
AGENCY OVERVIEW**Date:** 01/13/2011**125 Office of the Attorney General****Time:** 11:12:03

Statutory Authority

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

Agency Description

The Office of the 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 ND 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 Statement

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

This agency does not currently use performance measures.

Major Accomplishments

1. Defended successfully the constitutionality of 2009 House Bill No. 1371, or the Defense of Abortion Control Act, which requires an abortion facility to offer a woman an opportunity to receive an ultrasound of both an image of the fetus and the auscultation of the fetal heart tone, if available.
2. Began defending a lawsuit against the State and the North Dakota Department of Commerce that alleges the state's disbursement of funds to private persons, associations, and corporations for economic development purposes violates Article X, Section 18 of the ND Constitution.
3. Defended the Adjutant General in a case involving the separation of an officer from the North Dakota Air National Guard. The Supreme Court held the state district court lacked jurisdiction to consider the officer's appeal because federal law, not state law, governed the separation decision and any review of that decision.
4. Defended successfully the constitutionality of the state corporate farming laws.
5. Defended the state successfully in a Devils Lake landowners lawsuit, who asserted the State was responsible for the Devils Lake rise and for property damage caused by the high water.
6. Obtained a court order allowing continued construction on the Northwest Area Pipeline Project while the U.S. Bureau of Reclamation conducted further environmental studies on the project.
7. 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, and also to address appropriate pollution control technologies on existing power plants and determine whether new plants can be built.
8. Implemented a biological drug screening method using a new technique and technology which has reduced analysis time and will eventually reduce turn-around time.
9. Increased the workload capacity for DNA casework - In 2007 and 2008, the DNA Unit reported out 235 cases and, in 2009 and 2010, the laboratory has reported out 323 cases (a 38.0 percent increase).
10. Formed a Statewide Law Enforcement Intelligence Center (SLIC) to merge the intelligence gathering efforts of the former Post Seizure Analysis Team (PSAT) and the North Dakota Fusion Cell's homeland security efforts.
11. Launched a "Prescription Drug Take Back" pilot which provides secure disposal units for people to dispose of unused medications.

Future Critical Issues

Crime Laboratory Salaries: The Crime Laboratory (Lab) Division salaries have suffered significantly in comparison to similar positions in other state agencies and in comparison to similar positions in other crime laboratories. Recruitment and retention in the Lab continues to be a challenging issue. North Dakota salaries for the same positions are significantly below their Midwest counterparts. As a result, when employees leave state employment, the Lab has difficulty attracting equally qualified staff. It has only been able to hire individuals without forensic experience -- leaving the new hires in the Lab with a learning curve of between six months to two years.

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Consequently, the Lab has become a training ground for new scientists with no forensic experience. Experienced staff must not only monitor the work of the new employees, but also handle the growing workload. The situation has added to casework processing delays, particularly with continued caseload increases, and has had a tremendous negative impact on employee morale which in turn causes employees to look for employment elsewhere.

The forensic scientists' salaries must become competitive within the region. In May 2010 a Midwest Crime Laboratory salary survey was completed indicating that, out of the job classifications surveyed, the forensic scientist series was 21% below the surveyed market salaries. There are currently 4 staff members with over 10 years of state service still below the midpoint of their salary range. This \$105,401 general fund request would allow the division to provide a more competitive minimum starting salary and an equitable increase for scientists within the Crime Laboratory Division. The requested equity increase for Crime Lab forensic scientists is only 20% of the cost needed to bring these scientists salaries in line with the Midwest region average salaries. The increased salaries will hopefully allow the Lab to recruit and retain experienced scientists, thereby allowing the best possible service to the law enforcement community.

Equipment Recycling Budget and Preventive Maintenance Contracts: The Crime Lab has relied on federal funds to purchase major pieces of equipment. Currently, the lab has over \$2.2 million in capital assets. The Lab will purchase additional instrumentation this biennium which is not included in the capital assets total above. Just as computers, cars, and other equipment are recycled, the Lab is requesting a percentage of its capital assets to be recycled. The federal funds previously received for equipment purchases have been slowly dwindling; still the Lab is mandated to use cutting edge technology to analyze casework. The Lab is requesting \$178,000 in special funds and \$30,400 from the general fund monies for this purpose. This equipment will allow the Lab to attain and maintain the level of technology required for casework analysis.

In addition to an equipment recycling budget, a \$35,532 general fund increase is needed for preventative maintenance agreements. This funding will ensure the 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. In effect, the Lab would not be able to adequately perform its legislative mandates and provide timely analysis for the law enforcement community. Maintenance agreements are requested only for equipment the Lab staff cannot fix and to keep the integrity associated with the equipment for court purposes.

Crime Laboratory Certification: In light of the National Academy of Sciences Report, the Laboratory is requesting to begin a proactive approach for certification of analysts in their respective disciplines. The Laboratory is requesting a modest increase in forensic scientists' salaries if scientists pass nationally standardized certification test, at a cost of \$86,892 from the general fund. A scientist certified in a particular discipline will benefit from the additional credibility the certification adds to their court testimony. As a result, the whole criminal justice system benefits by having increased confidence in the results generated by a certified scientist.

Gaming Commission Budget Deficiency: Due to the increased cost to adopt new administrative rules the state Gaming Commission's current biennial budget of \$6,141 is insufficient. During the most recent rule making process the cost to publish the required notices in the county newspapers totaled \$2,045, or approximately one-third of the entire biennial budget. Without adequate funding the state Gaming Commission is unable to perform its duties as required by state law. This request is for an additional \$1,228 from the general fund.

Missing Children Repository: Legislation was passed last session for the Bureau of Criminal Investigation (BCI) to implement a state-wide missing children repository. This funding is needed to hire a contractor to design and develop this system. This application needs to interact with Criminal Justice Information Sharing, State Radio and the FBI and is estimated to cost \$500,000.

