
AGENCY OVERVIEW

125 OFFICE OF THE ATTORNEY GENERAL

Date: 12/13/2006

Time: 15:26:34

STATUTORY AUTHORITY

North Dakota Constitution Article V, Section 12. North Dakota Century Code Chapters 5-02, 12-60, 12-62, 18-01, 51-15, 51-28, 53-06.1, 53-12.1, 54-12 and Sections 32-12.2-03-04.

AGENCY DESCRIPTION

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, and all state agencies, boards, and commissions.

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, and State and Local Government.

AGENCY MISSION

The Attorney General's office consists of dedicated professionals providing vital services necessary to ensure quality government in North Dakota. We efficiently and impartially provide quality law enforcement, regulatory, investigatory, legal and informational services for the benefit of North Dakota's citizens.

AGENCY PERFORMANCE MEASURES

Performance measures and results reporting are not currently used by this office.

MAJOR ACCOMPLISHMENTS

Enforced N.D.C.C. chapter 51-25, Tobacco Product Manufacturer Sales (requires tobacco product manufacturers who do not join the master settlement agreement to pay funds into an escrow account based upon the number of cigarettes sold in North Dakota) resulting in over \$46,341,095 in settlement payments for the period from January 2004 through December 2005, for a total of over \$174,261,200 in settlement payments to date.

Collected over \$3,671,800 for the Bank of North Dakota and over \$3,087,775 for Job Service North Dakota.

Defended the Risk Management Fund in 47 new lawsuits between January 1, 2004 and December 31, 2005, resulting in a total of 74 Risk Management Fund cases defended during that time period.

Defended the constitutionality of North Dakota's do-not-call law.

Defended a class action against the Department of Corrections and Rehabilitation. The DOCR, along with individual officials, was sued in November 2003 by two female inmates claiming they, and a class of similarly situated female inmates, had been discriminated against in the provision of services and programs based on their gender. The plaintiffs' response to the motion for summary judgment is due December 30, 2006. A month trial is set for June 2007.

Issued 171 Attorney General's Opinions. Forty-five of the opinions addressed alleged violations of the open records and meetings laws.

Assisted the state in issuing \$342 million in state revenue bonds.

Drafted agreements for storing vaccines and other drugs that would be needed to respond to bioterrorism incident or outbreak of a contagious disease.

Settled the litigation filed against Burlington Northern Santa Fe Railroad over underground contamination in Mandan, with the state recovering \$30.2 million from the railroad, most of which is being used to pay for remediation.

Obtained dismissal of a suit brought in federal court challenging the constitutionality of the state's corporate farming law.

Successfully defended two lawsuits brought to stop the Devils Lake Outlet.

Successfully defended 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.

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.

Worked with the Health Department to hold the United States' first-ever "periodic review" hearings under the Clean Air Act's provisions on Prevention of Significant Deterioration.

Worked 260 methamphetamine laboratories in 2004 and 192 in 2005. An additional 6 incidents were worked through March 31, 2006. Twenty-three agents of the Bureau are clandestine lab certified personnel, nine of which are site safety certified.

Increased its manpower in the cybercrime area and now dedicates the efforts of two investigators to coordinate cybercrime investigative activities and provide assistance to local law enforcement.

Upgraded six existing and purchased three additional livescan units during the 2005-07 biennium. These units are used to process and transmit fingerprint images from eight of the state's largest jails and the state penitentiary to the criminal history record system at BCI.

Continued to partner with the Highway Patrol, State Radio, and the ND National Guard to enhance the fusion center located at Fraine Barracks which receives and disseminates homeland security intelligence to the proper agencies. T

Opened 3,137 consumer complaints and investigations and closed 3,204 files in 2004-2005. The office recovered \$1.235 million on behalf of consumers. During the same period the office initiated legal action against 99 companies or individuals resulting in recovered fines, penalties, investigative costs and attorney's fees totaling \$505,140.

Monitored 975 active charitable gaming sites where \$538.6 million was wagered and \$32.9 million was raised for charitable uses; \$19.4 million was collected in gaming and pull tab excise taxes; \$4.5 million was generated in bingo sales tax; and \$231,000 was collected in interest, penalties, monetary fines, criminal history record check fees, and sales of gaming stamps and publications. Since 1977, \$427 million has been raised for charitable uses.

Developed and implemented "auto calculating" gaming tax return forms on the office's web page to reduce the number of mathematical errors on tax returns submitted to the Gaming Division.

Implemented a new limited Gaming compliance audit review program and a new in-office audit review program in February 2005.

Conducted 125 fire investigations during calendar years 2004 and 2005 to assist local fire and law officials in fire cause determination and arson mitigation. Of these, arson was determined to be the cause in 17% of the investigations.

Generated \$19.2 million in operating revenue and approximately \$5.57 million in state general fund revenue from the Lottery. For the 2005-07 biennium, the Lottery projected operating revenue of \$38.5 million and state general fund revenue of \$10 million. The Lottery is on track to exceed both projections.

FUTURE CRITICAL ISSUES

Crime Lab Building/Remodeling Project

This \$182,485 request reflects the beginning of general fund bond repayment for the Crime Lab addition and remodeling project.

Crime Lab Equipment

The polarized light microscope is used for the analysis of trace evidence in forensic casework. The cost is \$28,400 from the general fund.

BCI Motor Vehicles

This request is to replace 7 undercover motor vehicles for BCI agents at a cost of \$116,000 from the general fund.

AFIS Maintenance Costs

The AFIS system remains an integral component of North Dakota's criminal history record system. The system serves as the central database for fingerprints collected across the state and opens the door for electronic transfer of fingerprint images and information. It is a critical tool for criminal investigators.

