and fact sheets, as well as Attorney General Opinions going back to 1980, the Concealed Weapons Manual, Gaming and Lottery newsletters, fire safety information, Contract Drafting Manual, and the Open Records and Meetings manuals.

AGENCY INITIATIVES

❖ METHAMPHETAMINE

The Office of Attorney General presented a summit in October 2005, focusing on methamphetamine (meth). The summit offered training and education to law enforcement officers, treatment and addiction counselors, teachers and prosecutors, and addressed a variety of topics ranging from detection of meth and detoxification of addicts to education and community prevention strategies. The summit attracted over 300 professionals from private businesses and federal, state, tribal, and local government organizations across North Dakota, Minnesota, Montana, and Canada.

In October 2006, the office made a presentation at the North Dakota Retail Association annual trade convention to explain changes in federal laws restricting sales of certain cold and allergy medicines used to manufacture methamphetamine and how those changes affected retailers.

❖ DRUG ENDANGERED CHILDREN

In October 2005, Attorney General Wayne Stenehjem formed the Drug Endangered Children (DEC) Committee to address the needs of children exposed to manufacturing, use, or trafficking of meth in their homes. The committee developed uniform procedures to coordinate state and local agency resources and services for these children.

❖ COLD CASE INVESTIGATIONS

The state's "Cold Case Investigations" squad was formed in November 2005 to investigate unsolved missing person and homicide cases. The Cold Case Investigations squad works closely with local law enforcement and the state's attorneys to review original investigative files. The squad has two permanent members who are with the Bureau of Criminal Investigation. Since its formation, the squad has closed two cases. Information about cold cases is available online at: <http://www.ag.nd.gov/BCI/ColdCase/coldcase.html>.

❖ SEX OFFENDER WEBSITE

In July 2006, the Office unveiled the state's new and improved sex offender website, www.sexoffender.nd.gov. Among the new online features: the ability to map the whereabouts of offenders living within a specified distance from a particular address, a search map showing a pushpin to mark the location of offenders, a printable listing of all offenders within a specified city or county; and expanded information about high risk, lifetime and delinquent offenders.

❖ INTERNET LURING UNIT

The Internet Luring Unit was formed in October 2006 to target Internet predators. The multi-jurisdictional unit coordinates statewide efforts to identify, apprehend and prosecute sexual predators who use the Internet to lure their victims. The Bureau of Criminal Investigation (BCI), which heads the Internet Luring Unit, received a \$50,000 grant from Internet Crimes Against Children (ICAC) to purchase specialized equipment necessary to the enforcement efforts, and for computer forensic training. The BCI will conduct undercover operations targeting online predators, as well as assisting local agencies with forensic investigations.

LEGISLATION Continued

SB 2098: Attorney General. Repealed "Block House" program.

SB 2101: Lottery. Amended sections of N.D.C.C. ch. 53-12.1.

SB 2103: Forensic Medical Exams. Created new section to N.D.C.C. ch. 12.1-34, providing reimbursement of sexual assault examinations by Attorney General.

SB 2195: Text Messaging. Amended N.D.C.C. §51-28-01 to add text messaging to the Do Not Call provisions.

SB 2248: Luring by Electronic Means. Enhanced criminal penalties for luring by electronic means and added authority for the Attorney General to issue administrative subpoenas to Internet Service Providers.

SB 2255: Pretexting. Created N.D.C.C. ch. 51-34, prohibiting false pretenses to obtain a consumer's telephone calling records, with enforcement by the Office of Attorney General.

SB 2256: Sex Offenders. Restricts sex offenders from school property except as provided.

SB 2259: Adam Walsh Act Compliance. Amended N.D.C.C. §12.1-32-15, relating to registration requirements for sexual offenders and offenders against children.

SB 2260: Criminal History Record Checks. Added authorization for background checks of employees/agents of public entities and applicants for licenses.

SB 2266: Promotional Check Solicitations. Created sections in N.D.C.C. ch. §51-15 prohibiting use of promotional checks and phony invoices. Enforcement is with the Office of Attorney General.

BUREAU OF CRIMINAL INVESTIGATION

The Bureau of Criminal Investigation (BCI) is the law enforcement division of the Office of Attorney General. The BCI has full law enforcement and arrest authority throughout the state of North Dakota.

The BCI assists local, state, and federal law enforcement agencies in criminal and drug enforcement investigations, maintains the criminal history and sex offender registration systems, provides training for law enforcement officials, and makes presentations to the public related to the signs and dangers of drug abuse.

The BCI is comprised of three sections: Investigative, Information Services, and Administrative Services.

INVESTIGATIVE SECTION

The Investigative Section assists local, state, and federal law enforcement agencies in the investigation of crimes across the state. The BCI cannot conduct investigations for a member of the public. The division has field offices in Bismarck, Center, Devils Lake, Dickinson, Fargo, Grafton, Grand Forks, Jamestown, Minot, Rugby, Valley City, Wahpeton, and Williston. The field offices house criminal and narcotics agents who support local law enforcement agencies and provide smaller agencies a mechanism through which they may share resources and personnel.

❖ TRAINING

The training section is responsible for providing field training and assisting with academy training for all law enforcement officers in North Dakota. In the 2005-2007 biennium 129 training programs were presented to 4,054 students representing police and sheriffs' departments, state and federal agencies, and the public.

In addition, the section conducts the licensing and record keeping functions for the Peace Officer Standards and Training (POST) Board. Members of the POST Board are appointed by the Attorney General and represent all facets of law enforcement, as well as city and county governments. The POST Board enforces minimum standards for the issuance and maintenance of peace officer licenses, including continuing education and weapons qualification requirements.

❖ CYBERCRIME

The BCI received approval from the 2007 Legislature to increase from two to three investigators who are dedicated to coordinating cybercrime investigative activities and providing assistance to local law enforcement. Due to the overwhelming activity around the state, the new agent will be housed in the eastern part of North Dakota.

These agents assist with a wide variety of investigations including narcotics activity, child pornography, child abuse, child molesters, and

To report suspicious activity the public is encouraged to call local law enforcement, or to leave a message on the BCI Tip Line.

BCI Tip Line
1-800-472-2185

In April 2006, the Metro Area Narcotics Task Force (out of Bismarck) was officially designated as a Safe Trails Task Force.

The federal "Safe Trails" designation signifies that the multi-jurisdictional task force members (comprised of state, city, county and federal law enforcement agencies) are cross-deputized and have law enforcement powers on tribal lands. There is only one designated Safe Trails task force in each state.

counterfeit documents such as driver's licenses, internet auction fraud, terrorizing, extortion, and identity theft.

This work continues to demand the full attention of these agents who have the expertise necessary to properly seize unique evidence, analyze system hardware and software, adequately investigate alleged cybercrimes, and provide expert testimony in this very technical area.

❖ **MULTI-JURISDICTIONAL NARCOTICS TASK FORCES**

BCI agents serve as coordinators and consultants for seven of the nine multi-jurisdictional narcotics task forces in North Dakota. The task forces provide dedicated narcotics investigators. The task forces receive additional assistance and resources to enforce drug laws from the Counter Narcotics Support Division of the North Dakota National Guard Military Support Office. The National Guard provides personnel, logistics, equipment loans, assistance with surplus equipment procurement, mission support, and transportation. They also provide vital law enforcement support through the Recognizance and Interdiction Detachment (RAID) Program. Four pilots and four OH-58 helicopters, equipped with Forward Looking Infrared Radar (FLIR) and capable of utilizing Night Sun equipment for nighttime operations, are dedicated for use in counterdrug missions, search and rescue, surveillance, or other emergency law enforcement related situations. National Guard intelligence analysts are assigned to five multi-jurisdictional task forces.

As a result of the Federal Bureau of Investigation's participation in the task force, in April 2006, the Metro Area Narcotics Task Force was officially designated as a Safe Trails Task Force. The FBI joined the task force which already included staff from the BCI, North Dakota Parole and Probation, Burleigh County, Morton County, Bismarck, Mandan, and the North Dakota National Guard. Because of the high level of drug activity on the reservation and the task force's proximity to tribal lands, becoming a Safe Trails Task Force has been a perfect fit, bringing federal jurisdiction to local law enforcement and giving them investigative authority on tribal lands. The task force has spent a great deal of time focusing on determining protocols, developing informants, and training BIA and tribal officers on intelligence gathering methods; however, they have also seen, first hand, the advantage of this designation while assisting a South Dakota Safe Trails Task Force with serving warrants and arresting over 50 individuals during a roundup operation held in that state.

In February 2007, the Metro Area Safe Trails Task Force received an Outstanding Cooperative Effort award from the White House Office of National Drug Control Policy (ONDCP) in recognition of the cooperative efforts of the multi-jurisdictional task force members.

❖ **HOMELAND SECURITY**

The BCI continued to partner with the Highway Patrol, State Radio, and the ND National Guard to create a fusion center, located at Fraine

INVESTIGATIVE SECTION SIGNIFICANT CASES

August 2005 – BCI investigated the arson of the Pembina County Courthouse and the wounding of two police officers by Jim Thorlakson in a running gun battle over a domestic violence arrest. Thorlakson was wounded and captured after an extensive manhunt.

August 2005 – BCI investigated a multi-state marijuana and methamphetamine ring operating on the Standing Rock Indian reservation with ties to Bismarck, North Dakota, and Denver, Colorado. Suspects were charged in North Dakota and Colorado with delivery of methamphetamine. The subjects were responsible for delivering multiple pounds of methamphetamine to North Dakota.

October 2005 – BCI investigated a multi-state cocaine distribution ring involving subjects in Bismarck, North Dakota, and Laredo, Texas. The subjects were responsible for multiple pounds of cocaine being distributed in North Dakota.

September 2006 – A Barnes County correctional officer was charged with having sexual contact with five female Barnes County inmates over a period of time from May 2006 to September 2006. The correctional officer was on duty at the time of the sexual contact. The inmates were afraid to report these assaults until the officer was charged in an unrelated crime.

SIGNIFICANT CASES

Continued

September 2006 - The body of Valley City State University student Mindy Morgenstern was found in her off-campus apartment by a female friend. Morgenstern had been killed by strangulation and having her throat cut. A Barnes County correctional officer who lived in the same apartment building was charged with her murder.

September 2006 - BCI investigated a multi-county, statewide burglary ring in which burglaries occurred in eight counties and thefts and/or damages were over \$1.4 million. Three suspects were charged in the thefts.

October 2006 - A 19-year-old male died when the handgun he was holding discharged. The male had been pointing the gun at himself and another male. The second male pushed the gun aside as it was pointed at him, and the gun discharged hitting the victim.

January 2007 - BCI continued an investigation of a 2004 murder resulting from domestic violence where the victim was beaten to death and evidence, including the body, was burned by the suspect.

April 2007 - BCI investigated the murder of the Willeys in rural Wells County. The victims were shot and killed, and the house was burned to the ground around the bodies in an attempt to destroy evidence. The mother of the Willeys' grandchild and her boyfriend have been charged.

Barracks in Bismarck, which receives and disseminates homeland security intelligence to the proper agencies. This center collaborates with the FBI's Field Intelligence Group, a regional fusion center for the entire upper Midwest. The fusion center utilizes the Department of Homeland Security's 17 critical infrastructure sectors to identify possible targets and provides site security information and training to critical infrastructure, and state and local partners regarding Homeland Security issues. The office has an agent assigned to the fusion center on a full-time basis.