Increased ITD Costs: ITD is increasing their charges to agencies mainly due to increases in their agency wages and benefits. ITD passes these increases on to all agencies. The BCI Division connections to the wide-area network from various locations continue to increase, often moving locations to support investigative efforts. The office must be able to provide the quick, high quality data transfer and access for office agents, and local law enforcement who access information from office databases through State Radio and Criminal Justice Information Sharing (CJIS).

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Criminal Trends Using Technology: Keeping current with advancing technology and its potential for misuse is a daunting task. The criminal abuse of internet sales, social networks, e-mail, cell phones, text messaging, and others is now a major component of many investigations including fraud, public corruption, drug dealing, bullying, online predators, pornography, and much more. These forms of communication are now used, one way or another, to carry out virtually every crime, and ensuring that all agents stay current with the skill sets necessary to investigate these aspects will be challenging.

Concealed Weapon Permits: In the 2007-09 biennium, concealed weapon permit applications increased 143% compared to the 2001-03 biennium. Recent legislation regarding reciprocity of North Dakota's permit has caused an even greater increase in workload during the current 2009-11 biennium. With more and more states adding North Dakota to their list of acceptable permits to hold, there are no signs of this workload slowing down. Instead, it seems apparent that the demand for these permits will continue to grow.

Pharmaceuticals: The illegal diversion and use of prescription narcotics has become a major focus of drug investigations and seemingly knows no socioeconomic or age boundaries. The abuse and sale of these drugs is occurring with children and adults in all walks of life. Those abusing and dealing these drugs steal prescription pads, painkillers from family members, or even their identities in order to obtain these narcotics. They barter with one another to obtain other drugs of their choice. This new, frightening trend is another major focus of many of the office's drug investigations.

Information Technology Service to Office Customers: The office has 13 very diverse divisions with very different customers that the Information Technology (IT) Division must support. IT personnel must thoroughly understand the business areas which include legal, criminal justice, charitable gaming, fire inspections and investigations, Lottery, Licensing, Consumer Protection, Finance and Administration, and the Crime Lab in order to support the computer applications which provide information for the external customers, as well as internal personnel. The business knowledge gained by the IT staff is very valuable and hard to replace.

Public and criminal justice entities are asking for instant access to more information from the office. In the criminal justice arena, much of the information is made available nationwide, as well as statewide. Homeland security and public safety concerns are often requiring more information to be gathered and sent to national databases.

In order to meet these needs, the office's technical staff is focused on supporting new and existing systems, in addition to learning and understanding the business of the divisions. The office is using temporary employees to do the lower skilled technical tasks, such as testing, training manuals, and system upgrades. This frees permanent staff to concentrate on tasks that match their high-level skill sets. The office also uses consultants to help build new applications and rewrite existing applications.

Because the office's customer base and the number of applications and databases made available across the state continue to grow, the number of calls from external customers to the office help desk continue to increase. The office anticipates additional support in the network area will be needed once the Adam Walsh Act changes have been fully implemented in the 2013-2015 biennium.

State and Federal Mandates: When federal mandates such as the Adam Walsh Act, and state mandates such as the Missing Children Repository are implemented, it has an impact on the office IT staff. Rewrites and other projects that need to be done are put on hold. With current staff, the office must look at available money and how many projects office staff can realistically manage using consultants to do the majority of the work.

REQUEST SUMMARY125 Office of the Attorney General
Biennium: 2011-2013

Bill#: SB2003

Date: 01/13/2011

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
By Major Program					
Finance and Administration	1,488,803	2,229,200	(320,506)	1,908,694	(53,766)
Information Technology	2,829,341	4,395,811	1,220,421	5,616,232	80,242
Attorney General Administration	860,010	1,025,368	93,983	1,119,351	(31,752)
Legal Services	5,669,909	6,878,209	29,821	6,908,030	(108,789)
Bureau of Criminal Investigation	12,182,714	21,845,749	(1,969,746)	19,876,003	2,250,586
Crime Lab	9,268,369	8,459,285	(163,357)	8,295,928	420,948
Consumer Protection	1,230,828	1,633,183	26,031	1,659,214	(33,207)
Gaming	2,263,169	2,671,228	35,620	2,706,848	1,228
Fire Marshal	1,151,133	1,764,685	12,346	1,777,031	(30,501)
Lottery	2,589,360	3,584,388	38,219	3,622,607	0
Total Major Program	39,533,636	54,487,106	(997,168)	53,489,938	2,494,989
By Line Item					
Salaries and Wages	21,184,403	27,199,391	362,791	27,562,182	398,054
Operating Expenses	7,753,862	14,549,321	1,665,905	16,215,226	(524,726)
Capital Assets	5,739,648	2,391,187	(447,404)	1,943,783	312,400
Technology Project Carryover	0	325,265	(325,265)	0	0
Grants	2,032,446	3,452,225	(32,225)	3,420,000	0
Litigation Fees	49,781	50,000	0	50,000	0
Medical Examinations	160,600	660,000	0	660,000	0
North Dakota Lottery	2,589,360	3,584,388	38,219	3,622,607	0
Arrest and Return of Fugitives	20,007	10,000	0	10,000	0
Gaming Commission	3,529	6,141	(1)	6,140	1,228
Federal Stimulus Funds - 2009	0	2,259,188	(2,259,188)	0	2,308,033
Total Line Items	39,533,636	54,487,106	(997,168)	53,489,938	2,494,989
By Funding Source					
General Fund	24,770,666	28,960,432	522,015	29,482,447	3,455
Federal Funds	4,928,665	12,800,511	(2,399,571)	10,400,940	2,314,141
Special Funds	9,834,305	12,726,163	880,388	13,606,551	177,393
Total Funding Source	39,533,636	54,487,106	(997,168)	53,489,938	2,494,989
Total FTE	188.50	202.50	(8.00)	194.50	8.00