North Dakota has contributed approximately 93,700 records to the AFIS regional database, which contains approximately 1,400,000 criminal records. Currently, every criminal record ten-print (fingerprint card) submission searches the entire 1,400,000 record database for a match on the fingerprints provided. The same is true in the case of latent fingerprints found at crime scenes. Without AFIS as a tool, a latent print search would be an entirely manual process and nearly impossible to complete.

Costs to maintain the AFIS system have continued to increase over the years. Annual maintenance agreements have risen from \$55,890 in 2000 to \$88,239 in 2005, an increase of approximately \$64,000 per biennium. Grant funds have been utilized wherever possible to offset these increasing costs; however, those funds are no longer available, and as a result, we are requesting additional general funds to help cover these costs.

Federal funds reductions

These adjustments are made due to decreasing and eliminated federal fund programs.

Fire Marshal - \$113,000 reduction due to elimination of Weapons of Mass Destruction grant.

BCI - Significant reduction in Byrne Memorial Grant, Residential Substance Abuse Treatment grant reduction, National Criminal History Improvement Project and available High Intensity Drug Trafficking Area grant. This reflects the elimination of the Local Law Enforcement Block grant.

Fiscal Year 2007 Salary adjustments

This adjustment reflects the funding and authority to fully fund the 4 percent increase provided by the legislature in fiscal year 2007.

IT Changes

This reflects IT budget changes required for the IT Capture plan.

Inflation Increases

The office continues to experience rate increases in motor pool, utilities, telecommunications, data processing, dues, office supplies, Central Services (including printing and supplies), motor vehicle fuel for undercover vehicles, rent, postage, insurance, maintenance agreements, state employee travel rates, and other private sector costs. Adequate funding for these rate increases has not been approved in past budget cycles. This office has not received general fund inflationary adjustment increases since at least 1999 and needs these adjustments to be able to continue to meet our statutory obligations. 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.

Fund current salaries

This request includes funding source changes for the six months' Byrne federal funding that is lost in the 2007-09 biennium for BCI agents and Crime Lab forensic scientists. In addition, due to the need to hire staff at higher than anticipated salaries, and a few reclassifications, salary adjustments are requested to fund current salaries for the 2007-09 biennium.

Salary Funding Source Changes

The future of BCI two positions currently funded through the National Criminal History Improvement Project (NCHIP) grant are in jeopardy as federal funds for this program have been all but eliminated and are on the verge of ending. One position is a full-time identification technician position whose specific purpose is to reduce backlogs of fingerprint card entries, disposition entries, and responses to non-criminal justice record checks; all of which impact on the quality, accuracy and completeness of criminal history records. From calendar year 2004 to 2005, state of North Dakota record checks increased 24.3 percent, federal fingerprint-based record check processing increased 28.6 percent and the number of 10 print arrest and custody cards increased 5.4 percent. The loss of one position in this section would greatly impact the ability to keep pace with workload and would result in backlogs of processing arrest and custody fingerprint cards into the criminal history record system and lengthen the time necessary to receive a response to a non-criminal justice request for criminal history information. If this information is not processed and entered onto a record in a timely manner, the potential exists, for example, for an individual who has been arrested for a sex crime to be hired as a teacher, day care provider, or other caregiver on the assumption that the record is clear when, in fact, it is simply not current.

Providing training and monitoring quality control is critical to the accuracy, completeness, and success of the state's criminal history records system. The second NCHIP funded position of concern is a BCI criminal records analyst who currently provides training to law enforcement, state's attorney staff, and city attorney staff regarding all information submitted to the state's criminal history record system. This includes submission of arrest and custody fingerprint cards via livescan or using inked fingerprint cards, and submission of prosecution and disposition information related to arrests. This position also performs an auditing function to monitor record submissions to ensure proper compliance with procedures and record-keeping and serves as the first point of contact regarding technical problems related to use of livescan equipment. Since January of 2003, this position has conducted many training sessions including 63 visits to state's attorney or city attorney offices around the state to train staff regarding prosecution and disposition information, 10 visits to local jails to conduct training on use of livescan devices, and 46 training sessions on taking proper inked fingerprints. Due to routine staff turnover in various agencies, there is a constant need for this oversight and training function. In order for the criminal history record system to operate efficiently and accurately, we are requesting general fund support for both of these positions.

An Information Technology network specialist has been funded under National Criminal History Improvement Project (NCHIP) funds for several years. NCHIP funds are being drastically reduced and will soon be eliminated. Due to the level of Information Technology's work for the Lottery, one-half of the salary and benefits needs to be funded by the Lottery. This request includes the general fund amount needed to fund the other one-half of the salary and benefits.

An account technician was hired to assist with the workload increase resulting from the addition of the Lottery. A significant number of the Office's financial transactions relate to the Lottery's addition. This request is to fund 50 percent of the account technician's salary from the Lottery operating fund. There have been no other charges for financial staff work to the Lottery.

IT Capital Assets

A Crime Lab DNA computer server is needed to link the DNA computers and instruments to a network. Two computer uninterruptible power sources (UPS) and a computer backup tape unit need to be replaced for disaster recovery and business continuum purposes.

Crime Lab Preventative Maintenance Agreements

This funding will ensure the specialized Crime Lab equipment is properly calibrated and running efficiently. Without maintenance contracts some instruments would become idle because only certified trained technicians can repair/calibrate the instruments. Without preventative maintenance agreements, the laboratory will not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community.

Consumer Protection cleaning

The current secure office location is cleaned by a staff member to avoid a security breach.