❖ POST SEIZURE ANALYSIS TEAM (PSAT)

The illegal manufacturing and production of methamphetamine has remained a critical issue facing our state and the BCI, with 95% of methamphetamine imported into North Dakota. While we have had great success in the seizure of illegal drugs across the state, a Post Seizure Analysis Team (PSAT) was developed to help us utilize local, state, and federal resources to more effectively identify, investigate, and prosecute suppliers from out-of-state sources. This is critical considering that meth investigations typically involve conspiracies and several layers of networks.

The PSAT facilitates information sharing between task forces, analysts across the nation, and the northern border International Border Enforcement Teams. It is a multi-agency team consisting of Border Patrol, Immigration and Customs Enforcement, BCI, and the North Dakota Highway Patrol. PSAT also enhances homeland security efforts by removing aliens and terrorists who would most likely use the same smuggling routes as drug traffickers. The North Dakota Fusion Cell will be incorporated into PSAT to provide support and investigative capabilities in the western part of North Dakota.

❖ METHAMPHETAMINE

Methamphetamine (meth) continues to be the biggest drug problem challenging North Dakota law enforcement; however, the number of methamphetamine laboratory seizures in North Dakota decreased dramatically, with 192 in 2005, 46 in 2006, and only eight between January and June 2007. During the 2005-2007 biennium, 60% of BCI investigations were drug related, and meth was involved in 32% of those cases.

Most local agencies are unable to respond to these situations without the assistance of the BCI and rely heavily on the BCI to provide its expertise in the area of drug enforcement. The BCI has teamed with their local law enforcement partners in establishing task forces that are having a significant impact on major trafficking organizations.

The Office of Attorney General continues to participate as a member of the Midwest High Intensity Drug Trafficking Area (HIDTA), a regional network that includes the states of North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. This partnership provides for regional collaboration, demand reduction, and intelligence activities. The association with HIDTA has provided a tremendous boost to the efforts to combat methamphetamine by allowing the

Bureau to maintain additional HIDTA staff including three special agents located throughout the state and two forensic scientists for the Crime Lab.

❖ **PUBLIC EDUCATION**

The willingness of local residents and businesses to report suspicious drug activity accounts for much of the success of law enforcement efforts in this area. This is largely due to the efforts of agents throughout the state who are actively involved in their communities and who provided community awareness training about the signs of meth abuse and manufacture to 9,933 adults and children. 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. Their credibility and expertise has resulted in ever increasing demand for public awareness presentations on methamphetamine and labs, as well as other drugs.

INFORMATION SERVICES

The Information Services Section is the state's central repository for criminal histories and crime statistics. This section maintains information systems that provide law enforcement and other criminal justice agencies with information critical to the protection and safety of the citizens of North Dakota. This section also provides training to peace officers and prosecutors, and licenses all peace officers.

The following are some of the systems maintained by the section:

- Uniform Crime Reporting (UCR)/Incident Based and Summary Reporting – tracks crime in North Dakota and is a part of a national crime reporting system. The Crime and Homicide Reports, compiled from information reported by local law enforcement agencies across the state, are published annually and can be downloaded at: <http://www.ag.nd.gov/Reports/Reports.htm>.
- Offender Registration – registers and tracks sexual offenders and offenders against children. It is part of a national sex offender registration initiative.
- Criminal History Records – compiles records of arrests and prosecutions of individual offenders for use by law enforcement, the courts, and the public. It is interfaced with the FBI's criminal records system and Interstate Identification Index (III).
- Central Warrant Information System (CWIS) – communicates information on outstanding arrest warrants for misdemeanor offenses and protection orders to the state's law enforcement agencies.
- Concealed Weapon Permits – receives and processes applications for concealed weapon permits and issues permits to North Dakota citizens.
- Automated Fingerprint Identification System (AFIS) – operated as part of a regional program with Minnesota and South Dakota, the system allows electronic scanning, transmission, and storage of fingerprint image data to aid in criminal investigations.

❖ **CRIMINAL HISTORY RECORDS**

The BCI received federal funding during the 2005-2007 biennium for the criminal history records system, but at a reduced level. This system has undergone extensive automated restructuring with the use of federal grants over the last 19 years. The National Criminal History Improvement Program (NCHIP) was funded as part of the federal Brady Act and has provided funding for the improvements.

In addition to major improvements to the criminal history records system, the NCHIP program allowed for the creation of electronic interfaces among criminal history records and other systems such as the offender

registration system, CWIS, and the concealed weapon permits.

The 2007 Legislature further expanded access to state and federal criminal history records for a variety of purposes including allowing record checks conducted by the Board of Nursing; the State Board of Pharmacy; Real Estate Commission, the Board of Social Work Examiners; security guards for all agencies, departments, bureaus, etc., of state government; Office of Management and Budget; Department of Corrections for all agents, employees, and private contractors; local correctional facilities for all agents, employees, and private contractors; the North Dakota University System; public and private school employees; the Racing Commission; those petitioning for name change; the Board of Dental Examiners; and the Department of Financial Institutions. See 2007 SB 2260.

❖ **AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM**

The Automated Fingerprint Identification System (AFIS) allows law enforcement to compare a single latent fingerprint left at a crime scene with millions of fingerprints contained in an automated file. The program integrates with the Minnesota AFIS installation, which serves as the repository for a regional fingerprint database for Minnesota, North Dakota, and South Dakota. The Bureau scans fingerprint cards obtained from arrests in North Dakota and the AFIS then matches the cards against files from the three-state region. The AFIS system gives North Dakota state-of-the-art technology, which allows law enforcement to:

- Improve response time. The time it takes for fingerprints to be searched against the existing file when local law enforcement agencies submit fingerprint cards is dramatically reduced.
- Improve accuracy in both "10 print" and latent identifications. The benchmark criteria established for this system creates a level of accuracy not matched by human abilities to classify prints when large volumes are handled.
- Search all applicant and new arrestee fingerprints against a file of unsolved latent prints. Any new set of fingerprints can be checked against a file of prints taken from unsolved crimes.
- Search the master fingerprint file for both 10 print and unsolved latent fingerprints. When a local law enforcement agency makes an arrest, law enforcement personnel can search the master file for a match, or lacking an arrest, they can check the file for a match on the latent print.

Live scan fingerprint equipment installed in the state's largest jails interfaces with AFIS and allows fingerprint images to be transmitted at booking time, and for booking officers to receive a rapid response regarding any prior arrests of the booking subject. An upgrade process for the regional AFIS began during this biennium, including all units in North Dakota.

CONCEALED WEAPON PERMITS

Concealed weapon permit applications increased steadily during the 2005-07 biennium.

During the biennium, 5,879 permits were issued, with the corresponding permit fees generating revenues of **\$147,600**.

The number of active concealed weapon permits grew by 19%, from 6,969 last biennium, to 8,300 at the end of the 2005-07 biennium.

SEX OFFENDER WEBSITE
www.sexoffender.nd.gov

North Dakota's compliance rate
for registered offenders is 99%.

During the biennium, law enforcement officers throughout the state submitted 169 cases involving latent print examination for various offenses including burglaries, stolen property, forgery, armed robbery, aggravated assault, controlled substances, embezzlement, and motor vehicle theft. Seventeen individuals were identified from the latent prints, including four "cold hits," where there was either no suspect or someone was identified other than the individual originally suspected by law enforcement.

ADMINISTRATIVE SERVICES

The Administrative Services Section oversees federal grants for state and local criminal justice agencies, provides financial services for BCI, maintains offender registration records, coordinates a number of special projects, and provides day-to-day support functions required for staff located throughout the state.

❖ SEX OFFENDER WEBSITE

The Office of Attorney General enhanced its public sex offender website during the 2005-07 biennium. The website provides greater search capabilities and a mapping function. It provides users with the opportunity to look for offenders who live near them, conduct a search based on physical characteristics, receive e-mail notification of offenders moving in and out of their area, and download a printable list of all offenders regardless of risk level.

❖ OFFENDER REGISTRATION

During the 2005-2007 biennium, the number of registered offenders increased from 885 to 1,015. Of the registered offenders, only 14 are delinquent, down from 36 in the prior biennium. This equates to a 99% compliance rate, up from 96% in the 2003-05 biennium.

A risk assessment committee, comprised of treatment, law enforcement, parole and probation, juvenile services, and victim advocates personnel, met throughout the biennium to review accumulated data on each registered offender and determine each individual's risk assessment level as low, moderate, or high. Through the end of the biennium, 1,069 assessments were completed with 212 offenders identified as high risk, 325 as moderate risk, and 532 as low risk. The committee will continue to assess offenders who are released from the penitentiary, sentenced without serving time, or come to North Dakota from another state.

During the 2007 legislative session, changes were made to the offender registration statute to bring North Dakota closer to compliance with the Adam Walsh Act. State legislation now requires offenders to register address, employment, and school changes within three days; provide additional information regarding vehicles owned and operated and internet access information, and register for longer time periods depending on the offender's risk level. In addition, legislation was also passed which limits an offender's access to the real property of schools.

❖ GRANTS MANAGEMENT

The Administrative Services section administers several important federal grants providing key funding for state and local law enforcement efforts.

- Edward Byrne Memorial State and Local Law Enforcement Assistance Program/Justice Assistance Grant and the Edward Byrne Justice Assistance Grant. These funds have been made available by Congress to provide financial assistance to make communities safe and improve criminal justice systems. The Byrne grant funds have been awarded to agencies by the North Dakota Drug and Violent Crime Policy Board, which consists of representatives from law enforcement, corrections, the court system, victim/witness assistance programs, human services, and prosecution. The Board developed the criteria for distribution of funds and made grant award recommendations to the Attorney General. Criteria established by the Board have been based on a statewide drug and violent crime strategy which focused on drug and violence prevention and criminal justice system improvements. The awards were distributed to a variety of programs in the areas of enforcement, crime prevention, and corrections. The Board recommended grants totaling approximately \$1.57 million to 58 criminal justice projects including 21 narcotics enforcement initiatives, 32 domestic violence and victim/witness programs, two crime prevention and drug education programs, one DUI enforcement program, and two corrections programs.
- Lottery Funds for Task Forces. With federal funding continuing to decline substantially, the 2007 Legislature determined it was appropriate and necessary to provide additional funding for the narcotics task forces throughout the state. Funding from the state's lottery revenue was appropriated to supplement task force operating expenses. These funds will be awarded annually to task forces in conjunction with the Edward Byrne Justice Assistance Grant fund awards to ensure best use of funding from all available sources.
- Project Safe Neighborhood (PSN) is a grant designed to create safer neighborhoods by reducing gun violence and gun crime, and sustaining that reduction. The program's effectiveness is based on the cooperation of local, state, and federal agencies in a unified offensive led by the U.S. Attorney (USA) in each of the 94 federal judicial districts. Each USA is responsible for establishing a collaborative PSN task force of federal, state, and local law enforcement and other community members to implement PSN initiatives within the district. The Office of Attorney General provides program management and acts as a fiscal agent for this grant which provided approximately \$384,000 to 17 projects during the 2005-07 biennium.
- CounterAct Drug and Alcohol Education. The Office of Attorney General receives a subgrant of the Safe and Drug Free Schools and Communities Act managed by the Division of Mental Health and Substance Abuse Services of the North Dakota Department of Human Services to implement a program entitled CounterAct. The Bureau uses the money to pay for officer training and student materials for the agencies involved. The CounterAct program is similar in scope to the D.A.R.E. program – both use uniformed officers to present their drug and alcohol education curriculum to students – however, the CounterAct program requires less time commitment. (The CounterAct program consists of a six week curriculum compared to 17 weeks for the D.A.R.E. program.) The CounterAct program has become the primary drug and alcohol education program for many law enforcement agencies in North Dakota. The program also received outstanding support from the communities involved for two reasons. First, the program provides an effective curriculum for drug and alcohol education and second, it allows law enforcement to develop relationships with students and the community. During the 2005-2007 biennium, officers who were certified as CounterAct instructors presented the CounterAct curriculum to 4,059 students and 2,753 parents in the communities they serve.