REQUEST DETAIL125 Office of the Attorney General
Biennium: 2011-2013

Bill#: SB2003

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Salaries and Wages					
Salaries - Permanent	15,579,334	19,193,204	317,436	19,510,640	73,392
Salaries - Other	0	0	0	0	437,025
Temporary Salaries	201,943	179,596	359,912	539,508	0
Overtime	234,572	540,888	(382,465)	158,423	0
Fringe Benefits	5,168,554	7,285,703	67,908	7,353,611	32,627
Reduction In Salary Budget	0	0	0	0	(144,990)
Total	21,184,403	27,199,391	362,791	27,562,182	398,054

Salaries and Wages

General Fund	17,861,307	22,231,647	665,405	22,897,052	237,804
Federal Funds	1,084,343	1,318,151	(101,276)	1,216,875	106,019
Special Funds	2,238,753	3,649,593	(201,338)	3,448,255	54,231
Total	21,184,403	27,199,391	362,791	27,562,182	398,054

Operating Expenses

Travel	700,276	1,196,735	15,381	1,212,116	(30,794)
Supplies - IT Software	495,561	559,715	0	559,715	131,000
Supply/Material-Professional	84,617	776,624	3,558	780,182	(16,500)
Food and Clothing	63,654	36,360	(5,000)	31,360	(2,050)
Bldg, Ground, Maintenance	221,309	222,793	(930)	221,863	(10,050)
Miscellaneous Supplies	285,082	346,150	(3,350)	342,800	(18,711)
Office Supplies	154,559	201,737	400	202,137	(14,046)
Postage	99,126	169,058	(5,750)	163,308	(20,884)
Printing	79,843	170,272	(2,100)	168,172	(12,791)
IT Equip Under \$5,000	166,619	241,528	120,000	361,528	(20,000)
Other Equip Under \$5,000	144,286	690,345	(99,408)	590,937	(142,215)
Office Equip & Furn Supplies	21,937	147,587	0	147,587	(6,624)
Utilities	145,732	334,001	0	334,001	(1,651)
Insurance	65,675	100,269	(250)	100,019	(4,011)
Rentals/Leases-Equip & Other	103,843	377,974	(2,500)	375,474	(5,000)
Rentals/Leases - Bldg/Land	736,110	1,172,304	(32,000)	1,140,304	(1,000)
Repairs	398,734	777,395	(47,800)	729,595	25,732
IT - Data Processing	584,363	657,782	11,011	668,793	32,514
IT - Communications	305,125	334,832	(17,700)	317,132	3,744
IT Contractual Svcs and Rprs	655,547	1,053,190	1,350,000	2,403,190	(35,000)
Professional Development	292,308	422,345	29,150	451,495	(22,581)
Operating Fees and Services	915,622	1,510,814	(28,553)	1,482,261	(207,099)
Fees - Professional Services	350,214	2,656,902	381,746	3,038,648	(6,450)
Medical, Dental and Optical	683,720	392,609	0	392,609	(140,259)

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Total	7,753,862	14,549,321	1,665,905	16,215,226	(524,726)
Operating Expenses					
General Fund	4,852,319	5,742,362	11,011	5,753,373	(547,977)
Federal Funds	1,917,964	5,180,042	94,122	5,274,164	1,062
Special Funds	983,579	3,626,917	1,560,772	5,187,689	22,189
Total	7,753,862	14,549,321	1,665,905	16,215,226	(524,726)
Capital Assets					
Land and Buildings	4,595,684	0	0	0	0
Other Capital Payments	120,993	765,882	0	765,882	0
Equipment Over \$5000	876,799	1,124,305	(138,404)	985,901	30,400
Motor Vehicles	131,227	116,000	(116,000)	0	282,000
IT Equip/Sftware Over \$5000	14,945	385,000	(193,000)	192,000	0
Total	5,739,648	2,391,187	(447,404)	1,943,783	312,400
Capital Assets					
General Fund	1,953,828	920,282	(154,400)	765,882	312,400
Federal Funds	530,998	1,100,905	(101,004)	999,901	0
Special Funds	3,254,822	370,000	(192,000)	178,000	0
Total	5,739,648	2,391,187	(447,404)	1,943,783	312,400
Technology Project Carryover					
Supplies - IT Software	0	4,000	(4,000)	0	0
Repairs	0	47,000	(47,000)	0	0
IT Contractual Svcs and Rprs	0	130,765	(130,765)	0	0
Fees - Professional Services	0	143,500	(143,500)	0	0
Total	0	325,265	(325,265)	0	0
Technology Project Carryover					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	0	325,265	(325,265)	0	0
Total	0	325,265	(325,265)	0	0
Grants					
Grants, Benefits & Claims	1,723,123	3,018,000	(32,225)	2,985,775	0
Transfers Out	309,323	434,225	0	434,225	0
Total	2,032,446	3,452,225	(32,225)	3,420,000	0

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Grants					
General Fund	29,895	0	0	0	0
Federal Funds	1,395,360	2,942,225	(32,225)	2,910,000	0
Special Funds	607,191	510,000	0	510,000	0
Total	2,032,446	3,452,225	(32,225)	3,420,000	0
Litigation Fees					
Travel	5,620	5,700	0	5,700	0
Office Supplies	42	50	0	50	0
Postage	157	160	0	160	0
Rentals/Leases-Equip & Other	49	50	0	50	0
Repairs	15	25	0	25	0
Operating Fees and Services	2,465	29,500	0	29,500	0
Fees - Professional Services	41,433	14,515	0	14,515	0
Total	49,781	50,000	0	50,000	0
Litigation Fees					
General Fund	49,781	50,000	0	50,000	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	49,781	50,000	0	50,000	0
Medical Examinations					
Fees - Professional Services	160,600	660,000	0	660,000	0
Total	160,600	660,000	0	660,000	0
Medical Examinations					
General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	160,600	660,000	0	660,000	0
Total	160,600	660,000	0	660,000	0
North Dakota Lottery					
Salaries - Permanent	906,067	997,985	10,651	1,008,636	0
Temporary Salaries	22,545	36,000	3,300	39,300	0
Overtime	16	0	0	0	0
Fringe Benefits	296,917	364,002	2,768	366,770	0
Travel	96,425	164,000	0	164,000	0

