

**Attorney General
Budget No. 125
House Bill Nos. 1003, 1050, 1259, Senate Bill Nos. 2023, 2383**

	FTE Positions	General Fund	Other Funds	Total
2005-07 executive budget (bills as introduced)	177.00	\$18,269,636	\$21,421,232	\$39,690,868
2005-07 legislative appropriations	185.30	19,212,156	24,488,401	43,700,557
Legislative increase (decrease) to executive budget	8.30	\$942,520	\$3,067,169	\$4,009,689
Legislative increase (decrease) to 2003-05 appropriations	3.30	\$2,047,939 ¹	\$7,058,927	\$9,106,866 ¹

¹The 2003-05 appropriations reflect \$110,000 of general fund deficiency appropriations approved by the 2005 Legislative Assembly in House Bill No. 1024.

SUMMARY OF LEGISLATIVE CHANGES TO THE EXECUTIVE BUDGET AND MAJOR FUNDING ITEMS

Salaries and Wages

The legislative action affecting the recommended appropriation for the Attorney General is in accordance with legislative salary and fringe benefits guidelines as contained in House Bill No. 1050.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Added funding for state employee salary increases		\$60,754	\$21,756	\$82,510
Reduced funding recommended in the executive budget for state employee health insurance premiums from \$559.15 to \$553.95 per month per policy		(16,315)	(5,400)	(21,715)
Changed the funding source for continuing the cost of salary equity increases for attorneys authorized by the 2003 Legislative Assembly from special funds for the 2003-05 biennium to the general fund for the 2005-07 biennium		241,024	(241,024)	
Added funding for 2005-07 ConnectND fees			31,078	31,078
Replaced an anticipated reduction in federal funds available for drug enforcement activities of the Bureau of Criminal Investigation and the crime lab with funding from the general fund		398,132	(398,132)	
Reallocated funding from the general fund included in the executive budget of \$157,957 for an additional Bureau of Criminal Investigation agent and \$106,467 for an additional lab forensic scientist to provide for the anticipated reduction in federal funds available for drug enforcement activities of the Bureau of Criminal Investigation and the crime lab	(2.00)			

Added funding for additional forensic supplies for the crime lab		70,853		70,853
Added funding for service agreements on crime lab equipment		74,552		74,552
Added funding for costs of processing DNA samples of sexual offenders as required by provisions of House Bill No. 1061		25,320		25,320
Added funding for costs of collecting and processing DNA samples from all convicted felons as required by provisions of House Bill No. 1235	1.30	133,679		133,679
Provided funding from the lottery operating fund for lottery operating costs	9.00		3,620,171	3,620,171
Added contingent funding from the lottery operating fund for additional costs of operating the lottery	2.00		279,020	279,020
Provided funding in Senate Bill No. 2383 for children’s advocacy centers		100,000		100,000
Reduced funding from Racing Commission special funds to provide for the current estimate of the amount needed for the director’s salary and fringe benefits			(18,634)	(18,634)
Changed the source of funds to allow the expenditure of license fee collections that will be deposited in the Racing Commission operating fund rather than the general fund in accordance with provisions of Senate Bill No. 2344		(28,000)	28,000	
Removed funding for the Racing Commission in accordance with provisions of Senate Bill No. 2340 which removes the Racing Commission from the Attorney General’s office	(2.00)	(117,479)	(249,666)	(367,145)
Total	<u>8.30</u>	<u>\$942,520</u>	<u>\$3,067,169</u>	<u>\$4,009,689</u>

FTE Changes

The Legislative Assembly did not change the executive recommendation to add 1 FTE BCI information processing position and to delete 2 FTE telephone solicitation enforcement positions paid for pursuant to a continuing appropriation. The employees will remain but will be considered “off-budget.” The Legislative Assembly added 5 FTE lottery positions to provide a total of 11 FTE positions (2 of which are contingent) for operating the lottery and 1.3 FTE positions relating to collecting and processing DNA samples. The Legislative Assembly removed 2 FTE Racing Commission positions in accordance with provisions of Senate Bill No. 2340 which removes the Racing Commission from the Attorney General’s office.

Capital Construction Project

The Legislative Assembly did not change the executive recommendation providing \$3,632,691 of bond proceeds authorized in Senate Bill No. 2023 for expanding the crime lab.

Other Sections in Bill

Section 10 provides that if the Attorney General receives federal funds to replace the anticipated reduction in federal Byrne grant funds for drug enforcement activities, the Attorney General may not spend the funding from the general fund added by the Legislative Assembly to the extent of the federal funds received for this purpose.

Section 11 allows the Attorney General to retain money in the Attorney General refund fund at the end of the biennium that would otherwise be transferred to the general fund.

Section 12 provides legislative intent that the Attorney General prioritize the funding provided for the 2005-07 biennium to continue, to the extent possible, the drug enforcement activities that were previously paid for from federal Byrne grant funds.

Section 13 requires the Attorney General to consider, in consultation with federal prosecutors, the feasibility of naming the state as a plaintiff in Medicare and Medicaid fraud abuse cases being considered by the United States Department of Justice.

Section 14 requires the Office of Management and Budget to conduct a salary equity review of attorneys and paralegals among state agencies.

Section 16, as amended by Section 21 of House Bill No. 1015, provides the statutory changes increasing the Attorney General's salary by 4 percent for each year of the biennium. The Attorney General's annual salary is increased from the current level of \$74,668 to \$77,655, effective July 1, 2005, and to \$80,761, effective July 1, 2006.

Related Legislation

House Bill No. 1024, the deficiency appropriations bill, provides \$110,000 from the general fund to the Attorney General for the 2003-05 biennium for prosecution witness fees (\$45,000), crime lab supplies (\$60,000), and arrest and return of fugitives costs (\$5,000).

House Bill No. 1061 requires the Attorney General to process DNA samples of sexual offenders.

House Bill No. 1235 requires individuals convicted of a felony to provide a DNA sample. The Attorney General will collect and process the samples.

House Bill No. 1259 makes statutory changes relating to the lottery and removes the continuing appropriation for administrative costs of the lottery.

Senate Bill No. 2248 reduces the fee for state criminal history record checks from \$30 to \$15 and allows six additional entities to request criminal history record checks.

Senate Bill No. 2340 removes the Racing Commission from under the supervision and direction of the Attorney General's office.