AMICUS CURIAE

Amicus curiae or "friend of the court" briefs are filed by a state or other entity in a pending court case in which it is not a party.

The briefs are designed to provide the court with information or a perspective that should be considered in the court's decision but that might not be presented to the court by the parties to the case.

The Civil Litigation Division monitors the requests the state receives from the attorneys general of other states or other entities to write or join these amicus briefs.

During the 2005-2007 biennium, the Office of Attorney General received 174 requests to write or join briefs amicus curiae, the majority of the briefs filed in the United States Supreme Court.

The Office of Attorney General joined or wrote briefs in 66 of these cases.

Assistance to Needy Families, food stamps, and fuel assistance), developmental disability services, daycare and foster care licensure, adoptions, and child protective services. During the biennium Civil Litigation Division attorneys represented DHS in 151 economic assistance, developmental disability services, and adoption cases and 103 child care licensing, child care protective services, and foster care cases.

❖ DEPARTMENT OF TRANSPORTATION

Civil Litigation Division attorneys represent the Department of Transportation in a variety of cases, including implied consent, driver's license, condemnation, quiet title, and contract cases. During the biennium, division staff was involved in 288 district court appeals and nine North Dakota Supreme Court appeals relating to drivers licenses, as well as 29 other cases on behalf of the Department.

❖ EMPLOYMENT—JOB SERVICE

During the biennium, division attorneys represented Job Service in nine state district court appeals and one North Dakota Supreme Court appeal involving grants or denials of unemployment benefits. Staff attorneys issued 778 unemployment tax complaints against employers who owed payments to Job Service, resulting in 223 judgments and the recovery of \$2,291,628.28. The division also took legal action to recover employee benefit overpayments in 1,730 cases, resulting in 945 judgments and collection of an additional \$1,129,265.46.

❖ EMPLOYMENT—LABOR

The Office of Attorney General represents the Labor Department in suits against employers who failed to pay their employees. Only the most difficult wage claim cases are referred to the Attorney General. During the biennium, Civil Litigation Division staff handled 83 wage claim cases involving 395 individual employees, recovering over \$76,273 for those employees.

❖ EMPLOYMENT—PERSONNEL

The Attorney General defends state agencies in their role as employers. As well as representing state agencies in state and federal court in employment cases, staff attorneys also defend state agencies in matters appealed through the Human Resources Management Services. Staff attorneys also give general legal advice on such topics as the Americans with Disabilities Act, Family Medical Leave Act, and the Fair Labor Standards Act.

❖ PROFESSIONAL LICENSING BOARDS/ COMMISSIONS

Civil Litigation division attorneys represent numerous state professional licensing boards and commissions in a variety of cases at both the administrative and appellate level. Most of the cases involve the denial of applications or disciplinary actions.

tobacco manufacturers. The Master Settlement Agreement (MSA) includes base payments to states totaling \$220.6 billion over 25 years (from 1998), and continues in perpetuity. North Dakota's share of the settlement is expected to be \$866 million over 25 years. The amount of the annual payment is subject to a number of modifications including adjustments for inflation and usage volumes. Some of the adjustments may result in increases in the payments (inflation, for example), and other adjustments will likely cause decreases in the payments (volume adjustments, for example). At the end of the biennium, the State had received \$196,675,275.36 in total settlement payments. Of that amount, \$43,828,118.07 was received during the 2005-2007 biennium.

During the biennium, Civil Litigation Division staff spent substantial time enforcing N.D.C.C. ch. 51-25. In many cases, after appropriate communications and documentation, the NPM complied with the statute. When appropriate, however, lawsuits were filed against non-complying NPMs.

CONSUMER PROTECTION & ANTITRUST

Consumer Protection opened 2,556 complaints and investigations and closed 1,273 files.

CPAT recovered or collected \$1,726,651.55 during the biennium.

The Consumer Protection and Antitrust Division (CPAT) enforces the state's consumer fraud laws in connection with the sale or advertisement of merchandise. The division investigates and prosecutes consumer fraud and antitrust cases, mediates individual consumer complaints, and educates the public on how to avoid becoming victims of fraud. CPAT enforces the state's Do Not Call laws and is the state's clearinghouse for identity theft prevention, complaints, and victim assistance.

CPAT recovered \$981,958.81 in consumer restitution, collected an additional \$182,439.50 in other legal recoveries, and collected \$292,576.61 in attorney's fees, civil penalties, and costs in 111 civil actions. The division obtained additional judgments in the amount of \$269,676.63.

CPAT emphasizes public education to prevent and combat consumer fraud. Division staff conducted 164 consumer fraud presentations and public appearances. In addition, CPAT initiates numerous efforts to educate consumers through the media. These efforts include the production of a monthly newspaper column entitled "Too Good To Be True;" issuing news releases and consumer alerts; and participating in frequent radio programs and television appearances to talk about current consumer scams.

CEASE & DESIST ORDERS AND INJUNCTIONS

During the biennium CPAT issued "cease and desist" orders against ten businesses. These orders typically are issued in the event of blatantly fraudulent activity, or in circumstances that present imminent harm to consumers. The division obtained court-ordered injunctions against two businesses, suspending their activities in the state until they comply with the Attorney General's request for information.

IDENTITY THEFT, SECURITY FREEZES & SECURITY BREACHES

CPAT has become the state's clearinghouse for identity theft complaints, victim assistance, and identity theft prevention. The division conducts numerous identity theft presentations each biennium. The division encourages identity theft victims and law enforcement agencies to file identity theft complaints with the Office of Attorney General. CPAT also assists victims with filing identity theft affidavits with credit reporting agencies and creditors. CPAT further assists consumers with contacting creditors and credit reporting agencies and in reporting the theft and correcting the false information created by the identity thieves.

LIFESMARTS COMPETITION

The Attorney General is committed to providing a statewide coordinated approach to ensure that all North Dakota students are given the opportunity to develop the basic consumer and financial skills necessary for responsible citizenship.

Consumer Protection continued its participation in the National Consumers League's "LifeSmarts" competition, a game show style competition that tests students' consumer knowledge in the areas of personal finance, health and safety, the environment, technology and consumer rights and responsibilities.

All North Dakota schools offering grades 9 through 12 are invited to participate in an online competition to qualify for the state competition. Twelve finalist teams then compete in the state competition.

The Attorney General hosted the eighth and ninth state LifeSmarts competitions.

Kindred High School, the 2006 winning team, participated in the national LifeSmarts competition in Philadelphia, Pennsylvania.

Kindred High School repeated its success in 2007, winning the state competition and going on to participate in the national LifeSmarts competition in Orlando, Florida.

On June 1, 2007, the division implemented the new security freeze law, which includes consumer education and assistance provisions. The Attorney General's website explains the law and provides the forms to place the security freeze. In addition the division has provided substantial assistance to consumers in person, by written correspondence, and by electronic mail. The Attorney General personally, in cooperation with the American Association of Retired Persons, conducted several security freeze public presentations throughout the state.

The Attorney General has participated in several investigations concerning security breaches by data warehouses, credit card companies, or other entities collecting financial or confidential information in order to ensure that entities have not engaged in illegal or wrongful acts in violation of state or federal law.

INVESTIGATIONS/LEGAL ACTIONS

CPAT pursued numerous investigations or legal actions against individuals or entities under consumer protection, Do Not Call, and other laws. The investigations resulted in 98 legal actions (58 civil actions for violations of consumer fraud laws and 40 civil actions for violations of Do Not Call laws). Following is a brief description of some of the division's in-state investigations or legal actions during this biennium:

❖ EXTREME RESEARCH, INC.

In March 2005, the Attorney General initiated an investigation relating to violations of the Pyramid Schemes Act and Consumer Fraud Law in which Extreme Research conducted meetings in North Dakota, asking consumers to pay money for the opportunity to recruit participants and sell a fuel additive purported to increase gas mileage. The Attorney General ultimately alleged Extreme Research engaged in violations of the consumer fraud and pyramid laws.

In February 2006, the parties entered into a Stipulated Judgment in which Extreme Research admitted evidence of violation of the consumer fraud law, but did not admit violation of the pyramid law. Extreme Research agreed to injunctive relief to reform its business practices and paid \$25,000 in civil penalties and attorney's fees. Extreme Research subsequently violated the Judgment and, on October 9, 2006, the Attorney General issued a Cease and Desist Order. Extreme Research subsequently represented that it restructured its selling plan to sell its product only to end-users, in lieu of multi-level marketing, sales to participants, or sales in violation of the pyramid law. In June 2007, the Attorney General agreed not to object to retail sales of products that are not in violation of North Dakota law.

❖ FREEEATS.COM, INC.

The Attorney General obtained a \$20,000 judgment against a Virginia company, FreeEats.com, Inc., which was found to have violated the Do Not Call law by directing unauthorized prerecorded messages to North

DID YOU KNOW ...

Professional fundraisers soliciting money on behalf of charities may keep as much as 90% of the money donated by generous North Dakota citizens, leaving very little for the charity itself.

To make your generosity count—donate directly to local charities.

Dakota telephone subscribers. FreeEats.com challenged the validity of North Dakota's law, asserting federal law, which treats prerecorded messages differently, should apply. Judge Gail Hagerty granted the Attorney General summary judgment, finding North Dakota law was not preempted by federal law and FreeEats had violated state law.

FreeEats.com appealed the decision to the North Dakota Supreme Court, which ruled in favor of the State of North Dakota and affirmed the district court decision on April 21, 2006. FreeEats.com subsequently paid the State \$35,000 in attorney's fees. FreeEats also filed a petition with the Federal Communications Commission in Washington, D.C., asking the Commission to declare North Dakota's law preempted by federal law. The Attorney General is opposing the petition and in July 2006 filed a brief which was joined by Attorneys General from 42 states and territories.

❖ **MANDATORY POSTER AGENCY, INC.**

The Attorney General is pursuing this Michigan company and its principals for violations of consumer fraud, false advertising, foreign corporation registration, trade name and cease and desist order laws. In September 2006 a Cease and Desist Order was issued in response to a series of mailings falsely threatening consumers with jail time and fines if they did not purchase labor law and/or hand-washing posters from MPA. MPA falsely holds itself out as a local entity and designs its mailings to look like official government communications. It misrepresents the law and attempts to intimidate consumers into paying about \$60 for posters that are available from the issuing agencies free of charge.