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Supplies - IT Software	1,078	37,000	0	37,000	0
Supply/Material-Professional	34	4,050	0	4,050	0
Food and Clothing	360	538	0	538	0
Bldg, Ground, Maintenance	35	8,563	0	8,563	0
Miscellaneous Supplies	1,395	8,250	0	8,250	0
Office Supplies	10,766	11,599	0	11,599	0
Postage	21,646	30,000	0	30,000	0
Printing	14,627	20,000	0	20,000	0
IT Equip Under \$5,000	0	4,000	0	4,000	0
Other Equip Under \$5,000	0	5,000	0	5,000	0
Office Equip & Furn Supplies	0	15,920	0	15,920	0
Insurance	1,945	4,000	0	4,000	0
Rentals/Leases-Equip & Other	1,489	3,000	0	3,000	0
Rentals/Leases - Bldg/Land	38,519	176,699	35,500	212,199	0
Repairs	844	2,750	0	2,750	0
IT - Data Processing	24,092	40,000	0	40,000	0
IT - Communications	16,603	22,000	24,000	46,000	0
IT Contractual Srvcs and Rprs	426	28,800	0	28,800	0
Professional Development	37,755	63,000	2,000	65,000	0
Operating Fees and Services	1,070,520	1,360,088	0	1,360,088	0
Fees - Professional Services	25,256	137,144	0	137,144	0
Equipment Over \$5000	0	40,000	(40,000)	0	0
Total	2,589,360	3,584,388	38,219	3,622,607	0

North Dakota Lottery

General Fund	0	0	0	0	0
Federal Funds	0	0	0	0	0
Special Funds	2,589,360	3,584,388	38,219	3,622,607	0
Total	2,589,360	3,584,388	38,219	3,622,607	0

Arrest and Return of Fugitives

Travel	19,018	10,000	0	10,000	0
Fees - Professional Services	989	0	0	0	0
Total	20,007	10,000	0	10,000	0

Arrest and Return of Fugitives

General Fund	20,007	10,000	0	10,000	0
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Total	20,007	10,000	0	10,000	0
Gaming Commission					
Salaries - Permanent	1,200	2,163	21	2,184	0
Fringe Benefits	97	240	(22)	218	0
Travel	2,139	1,852	0	1,852	0
IT - Communications	65	62	0	62	0
Operating Fees and Services	0	1,824	0	1,824	1,228
Fees - Professional Services	28	0	0	0	0
Total	3,529	6,141	(1)	6,140	1,228
Gaming Commission					
General Fund	3,529	6,141	(1)	6,140	1,228
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
Total	3,529	6,141	(1)	6,140	1,228
Federal Stimulus Funds - 2009					
Salaries - Permanent	0	624,832	(624,832)	0	582,840
Temporary Salaries	0	2,200	(2,200)	0	23,412
Overtime	0	13,800	(13,800)	0	52,706
Fringe Benefits	0	271,800	(271,800)	0	260,466
Travel	0	32,200	(32,200)	0	56,367
Supplies - IT Software	0	77,948	(77,948)	0	7,725
Supply/Material-Professional	0	10,372	(10,372)	0	25,000
Food and Clothing	0	4,690	(4,690)	0	1,500
Bldg, Ground, Maintenance	0	7,900	(7,900)	0	11,255
Miscellaneous Supplies	0	14,900	(14,900)	0	13,208
Office Supplies	0	7,343	(7,343)	0	16,845
Postage	0	10,330	(10,330)	0	11,586
Printing	0	4,202	(4,202)	0	2,995
IT Equip Under \$5,000	0	32,348	(32,348)	0	8,262
Other Equip Under \$5,000	0	5,800	(5,800)	0	47,500
Office Equip & Furn Supplies	0	38,500	(38,500)	0	11,299
Insurance	0	3,836	(3,836)	0	748
Rentals/Leases - Bldg/Land	0	32,000	(32,000)	0	44,233
Repairs	0	4,983	(4,983)	0	8,178
IT - Data Processing	0	3,220	(3,220)	0	10,136
IT - Communications	0	6,464	(6,464)	0	17,171
Professional Development	0	35,000	(35,000)	0	53,546

REQUEST DETAIL

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Description	Expenditures 2007-2009 Biennium	Present Budget 2009-2011	Budget Request Change	Requested Budget 2011-2013 Biennium	Optional Budget Request
Operating Fees and Services	0	8,165	(8,165)	0	26,230
Fees - Professional Services	0	9,932	(9,932)	0	111,485
Medical, Dental and Optical	0	18,600	(18,600)	0	115,517
Equipment Over \$5000	0	150,000	(150,000)	0	0
Motor Vehicles	0	40,000	(40,000)	0	0
Grants, Benefits & Claims	0	787,823	(787,823)	0	787,823
Total	0	2,259,188	(2,259,188)	0	2,308,033

Federal Stimulus Funds - 2009

General Fund	0	0	0	0	0
Federal Funds	0	2,259,188	(2,259,188)	0	2,207,060
Special Funds	0	0	0	0	100,973
Total	0	2,259,188	(2,259,188)	0	2,308,033