Anticipated Staff Retirements

The office anticipates the retirement of several mostly long term employees in the 2007-09 biennium. This request is to fund annual and sick leave payouts for these staff members.

Crime Lab Building and Remodeling Project

The building/remodeling bids received for the Crime Lab exceeded the amount appropriated by the 2005 Legislative Assembly. In addition, in order to add any more space at the East Laboratory after the Crime Lab addition, which is currently shared with the Health Department, a sprinkling system would need to be added for the entire building, which would be very expensive. The Health Department is already out of room in the current building. As a result, this request is to purchase land by the Bureau of Criminal Investigation (BCI) and Fire Marshal to build a Crime Lab. This would be very beneficial to all local law enforcement since they often need to stop at the BCI or the Fire Marshal and then go across town to the southeast part of Bismarck to deliver criminal evidence. This would allow the Health Department to have full access to the entire East Laboratory building and not require the entire building to be sprinkled.

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

REQUEST SUMMARY

125 OFFICE OF THE ATTORNEY GENERAL

Bill#: SB2003

Date: 12/13/2006

Biennium: 2007-2009

Time: 15:26:34

Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Budget Request
BY MAJOR PROGRAM					
FINANCE AND ADMINISTRATION	1,154,226	1,472,486	-73,990	1,398,496	64,350
INFORMATION TECHNOLOGY	2,653,106	2,639,563	128,251	2,767,814	326,523
ATTORNEY GENERAL ADMINISTRATION	720,101	837,541	10,045	847,586	13,366
LEGAL SERVICES	5,090,185	5,831,967	-316,427	5,515,540	390,432
BUREAU OF CRIMINAL INVESTIGATION	12,779,863	16,771,345	-2,406,189	14,365,156	950,048
CRIME LAB	2,580,379	7,237,678	-3,552,604	3,685,074	3,086,901
CONSUMER PROTECTION	1,034,296	1,541,188	-155,000	1,386,188	65,658
GAMING	1,938,925	2,164,042	11,152	2,175,194	25,818
FIRE MARSHAL	1,119,805	1,302,556	-68,418	1,234,138	16,077
LOTTERY	0	3,899,191	54,015	3,953,206	102,486
TOTAL MAJOR PROGRAMS	29,070,886	43,697,557	-6,369,165	37,328,392	5,041,659
BY LINE ITEM					
SALARIES AND WAGES	16,681,747	19,549,735	-138,984	19,410,751	1,461,707
OPERATING EXPENSES	6,774,944	8,483,795	310,608	8,794,403	992,964
CAPITAL ASSETS	610,781	5,418,741	-4,511,850	906,891	2,484,502
GRANTS	4,757,702	5,944,056	-1,747,056	4,197,000	0
LITIGATION FEES	34,580	50,000	0	50,000	0
STATE SCHOOL FINANCE LAWSUIT	195,106	337,000	-337,000	0	0
NORTH DAKOTA LOTTERY	0	3,899,191	54,015	3,953,206	102,486
ARREST & RETURN OF FUGITIVES	11,746	10,000	0	10,000	0
GAMING COMMISSION	4,280	5,039	1,102	6,141	0
TOTAL LINE ITEMS	29,070,886	43,697,557	-6,369,165	37,328,392	5,041,659
BY FUNDING SOURCE					
GENERAL FUND	17,052,291	19,212,156	64,926	19,277,082	4,871,791
FEDERAL FUNDS	8,777,720	12,295,598	-3,541,061	8,754,537	0
SPECIAL FUNDS	3,240,875	12,189,803	-2,893,030	9,296,773	169,868
TOTAL FUNDING SOURCE	29,070,886	43,697,557	-6,369,165	37,328,392	5,041,659
TOTAL FTE	172.00	185.30	-4.00	181.30	4.00

REQUEST DETAIL

Date: 12/13/2006

125 OFFICE OF THE ATTORNEY GENERAL

Bill#: SB2003

Time: 15:26:34

Biennium: 2007-2009

Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Budget Request
SALARIES AND WAGES					
SALARIES - PERMANENT	12,362,891	14,273,216	-36,022	14,237,194	182,184
SALARY BUDGET ADJUSTMENT	0	0	0	0	0
SALARIES - OTHER	179,930	77,584	-77,584	0	1,199,672
TEMPORARY SALARIES	46,079	138,200	-6,600	131,600	5,000
OVERTIME	84,168	212,130	54,160	266,290	0
FRINGE BENEFITS	4,008,679	4,848,605	-72,938	4,775,667	74,851
SALARY INCREASE	0	0	0	0	0
BENEFIT INCREASE	0	0	0	0	0
TOTAL	16,681,747	19,549,735	-138,984	19,410,751	1,461,707
SALARIES AND WAGES					
GENERAL FUND	13,134,029	14,970,012	260,605	15,230,617	1,437,525
FEDERAL FUNDS	1,788,555	1,699,774	-370,153	1,329,621	0
SPECIAL FUNDS	1,759,163	2,879,949	-29,436	2,850,513	24,182
TOTAL	16,681,747	19,549,735	-138,984	19,410,751	1,461,707
OPERATING EXPENSES					
TRAVEL	636,750	961,005	-169,075	791,930	61,591
SUPPLIES - IT SOFTWARE	309,613	396,628	-118,322	278,306	65,346
SUPPLY/MATERIAL-PROFESSIONAL	100,106	269,726	23,607	293,333	0
FOOD AND CLOTHING	39,850	35,730	-2,756	32,974	1,300
BLDG, GROUND, MAINTENANCE	126,431	167,927	42,654	210,581	66,344
MISCELLANEOUS SUPPLIES	150,444	133,211	-4,512	128,699	9,895
OFFICE SUPPLIES	92,408	130,552	-23,115	107,437	5,655
POSTAGE	118,491	159,593	-14,790	144,803	15,578
PRINTING	86,336	107,111	-14,868	92,243	5,824
IT EQUIP UNDER \$5,000	168,420	86,265	-3,855	82,410	48,347
OTHER EQUIP UNDER \$5,000	244,699	445,239	-244,466	200,773	64,800
OFFICE EQUIP & FURN SUPPLIES	66,941	151,114	-54,869	96,245	3,200
UTILITIES	73,658	68,618	0	68,618	133,632
INSURANCE	80,885	97,165	983	98,148	4,096
RENTALS/LEASES-EQUIP & OTHER	104,750	174,725	9,333	184,058	0
RENTALS/LEASES - BLDG/LAND	644,349	782,009	-144,026	637,983	46,878
REPAIRS	321,075	530,119	-35,624	494,495	197,816
IT - DATA PROCESSING	491,644	590,781	35,829	626,610	54,862
IT-COMMUNICATIONS	265,808	296,512	-59,457	237,055	68,221
IT CONTRACTUAL SERVICES AND RE	689,592	242,577	341,479	584,056	0
PROFESSIONAL DEVELOPMENT	212,731	360,133	-52,337	307,796	14,769