MPA has challenged the Cease and Desist Order and requested an administrative hearing. The Attorney General has also filed a civil action in district court seeking penalties and additional relief for the violations of North Dakota's consumer protection laws. Both actions are pending.

❖ **PUBLIC AWARENESS, INC.**

DUANE KOLVE, ASSOCIATION FOR DISABLED FIREFIGHTERS, INC., COALITION OF POLICE & SHERIFFS, INC. AND AMERICAN VETERANS RELIEF FOUNDATION, INC.

In October 2002 the Attorney General initiated a legal action against the defendants for violations of the consumer fraud and charitable solicitation laws, as a result of misrepresentations and unlicensed charitable solicitations by the charities and/or their professional fundraisers. In 2005, during litigation, the parties reached a settlement agreement providing injunctive relief and payment of \$31,000 as payment of restitution, payment in lieu of civil penalties, and attorney's fees.

The Attorney General's legal action highlighted charitable fundraising practices of questionable charities and professional fundraisers deploying misrepresentations and engaging in unlicensed charitable

DO NOT CALL ENFORCEMENT

The Attorney General continues to pursue enforcement of the Do Not Call laws through business and consumer education, investigations, and legal actions.

During the biennium, the division received 174 complaints for solicitations to consumers registered on the national and state Do Not Call registry, and 100 complaints for pre recorded messages in violation of the Do Not Call laws.

The division conducted 50 investigations and reached 40 settlements with total civil penalties collected in the amount of \$42,150.

CPAT issued three Cease and Desist Orders against fraudulent Do Not Call violators, prohibiting those businesses from engaging in any future sales or business activities in the state.

In June 2006 CPAT obtained a \$53,000 judgment against James E. Bothell of Bixby, Oklahoma for violations of the Do Not Call laws.

solicitations. In such instances the majority of the charitable donations, 90% or more, are retained by the professional fundraisers, instead of being expended for actual charitable purposes.

MULTI-STATE ACTIONS

Following is a brief description of some of the division's participation in multi-state investigations or legal actions:

- **America Online ("AOL"):** Consumer complaints about problems cancelling internet service with AOL. North Dakota joined 48 states. The parties reached a settlement agreement in June 2007. The agreement resulted in injunctive relief regarding disclosure and cancellation terms, a payment of \$45,000 in lieu of civil penalties and attorney's fees.
- **Ameriquest Mortgage Company:** Allegations by 50 states of unfair and deceptive lending practices. The settlement resulted in injunctive relief on lending practices. In addition, the business agreed to pay \$295 million to the states as consumer restitution, and \$30 million as payment in lieu of civil penalties. The restitution available to affected consumers was \$78,175 and the payment in lieu of civil penalties to North Dakota was \$310,000.
- **ChoicePoint:** An action involving 44 states to investigate allegations the company failed to adequately maintain the privacy and security of consumers' personally identifiable information within its control. The settlement resulted in changes by ChoicePoint in how it credentials its new customers who have access to personally identifiable information. The business agreed to pay \$500,000 total to the states as payment in lieu of civil penalties and paid \$5 million into a pool to be used for consumer restitution. This case highlights the Attorney General's interest in ensuring that businesses with access to personal and confidential consumer information do all that is possible to prevent security breaches.
- **YP Corp. dba YP.com:** An investigation and settlement agreement with 20 states against this business for deceptive "live-activation" checks. This business solicited North Dakota businesses to endorse a check for \$3.50, thereby unwittingly signing up for advertising services in business directories. The business sent approximately 171,000 solicitations to businesses resulting in approximately 5,000 businesses endorsing and depositing the checks. The settlement agreement prohibited these solicitations in the future. The business also made refunds to its current customers, as well as paying \$9,000 in additional restitution. The state received \$15,000 as payment in lieu of civil penalties and attorney's fees. This case was instrumental in legislation in the 2007 legislative session prohibiting solicitation of advertising services by these "live-activation" checks (2007 SB 2266).

CRIME LABORATORY

During the 2005-2007 biennium, the Crime Laboratory received 12,684 cases.

The Crime Laboratory provides scientific support to the state's criminal justice system through the analysis, identification, and comparison of physical evidence used in the investigation and prosecution of criminal offenses. Services provided by the Crime Lab include:

- Examination of physical and toxicological evidence for local, state, and federal law enforcement agencies, prosecutors, and defense attorneys.
- Equipment selection, inspection, repair, and training of law enforcement agents in breath alcohol analysis.
- Maintaining a DNA database of convicted offenders and registered offenders.
- Providing expert testimony in court proceedings.

The Toxicology section held 27 classes and trained 340 law enforcement officers in the use of breath alcohol instruments. An additional 840 officers received certification for breath equipment remotely via the use of video training tapes. Lab staff members maintained, supported, and certified 827 non-evidentiary and 74 evidentiary breath alcohol instruments for law enforcement agencies for a total of 6,009 breath alcohol cases statewide.

During the 2005-2007 biennium, the Crime laboratory received 12,684 cases: 5,850 blood alcohol (driving under the influence); 4,731 narcotics; 1,190 urine/blood drug screens; 645 biological screening/DNA; 90 latent fingerprint; 75 firearm/toolmark; 65 miscellaneous; and 38 arson cases.

Lab staff members received 2,220 convicted offender samples (for the National DNA Database) during the biennium. The laboratory maintained the National Integrated Ballistic Information Network for North Dakota – a database for collecting and exchanging ballistic information among states. Laboratory staff testified in 128 administrative hearings, depositions, or court hearings.

The 2007 Legislative Assembly approved funding necessary for the construction of a new 19,000 square foot Crime Lab building. Construction is expected to be completed in October 2008.

SIGNIFICANT ACCOMPLISHMENT

The Crime Laboratory Division became accredited in the disciplines of Controlled Substances, Toxicology, Biology, Trace Evidence (fire debris only), Firearms/Toolmarks (firearms only) and Latent Prints (processing only). Accreditation was awarded on April 28, 2007, at the ASCLD/LAB Board meeting in Garner, North Carolina.

CRIMINAL AND REGULATORY

The Criminal and Regulatory Division conducts research on legal issues for local prosecutors and law enforcement officials, and conducts or assists in the prosecution of criminal cases when requested by a local state's attorney. During the 2005-2007 biennium, the division employed four attorneys and two alcoholic beverage licensing administrative employees.

LEGAL SERVICES

The division provides legal services to various state agencies and officials, including the Department of Corrections and Rehabilitation and the North Dakota Highway Patrol. Within the office, the division assists the Bureau of Criminal Investigation and the Gaming Division. The division also handles the legal issues associated with alcoholic beverage licensing.

The division's work includes the initiation and prosecution of enforcement actions for gaming and alcoholic beverage administrative rule and statutory violations; assistance in, and coordination of, criminal investigations; participation in administrative hearings and state and federal court actions, including habeas corpus proceedings; conducting extensive law enforcement training; and preparing resource materials for state and local law enforcement officials.

The division also assists state's attorneys and city attorneys, state and local law enforcement agencies, and other state agencies in the prosecution of criminal offenses and appeals. This past biennium, the division handled a wide variety of felony and misdemeanor criminal prosecutions. Division attorneys were also actively involved in the risk assessment of sex offenders and those persons who committed offenses against children. The division also participated in training programs and public presentations regarding offender risk assessment and notification of offender community presence.

❖ LEGISLATIVE CHANGES

The division worked closely with state and local law enforcement agencies in the implementation of 2005 and 2007 legislative enactments involving criminal justice and corrections issues.

❖ EXTRADITION REQUESTS

The division processes all extradition requests received by the Governor. During the biennium, there were 77 extradition requests processed.

❖ LAW REPORT

The division prepares the "Law Report" to apprise persons involved in the criminal justice field of recent court decisions and developments. The report is published quarterly and distributed electronically to criminal justice agencies across the state. The report is available online at: <http://www.ag.nd.gov/Reports/Reports.htm>.

LICENSING SECTION

The Attorney General is responsible for regulating the licenses of certain North Dakota industries and activities through the licensing section. The licensing section employed a licensing administrator and one staff member.

The section issues licenses to: alcoholic beverage retailers; wholesale and retail tobacco products dealers; transient merchants; coin operated amusement devices operators, lessors, and distributors; fair boards; polygraph

examiners and interns; charitable gaming operators; gaming manufacturers and distributors; and wholesale fireworks distributors. Total revenue deposited by the licensing section was \$57,904,718.

❖ ANALYSIS OF REVENUE DEPOSITED FOR THE 2005-2007 BIENNIUM

Licensing Revenue Deposited:

Type of License	Number Issued	Revenue Collected
Beer License	3,139	248,354
Liquor License	2,902	228,108
Cigarette License	3,691	57,930
Coin License	268	91,775
Detection of Deception License	31	1,150
Fair Board License	21	1,050
Gaming/Distributor/Manufacturer	1,327	300,150
Transient Merchant License	85	17,000
Wholesale Fireworks	50	12,500
Total Licensing Revenue Deposited	11,514	\$958,017

Other Sources of Revenue Deposited:

Source of Revenue	Number of Transactions	Revenue Collected
Gaming Tax	2,608	\$ 6,109,836
Gaming Excise Tax	2,379	12,189,190
Gaming Stamps	60	50,750
Gaming Tax-Interest and Penalty	182	11,117
Record Checks	4,371	110,377
Indian Gaming Investigative Costs	49	141,058
Attorney Billing	508	416,254
CPAT Judgment Collections	116	672,912
Assessment of Monetary Fines	23	13,075
CPAT Telemarketers	1	1,000
Racing	20	124,259
Crime Lab	403	41,379
Lottery	1,735	36,293,963
Miscellaneous	389	771,531
Total Other Revenue Deposited	12,844	\$56,946,701
Total Revenue Deposited	24,358	\$57,904,718

FINANCE AND ADMINISTRATION

Finance and Administration is responsible for budget, payroll, and accounting matters; information processing; purchasing and other administrative functions for all divisions of the Office of Attorney General.

BIENNIUM EXPENDITURES

Total expenditures for the biennium were approximately \$32.5 million. The office had 185.3 authorized FTEs and salary expenditures of \$18.2 million. Expenditures for the Civil Litigation, Natural Resources & Indian Affairs, State and Local Government and Criminal & Regulatory divisions are combined under "Legal." (See Figure 1, below.) Of the total expenditures, \$19.5 million (60%) was general fund monies, \$7.4 million was federal funds (23%), and \$5.6 million (17%) was special funds (see Figure 2, over).

Figure 1.