Funding Sources

General Fund	24,770,666	28,960,432	522,015	29,482,447	3,455
Federal Funds	4,928,665	12,800,511	(2,180,571)	10,400,940	2,314,141
Special Funds	9,834,305	12,726,163	880,388	13,606,551	177,393
Total Funding Sources	39,533,636	54,487,106	(778,168)	53,489,938	2,494,989

CHANGE PACKAGE SUMMARY

125 Office of the Attorney General

Biennium: 2011-2013

Bill#: SB2003

Date: 01/13/2011

Time: 11:12:03

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
Base Budget Changes						
One Time Budget Changes						
A-B 12 Criminal History Rewrite Planning		0.00	0	0	450,000	450,000
A-E 11 Remove Federal Stimulus funding		0.00	0	(1,346,556)	0	(1,346,556)
A-E 18 Remove Technology Project Carryover		0.00	0	0	(325,265)	(325,265)
Total One Time Budget Changes		0.00	0	(1,346,556)	124,735	(1,221,821)
Ongoing Budget Changes						
A-A 1 Remove Fire Marshal Grants		0.00	0	(185,500)	0	(185,500)
A-A 14 Operating adjustments		0.00	11,011	199,622	210,772	421,405
A-A 15 Salary adjustments		0.00	0	352,000	0	352,000
A-A 16 Law Enforcement applications		0.00	0	0	900,000	900,000
A-A 2 Request bond payments		0.00	765,882	0	0	765,882
A-A 3 Federal Funds grants and transfers		0.00	0	47,775	0	47,775
A-A 4 Lottery Changes		0.00	0	0	61,500	61,500
A-A 5 Capital Assets		0.00	0	999,901	178,000	1,177,901
A-F 13 Remove 2009-11 biennium capital assets		0.00	(920,282)	(1,100,905)	(410,000)	(2,431,187)
Base Payroll Change		(8.00)	665,404	(1,365,908)	(184,619)	(885,123)
Total Ongoing Budget Changes		(8.00)	522,015	(1,053,015)	755,653	224,653
Total Base Budget Changes		(8.00)	522,015	(2,399,571)	880,388	(997,168)
Optional Budget Changes						
One Time Optional Changes						
A-D 10 Request Federal Stimulus funding		7.00	0	2,207,060	100,973	2,308,033
Total One Time Optional Changes		7.00	0	2,207,060	100,973	2,308,033
Ongoing Optional Changes						
A-C 7 Fund current salaries	1	0.00	0	0	54,231	54,231
A-C 15 Salary adjustments, reclassifications	2	1.00	190,501	106,019	0	296,520
A-C 14 Operating adjustments	3	0.00	192,734	1,062	22,189	215,985

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Biennium: 2011-2013

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Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
A-C 19 Forensic Scientists equity, certifications	4	0.00	192,293	0	0	192,293
A-C 8 Capital Assets	5	0.00	312,400	0	0	312,400
Total Ongoing Optional Changes		1.00	887,928	107,081	76,420	1,071,429
Total Optional Budget Changes		8.00	887,928	2,314,141	177,393	3,379,462
<u>Optional Savings Changes</u>						
A-G 17 3% General Fund reductions		0.00	(884,473)	0	0	(884,473)
Total Optional Savings Changes		0.00	(884,473)	0	0	(884,473)

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125 Office of the Attorney General

Bill#: SB2003

Date: 01/13/2011

Time: 11:12:03

Change Group: A	Change Type: A	Change No: 1	Priority:
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Remove Fire Marshal Grants

The federal Hazardous Materials and Emergency Preparedness grants received from Department of Emergency Services have been discontinued.

Change Group: A	Change Type: A	Change No: 2	Priority:
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Request bond payments

The \$765,882 general fund bond payments in capital assets removed as required are requested for the 2011-13 biennium.

Change Group: A	Change Type: A	Change No: 3	Priority:
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Federal Funds grants and transfers

The following transfers of federal funds are projected to be made to the Department of Corrections and Rehabilitation in the 2011-13 biennium:

Project Safe Neighborhood \$120,000

Residential Substance Abuse Treatment \$300,000

Justice Assistance \$134,225

Total \$434,225

The net increase to the grants and transfers line items is \$47,775.

Change Group: A	Change Type: A	Change No: 4	Priority:
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Lottery Changes

Lottery operating costs have increased in office rent, professional development, and ITD communications. Building rent increased \$35,500 due to the increased rent cost off of the Capitol complex. The ITD communications increased \$24,000 due to the increase in the number of phones and blackberry service at the new Lottery location. Dues and professional development increased \$2,000 due to increased conference attendance at national lottery conferences.

Change Group: A	Change Type: A	Change No: 5	Priority:
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Capital Assets

BUDGET CHANGES NARRATIVE**125 Office of the Attorney General****Bill#: SB2003****Date:** 01/13/2011**Time:** 11:12:03

Kiosks will be housed at various law enforcement locations throughout the state, and will allow offenders to change or confirm their registration data and check in as required by law. Fingerprint readers will be with the kiosks, and will instantly confirm an offender's identity by comparing two-finger identification against the set of fingerprints in the Automated Fingerprint Identification System (AFIS). These equipment items will be paid with \$192,000 in federal funds.

Federal fund and special fund Crime Lab equipment to be purchased includes:

\$95,000 in federal and special funds for 2 gas chromatograph/headspace autosamplers. The GC/headspace autosampler is used to determine the concentration of alcohol in a blood sample.

\$180,000 in federal funds will purchase 25 intoxilyzers. The Intoxilyzer 8000's are used to measure the concentration of alcohol present in a breath sample.

\$290,000 in federal funds to purchase 3 gas chromatograph/headspace autosamplers. The GC/headspace autosampler is used to determine the concentration of alcohol in a blood sample.

\$80,000 in federal funds for a robotic system. The robotic system will be used to extract DNA samples rather than manually.

