Attorney General
Budget No. 125
Senate Bill No. 2003, House Bill No. 1269

	FTE Positions	General Fund	Other Funds	Total
2011-13 executive budget (bills as introduced)	202.50	$31,609,538	$26,841,318	$58,450,856
2011-13 legislative appropriations	**204.00**	**31,542,245**	**27,427,177**	**58,969,422**
Legislative increase (decrease) to executive budget	1.50	($67,293)	$585,859	$518,566
Legislative increase (decrease) to 2009-11 appropriations	1.50	$2,581,813	$2,225,768	$4,807,581

ONGOING AND ONE-TIME GENERAL FUND APPROPRIATIONS

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2009-11 legislative appropriations	$28,960,432	$0	$28,960,432
2011-13 legislative appropriations	**31,229,845**	**312,400**	**31,542,245**
2011-13 legislative increase (decrease) to 2009-11 appropriations	$2,269,413	$312,400	$2,581,813
Percentage increase (decrease) to 2009-11 appropriations	7.8%	N/A	8.9%
2011-13 legislative increase (decrease) to executive budget	($67,293)	$0	($67,293)
Percentage increase (decrease) to executive budget	(0.2%)	0.0%	(0.2%)

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 Senate Bill No. 2015.

	Major Items FTE Positions	General Fund	Other Funds	Total
The legislative action:				
Removed salary equity funding for forensic staff.		($105,401)		($105,401)
Increased funding for salary increases for forensic staff upon certification to provide a total of $125,000 from the general fund.		38,108		38,108

Added 1.5 FTE positions and funding from the NICS Improvement Act of 2007 for salaries and wages and operating expenses associated with maintaining information received from the judicial system regarding individuals with mental disability and their rights to possess firearms.	1.50		$585,859	585,859
Total	1.50	($67,293)	$585,859	$518,566

FTE Changes

The 2011-13 biennium appropriation includes funding for 204 FTE positions, an increase of 1.5 FTE positions from the executive recommendation and the 2009-11 biennium authorized level of 202.5 FTE positions. The Legislative Assembly added 1.5 FTE positions for implementation of House Bill No. 1269 (2011) which relates to individuals with mental disability and their rights to possess firearms. The FTE positions must be removed when grant funding is no longer available.

One-Time Funding

In Section 2 of Senate Bill No. 2003, the Legislative Assembly identified $312,400 of one-time funding from the general fund for the 2011-13 biennium for crime lab equipment and Bureau of Criminal Investigation vehicles, and $2,355,708 from federal stimulus funds for 7 FTE positions for the 2011-13 biennium for the justice assistance grant program ($1,702,160 and 4 FTE positions), Internet Crimes Against Children Grant program ($192,547 and 1 FTE position), Rural Law Enforcement Assistance Act funding ($413,326 and 2 FTE positions), and compensation adjustments for the 7 FTE positions ($47,675). These amounts are not to be considered part of the agency's base budget for preparing the 2013-15 executive budget, and the Attorney General is to report to the Appropriations Committees during the 2013 legislative session on the use of this funding.

Federal Fiscal Stimulus Funding

In Section 1 of Senate Bill No. 2003, the Legislative Assembly appropriated $2,355,708 of federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 to the Attorney General for 7 FTE positions for the 2011-13 biennium for the justice assistance grant program ($1,702,160 and 4 FTE positions), Internet Crimes Against Children Grant program ($192,547 and 1 FTE position), Rural Law Enforcement Assistance Act funding ($413,326 and 2 FTE positions), and compensation adjustments for the 7 FTE positions ($47,675).

In Section 11 of Senate Bill No. 2003, the Legislative Assembly provided legislative intent that the Attorney General's base budget for the 2013-15 biennium not include funding or FTE positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The Attorney General may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium.

24/7 Sobriety Program

The 2007 Legislative Assembly authorized the Attorney General to establish a sobriety program pilot project during the 2007-09 biennium. The pilot program began on January 1, 2008. The Attorney General established a 24/7 sobriety pilot program in 12 counties in the South Central Judicial District. The 2009 Legislative Assembly, in House Bill No. 1306, authorized the Attorney General to establish a statewide 24/7 sobriety program, established guidelines and program fees, and created and provided a continuing appropriation to the Attorney General from the 24/7 sobriety program fund. The goal of the program is to remove intoxicated drivers from the road and improve their ability to succeed in treatment. From January 1, 2008, through May 2, 2011, the program included 1,720 participants, of which 1,114 graduated from the program, 236 failed the program, 109 reoffended, and 261 were still active in the program.

Other Sections in Senate Bill No. 2003

Gaming enforcement grants - Section 3 provides $510,000 from the gaming and excise tax allocation fund for local gaming enforcement grants for the 2011-13 biennium.

Missing children - Section 4 amends North Dakota Century Code Section 12-60-25 relating to lost, missing, or runaway children.

State Fire Marshal services - Sections 5 and 6 create new sections to Chapter 18-01 to provide that the Attorney General shall charge and collect fees for services provided by the State Fire Marshal program to entities covered by the fire and tornado fund and the petroleum release compensation fund.

Attorney General's salary - Section 7 provides the statutory changes increasing the Attorney General's salary. The Attorney General's annual salary is increased from the current level of $113,266 to $134,135 effective July 1, 2011, and to $138,159 effective July 1, 2012.

Refund of tax - Section 8 amends Section 57-43.1-03.2 relating to the refund of tax for fuel purchased by Native Americans to remove references to the Attorney General.

Refund fund - Section 9 allows the Attorney General to retain the June 30, 2011, balance in the Attorney General refund fund rather than transferring the balance to the general fund.

Project planning and implementation - Section 10 requires the Attorney General to involve the Information Technology Department in the study and planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The Attorney General shall include Information Technology Department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the Information Technology Department before proceeding with any study recommendations relating to the project.

Related Legislation

House Bill No. 1269 provides an appropriation of NICS Improvement Act of 2007 funds for 1.5 FTE positions for implementing provisions relating to individuals with mental disability and their rights to possess firearms.

Senate Bill No. 2070 increases the amounts provided by the 2009 Legislative Assembly which the Attorney General can charge and collect from the fire and tornado fund and the petroleum release fund for State Fire Marshal services for the 2009-11 biennium. Fees to be collected from the fire and tornado fund were increased by $140,000 for a total of $450,000, and fees to be collected from the petroleum release fund were increased by $60,000 for a total of $95,000.

Senate Bill No. 2247 provides that the Attorney General may create a Domestic Violence Fatality Review Commission to review domestic violence deaths that have occurred in the state.