2005-2007 Biennium Expenditures
By Division – Total \$32,475,526

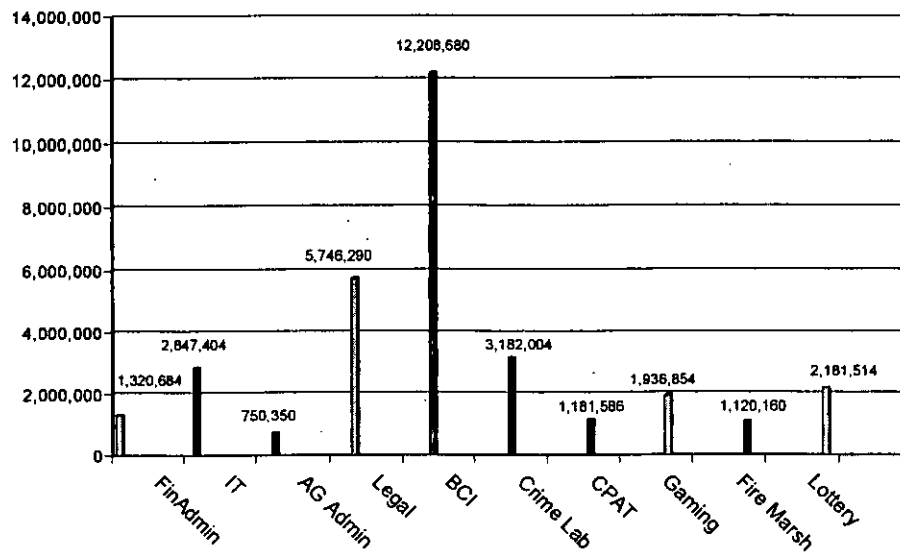
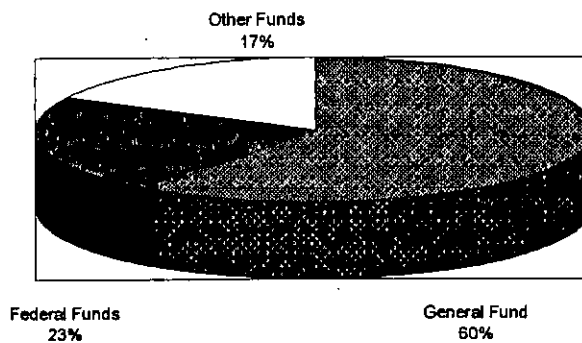


Figure 2.

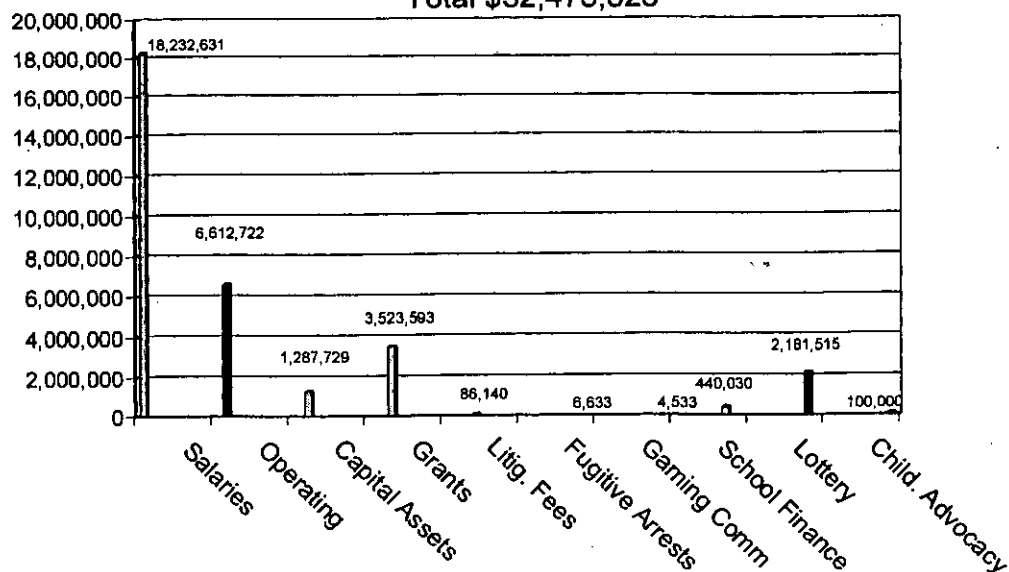
2005-2007 Biennium Expenditures
By Funding Source
Total \$32,475,526



COSTS ASSOCIATED WITH REPRESENTATION

The costs associated with defending and prosecuting actions on behalf of the state by attorneys within the Office of Attorney General totaled \$2.1 million, approximately the same as litigation costs from the 2003-05 biennium. Five divisions of the Office of Attorney General were responsible for the legal costs: civil litigation, criminal, state & local government, natural resources, and consumer protection.

Expenditures By Line Item –
Total \$32,475,526



SPECIAL ASSISTANT ATTORNEYS GENERAL

The Risk Management Division of the Office of Management and Budget spent \$342,420 in legal fees associated with actions against the state. These fees were paid to various special assistant attorneys general and for services provided by our office.

In addition to fees paid for legal actions, the office also monitors the legal fees paid for the services of the 232 special assistant attorneys general. These special assistant attorneys general are either attorneys employed by state agencies as in-house counsel or are private attorneys employed to do legal work for statutorily created boards and commissions.

During the 2005-2007 biennium an additional \$7.24 million was paid in either salaries or legal fees for these special assistant attorneys general. Of these fees, an undetermined percentage was expended for litigation related services. Included within these costs were in-house counsel salaries and private law firm legal fees totaling \$1.99 million for services provided to North Dakota Workforce Safety & Insurance, an increase from \$1.72 million during the last biennium.

FIRE MARSHAL

There were 16 fire fatalities during the 2005-2007 biennium, up from 14 in the previous biennium.

In 20% of fire investigations, arson was determined to be the cause.

The division is headed by the State Fire Marshal. The division has six deputy fire marshals located in five cities across the state. The division conducts fire investigations to determine origin and cause. During the biennium, the division conducted 149 fire origin and cause investigations. Of these, arson was determined to be the cause in 20% of the investigations.

The division provides services and education in areas including building plan review, fire prevention and life safety public education, fire investigation and inspections, and fire department certificates of existence. The division also provides technical assistance to entities throughout the state on fire code interpretations.

The division's emphasis on prevention is carried out through public education programs and training. Education programs are conducted to assist citizens in preventing fire and protecting themselves and their families if a fire occurs. The division also provides specialized training in fire prevention, fire scene investigation, and hazardous materials response support.

To enhance the level of fire safety throughout the state, the division conducts fire inspections in public facilities, educational buildings, childcare facilities, state buildings, and at flammable material storage sites. During the biennium, the Fire Marshal staff conducted 213 school inspections, 262 fuel site inspections, 306 state building inspections, 54 hazardous materials/weapons of mass destruction classes (with 1,074 students), 69 day care inspections, and 36 assembly inspections.

The Fire Marshal's office manages the state's National Fire Incident Reporting System (NFIRS) and compiles state fire statistics from reports provided by local fire departments. Almost 60% of local fire departments now code and report incidents to NFIRS, which is above the national average.

SIGNIFICANT ACCOMPLISHMENTS

- Increased the number of aboveground fuel site inspections conducted by 74%, from 150 in the previous biennium to 262 during the 2005-2007 biennium.
- Expanded on-site fire safety inspections to include safety training for facility managers and operators.
- Investigations conducted by members of the Fire Marshal Division this biennium concluded with the arrest and conviction of individuals in nine cases for intentionally setting fires.

GAMING

The Gaming division regulates, enforces and administers charitable gaming in North Dakota. The division provides training; performs audits and investigations of gaming organizations; reviews gaming tax returns; issues administrative complaints; conducts criminal history record checks of gaming employees and Indian casino employees; collects gaming and excise taxes; writes administrative rules for and assists the State Gaming Commission; and ensures compliance with tribal-state casino gaming compacts.

GAMING RULES

Continued revisions of the gaming administrative rules have clarified provisions and addressed statutory changes. The rules were developed through a cooperative effort among the industry's all volunteer Gaming Advisory Board, the Governor-appointed five-member State Gaming Commission, and the Gaming Division. Rules are available online at: <http://www.ag.nd.gov/Gaming/RulesRegulations.htm>.

LEGISLATIVE CHANGES

The 2007 Legislative Assembly enacted two major changes to the state's gaming statutes:

- Senate Bill No. 2225 repealed the state's sales tax on bingo cards and replaced the tax with a new 3% bingo excise tax. The new bingo excise tax will be collected by the Attorney General's office rather than the State Tax Department. The new bingo excise tax went into effect on July 1, 2007.
- House Bill No. 1263 increased the single cash prize limit for a raffle from \$1,000 to \$4,000 and the total raffle cash prizes in a single day from \$3,000 to \$4,000. Also, licensed organizations will now be allowed, at their discretion, to exchange a merchandise prize valued at not more than \$25,000 for a cash prize on two occasions per year rather than the previous one occasion. The provisions of this bill took effect on August 1, 2007.

LOCAL LAW ENFORCEMENT GRANTS

The Legislature appropriated \$617,000 for local gaming enforcement grants for the 2005-2007 biennium. The local gaming enforcement grants allocation amount is 3% of the gaming and excise taxes paid, or \$77,125 per quarter, not to exceed \$617,000 for the entire biennium. The amount a city or county receives is proportionate to the level of gaming activity within that city or county to the statewide activity. The total enforcement grants awarded during the 2005-2007 biennium were \$548,186.

EDUCATION PROGRAM

The division trains employees and volunteers from organizations involved in gaming activities on laws, rules, recordkeeping, internal controls, and tax return preparation. During the 2005-2007 biennium, 15 group training sessions were conducted in six major cities. A total of 412 individuals representing 223 organizations and two individuals representing an accounting firm attended the group training sessions.

In addition to the group training, one-on-one training was provided to 85 individuals representing 23 organizations, post-audit training was provided to 31 individuals representing 10 organizations, and governing board training was provided to 19 individuals representing three organizations.

Gaming forms, laws and other information can be downloaded from the Attorney General's website.

GAMING NEWSLETTER

The office also publishes the "Gaming Update" quarterly newsletter which includes statistics on gaming, interpretation and updates of law and rules, calendar of events, and other special topics. The newsletter is distributed to organizations, distributors, manufacturers, and members of the Gaming Advisory Board and State Gaming Commission, and also is available online at: <http://www.ag.nd.gov/Gaming/Gaming.htm>.

AUDIT PROGRAM

The office continued to refine the comprehensive financial and compliance audit program. Fifteen comprehensive field audits were conducted involving complex standard audit procedures, and tailored compliance and internal control questionnaires. In addition, 174 limited compliance reviews and 15 in-office reviews of organizations were completed during the 2005–2007 biennium. Internal control manuals of several large organizations were also evaluated and approved.

INDIAN GAMING

The State of North Dakota has entered into tribal state casino gaming compacts with the five Indian tribes. The compacts allow the tribes to operate reel and video slot machines, conduct craps, keno, Indian dice, twenty one, sports and calcutta pools, poker, paddlewheels, roulette, pari-mutuel and simulcast betting, raffles, punchboards, and pull tabs on reservation land. The basic provisions of all five of the tribal gaming compacts are the same.

The five Indian tribes operated the following gaming facilities during the biennium:

❖ DAKOTA MAGIC CASINO & HOTEL

Operated by the Sisseton Wahpeton Oyate Tribe, the casino property includes a 125-room hotel, golf course, two restaurants, lounge, convenience store, smoke and gift shop, event center, and RV park at Exit 1 on I-29 near the North Dakota and South Dakota border. The facility employs 599 people and contains 902 slot machines and 18 table games.