\$90,000 in federal and special funds for an FTIR. The FTIR is an instrument that analyzes drug compounds. In infrared spectroscopy, IR radiation is passed through a sample. Some of the radiation is absorbed and some is transmitted. The absorption and transmission (fourier mathematics) results in an infrared spectrum; the analysis is similar to a molecular fingerprint for the sample. It can identify unknown materials, determine the quality or consistency of a sample, and it may determine the components of a mixture.

\$100,000 in federal funds for a 3130 genetic analyzer. The 3130 Genetic Analyzer is used to analyze DNA samples to determine genetic profiles in DNA casework.

\$45,000 in federal funds for a 7500 RT-PCR. The 7500 RT-PCR instrument measures the amount of DNA present in an extracted sample.

\$10,900 in federal funds for a 9700 Thermocycler. The 9700 thermocycler amplifies DNA using a method called polymerase chain reaction to make millions of copies of DNA to eventually be analyzed on a Genetic Analyzer and produce a genetic profile.

Change Group: A	Change Type: A	Change No: 14	Priority:
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Operating adjustments

Base budget operating adjustments are requested:

Fire Marshal

The reduced cigarette propensity expenses are anticipated to increase in the 2011-13 biennium by \$200,000 from the Reduced Cigarette Ignition Propensity fund since this program will be implemented for the full two years of the biennium. In addition, in the event the state receives more penalties from cigarette manufacturers, fire prevention and public safety programs will be provided for local law enforcement. The Fire Prevention and Public Safety fund is anticipated to increase up to \$100,000 to provide training to North Dakota citizens.

BCI-GF

Concealed weapon operating increases are increasing by \$35,772 from special funds for inflationary increases.

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BCI- FF

Federal fund operating expenses were increased by \$199,621 for increases provided in the grants. The significant changes are: \$120,000 in IT equipment, \$275,174 in professional supplies, (\$99,408) other equipment under \$5,000, (\$74,000) in lease/rent building and repairs, miscellaneous changes of \$24,108, and (\$46,253) in ITD Communications and operating fees.

IT

ITD data processing costs have increased significantly compared to the 2009-11 biennium expenses. This \$11,011 general fund will help to pay a portion of these costs. An additional amount is requested in an optional increase for the remainder of the cost.

Change Group: A	Change Type: A	Change No: 15	Priority:
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Salary adjustments

Temporary salaries are increased by \$352,000 from federal funds. The Community Oriented Police (COPS) portion of this amount will be used to continue to fund temporary intelligence analysts. The National Criminal History Improvement Project/Statistical Analysis (NCHIP/SAC) grant salaries will be used for quality assurance work for criminal record files.

Change Group: A	Change Type: A	Change No: 16	Priority:
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Law Enforcement applications

CRIME STATISTIC REPOSITORY UPDATE

The office's software contract only covers critical federal updates to the crime reporting repository application. There are some updates, which although not critical, are important to track. This request provides for \$100,000 in other funds for these software updates.

ADDITIONAL BCI CASE MANAGEMENT MODULES

The DOS-based agent case time-tracking system needs to be replaced, for which \$200,000 in other funds is requested. The new module can also be used by legal divisions, replacing the over 20 year old AS400 case time tracking and billing system.

One module allows BCI to bar code evidence for submission to the Crime Lab's new system saving data entry time, for which \$100,000 in other funds is requested. The new application can also be used for bar coding office fixed assets inventory saving physical verification and data entry time.

The statewide task forces currently use a DOS-based system for crime reporting. A new BCI case management system module will handle this task force information, for which \$125,000 on other funds is requested.

PUBLIC ON-LINE RECORD CHECKS AND CONCEALED WEAPON PERMIT APPLICATIONS

During the last several legislative sessions the number of record checks which can be requested by the public have increased significantly. Managing the voluminous record checks requests and depositing the fees is largely a manual process done daily and monthly.

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The number of concealed weapon permit applications has increased substantially. Currently mailed applications are received and the information is keyed into the system. The checks are handled manually and the reconciliation process alone takes one-fourth of one staff member's time each month.

Returned checks for the items above have increased and the process to handle these is manual and very labor intensive.

With an internet-based systems for record checks requests and concealed weapon permits applications and on-line payments, there will be a noticeable reduction in this manual, labor-intensive effort, which will hopefully allow the office to continue these responsibilities with its current staff. This request is for \$175,000 from other funds for the concealed weapons permit system and \$200,000 in other funds for the record check request system.

Change Group: A	Change Type: B	Change No: 12	Priority:
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Criminal History Rewrite Planning

The current criminal history system was finished in 1999. Major upgrades are needed due to several federal changes and the current system does not conform to state software standards, both of which require the system rewrite. The plan will be developed in the 2011-2013 biennium and the system rewrite will be done in the 2013-15 biennium. Criminal Justice Information Sharing (CJIS) is planning to automate information from local law enforcement, states attorneys, and the courts which could require changes to this office's repository. There is a strong probability a key staff member will retire in 4-5 years and this is a huge, critical effort that needs this staff member's expertise. This is a \$450,000 special fund request.

Change Group: A	Change Type: C	Change No: 7	Priority: 1
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Fund current salaries

In the event the 3% general fund reduction is made in Gaming Division salaries this request funds this salary from other funds.

Change Group: A	Change Type: C	Change No: 8	Priority: 5
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Capital Assets

The Crime Lab needs to purchase an alternate light source (\$18,000 from the general fund) and analytical balances (\$12,400 from the general fund) for its laboratory. The alternate light source is used to locate body fluids (semen, saliva, blood, urine and vaginal secretions). Analytical balances are used to weigh items accurately in the laboratory environment.