REQUEST DETAIL125 OFFICE OF THE ATTORNEY GENERAL
Biennium: 2007-2009

Bill#: SB2003

Date: 12/13/2006

Time: 15:26:34

Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Budget Request
OPERATING FEES AND SERVICES	652,814	639,656	317,902	957,558	25,000
FEES - PROFESSIONAL SERVICES	719,732	1,212,759	559,130	1,771,889	49,227
MEDICAL, DENTAL AND OPTICAL	377,417	444,640	-78,237	366,403	50,583
OPERATING BUDGET ADJUSTMENT	0	0	0	0	0
TOTAL	6,774,944	8,483,795	310,608	8,794,403	992,964
OPERATING EXPENSES					
GENERAL FUND	3,517,843	3,643,439	0	3,643,439	949,764
FEDERAL FUNDS	2,373,553	3,692,634	-241,724	3,450,910	0
SPECIAL FUNDS	883,548	1,147,722	552,332	1,700,054	43,200
TOTAL	6,774,944	8,483,795	310,608	8,794,403	992,964
CAPITAL ASSETS					
LAND AND BUILDINGS	0	3,651,491	-3,651,491	0	2,453,502
OTHER CAPITAL PAYMENTS	0	0	182,485	182,485	0
EQUIPMENT OVER \$5000	474,809	1,625,195	-1,022,789	602,406	7,000
MOTOR VEHICLES	115,840	136,000	-20,000	116,000	0
IT EQUIPMENT OVER \$5000	20,132	6,055	-55	6,000	24,000
TOTAL	610,781	5,418,741	-4,511,850	906,891	2,484,502
CAPITAL ASSETS					
GENERAL FUND	161,274	196,050	140,835	336,885	2,484,502
FEDERAL FUNDS	449,507	1,576,750	-1,182,744	394,006	0
SPECIAL FUNDS	0	3,645,941	-3,469,941	176,000	0
TOTAL	610,781	5,418,741	-4,511,850	906,891	2,484,502
GRANTS					
GRANTS, BENEFITS & CLAIMS	3,734,412	4,758,650	-1,091,650	3,667,000	0
TRANSFERS OUT	1,023,290	1,185,406	-655,406	530,000	0
TOTAL	4,757,702	5,944,056	-1,747,056	4,197,000	0
GRANTS					
GENERAL FUND	3,382	616	-616	0	0
FEDERAL FUNDS	4,165,565	5,326,440	-1,746,440	3,580,000	0
SPECIAL FUNDS	588,755	617,000	0	617,000	0
TOTAL	4,757,702	5,944,056	-1,747,056	4,197,000	0

REQUEST DETAIL

Date: 12/13/2006

125 OFFICE OF THE ATTORNEY GENERAL

Bill#: SB2003

Time: 15:26:34

Biennium: 2007-2009

Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Optional Budget Request
SPECIAL LINES					
LITIGATION FEES	34,580	50,000	0	50,000	0
STATE SCHOOL FINANCE LAWSUIT	195,106	337,000	-337,000	0	0
NORTH DAKOTA LOTTERY	0	3,899,191	54,015	3,953,206	102,486
ARREST & RETURN OF FUGITIVES	11,746	10,000	0	10,000	0
GAMING COMMISSION	4,280	5,039	1,102	6,141	0
TOTAL	245,712	4,301,230	91,625	4,019,347	102,486
SPECIAL LINES					
GENERAL FUND	235,763	402,039	-335,898	66,141	0
FEDERAL FUNDS	540	0	0	0	0
SPECIAL FUNDS	9,409	3,899,191	54,015	3,953,206	102,486
TOTAL	245,712	4,301,230	-281,883	4,019,347	102,486
FUNDING SOURCES					
GENERAL FUND	17,052,291	19,212,156	64,926	19,277,082	4,871,791
FEDERAL FUNDS	8,777,720	12,295,598	-3,541,061	8,754,537	0
SPECIAL FUNDS	3,240,875	12,189,803	-2,893,030	9,296,773	169,868
TOTAL FUNDING SOURCES	29,070,886	43,697,557	-6,369,165	37,328,392	5,041,659

