



EXECUTIVE BUDGET RECOMMENDATION
2025-27 BIENNIUM

Budget Summary

	FTE Positions	General Fund	Other Funds	Total
Executive budget recommendation	272.00	\$67,993,342	\$47,417,159	\$115,410,501
Base level	266.00	49,024,265	41,914,820	90,939,085
Increase (decrease)	6.00	\$18,969,077	\$5,502,339	\$24,471,416
Percentage increase (decrease)	2.3%	38.7%	13.1%	26.9%

NOTE:

More detailed information on the executive budget recommendation is attached as Appendix A.

A copy of the draft appropriations bill reflecting the executive budget recommendation is attached as Appendix B.

Selected Highlights

- Adds \$3,903,440, of which \$2,012,194 is from the general fund and \$1,081,246 is from other funds, for salary increases of up to 4 percent effective July 1, 2025, and 3 percent effective July 1, 2026
- Adds \$1,567,378, of which \$996,927 is from the general fund and \$570,451 is from other funds, for health insurance increase of \$250 per month (15.2 percent), from \$1,643 to \$1,893, per employee
- Adds \$8,859,974, of which \$6,701,991 is from the general fund and \$2,157,983 is from other funds, to replace the 2023-25 biennium new FTE pool (\$4,602,851) and vacant FTE pool (\$4,257,123)
- Adds \$1,380,438, of which \$1,122,961 is from the general fund and \$257,477 is from federal funds, for 6 new FTE positions, including an FTE evidence technician position, an FTE executive staff officer position, an FTE Medicaid fraud control unit attorney position, an FTE cybercrime information processing administrator position, and 2 FTE victim witness advocate positions
- Adjusts \$2,744,134 of funding for salaries (\$1,790,559) and operating expenses (\$953,575) from the Attorney General refund fund to the general fund
- Adds **one-time funding** of \$954,000, of which \$721,000 is from the general fund and \$233,000 is from federal funds, for State Crime Laboratory equipment and supplies
- Adds **one-time funding** of \$682,000 from the general fund for information technology (IT) network switches (\$32,000) and to replace the criminal justice information system jail management system (\$650,000)
- Adds **one-time funding** of \$765,000 from the general fund for the replacement of Bureau of Criminal Investigation (BCI) undercover vehicles (\$660,000) and the purchase of portable handheld dual-band radios (\$105,000)
- Adds **one-time funding** of \$5 million of which \$1 million is from the general fund and \$4 million is from the strategic investment and improvements fund for the statewide litigation funding pool
- Adds **one-time funding** of \$1.5 million from the general fund to replace the statewide automated victim identification notification system

Deficiency Appropriations

The executive budget recommendation includes a deficiency appropriation of \$3.05 million from the general fund for the statewide litigation funding pool (\$3 million) and prosecution witness fees (\$50,000). If approved, this would result in a total of \$8 million authorized for the statewide litigation funding pool and \$145,056 for prosecution witness fees during the 2023-25 biennium.

Significant Audit Findings

The operational audit of the Attorney General conducted by the State Auditor's office for the period ending June 30, 2022, identified one finding related to breath alcohol toxicology results.

The State Auditor reviewed if toxicology results were accurate and utilized proper equipment. The audit revealed 25 of the 726 breath alcohol tests conducted by local law enforcement and tested by the State Crime Laboratory from July 1, 2021, to June 30, 2022, used expired gas canisters, resulting in potentially invalid tests. The State Auditor recommended the State Crime Laboratory ensure expired gas canisters are not used for breath alcohol tests. The Attorney General agreed with the recommendation and stated the State Crime Laboratory has seen a decline in the number of tests run on expired gas canisters since a recent change in leadership of the breath alcohol program.