The Bureau of Criminal Investigation needs to purchase replacement undercover vehicles, a \$162,000 general fund increase. The use of undercover vehicles is critical to BCI's ability to conduct effective investigations. BCI uses a combination of state fleet and division-purchased vehicles to help maintain a diverse undercover fleet. These vehicles are rotated across the state; however, for officer safety and undercover effectiveness, these vehicles are replaced every four years or 75,000 miles. Nine vehicles are anticipated to require replacement in 2011-13 at a cost of \$18,000 each, a total general fund request of \$162,000.

The surveillance vans are shared across the state to help reduce the possibility of them becoming known, and several have been used for a number of years. The replacement cycle for these vehicles should be every ten to fifteen years. Two of these vehicles are now 19 years old, and their age is impacting their effectiveness as well as the cost to maintain and keep them current. These vehicles contain high-tech equipment and are specially designed to operate in a covert and safe manner. This request is to replace one of these surveillance vans at a cost of \$120,000 from the general fund in order to keep an adequate number available across the state.

Change Group: A	Change Type: C	Change No: 14	Priority: 3
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Operating adjustments

Operating adjustments are needed in the following areas:

Crime Lab - Due to new equipment purchases \$35,532 in general fund monies is needed to cover essential preventative maintenance agreements. Preventative maintenance agreements are only used for the critical equipment which would cause a serious casework backlog if out of service.

Information Technology - This request is to adjust line items affected by increased ITD data processing costs, new Crime Laboratory Management System (LIMS) annual maintenance and Microsoft Office upgrades software assurance. The \$167,258 request (\$155,974 from the general fund, \$10,222 from special funds, and \$1,062 from federal funds) is needed to maintain the current environment and service to customers.

Legal Services - In the event the \$11,967 general fund reduction for lease/rent buildings is made, this request is for the same amount from special funds.

Gaming Commission - Due to the increased cost to adopt new administrative rules the state Gaming Commission's current biennial budget of \$6,141 is insufficient. During the most recent rule making process the cost to publish the required notices in the county newspapers totaled \$2,045, or approximately one-third of the entire biennial budget. Without adequate funding the state Gaming Commission is unable to perform its duties as required by state law. This request is an addition of \$1,228 is from the general fund.

Change Group: A	Change Type: C	Change No: 15	Priority: 2
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Salary adjustments, reclassifications

Salary adjustments are made for:

Identification Technician Grade Changes

Identification technician positions classification grades increased substantially this biennium, resulting in salary increases for all 14 of these positions. The total general fund request for funding current salaries, due to the grade changes for the classifications, is \$190,051. The identification technicians are currently being paid the higher salaries so approving this increase is really important. The following is a list of duties performed by identification technicians.

Operate the Automated Fingerprint Identification System (AFIS) for entry, search, and comparison of electronic fingerprint images.

Enter information on criminal and custodial fingerprint cards to submit to AFIS and to the Federal Bureau of Investigation (FBI) for identification purposes.

Examine fingerprints on fingerprint cards for completeness and clarity; develop standardized fingerprint classifications; compare fingerprint cards utilizing standardized classifications along with individual fingerprint characteristics.

Provide positive identification of individuals to assist law enforcement agencies.

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Maintain the Computerized Criminal History (CCH) database; notify law enforcement agencies on incomplete or incorrect data; assign state identification numbers; enter and update demographic and arrest data; review and enter prosecution information and court case dispositions; maintain the Central Warrant Information System (CWIS), National Criminal Information Center (NCIC), and protection/disorderly conduct restraining order database

Maintain the fingerprint cards using approved filing methods and receiving, inputting, editing, and purging file data as required.

Conduct criminal justice record checks for federal, state, and local law enforcement agencies and courts; identify and retrieve information utilizing computerized systems to access local, interstate, and foreign databases.

Conduct non-criminal justice record checks; receive fees; follow up on incomplete or missing information; disseminate information in accordance with state law and administrative rules.

Conduct fingerprint-based record checks; receive, document, and reconcile fees, utilize computer systems to electronically submit fingerprint card to the FBI; receive and route responses to appropriate agency.

Intelligence Analyst

One of the ARRA federal stimulus intelligence analyst positions is requested as a new position from other federal funds (non-federal stimulus).

Change Group: A	Change Type: C	Change No: 19	Priority: 4
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Forensic Scientists equity, certifications

Crime Lab forensic scientist salaries

The Crime Laboratory (Lab) Division salaries have suffered significantly in comparison to similar positions in other state agencies and in comparison to similar positions in other crime laboratories. Recruitment and retention in the Lab continues to be a challenging issue. North Dakota salaries for the same positions are significantly below their Midwest counterparts. As a result, when employees leave state employment, the Lab has difficulty attracting equally qualified staff. It has only been able to hire individuals without forensic experience -- leaving the new hires in the Lab with a learning curve of between six months to two years. Consequently, the Lab has become a training ground for new scientists with no forensic experience. Experienced staff must not only monitor the work of the new employees, but also handle the growing workload. The situation has added to casework processing delays, particularly with continued caseload increases, and has had a tremendous negative impact on employee morale which in turn causes employees to look for employment elsewhere.

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The forensic scientists' salaries must become competitive within the region. In May 2010 a Midwest Crime Laboratory salary survey was completed indicating that, out of the job classifications surveyed, the forensic scientist series was 21% below the surveyed market salaries. There are currently 4 staff members with over 10 years of state service still below the midpoint of their salary range. This \$105,401 general fund request would allow the division to provide a more competitive minimum starting salary and an equitable increase for scientists within the Crime Laboratory Division. The requested equity increase for Crime Lab forensic scientists is only 20% of the cost needed to bring these scientists salaries in line with the Midwest region average salaries. The increased salaries will hopefully allow the Lab to recruit and retain experienced scientists, thereby allowing the best possible service to the law enforcement community.