CHANGE PACKAGE SUMMARY

125 OFFICE OF THE ATTORNEY GENERAL

Biennium: 2007-2009

Bill#: SB2003

Date: 12/13/2006

Time: 15:26:34

Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds
AGENCY BUDGET CHANGES					
Cost To Continue	-4.00	65,657	-1,946,903	-3,663,203	-5,544,449
1 Polarizing Light Microscope	.00	38,400	0	0	38,400
2 Motor Vehicles	.00	116,000	0	0	116,000
4 Crime Laboratory Capital Assets	.00	0	294,006	170,000	464,006
5 Crime Lab Bond Payments	.00	182,485	0	0	182,485
6 Federal Funds Change	.00	-616	-1,989,227	0	-1,989,843
7 BCI Livescan units	.00	0	100,000	0	100,000
8 Budget Changes	.00	0	0	-38,226	-38,226
9 Remove School Finance Litigation	.00	-337,000	0	0	-337,000
10 Lottery Temporary Salaries	.00	0	0	33,000	33,000
11 Consumer Protection Cleaning Services	.00	0	0	3,300	3,300
12 Staff Retirements	.00	0	0	42,049	42,049
13 Criminal Justice Information System Project	.00	0	0	150,000	150,000
14 Agency Document Storage	.00	0	0	150,000	150,000
15 BCI Case Management Rewrite	.00	0	0	180,000	180,000
16 Crime DNA Application	.00	0	0	28,260	28,260
17 Crime Lab Toxicology Application	.00	0	0	50,000	50,000
19 Telecommunications Rate Increase - Budget Change	.00	0	1,063	1,790	2,853
Agency Total	-4.00	64,926	-3,541,061	-2,893,030	-6,369,165
OPTIONAL REQUEST					
1 Crime Lab Building - North Site	.00	1,210,662	0	0	1,210,662
2 Inflationary Increase Adjustments	.00	550,067	0	43,200	593,267
3 Crime Lab Addition and Remodel - Additional Costs	.00	1,242,840	0	0	1,242,840
4 Staff Equity Adjustments	.00	1,129,043	0	18,682	1,147,725
8 Salary Funding Source Changes	4.00	253,942	0	107,986	361,928
9 Crime Lab Preventive Maintenance Agreements	.00	85,200	0	0	85,200
11 Staff Retirements	.00	54,540	0	0	54,540
17 Crime Lab Building - Operating Costs	.00	304,599	0	0	304,599
18 Telecommunications Rate Increases	.00	40,898	0	0	40,898
Optional Total	4.00	4,871,791	0	169,868	5,041,659

BUDGET CHANGES NARRATIVE

125 OFFICE OF THE ATTORNEY GENERAL

Date: 12/13/2006

Time: 15:26:34

Change Group: A	Change Type: A	Change No: 1	Priority: 2
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Polarizing Light Microscope -

This microscope is used for the analysis of trace evidence in forensic casework.

Change Group: A	Change Type: A	Change No: 2	Priority: 1
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Motor Vehicles -

Replacement vehicles are needed for BCI undercover operations.

Change Group: A	Change Type: A	Change No: 3	Priority: 17
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Remove Existing Capital Assets -

This change is to remove all existing capital assets.

Change Group: A	Change Type: A	Change No: 4	Priority: 12
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Crime Laboratory Capital Assets -

The following capital assets for the Crime Lab will be purchased with federal funds:

3130 Genetic Analyzer	92,000
Autoclave	8,000
Centrifuge	6,500
9700 Thermocycler	15,000
Gas Chromatograph/ Headspace Analyzer	65,500
Intoxilyzer 5000	65,000
Intoxilyzer 8000	32,000
Hydrogen Generator	10,006
Total	294,006

Change Group: A	Change Type: A	Change No: 5	Priority: 3
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Crime Lab Bond Payments -

For the 2007-09 biennium Crime Lab building bond payments total \$182,485 from the general fund.

Change Group: A	Change Type: A	Change No: 6	Priority: 15
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Federal Funds Change -

These changes reflect anticipated federal funds for the 2007-09 biennium.

Change Group: A	Change Type: A	Change No: 7	Priority: 10
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BCI Livescan units -

Criminal history records are based on fingerprints taken for arrest or for custody. Livescan equipment is used by the Department of Corrections, regional jails, and law enforcement agencies to capture fingerprints and submit fingerprint cards to the Bureau of Criminal Investigation for processing by the Criminal Records Unit. As funds become available, they will be used to increase and enhance the fingerprinting capability of these various law enforcement agencies.

Change Group: A	Change Type: A	Change No: 8	Priority: 16
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Budget Changes -

These budget changes are made to reflect anticipated spending.

Change Group: A	Change Type: A	Change No: 9	Priority: 18
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Remove School Finance Litigation -

Assuming the legislature provides additional school funding at the requested level, the need for funding for the School Finance litigation should be eliminated.

Change Group: A	Change Type: A	Change No: 10	Priority: 14
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Lottery Temporary Salaries -

When the game 2 X 2 began, the number of lottery draw nights increased from 2 to 6. As a result, two temporary lottery draw operators are currently conducting the lottery draws. This request is funded from the Lottery Operating fund.

Change Group: A	Change Type: A	Change No: 11	Priority: 13
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Consumer Protection Cleaning Services -

When the Consumer Protection (CPAT) Division moved to its north Bismarck location, it became housed with the Bureau of Criminal Investigation, Fire Marshal and Information Technology. All of these divisions have staff member who clean the facilities at night due to the degree of confidential information maintained at that location. A CPAT division staff member is cleaning their facility and this request is to cover that temporary salaries cost. It is funded from the AG Refund fund.

Change Group: A	Change Type: A	Change No: 12	Priority: 11
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Staff Retirements -

One staff retirement is anticipated to occur during the 2007-09 biennium. This request is funded from special funds.