During the 2020 operational audit of the Attorney General, the State Auditor concluded 34 of 8,925 breath alcohol tests utilized expired or unapproved gas canisters. As a result, in Section 4 of House Bill No. 1003 (2021), the Legislative Assembly appropriated \$100,000 from federal funds to the Attorney General for the replacement of 61 of 119 drug analyzers. The funding was to replace Intoxilyzer 8000 models with Intoxilyzer 9000 models that will prevent unapproved or expired gas canisters from being used.

In the 2022 operational audit report, the State Auditor states the State Crime Laboratory intends to purchase additional Intoxilyzer 9000s to replace the Intoxilyzer 8000s. The software of the Intoxilyzer 9000 will prevent running a test on an expired gas cylinder.

Agency Fees

As reported to the Legislative Management, pursuant to North Dakota Century Code Section 54-35-27, this agency has 42 fees. The agency did not recommend any changes to the fees.

Major Related Legislation

House Bill No. 1037 - This bill appropriates \$750,000 of one-time funding from the general fund to the Attorney General for providing uncrewed aircraft system, autonomous vehicle, or other autonomous technology grants to individuals and entities aiding BCI in conducting missing person searches, crime scene reconstruction, and law enforcement first response operations during the 2025-27 biennium. The bill allows the Attorney General to require grant recipients to provide \$1 of matching funds for every \$4 provided by the state.

House Bill No. 1102 - This bill appropriates \$775,000 from the general fund to the Attorney General for the purpose of hiring 2 FTE BCI cybercrime agent positions and related equipment and capital assets during the 2025-27 biennium. Of the total \$161,000 is considered a one-time funding item for the purchase of equipment.

NOTE:

Please see the Fiscal Impact Report for additional information regarding bills under consideration which contain either a state revenue impact, an appropriation, or a state fiscal impact.



Attorney General - Budget No. 125 Agency Worksheet - House Bill No. 1003

	Executive Budget			
	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085
2025-27 Ongoing Funding Changes				
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877
Salary increase		2,012,194	1,081,246	3,093,440
Health insurance increase		996,927	570,451	1,567,378
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123
Adds funding for a FTE evidence technician position	1.00	189,393		189,393
Adds funding for a FTE executive staff officer position	1.00	195,434		195,434
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104
Adds funding for FTE victim witness advocate positions	2.00	475,204		475,204
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000
Adds funding for salary equity increases		254,317	37,460	291,777
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886
Reduces funding for bond payments		(330,000)		(330,000)
Total ongoing funding changes	6.00	\$14,301,077	\$1,269,339	\$15,570,416
One-Time Funding Items				
Adds one-time funding for State Crime Laboratory equipment and supplies		\$721,000	\$233,000	\$954,000
Adds funding to replace IT network switches		32,000		32,000
Adds funding to replace BCI undercover vehicles		660,000		660,000
Adds funding for portable handheld dual-band radios		105,000		105,000
Adds funding for the statewide litigation funding pool		1,000,000	4,000,000	5,000,000
Adds funding to replace the criminal justice information system jail management system		650,000		650,000
Adds funding to replace the statewide automated victim identification notification system		1,500,000		1,500,000
Total one-time funding changes	0.00	\$4,668,000	\$4,233,000	\$8,901,000
Total Changes to Base Level Funding	6.00	\$18,969,077	\$5,502,339	\$24,471,416
2025-27 Total Funding	272.00	\$67,993,342	\$47,417,159	\$115,410,501
<i>Federal funds included in other funds</i>			\$15,253,968	