Certification Achievements

In light of the National Academy of Sciences Report, the laboratory is requesting to begin a proactive approach for certification of analysts in their respective disciplines. The laboratory is requesting a modest increase in forensic scientists' salaries if scientists pass nationally standardized certification test, at a cost of \$86,892 from the general fund. A scientist certified in a particular discipline will benefit from the additional credibility the certification adds to their court testimony. As a result, the whole criminal justice system benefits by having increased confidence in the results generated by a certified scientist.

Change Group: A	Change Type: D	Change No: 10	Priority:
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Request Federal Stimulus funding

This office again requests authority for the ARRA federal stimulus funding. The Justice Assistance Grant (JAG) and the Internet Crimes Against Children (ICAC) stimulus grants provide funding for a total of four years. The Rural Law Enforcement Act grant has money remaining to partially fund the 2 intelligence analyst positions added this biennium. The remaining amount needed for these analysts, \$100,973, is funded with special funds. In addition, one intelligence analyst will be funded with other ongoing federal funds. This request totals \$2,207,060, of which \$2,106,087 is from federal stimulus funds.

Change Group: A	Change Type: E	Change No: 11	Priority:
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Remove Federal Stimulus funding

As required, the federal stimulus funding and 8 FTE staff , operating expenses, equipment, and grants have been removed, a total reduction of \$2,259,188.

Change Group: A	Change Type: E	Change No: 18	Priority:
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Remove Technology Project Carryover

The \$134,765 Information Technology project and the \$190,500 for Crime Lab building items are removed. These were one-time special fund changes.

Change Group: A	Change Type: F	Change No: 13	Priority:
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Remove 2009-11 biennium capital assets

As required in the budget guidelines the 2009-11 biennium capital assets are removed.

Change Group: A	Change Type: G	Change No: 17	Priority:
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3% General Fund reductions

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As required by the Governor, the Office of Attorney General include the 3% general fund reductions. These reductions will seriously hamper the effectiveness and efficiency of the work done. The reductions, by division, are as follows:

Finance and Administration - The general fund reduction for this division is \$53,766. Salaries and temporary salaries are reduced by \$13,555. Operating expenses are reduced by \$40,211 although the division cannot operate with these cuts.

Information Technology - The general fund reduction for this division is \$87,016. The following operating expenses are reduced:

Travel	\$ 5,760
Professional services	6,000
Miscellaneous supplies	5,000
IT equipment under \$5,000	20,000
Repairs	2,500
IT contractual services	35,000
Professional development	12,756

These reductions would be crippling for the office since operating expenses need to be increased (above the 2009-11 biennium level) by \$155,954 from the general fund just to maintain current services.

AG Administration - The operating expenses general fund reduction for this division is \$31,752. This reduction will have a detrimental effect on this division's operations.

Legal Services - The operating expense general fund reduction is \$43,522 for this division. This will result in less than adequate building rental - a reduction of \$11,967; and a \$31,585 reduction in prosecution witness fee reimbursements. These fee reimbursements exceed the budgeted amount every biennium. The cities and counties are reimbursed for these costs by the Office of Attorney General. In addition, one attorney position is underfunded by \$77,204 from the general fund

Bureau of Criminal Investigation - The \$331,334 general fund reduction will result in elimination of the 24/7 Sobriety funding to the counties. These monies purchase sobriety laboratory monitoring supplies, purchase SCRAM bracelets which constantly monitor a person's blood alcohol level, and pay the SCRAM bracelet monitoring costs. These costs will need to be paid by political subdivisions in order for the 24/7 Sobriety program to remain in effect.

Crime Lab - This \$141,910 general fund reduction in laboratory supplies will result in fewer tests being completed, which means fewer cases can go forward for prosecution.

Consumer Protection - The \$33,207 operating expense general fund reduction will hamper the work performed by this division. This could affect the number and locations of citizen training sessions and could lower the consumer fraud responses to North Dakota citizens.

Gaming - The \$54,231 salary reduction will result in the loss of most of a position. This reduction will be very difficult for the division to eliminate. This division has very little general fund operating expenses. In the event the general fund salary reduction is made, there is a request for \$54,231 in special funds for this position, although it is unclear exactly where the special funds will come from.

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Fire Marshal - The operating expense general fund reductions of \$30,501 means the division cannot effectively function due to this reduction. Travel by Fire Marshal staff to perform fire investigations and fire inspections could be reduced. Written correspondence to fire departments and associations could be markedly reduced with these reductions.

Change Group: R	Change Type: A	Change No: 2	Priority:
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Position Reclassifications and Salary Adjustments

Provides \$190,051 in general fund authority for salary increases due to grade changes for 14 positions. In addition, provides \$106,019 in other federal funds for 1.00 FTE intelligence analyst position previously funded with ARRA funds.

Change Group: R	Change Type: A	Change No: 3	Priority:
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Operating Expense Increases

Provides \$204,018, of which \$180,767 is from the general fund, for increased operating expenses including maintenance agreements and ITD data processing costs.

Change Group: R	Change Type: A	Change No: 4	Priority:
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Forensic Scientists Equity and Certification

Includes \$192,293 from the general fund for forensic scientist salary increases for equity adjustments and increases for achieving certification.

Change Group: R	Change Type: B	Change No: 1	Priority:
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ARRA Carryover Authority

Authorizes \$2.2 million in one-time carryover federal ARRA funding and 7.00 FTE for the Bureau of Criminal Investigation and Crime Lab. In addition, partially funds 2.00 FTE intelligence analyst positions (included in the total 7.00 FTE) with special funds.

Change Group: R	Change Type: B	Change No: 5	Priority:
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Equipment and Vehicle Purchases

Provides one-time funding of \$312,400 from the general fund for Crime Lab equipment and Bureau of Criminal Investigation surveillance van and undercover vehicles.