Change Group: A	Change Type: A	Change No: 13	Priority: 6
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Criminal Justice Information System Project -

This office continues to support the Criminal Justice Information Sharing (CJIS) program. It would greatly benefit all law enforcement to have arrests available through the hub from local law enforcement agencies, as well as prosecution and disposition information from the states attorneys or courts. This request reflects the cost of a consultant to work with the office to change office systems to accept information from the hub for these items.

The purpose of the project is to receive prosecution and disposition information from the states attorneys electronically rather than paper or email copies using the Criminal Justice Information Sharing (CJIS) hub.

Currently this information is entered into the Bureau of Criminal Investigation (BCI) Criminal History repository manually after receiving the information either in paper form or through email. In order for BCI staff to support the increasing work load, this process must be automated. This will require a portion of the Criminal History system to be rewritten to accommodate the electronic transfer.

The 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. In order for law enforcement across the state to receive timely accurate information, the information must be entered into the repository in a timely manner.

This project would help with the BCI backlog that occurs when record checks are needed. It would provide law enforcement with more accurate and timely information. It would also provide the public with more timely and accurate information. This information is critical for record checks done for teachers, child care providers, elderly care providers and others who are dependent on timely and accurate information.

Change Group: A	Change Type: A	Change No: 14	Priority: 5
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Agency Document Storage -

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 office also provides legal services and opinions to state legislators, state officials, constitutional officers, state agencies, boards, and commissions. Managing this information is critical to the success of meeting this mission.

The office manages a large number of legal cases as well as criminal cases, along with investigations from other divisions within the office. It is becoming more critical that these documents be managed in a system rather than using Windows based folders. It is also becoming more critical to be able to share information across divisional lines when appropriate. The office needs to implement an application to manage documents, images, voice clips, etc. that will integrate with agency applications seamlessly, and to provide workflow and electronic signoff for documents.

The benefits of this project include:

- Information will be more readily available and easier to find.
- There will be less of a need to store paper copies of documents.
- This would provide for sharing documents and other information across divisional lines.
- Information would be readily available rather than needing to copy, fax, and mail information.

All divisions of the office will benefit from this application.

Change Group: A	Change Type: A	Change No: 15	Priority: 4
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BCI Case Management Rewrite -

This request includes a new case management application to replace the old DOS version that is currently requiring a substantial amount of support. There is great deal of concern that Microsoft's new operating system, due out in 2007, will no longer support DOS applications. If this is true, then this system would not be able to function in the new environment and would create additional support needs in order to maintain the application until it could be replaced.

The application is DOS based, and presents problems with each new Microsoft operating system, because of the DOS based commands used in the application.

There is additional functionality that is needed, but because of the age of the system and the lack of staff expertise in Clipper and DBASE, has not been added to the application.

The application takes a lot of Information Technology (IT) support just to keep operational. The additional functionality needed could be added.

BCI is the largest division in the agency. BCI works with federal agents as well as local law enforcement to combat drug and criminal activity in the state. It is absolutely essential that they have a case management application to track incidents, people, vehicles, organizations and other pertinent information in order to provide the citizens of North Dakota with the best protection, and to bring criminals to justice.

Benefits of the project include:

The information needed by agents and task force members will be more readily available.

IT staff will be familiar with the technology, enabling changes and updates to be made in a more timely manner.

DBASE files have a way of becoming corrupt over time. It takes a lot of effort to recover from these incidents. Microsoft may not support DOS based systems with their new operating system. This would mean that we could not upgrade our computer's operating systems until this application could be rewritten. This presents a problem, since other applications running on those same desktops may need the new operating system to function correctly.

Change Group: A	Change Type: A	Change No: 16	Priority: 7
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Crime DNA Application -

This request is the amount needed to purchase the software and equipment needed to update the Crime Lab DNA system.

Change Group: A	Change Type: A	Change No: 17	Priority: 8
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Crime Lab Toxicology Application -

The Crime Lab has very limited software to perform many tasks. IT recently built a base application to log evidence and perform other basic tasks. The toxicology application would interact with the base system to improve their process in the toxicology area. Currently there is no mechanism to gather information from the various instruments and feed that information into an analysis tool. All analysis today is done manually using spreadsheets. Some information is typed into desktop databases, but none of these small databases communicate. This application would eliminate these multiple databases and spreadsheets, eliminate significant manual analysis and would increase the Crime Lab's efficiency in workload assignment and tracking.

Currently this information is stored in spreadsheets or Access databases and is not easily managed with other critical information of the division. Instruments collect information and can be read from the machine, but there is currently no mechanism to be able to store that information and be able to perform analysis. This project would provide that functionality.

The Crime Laboratory analyzes samples from drug and alcohol related criminal cases, and evidence from crime scenes. This application will help facilitate this mission.

The crime lab is constantly challenged with deadlines for information for court or law enforcement. This enhancement will help them to provide the information in a more timely manner.

Change Group: A	Change Type: A	Change No: 19	Priority: 9
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Telecommunications Rate Increase - Budget Change -

These increases are necessary as a result of the significant ITD telecommunication estimated increases.

Change Group: A	Change Type: A	Change No: 100	Priority:
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OMB Crime Lab - \$217,000

Executive Recommendation to provide \$217,000 of general fund for inflationary costs and additional costs associated with the Crime Lab building addition.

Change Group: A	Change Type: A	Change No: 101	Priority:
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OMB BCI Increases - \$212,000

Executive Recommendation to increase operating by \$212,000 for inflationary costs increases, replacing bullet-proof vests, and AFIS maintenance contract.