Total ongoing changes - Percentage of base level

2.3%

29.2%

3.0%

17.1%

Total changes - Percentage of base level

2.3%

38.7%

13.1%

26.9%

Other Sections in Attorney General - Budget No. 125

Other Sections in Attorney General - Budget No. 125

Section Description	Executive Budget
FTE position adjustments	Section 3 would allow the Attorney General to increase or decrease authorized FTE positions as needed, subject to the availability of funds.
Attorney General salary	Section 4 would amend Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$193,943 (4 percent) effective July 1, 2025, and \$199,761 (3 percent) effective July 1, 2026.
Exemption - Attorney General refund fund	Section 5 would allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
Transfer - Statewide litigation funding pool to state agencies	Section 6 would identify \$1 million from the general fund and \$4 million from the strategic investment and improvements fund for the statewide litigation funding pool, which the Attorney General shall transfer to eligible state agencies for litigation expenses during the 2025-27 biennium.
Appropriation - Additional federal funds or other funds	Section 7 would appropriate \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Criminal history record checks - Fees	Section 8 would require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
Human trafficking victims grant program - Requirements - Reports	Section 9 would identify \$1,110,614 appropriated from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2025-27 biennium.
Forensic nurse examiners grant program - Reports	Section 10 would identify \$252,676 appropriated from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2025-27 biennium.
Exemption - Contingent fee arrangement	Section 11 would provide, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
Exemption - Concealed weapon rewrite project	Section 12 would allow the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums for a concealed weapon rewrite project into the 2025-27 biennium.
Exemption - Criminal history improvement project	Section 13 would allow the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.
Exemption - Licensing and deposit system	Section 14 would allow the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit system during the 2023-25 biennium into the 2025-27 biennium.

Other Sections in Attorney General - Budget No. 125

Section Description	Executive Budget
Exemption - Charitable gaming technology system	Section 15 would allow the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.
Exemption - Legal case management system	Section 16 would allow the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.
Exemption - Anti-methamphetamine program	Section 17 would allow the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.
Exemption - Federal State Fiscal Recovery Fund	Section 18 would allow the Attorney General to continue any remaining funding of the \$1 million appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1003
(Governor's Recommendation)

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an act to provide an appropriation for defraying the expenses of the attorney general; to provide exemptions; to provide a transfer; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2025 and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$53,007,980	\$15,551,706	\$68,559,686
Operating Expenses	17,579,264	(958,560)	16,620,704
Capital Assets	606,000	1,021,000	1,627,000
Grants	3,903,440	0	3,903,440
Human Trafficking Victims Grants	1,110,614	16,368	1,126,982
Forensic Nurse Examiner Grants	252,676	3,839	256,515
Litigation Fees	127,500	0	127,500
Statewide Litigation Pool	0	5,000,000	5,000,000
Medical Examinations	660,000	0	660,000
North Dakota Lottery	5,413,453	382,704	5,796,157
Arrest and Return of Fugitives	8,500	0	8,500
Gaming Commission	7,489	0	7,489
Criminal Justice Info Sharing	4,579,950	2,860,676	7,440,626
Law Enforcement	3,377,659	593,683	3,971,342
Children's Forensic Interviews	<u>304,560</u>	<u>0</u>	<u>304,560</u>
Total All Funds	\$90,939,085	\$24,471,416	\$115,410,501
Less Estimated Income	<u>41,914,820</u>	<u>5,502,339</u>	<u>47,417,159</u>
Total General Fund	\$49,024,265	\$18,969,077	\$67,993,342
Full-time Equivalent Positions	266.00	6.00	272.00

SECTION 2. ONE-TIME FUNDING – EFFECT ON BASE BUDGET – REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-eighth legislative assembly for the 2023-25 biennium and the 2025-27 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2023-25</u>	<u>2025-27</u>
Equipment for new FTE	\$2,432,765	\$0
Law enforcement resiliency grant	400,000	0
Inflationary increases	156,463	0
Vehicles and radios	102,200	0
Charitable gaming and licensing projects	876,000	0
BCI vehicle replacement	200,000	660,000

COPS anti-meth program	1,772,038	0
Crime lab improvements	250,000	0
Crime lab equipment and supplies	0	954,000
Maintenance and hosting costs	0	682,000
Portable handheld dual band radios	0	105,000
SAVIN replacement project	0	1,500,000
Statewide Litigation Pool	<u>5,000,000</u>	<u>5,000,000</u>
Total All Funds	\$11,189,466	\$8,901,000
Total Special Funds	<u>6,582,122</u>	<u>4,233,000</u>
Total General Fund	\$4,607,344	\$4,668,000

The 2025-27 one-time funding amounts are not a part of the entity's base budget for the 2027-29 biennium. The attorney general shall report to the appropriations committees of the seventieth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2025 and ending June 30, 2027.