❖ FOUR BEARS CASINO & RESORT

Operated by the Mandan, Hidatsa, and Arikara Nation (Three Affiliated Tribes), the casino and resort consists of a 97-room hotel, marina, two restaurants, lounge, convenience store, gift shop, RV park, and event center located four miles west of New Town, North Dakota. The facility employs 388 people and contains 591 slot machines and 12 table games.

❖ **PRAIRIE KNIGHTS CASINO & RESORT**

Operated by the Standing Rock Sioux Tribe, the casino and resort includes a 96-room hotel, marina and RV park, convenience store, two restaurants, lounge, gift shop, and event center located 46 miles south of Mandan, North Dakota, on Highway 1806. The facility employs 356 people and contains 623 slot machines and nine table games.

❖ **SKY DANCER CASINO & HOTEL AND MINI-CASINO**

Operated by the Turtle Mountain Band of Chippewa Indians, the main casino facility includes a 96 room hotel, restaurant, snack bar, lounge, gift shop, bingo hall, and simulcast racing room on Highway 5 west of Belcourt, North Dakota. A second mini-casino is also operated in the town of Belcourt. The two casino facilities employ 429 people and include 566 slot machines and 12 table games.

❖ **SPIRIT LAKE CASINO & RESORT**

Operated by the Spirit Lake Tribe, the alcohol-free casino and resort includes a 124-room hotel, marina, two restaurants, RV park and six cabins, convenience store, smoke and gift shop, and an auditorium located seven miles south of Devils Lake, North Dakota, on Highway 57. The facility employs 415 people and contains 660 slot machines and 13 table games.

OVERVIEW OF THE GAMING INDUSTRY

The gaming industry has experienced phenomenal growth in size and complexity since its inception in April 1977 – 30 years ago. In the 2005-2007 biennium, there were approximately 975 active gaming sites, \$518 million wagered, nearly \$32 million raised for charitable uses, and \$18 million paid to the state in gaming and pull tab excise taxes. Since 1977, \$462 million has been raised for charitable uses.

An overview of the gaming activity for the fiscal years ended June 30, 2006, and June 30, 2007, is shown on the following pages.

DID YOU KNOW ...

Online gambling is prohibited under the state's Constitution, regardless of the amount wagered.

In North Dakota, gambling may be conducted only by licensed non-profit organizations, tribal casinos or through a state-run lottery.

OVERVIEW OF GAMING ACTIVITY

❖ FISCAL YEAR ENDED JUNE 30, 2006

	Gross Proceeds	Prizes	Adjusted Gross Proceeds
Bingo	\$35,836,086	\$28,217,073	\$7,619,013
Bingo (Dispensing Devices)	0	0	0
Raffles	3,450,596	1,467,076	1,983,520
Pull Tabs (Jar Bar)	87,838,012	69,426,319	18,411,693
Pull Tabs (Dispensing Devices)	52,543,404	40,822,152	111,721,252
Club Specials, Tip, Seal & Prize Boards	730,009	541,106	188,903
Punch Boards	13,379	8,784	4,595
Sports Pools	97,583	81,339	16,244
Twenty-One	75,769,192	63,589,282	12,179,910
Calcuttas	148,371	125,103	23,268
Paddlewheels	142,451	64,456	77,997
Paddlewheels – with Table	<u>4,859,527</u>	<u>3,522,711</u>	<u>1,336,816</u>
Totals:	\$261,428,610	\$207,865,401	53,563,209
Plus: Interest Earned, Cash Long (Short) & Poker			\$246,651
Less: ND Excise Tax			6,079,676
Federal Excise Tax			93,019
Bingo Sales Tax			<u>2,061,709</u>
Total Adjusted Gross Proceeds			\$45,575,456
Less: ND Gaming Tax			\$3,009,778
Allowed Expenses			<u>26,541,476</u>
Total Deductible Expenses			\$29,551,251
Net Proceeds Earned			16,024,202

OVERVIEW OF GAMING ACTIVITY

❖ FISCAL YEAR ENDED JUNE 30, 2007

	Gross Proceeds	Prizes	Adjusted Gross Proceeds
Bingo	\$33,362,068	\$26,032,173	\$7,329,895
Raffles	3,750,632	1,650,701	2,099,931
Pull Tabs (Jar Bar)	85,160,540	67,184,174	17,976,366
Pull Tabs (Dispensing Devices)	52,282,275	40,525,098	11,757,177
Club Specials, Tip, Seat & Prize Boards	946,159	691,674	254,485
Punch Boards	11,000	8,446	2,554
Sports Pools	104,997	85,327	19,670
Twenty-One	74,843,928	63,083,026	11,760,902
Calcuttas	195,012	163,684	31,328
Paddlewheels	144,050	70,312	73,738
Paddlewheels – with Table	4,732,688	3,464,173	1,268,515
Poker	<u>1,099,840</u>	<u>872,246</u>	<u>227,594</u>
Totals:	\$256,633,189	\$203,831,034	\$52,802,155
Plus: Interest Earned, Cash Long (Short)			\$53,245
Less: ND Excise Tax			5,962,691
Federal Excise Tax			90,199
Bingo Sales Tax			<u>1,893,029</u>
Total Adjusted Gross Proceeds			\$44,909,481
Less: ND Gaming Tax			\$2,940,210
Allowed Expenses			<u>26,140,093</u>
Total Deductible Expenses			\$29,080,303
Net Proceeds Earned			\$15,829,178

INFORMATION TECHNOLOGY

Eight full-time employees of the Information Technology (IT) division provide technical services and support for the agency's 12 locations across the state, as well as five locations in Bismarck. These employees are required to gain a clear understanding of the business of the different divisions and their customers in order to build applications that will help the divisions do their jobs more effectively and efficiently.

Division employees are responsible for the agency's help desk and network support, trouble shooting, installing software, replacing computers, printers and other equipment. They also administer the many servers that the agency uses, ensuring security of the data and programs, doing backups, upgrading software, ensuring the latest virus protection is used, and applying the latest patches (fixes) to software such as operating system software, Microsoft Office, and other vendor software required to keep agency computers properly operating. The staff also creates new computer applications needed by the different divisions as well as continually enhancing existing agency applications. During the biennium, the division implemented a software system that allows remote installation of software and upgrades on agency computers, which has greatly increased agency efficiency.

In addition to providing information to state, local and federal law enforcement agencies, the Office of Attorney General also provides a wide variety of services and information to other state agencies and to North Dakota citizens. Information Technology works with other state agencies to develop applications that allow more efficient information sharing and help eliminate duplication of effort.

SIGNIFICANT ACCOMPLISHMENTS

- A member of the I.T. staff was the first in the nation to receive .NET Silver (GNET) Certification in network security. This biennium two more staff members obtained certification—becoming the 46th and 51st in the nation. A third staff member attended a class on Application Security: Web Application Hacking.
- IT developed and implemented new system applications and enhancements to existing applications on the Criminal Justice Information Sharing (CJIS) hub to enable law enforcement officers to gain real time access to even more BCI information, including custody cards, check offenses, warrants, and registered offenders. The CJIS hub is an application that allows authorized users to access criminal justice related information. Previously, law enforcement agencies received some of this information via monthly mailings, which were expensive and often left officers with outdated information, while other information was available only from other sources (such as the courts). These applications enable criminal justice agencies to access the hub directly, even from their patrol vehicles. Officers now can access real time information from combined sources (the courts, BCI, Parole & Probation) before they proceed with a traffic stop, thereby increasing officer safety, public safety, and agency efficiency.
- Rewrite of the Sex Offender website. The new site went up on July 27, 2006. It has many new functions and enhancements, including several mapping features. It also shows all photos, and more information concerning the offenders, and gives users the ability to download real time lists of offenders for specified cities or counties.
- The division developed and implemented two applications for the Lottery division. The first provides an e-mail notification to interested individuals of winning numbers for any or all of the North Dakota Lottery games, as selected by the recipient. The second is a subscription application which enables an individual to use a credit or debit card to purchase lottery tickets online for a specified period of time. The online system gives subscribers the choice of picking their own numbers or allowing the system to pick the numbers. Subscriptions are available for all lottery games.

LOTTERY

The North Dakota Lottery is responsible for administering, regulating, enforcing, and promoting the state's lottery.

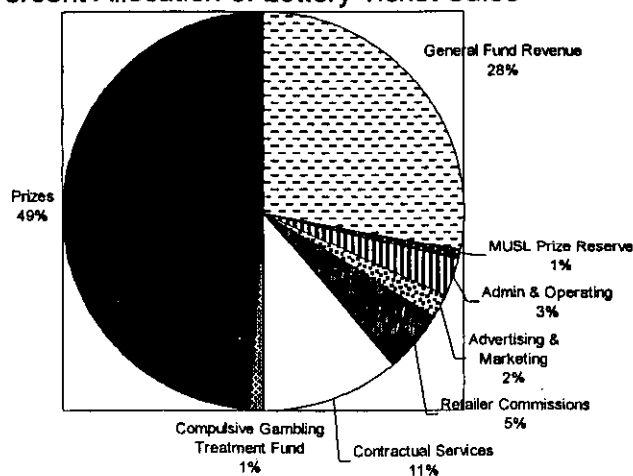
The Lottery selects and licenses retailers; trains employees of retailers to use lottery terminals and sell and redeem tickets; develops administrative rules and proposes laws; investigates allegations of unlawful activity; assists retailers in promoting lottery games; pays high-tier prizes to players; ensures that retailers and players comply with the lottery law and rules; and provides full accountability to the public and Legislature.

The North Dakota Lottery conducts four multistate games: POWERBALL®, HOT LOTTO®, WILD CARD 2® and 2BY2®. The Lottery's product mix of games provides jackpots starting from \$20,000 to \$15 million, and odds of winning a prize on a \$1 play ranging from 1 in 3.59 to 1 in 36.6.

For the 2005-07 biennium, the lottery generated state general fund revenues of \$12.9 million, more than five times the amount originally forecast. The initial 2003 forecast for the 2005-07 biennium was total operating revenue of \$14.7 million and state general fund revenue of \$2.3 million.

During that same period, the lottery generated total operating revenue of \$45.2 million, paid out prizes worth \$22.3 million, and generated net proceeds of \$13.7 million. The chart below shows a breakdown of each \$1 of sales.

Percent Allocation of Lottery Ticket Sales



www.lottery.nd.gov

The Lottery generated state general fund revenues of \$12.9 million for the 2005-07 biennium.

The Lottery publishes "Lottery Links," a quarterly newsletter for Lottery retailers.

The Lottery conducted several marketing promotions and held several special events during the biennium, including Mandan July 4th parade and rodeo event, North Dakota State Fair, 10 Millionth Ticket Promotion, Cass County Power Play Promotion, Powerball Power Play 10X Promotion (2), Your Dreams Deserve a Second Chance Promotion, Move the Needle Powerball Power Play Test, Holiday Gift Giving, Subscriptions, and 25 Millionth Ticket Promotion.