Change Group: A	Change Type: A	Change No: 102	Priority:
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OMB Inform.Tech. - \$110,000

Executive Recommendation to increase operating by \$110,000 for upgrade to Windows 2003 and to get the agency back to a 4 year replacement cycle for computer purchases.

Change Group: A	Change Type: A	Change No: 103	Priority:
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OMB Equity Increases - \$643,079 General and \$10,921 Special

Executive Recommendation to provide \$654,000 (\$643,079 Gen., \$10,921 Special) for salary equity increases with priority going to public safety divisions of the Crime Lab and BCI and unclassified attorneys.

Change Group: A	Change Type: A	Change No: 104	Priority:
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OMB Maint. Agreements - \$85,000

Executive Recommendation to add \$85,000 from the general fund for the Crime Lab maintenance agreements for lab equipment purchased during the 05-07 biennium.

Change Group: A	Change Type: A	Change No: 105	Priority:
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OMB Crime Lab Bldg. - \$1,242,840

Executive Recommendation to support the building and remodeling of the present building occupied by the Crime Lab.

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

Change Group: O	Change Type: A	Change No: 1	Priority: 2
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Crime Lab Building - North Site -

This request reflects only the additional costs of building the Crime Lab at a north Bismarck location, located directly next to the BCI and Fire Marshal divisions.

The building/remodeling bids received for the Crime Lab exceeded the amount appropriated by the 2005 Legislative Assembly. In addition, in order to add any more space at the

East Laboratory after the Crime Lab addition, which is currently shared with the Health Department, a sprinkling system would need to be added for the entire building, which would be very expensive. The Health Department is already out of room in the current building. As a result, this request is to purchase land by the Bureau of Criminal Investigation (BCI) and Fire Marshal to build the Crime Lab. This would be very beneficial to all local law enforcement since they often need to stop at the BCI or the Fire Marshal and then go across town to the southeast part of Bismarck to deliver criminal evidence. This would allow the Health Department to have full access to the entire East Laboratory building and not require the entire building to be sprinkled.

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

Change Group: O	Change Type: A	Change No: 2	Priority: 6
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Inflationary Increase Adjustments -

The office continues to experience rate increases in motor pool, utilities, telecommunications, data processing, dues, office supplies, Central Services (including printing and supplies), motor vehicle fuel for undercover vehicles, rent, postage, insurance, maintenance agreements, state employee travel rates, and other private sector costs. Adequate funding for these rate increases has not been approved in past budget cycles. This office has not received general fund inflationary adjustment increases since at least 1999 and needs these adjustments to be able to continue to meet our statutory obligations. 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.

Change Group: O	Change Type: A	Change No: 3	Priority: 1
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Crime Lab Addition and Remodel - Additional Costs -

The building/remodeling bids received for the Crime Lab exceeded the amount appropriated by the 2005 Legislative Assembly. In addition, in order to add any more space at the East Laboratory after the Crime Lab addition, which is currently shared with the Health Department, a sprinkling system would need to be added for the entire building, which would be very expensive. The Health Department is already out of room in the current building. As a result, this request is to purchase land by the Bureau of Criminal Investigation (BCI) and Fire Marshal to build a Crime Lab. This would be very beneficial to all local law enforcement since they often need to stop at the BCI or the Fire Marshal and then go across town to the southeast part of Bismarck to deliver criminal evidence. This would allow the Health Department to have full access to the entire East Laboratory building and not require the entire building to be sprinkled.

The Crime Laboratory project constitutes the third phase of the comprehensive Master Plan for the east State Laboratories.

Change Group: O	Change Type: A	Change No: 4	Priority: 4
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Staff Equity Adjustments -

Equity Adjustments

Crime Laboratory

The Crime Laboratory Division salaries have suffered significantly in comparison to similar positions in other state agencies and in comparison to similar positions in other crime laboratories. Recruitment and retention in the Crime Laboratory continues to be a challenging issue. North Dakota salaries for the same positions are significantly below its Midwest counterparts. These agencies all have starting salaries for new scientists at more than \$3,000 per month, compared to our starting salary of only \$2,216 per month. As a result, when employees leave state employment, the laboratory has had difficulty in attracting equally qualified staff. It has only been able to hire individuals without forensic experience leaving the new hires in laboratory with a learning curve of between six months to two years. Meanwhile, the workload continues to grow causing delays for processing casework. Consequently, the Crime Lab has become a training ground for new scientists with no forensic experience. In turn we have new employees with a learning curve of six months to two years at a time when case load work is increasing. 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 work elsewhere.

The forensic scientist's salaries within the laboratory must become competitive within the region. Recently, the ND Human Resource Management Services released a report indicating out of the approximately 100 job classifications surveyed, the Forensic Scientist series was nearly 60% below the market equity for salaries. In addition to substantially lower salaries, the forensic scientist series is comparably lower than the average chemist's salary in the state (a comparable job category). Also, comp ratios within the Division range from 0.68 to 0.85; the division is requesting funds to increase the ratios to an agency average of 0.89. The requested enhancement would allow the division to provide a competitive minimum starting salary and an equitable increase for scientists within the Crime Laboratory Division. The increased salaries will allow the laboratory to recruit and retain experienced scientists; thereby allowing the best possible service to the law enforcement community.