SECTION 3. EXEMPTION – FULL-TIME EQUIVALENT POSITION ADJUSTMENTS. Notwithstanding any other provisions of law, the attorney general may increase or decrease authorized full-time equivalent positions as needed, subject to the availability of funds, during the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general shall report to the office of management and budget and legislative council any adjustments made pursuant to this section.

SECTION 4. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~one hundred seventy-nine thousand three hundred twelve~~ one hundred ninety-three thousand nine hundred forty-three dollars through June 30, ~~2024~~2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred ninety-nine thousand seven hundred sixty-one dollars thereafter.

SECTION 5. ATTORNEY GENERAL REFUND TRANSFER TO THE GENERAL FUND - EXEMPTION. 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, 2025.

SECTION 6. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER – LITIGATION POOL TO STATE AGENCIES. The statewide litigation funding pool line item in section 1 of this Act includes \$1,000,000 from the general fund and \$4,000,000 from the strategic investment and improvements fund, which the attorney general shall use for funding litigation expenses incurred by eligible state agencies during the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item. The attorney general may not use funding from the litigation pool to pay judgments under section 32-12-04.

SECTION 7. ADDITIONAL INCOME - APPROPRIATION - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2025 and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 8. CRIMINAL HISTORY RECORD CHECKS - FEES. Any person or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the state's general fund for the biennium beginning July 1, 2025 and ending June 30, 2027.

SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$1,110,614 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the biennium beginning July 1, 2025 and ending June 30, 2027. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs

promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-ninth legislative assembly on the use of the funds received and the outcomes of its program.

SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$252,676 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-ninth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims, which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

SECTION 11. EXEMPTION - CONTINGENT FEE ARRANGEMENT. Notwithstanding section 54-12-08.1, the attorney general may contract for legal services compensated by a contingent fee arrangement for ongoing multistate technology litigation during the period beginning with the effective date of this Act and ending June 30, 2027.

SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT. The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19, 2019-21, 2021-23 and 2023-25 bienniums, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the concealed weapon rewrite project, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 13. EXEMPTION – CRIMINAL HISTORY IMPROVEMENT PROJECT. The amount appropriated to the attorney general from the attorney general refund fund for a criminal history improvement project as contained in section 1 of chapter 3 of the 2021 Session Laws and continued into the 2023-25 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the criminal history improvement project, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 14. EXEMPTION – LICENSING AND DEPOSIT SYSTEM. The amount appropriated to the attorney general from the general fund for a licensing and deposit system as contained in sections 1 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the licensing and deposit system, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 15. EXEMPTION – CHARITABLE GAMING TECHNOLOGY SYSTEM. The amount appropriated to the attorney general from the charitable gaming operating fund for a charitable gaming technology system as contained in sections 1 and 6 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the charitable gaming technology system, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 16. EXEMPTION - LEGAL CASE MANAGEMENT SYSTEM. The amount appropriated to the attorney general from other funds for the statewide automated victim information and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim information and notification system, and continued into the 2021-23 and 2023-25 bienniums for the legal case management system, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the legal case management system during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 17. EXEMPTION – ANTI-METHAMPHETAMINE PROGRAM. The amount appropriated to the attorney general from federal funds for an anti-methamphetamine program as contained in sections 1 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the anti-methamphetamine program, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 18. EXEMPTION – STATE FISCAL RECOVERY FUND. The amount appropriated to the

attorney general from federal funds for state fiscal recovery funding, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general during the biennium beginning July 1, 2025, and ending June 30, 2027.