The numbers of retailers and sales percent, by type, for the biennium are:

No.	Type	Sales %
284	Convenience Store	67.2%
65	Grocery Store/Supermarket	22.8%
18	Gas/Service Station	4.8%
18	Truck Stop/Plaza	3.6%
15	Other (i.e. Bar, Drug Store)	1.6%

SIGNIFICANT ACCOMPLISHMENTS

During the 2005-2007 biennium, the Lottery:

- Launched a new game, 2by2, on February 2, 2006. The game's draws are six days a week, Monday through Saturday.
- Launched a subscription service as an alternate distribution channel for sales. The service provides players an opportunity to prepay and be automatically entered into draws for 13, 26, or 52 weeks. The service is available for all four games. Based on the growing popularity of e-commerce, players may subscribe online through the use of a debit or credit card.
- Started a retailer bonus commission program to reward retailers for selling certain high-tier prize winning tickets. Paid Lottery retailers \$2,361,849 in sales commissions, including bonus commissions of \$81,250.
- Worked with the Protection and Advocacy Project to ensure that lottery retailers complied with The Americans with Disabilities Act by making their sites accessible to individuals with a disability.
- Integrated North Dakota's "AMBER Alert" system into the games management system, retail terminals, and customer display signs.
- Coordinated a debt setoff program with 25 state agencies. Conducted 256 debt setoff notifications, and had seven matches for a total debt setoff of \$4,037.

NATURAL RESOURCES/INDIAN AFFAIRS

North Dakota's natural resources are vital to the state's economy and to its citizens' lifestyle and well-being. The Attorney General, as a member of boards that oversee natural resources, plays an important role in their wise use. In addition, the Attorney General and the division provide legal advice to state agencies with responsibilities for these resources.

The division, comprised of five lawyers and a paralegal, assists the Land Department in managing state-owned lands and minerals; the State Engineer in regulating the appropriation of water, regulating dams, dikes, and drains, and managing the beds of navigable rivers and lakes; the Industrial Commission in regulating the exploration and development of mineral resources and administering grant programs for the lignite and oil and gas industries; the Health Department in protecting our environment; the Game and Fish Department in managing wildlife and wildlife habitat; the Water Commission in developing water resources; and the Parks and Recreation Department in managing public recreation areas.

The division also administers the state's anti-corporate farming law and represents the Department of Agriculture, the Board of Animal Health, Wheat Commission, and other related agricultural agencies.

Lastly, the division advises state and local officials on Indian law issues.

ENVIRONMENTAL PROTECTION

During the biennium, the division assisted the Health Department with its regulatory work involving air pollution control, asbestos abatement, water pollution control, solid waste management, and hazardous waste management. Enforcement work in these areas often involves negotiating settlement of pollution control violations. The settlements may require payment of civil penalties and compliance with a remediation plan. Sometimes settlements include "supplemental environmental projects" designed to enhance and protect the environment.

One of the most significant environmental matters in which the division has been involved concerns a fuel spill under downtown Mandan. The problem created a number of legal issues, many of which were complex. In 2001, the division filed suit against the Burlington Northern Santa Fe Railroad. The matter was settled in 2004 with the railroad paying \$30 million. The settlement created the remediation trust that oversees clean-up of the contamination. During the biennium, the division provided the trust with legal advice.

Also during the biennium, the division was active in another railroad matter. After the 2002 Canadian Pacific derailment in Minot, the division assisted the Health Department in the environmental enforcement action. While that work was completed last biennium, during the 2005-2007 biennium the division has authored amicus briefs in support of persons injured as a result of the spill in their suits against CP Rail. One brief, filed with the U.S. Supreme Court, was joined by 19 other states.

❖ EPA-CLEAN AIR ACT

Another significant matter on which the division has spent considerable time since 2001 involves the Environmental Protection Agency's interpretation of the Clean Air Act and its application to North Dakota and its power plants. The issue relates to "prevention of significant deterioration" ("PSD") at North Dakota's class 1 air quality areas—Theodore Roosevelt National Park and Lostwood Wilderness Area. Although air quality in these areas is nearly pristine, EPA questions whether the "increments" of air quality deterioration allowed in these areas are being exceeded. North Dakota conducted a PSD "periodic review" in 2002-2005 to address the issue, and determined that PSD increments were not being exceeded and the state's air quality is adequately protected. In 2004, the EPA and state signed an agreement resolving some PSD issues. In 2005, the Health

The Natural Resources and Indian Affairs division contributed to the 2006 and 2007 Supplements to the Conference of Western Attorneys General "American Indian Law Deskbook."

Department conducted a periodic review of PSD compliance modeling and issued a report. The state later received the EPA's preliminary approval of the report and modeling. EPA instituted a national rulemaking in June 2007, implementing many of the scientific and modeling issues developed in the Department's rulemaking.

In other Clean Air Act issues, the division has intervened and filed briefs in several suits filed in the U.S. District Court for the District of Columbia. The suits were filed by eastern states against the EPA, challenging EPA decisions applying the Clean Air Act. The division became involved in the litigation in support of EPA to protect North Dakota interests. The Department, with the division's assistance, is also implementing the "best available retrofit" technologies on North Dakota facilities that will significantly reduce pollutants from older electricity generation facilities.

WATER

Besides handling the day-to-day legal work concerning North Dakota's water resources, the division was involved in a number of unique issues.

SIGNIFICANT CASES

❖ MISSOURI RIVER

Because of the way in which the Corps of Engineers manages the Missouri River, the division filed suit against the Corps in 2002 and again in 2003. Both suits saved Lake Sakakawea's spring smelt spawn from destruction and helped preserve the lake's walleye fishery.

A claim in the 2002 suit asked for an order requiring the Corps to issue a new Master Manual, the document by which the Corps governs the river. In 2004, the court ordered the Corps to issue a new Master Manual and the new version removes the express priority given downstream interests that was in the prior Manual. Challenges to the new Manual by downstream interests were rejected by the federal courts in 2004 and 2005. The division, however, failed to obtain from these courts in their 2004 and 2005 rulings an express finding that downstream interests do not have priority and a requirement that the Corps better balance all interests in managing the river. In 2006, the Supreme Court rejected our petition for certiorari seeking review of the lower court decisions.

The state's 2003 suit was based on water quality requirements of the Clean Water Act, but the district court in 2004 and the appellate court in 2005 ruled that the Act contains an express exemption for the Corps in carrying out its navigation functions. In 2006, the Supreme Court rejected our petition for certiorari on this issue.

❖ **DEVILS LAKE**

The division spent considerable time assisting state agencies dealing with Devils Lake flooding. One state response was to construct an outlet from the lake to the Sheyenne River. The outlet provoked considerable controversy. After successfully defending the state in two suits last biennium, the division prevailed in a more recent suit, though the matter is now on appeal. The division also represents the state in a lawsuit filed by landowners in the Devils Lake area. The landowners claim damages by Devils Lake's high water and assert that the state and local water resource districts are responsible. Trial was held in 2006. In an October 2007 ruling, the trial court dismissed all of the plaintiffs' claims.

❖ **NORTHWEST AREA WATER SUPPLY PROJECT**

During the biennium, the division continued its representation of the State Water Commission in challenges to the Northwest Area Water Supply Project. The state had earlier successfully intervened in the Province of Manitoba's suit against the Department of the Interior filed in U.S. District Court for the District of Columbia. Although the court ordered further NEPA work—which the federal government is undertaking—the court has allowed project construction to continue. Another transboundary dispute involves a suit filed in a Canadian court by a political subdivision of Manitoba—the Municipality of Rhineland—alleging that the state along with local entities in northeastern North Dakota have, through water management practices, exacerbated flooding in Manitoba. Canadian counsel has been retained to represent the state under the division's supervision.

AGRICULTURAL LAW

The division assisted the Agriculture Department in administering its many laws governing dairy operations, pesticide applications, meat inspection, noxious weeds, apiaries, livestock, ammonia anhydrous operations, non-traditional livestock, and other areas. The division represented the Department in pesticide and livestock dealer enforcement actions. It represented the state in a suit by Farmers Union and the Dakota Resource Council challenging the constitutionality of a statute dealing with the wheat check-off. The plaintiffs appealed the district court's dismissal of the suit. The division advised Project Safe Send, the Agriculture Department's pesticide collection and disposal program, and provided legal advice to about two dozen agriculture-related agencies, such as the Board of Animal Health, Wheat Commission, and Corn Utilization Council.

ENERGY

As a member of the Industrial Commission, the Attorney General plays a key role in ensuring that the oil and gas industry complies with the law governing oil and gas exploration and recovery. The division presided over several hundred of the Industrial Commission's oil and gas administrative hearings and provided advice on the decisions in the cases. The division assisted the Commission in administrative enforcement actions against operators to ensure compliance with oil and gas statutes and regulations. The division also advises the Industrial Commission in administering the Lignite Research, Development, and Marketing Program and the Oil and Gas Research Program.

STATE LAND AND MINERALS

As a member of the Board of University and School Lands, the Attorney General helps manage approximately 712,000 acres of state-owned land and 1.8 million acres of state owned minerals. Income generated from these resources supports the state's schools. The division assisted the Land Board with the many property law questions and lessor/lessee problems that arise in managing a large amount of land and minerals. The division also assisted the Board in its relations with investment banks and advisers.

The state of Minnesota's constitutional challenge to North Dakota's law restricting out-of-state hunters was rejected by the federal district court in 2005 and by the federal court of appeals in 2006.

INDIAN ISSUES

During the biennium, state agencies and local officials were confronted with complex issues involving North Dakota's Indian tribes. The division provided legal advice on such issues as the role of state law enforcement officers on reservations and the scope of state regulatory jurisdiction and taxation authority over on-reservation activities. For example, the division advised the Department of Labor on the scope of its authority over Indian employers and assisted the Bank of North Dakota with an on-reservation foreclosure against a tribal member.

GAME AND FISH

The division provided in-house counsel and litigation services to the Game and Fish Department and its many programs. The division advised the Department in handling hunting and landowner "rights" issues. It helped the Department enforce new legislation regulating commercial guides and outfitters.

CORPORATE FARMING

The division is responsible for administering the state's corporate farming law. Questions about the law's constitutionality and its proper interpretation have increased as a result of more land purchases for recreational purposes and for large confined livestock feeding facilities. The division represents the state in an action against a nonprofit entity, Crosslands, Inc., that acquired farmland in violation of the corporate farming law and which now challenges the law's constitutionality. Crosslands' effort to get the issue before a federal court failed. Trial was held in February 2007 before a state district court and its decision is pending.

NATIONAL GRASSLANDS

The United States Forest Service has taken a number of significant management initiatives affecting the Little Missouri and Sheyenne River National Grasslands. The division has monitored these events and submitted formal comments and administrative appeals on some of them, such as proposed revisions to the Grasslands Management Plan.

Also, in 2001, the division filed suit challenging the Forest Service's "off highway vehicle" policy, its roadless rule, and its failure to recognize the applicability of the state's section line right-of-way law to federal land. The suit was settled in 2007. The settlement's primary feature establishes a process by which the Forest Service and local entities will share information and seek to resolve their disputes over road issues, a process that is ongoing.

STATE AND LOCAL GOVERNMENT

LEGAL SERVICES

The State and Local Government division provides day-to-day legal services to 65 state agencies, boards, and commissions. Division attorneys represent multiple agencies and are required to be experts in a wide variety of practice areas.

Attorneys within the division are also the state's primary legal resource for state contracts, procurement, and public improvement related legal issues. The attorneys assist agencies in applying the law consistently and fairly, and help to prevent legal problems from arising by providing consistent oral and written legal advice, reviewing documents and contracts, and being available for consultation and legal research. The division is staffed, on average, by 11 full-time attorneys and one half-time legal assistant.