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 trouble 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 that are starting rookie officers, with less experience, at a higher wage. Examples of entry-level salaries for local agencies include:

Fargo PD patrol officer - no experience	\$3,370
Fargo PD detective – entry level investigator	\$3,517
Richland County deputy - no experience	\$2,896
Bismarck PD patrol officer – no experience	\$3,200
Grand Forks PD patrol officer – no experience	\$2,921
Moorhead MN PD patrol officer – no experience	\$3,279

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. Local law enforcement depends on our staff to be experienced in many areas of law enforcement. We are relied upon to bring expert personnel resources and services to the field. New officers with no experience and limited education are able to begin their law enforcement careers with many local law enforcement agencies at salaries higher than what we can offer to a new agent who is required to have a minimum of five years experience and a four-year degree. It is critical that we compensate our agents with a salary that is commensurate with their experience, expertise, and education so that we can recruit and retain highly qualified law enforcement staff.

The requested enhancement provides a minimum starting salary of \$3,200 per month to a new agent and for an equitable increase in agent salaries across the board. These increased salaries will allow us to do a better job of bringing the experience and resources expected by local law enforcement in North Dakota to the field.

Information Technology (IT) Staff

This agency's IT staff salaries are significantly below the average for IT staff across state government. It is also impossible to compete with the private sector for these highly skilled positions. Within ITD, staff can be more specialized; in this agency staff must be skilled in more than one area to handle the agency's requirements. These skills are highly desired in the marketplace and make it very difficult to find candidates for public sector positions. In order to retain our IT staff, we need to be able to offer competitive salaries. It is critical that adequate IT resources be available to meet the requirements for our office's public safety responsibilities in a timely and efficient manner. Therefore, we are requesting funding for staff equity adjustments. In order to adequately support the applications within our office, it is critical to maintain highly trained and skilled IT staff. It is absolutely critical 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 cover legal, criminal justice, charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, financial, and the Crime Lab. The business knowledge gained by the IT staff is very valuable and hard to replace. Therefore, it is critical that we retain staff. To learn the IT environment as well as the business side of the office can take a new IT employee two years. The Lottery and the Crime Lab were added to the office without any additional IT staff, and these two additions have brought a tremendous amount of work for IT staff.

The office is developing more online applications for the Web. The design of the Agency web pages has been done in the past by our 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 Administrative Assistants

We have experienced significant difficulty in hiring administrative assistants with a legal background for our legal divisions. We advertised twice for the most recent vacancy. Some of the legal administrative staff members are paid significantly less than the average salary statewide for the same classification. This request will bring the salaries of these position to the average salary statewide.

Attorneys and Paralegals

Section 14 of House Bill 1003 requires the Office of Management and Budget to conduct an equity review of all attorney and paralegal salaries employed as full-time employees with all branches of government within the State of North Dakota. The director is to provide to the Governor for inclusion in the 2007-09 biennial executive budget recommendation the funding necessary to adjust the salaries of attorneys and paralegals in a manner that makes attorney and paralegal salaries comparable and equitable throughout state government. In determining comparable positions based upon years of experience and importance of the position, the director shall consult with the Attorney General.

Human Resource Management Services conducted a salary survey of all full-time attorneys and paralegals employed as full-time employees as of January 1, 2006. The survey reflected a wide disparity between salaries not only within the executive branch, but also between branches of government. Since 62 of the 87 attorneys identified in the survey are not classified employees, using normal salary classification and grade analysis was not possible.

In order to have a basis for developing an equity plan, 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, we developed an equity adjustment recommendation for the attorneys and paralegals in our office. In general the adjustment was based upon salaries paid by Legislative Council and the Supreme Court.

Change Group: O	Change Type: A	Change No: 8	Priority: 5
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Salary Funding Source Changes -

These funding source changes reflect the following:

The National Criminal History Improvement Program (NCHIP) is also experiencing significant cuts. These funds have been critical to our efforts to improve the state's criminal records database, train law enforcement on proper reporting, support information sharing between law enforcement agencies, and ensure records are updated in a timely manner. To ensure the state's records continue to be up to date and accurate, the work of 1.5 BCI FTE staff members currently funded through NCHIP needs to continue so individuals with a criminal record are not given the clearance to work in a teaching or care-giving profession simply because of a data entry backlog. We are requesting general fund support to cover the costs associated with an existing records analyst and identification technician to support these ongoing efforts.

An IT network administrator, formerly funded by NCHIP federal funds, is funded 50% from the general fund and 50% from the Lottery Operating fund due to the increased Lottery IT workload.

An account technician is funded 50% from the general fund and 50% from the Lottery Operating fund due to the increased Lottery financial workload.

In addition, Fire Marshal Weapons of Mass Destruction federal funds have been eliminated. A temporary salaries funding source change is requested from federal to special funds.

Change Group: O	Change Type: A	Change No: 9	Priority: 10
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Crime Lab Preventive Maintenance Agreements -

This funding will ensure the specialized Crime Lab equipment is properly calibrated and running efficiently. Without maintenance contracts some instruments would become idle because only certified trained technicians can repair/calibrate the instruments. Without preventative maintenance agreements, the laboratory will not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community.

Change Group: O	Change Type: A	Change No: 11	Priority: 8
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Staff Retirements -

We anticipate 4-5 staff members' retirements in the 2007-09 biennium. This request totals \$56,152 from the general fund and \$42,099 from special funds to pay unused annual leave and 10% of sick leave for those employees who have been with the state for 10 or more years.

Change Group: O	Change Type: A	Change No: 17	Priority: 3
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Crime Lab Building - Operating Costs -

General fund monies are needed to provide adequate operating expenses for the Crime Lab addition and remodel for nine months of the 2007-09 biennium. Since the building plans are already developed, the project can be completed and occupied earlier in the 2007-09 biennium.

Change Group: O	Change Type: A	Change No: 18	Priority: 7
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Telecommunications Rate Increases -

These increases are necessary as a result of the significant ITD telecommunication estimated increases. The bulk of this increased cost is funded from the general fund.