The division also provides additional services in the following areas:

❖ ADMINISTRATIVE RULE REVIEW

By statute the Office of Attorney General must review all administrative rules adopted by state agencies and boards for legal sufficiency and to ensure that proper procedures have been followed. The office reviewed 60 sets of rules during the biennium.

❖ JOINT POWERS AGREEMENTS

The division reviewed all joint powers agreements involving the state or state agencies prior to their execution.

❖ BOND COUNSEL SERVICES

Division staff also participated in and delivered Issuer's Counsel Opinions on each bond transaction generated by every state agency, other than some for the State Board of Higher Education.

❖ LEGISLATIVE ADVISORY SERVICES

During the 2007 legislative session, attorneys from the division assisted agencies and members of the Legislative Assembly by drafting bills and amendments, explaining the ramifications of proposed legislation and testifying before legislative committees when requested.

ATTORNEY GENERAL OPINIONS

One of the Attorney General's most important statutory duties is issuing Attorney General Opinions on questions of law and on questions relating to open records and meetings. The attorneys within the State and Local Government Division are also primarily responsible for researching and drafting these opinions.

❖ LEGAL OPINIONS

The Attorney General is frequently asked for legal opinions by state legislators, state officials, county state's attorneys, city attorneys, city governing bodies, water resource boards, and soil conservation districts. These opinions guide the actions of public officials until the courts decide the issue. During this biennium the Attorney General issued 81 legal opinions. The Attorney General issued 27 opinions to legislators, 29 to state's attorneys, eight to city attorneys, 14 to state agencies, and three to other entities.

OPINIONS

Attorney General Opinions from 1980 are available online at www.ag.nd.gov on the "Legal Opinions" page.

Individual copies of opinions issued prior to 1980 may be requested by contacting the Office of Attorney General at (701) 328-2210, or by e-mail to ndag@nd.gov.

❖ OPEN RECORDS AND OPEN MEETINGS

Since 1997, the open records and open meetings laws have authorized the Attorney General to issue opinions to public entities in response to a complaint from a member of the public, including representatives of the media, that the public entity had violated the open records or open meetings law. This form of administrative review has proven to be an effective vehicle to remedy violations of the open records and meetings law. Between July 1, 2005, and June 30, 2007, the office issued 34 opinions, down from 51 opinions issued last biennium, based on alleged violations of the open records or open meetings laws. The division also handled a large number of telephone calls from public entities and citizens regarding open records and meetings requirements. Responding over the telephone in many cases eliminated possible violations or opinion requests.

SIGNIFICANT OPINIONS

This office issued several opinions addressing 2005 SB 2200 (prohibiting smoking in most public places). These opinions concluded that a separately enclosed bar located within a restaurant was exempt from the smoking prohibitions provided its food sales were less than its alcoholic beverage sales (2005-L-21); the primary use of a leased space determined whether smoking would be permitted (2005-L-26); smoking and non-smoking areas must be separated by solid walls or windows, and a solid door must occupy the entire area of any doorway between those areas (2005-L-31); all locations at which smoking is prohibited are subject to that prohibition regardless of the hour of day or whether the public is permitted at a given time (2005-L-32); private and fraternal clubs are subject to the smoking prohibitions (2005-L-33); if bingo play overtakes serving alcoholic beverages, then the establishment will cease being a "bar" and smoking will be prohibited (2006-L-06).

Other opinions issued during the biennium include:

- **2005-L-27:** N.D.C.C. § 23-25-11(9) does not prohibit a county from enacting zoning regulations pertaining to animal feeding operations ("AFOs") but the county's authority is limited by N.D.C.C. §§ 11-33-02 and 23-25-11(9) to regulating the nature, scope, and location of AFOs.
- **2005-L-24:** Insofar as sections 10 and 11 and the amendments contained in section 26 of the Higher Education appropriation bill (2005 SB 2003), appear to appropriate moneys and require their use in a manner inconsistent with article VIII, section 5, of the North Dakota Constitution, a court would likely find that those provisions are unconstitutional as applied to the University of Mary, Jamestown College and Trinity Bible College.
- **2005-O-09:** A public entity may not require that an open records request be made in writing. The Twin Buttes Public School District violated the open records law by refusing to

provide records for two and a half months because the requestor did not put the request in writing.

- **2005-O-12:** A public entity may not require proof of permanent residency prior to providing records to a requestor. The Oakes Park Board also violated the law by requiring the request for records be made in person, before the board. The motive of the requestor is irrelevant and it is not up to the public entity to decide whether or not a request is meritorious.
- **2006-L-07:** A city and county may fund an agreement to provide joint library services by levying separate taxes with mill levies that are not equal in amount. A home rule county or city may, if it has in its charter the power, adopt an ordinance increasing the mill levy above any mill levy limitation set forth in statute, without voter approval.
- **2006-L-22:** A city commissioner may be excluded from an executive session in which the other city commissioners will discuss litigation strategy regarding an action brought against the city by the excluded city commissioner.
- **2006-O-04:** The Bismarck-Mandan Orchestral Association is a public entity because it is supported, in part, by public funds. As such, all of its records must be open to the public unless a specific law provides otherwise.
- **2007-L-08:** Part of a legislative plan to study and implement the prison remodeling or construction project before the Legislature reconvenes in 2009 would likely be found unconstitutional by a court as violating the separation of powers doctrine. The provision gives the Budget Section of the Legislative Council, an agent of the Legislature, authority to approve or reject the alternative chosen by the Emergency Commission, which would usurp an executive branch function.
- **2007-L-12:** A county commissioner may not claim conflict of interest and abstain from voting on an issue unless he has a direct and substantial personal or financial interest in the outcome. A perception of possible impropriety if a commissioner votes for an issue on which he might, at some undetermined date in the future, receive a financial benefit is not a conflict of interest.
- **2007-O-03:** The ND Department of Transportation violated the state's open records laws by requiring a form be completed as a prerequisite to receiving requested records. A person is not required to fill out a form as a prerequisite to receiving a copy of a public record, and there is no basis to deny a copy of a record if the requester refuses to complete a form.
- **2007-O-08:** The Ward County Commission violated the law because it failed to provide advance public notice when commissioners met with representatives of the ND Department of Transportation at an annual convention to discuss county business.

OPEN RECORDS AND OPEN MEETINGS MANUALS

The Office of Attorney General provides two comprehensive manuals explaining the state's Open Records and Open Meetings laws.

These manuals are available online from the Open Records and Open Meetings link of the Attorney General's website.

PUBLICATIONS OF THE OFFICE OF ATTORNEY GENERAL

The Office of Attorney General makes available a variety of forms and publications, from informational pamphlets explaining consumer rights to administrative rules and license applications for gaming organizations. For convenience, these publications are available online from the "News/Publications/Forms" link on the agency's website, www.ag.nd.gov.

NEWS/PUBLICATIONS

❖ NEWS

News Releases
Too Good To Be True...

❖ PUBLICATIONS

Attorney General, Office of
Attorney General Opinions
Choosing a Contractor
Concealed Weapons Permit
Disaster Scams
Do Not Call
Eminent Domain - Landowner Rights
Fair Credit Reporting Act
Fair Debt Collections Practice Act
Identity Theft
Lemon Law, North Dakota
Liability of State Employees in North Dakota
Meth (What You Should Know About Meth)
Network Marketing/Pyramid Schemes
Online Safety Tips
Open Records and Open Meetings - Citizens
Open Records and Open Meetings - Public Officials
Scams, Shams & Flim-Flams
Security Freeze
Sex Offender Information
Small Claims Court in North Dakota
Summary of Open Records
Tenant Rights
Your Credit Score
What Teenagers Need to Know About Sex and the Law

Application for Reduction in Fee
Non-Criminal Justice Request Form

❖ CONSUMER PROTECTION

Consumer Complaint Form

❖ FIRE MARSHAL

Certificate of Fire Department Existence
Training Report
Assembly Occupancy Inspection Form
Aboveground Fuel Storage Tank Pre-Installation Application - Fuel Dispensing Sites
Adjunct Instructor Expense Form
Liquefied Petroleum Gas Pre-Installation Checklist
Law Enforcement Training Roster

❖ GAMING

Gaming
Bingo Forms
Bingo Dispensing Device Forms
Calcutta Forms
Club Special Forms
Combined Concept Forms
General Forms
Long Form Tax Return
Paddlewheel W/Table Forms
Paddlewheel W/O Table Forms
Poker Forms
Prize Board Forms
Pull Tab Dispensing Forms
Pull Tab Forms
Raffle Forms
Short Form Tax Return
Sports Pool Forms
Twenty-One Forms
Request for Record Check
Evaluation of Video Surveillance Equipment

FORMS

❖ BCI

Criminal History Authorization Form

❖ LICENSING

Alcoholic Beverage License

- Amusement Games
- Local Gaming Permit/Application/Report
- Fireworks
- Gaming License Application
- Manufacture/Distribute Gaming Equipment and Supplies
- Polygraph
- Tobacco
- Transient Merchant

❖ **OTHER**

- Reimbursement for Forensic Medical Exam
- Application to Limit Liability of Vendor
- Prosecution Witness Fee Reimbursement
- Report of Expenditures

REPORTS

- Law Report
- Attorney General Biennial Reports
- Crime & Homicide Reports
- Comprehensive Status and Trends Report
- Drug and Alcohol Commission Report
- Domestic Violence in North Dakota

MANUALS

❖ **BCI**

- Concealed Weapons Manual
- Model Law Enforcement Domestic Violence Policy
- Model Law Enforcement Involved Domestic Violence Policy

❖ **STATE & LOCAL GOV'T**

- Contract Drafting Manual
- Administrative Rules Manual
- Bidding Statutes (2007 Edition)
- Open Records and Meetings Manuals

❖ **CRIME LAB**

- Chemical Test Operator Manual (Fall 2006)
- Chemical Test Operator Manual (Fall 2005)
- Chemical Test Operator Manual (Fall 2004)
- Chemical Test Operator Manual (Fall 2003)
- S-D2 Operating Instruction Manual
- Sample Retention/Disposal

INFORMATION-DIVISION

❖ **BCI**

- Concealed Weapons Permits
- Criminal History Records
- Law Enforcement Training and Licensing
- Methamphetamine
- Offender Registration
- Cold Case Unit

❖ **CONSUMER PROTECTION**

- Consumer Rights and Information
- Security Freeze
- Do Not Call
- Free Credit Reports
- Identity Theft
- Internet Safety

❖ **FIRE MARSHAL**

- Fireworks Safety
- Guidelines for Requesting Assistance

❖ **GAMING**

- Gaming Newsletter
- Gaming Commission & Advisory Board Members
- Sample Gaming Compact
- Rules and Regulations
- License Holders

❖ **LICENSING**

- Alcoholic Beverage License
- Amusement Games
- Local Gaming Permit/Application/Report
- Fireworks
- Gaming License Application
- Manufacture/Distribute Gaming Equipment and Supplies
- Polygraph
- Tobacco
- Transient Merchant
- License Holders

❖ **STATE & LOCAL GOV'T**

- Legal Opinions—1980 to date
- Open Records & Open Meetings Opinions