11.8156.02002

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

Appropriations Committee

(At the request of the Governor)

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2003

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact two new sections to chapter 18-01 of the North Dakota Century Code, relating to fire and tornado fund fees and petroleum release compensation fund fees; to amend and reenact sections 12-60-25, 54-12-11, and 57-43.1-03.2 of the North Dakota Century Code, relating to missing children, the salary of the attorney general, and refunds of tax for fuel purchased by native Americans; to provide an exemption; to provide legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
~~Salaries and wages~~	~~$25,958,281~~	~~$3,615,058~~	~~$29,573,339~~
Salaries and wages	$25,958,281	$3,219,735	$29,178,016
Operating expenses	14,750,431	1,667,585	16,418,016
Capital assets	2,391,187	(135,004)	2,256,183
Grants	3,452,225	(32,225)	3,420,000
Litigation fees	50,000	0	50,000
Medical examinations	660,000	0	660,000
North Dakota lottery	3,584,388	115,854	3,700,242
Arrest and return of fugitives	10,000	0	10,000

Gaming commission	6,141	1,227	7,368
Federal stimulus funds	0	2,355,708	2,355,708
~~Total all funds~~	~~$50,862,653~~	~~$7,588,203~~	~~$58,450,856~~
Total all funds	$50,862,653	$7,192,880	$58,055,533
Less estimated income	22,802,221	4,039,097	26,841,318
~~Total general fund~~	~~$28,060,432~~	~~$3,549,106~~	~~$31,609,538~~
Total general fund	$28,060,432	$3,153,783	$31,214,215
Full-time equivalent positions	202.50	0.00	202.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2009-11	2011-13
Federal stimulus funds	$2,259,188	$2,355,708
Crime lab equipment and BCI vehicles	0	312,400
Total all funds	$2,259,188	$2,668,108
Total special funds	2,259,188	2,355,708
Total general fund	$0	$312,400

The 2011-13 one-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The attorney general shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND - LOCAL GAMING ENFORCEMENT GRANTS. The grants line item in section 1 of this Act includes $510,000 for local gaming enforcement grants.

SECTION 4. AMENDMENT. Section 12-60-25 of the North Dakota Century Code is amended and reenacted as follows:

12-60-25. Lost, missing, or runaway children.

The bureau shall:

1. ~~Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost, missing, or runaway children.~~

~~2.~~ Implement a data exchange system to compile, to maintain, and to make available for dissemination to North Dakota and to out-of-state law enforcement agencies, descriptive information that can assist appropriate agencies in recovering lost, missing, or runaway children through the national crime information center.

~~3.~~2. Establish contacts and exchange information regarding lost, missing, or runaway children with the national crime information center.

~~4.~~3. Notify all enforcement agencies that reports of lost, missing, or runaway children must be entered as soon as the minimum level of data specified by the bureau is available to the reporting agency and that no waiting period for entry of such data exists. If the enforcement agency is unable to enter the data, the bureau immediately upon notification shall enter the information into the national crime information center file.

~~5.~~4. Compile and retain information regarding lost, missing, or runaway children ~~in a separate file,~~ in a manner that allows the information to be used by law enforcement and other agencies, considered appropriate by the bureau, for investigative purposes. The reporting law enforcement agency is responsible for maintaining the disposition of the case ~~and periodically shall review the case with the reporting party and the bureau to ensure all available information is included and to determine the current status of the case~~.

~~6.~~5. Provide prompt confirmation of the receipt and entry of lost, missing, or runaway children reports ~~into the file system~~ to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection ~~7~~6.

~~7.~~6. Allow any parent, guardian, or identified family member to submit a lost, missing, or runaway child report to the bureau which will be ~~included in the bureau file system and~~ transmitted to the national crime information center, if they are unable to receive services from the local law enforcement agency.

~~8.~~7. Compile and maintain ~~a~~ historical ~~data repository~~information relating to lost, missing, or runaway children for all of the following purposes:

a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost, missing, or runaway children.

b. To provide a factual and statistical base for research which would address the problem of lost, missing, or runaway children.

SECTION 5. A new section to chapter 18-01 of the North Dakota Century Code is created and enacted as follows:

Fire and tornado fund fees.

The attorney general shall charge and collect fees for services provided by the state fire marshal program to entities covered by the fire and tornado fund under chapter 26.1-22. All fees collected under this section must be deposited in the attorney general's operating fund.

SECTION 6. A new section to chapter 18-01 of the North Dakota Century Code is created and enacted as follows:

Petroleum release compensation fund fees.

The attorney general shall charge and collect fees for services provided by the state fire marshal program to entities covered by the petroleum release compensation fund under chapter 23-37. All fees collected under this section must be deposited in the attorney general's operating fund.

SECTION 7. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

The annual salary of the attorney general is ~~ninety-one~~one hundred ~~thirty-four~~thirty thousand ~~seven~~~~one~~two hundred ~~nineteen~~~~thirty-five~~twenty-eight dollars through June 30, ~~2010~~2012, ~~ninety-six thousand three hundred four dollars through December 31, 2010, one hundred thirteen thousand two hundred sixty-six dollars through June 30, 2011,~~ and one hundred ~~thirty~~~~thirty-eight~~thirty-four thousand ~~two~~one hundred ~~twenty-eight~~~~fifty-nine~~thirty-five dollars thereafter.

SECTION 8. AMENDMENT. Section 57-43.1-03.2 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-03.2. Refund of tax for fuel purchased by native Americans - Fuels tax refund reserve fund - Continuing appropriation.

1. A native American may file a claim with the tax commissioner for a refund of motor vehicle fuel taxes paid by that person under this chapter or special fuel taxes paid under chapter 57-43.2 if the motor vehicle fuel or special fuel was purchased from a retail fuel dealer located on the Indian reservation where the native American is an enrolled member and the fuel was delivered to the native American on that

reservation. The refund provisions of this chapter apply to refund claims made under this section.

2. A fuels tax refund reserve fund is created as a special fund in the state treasury. The tax commissioner shall deposit in that fund such amounts from motor vehicle fuel tax and special fuel tax collections as ~~the attorney general determines~~ necessary to be expended for refunds to which native American government entities may be entitled under qualifying circumstances and conditions determined by the attorney general. There is appropriated as a continuing appropriation out of funds set aside under this subsection so much of the funds as ~~the attorney general determines~~ is necessary to meet the expenditures authorized under this subsection and such funds may be expended for that purpose.

SECTION 9. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXEMPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2011.

SECTION 10. PROJECT PLANNING AND IMPLEMENTATION. The attorney general shall involve the information technology department in the study and planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The attorney general shall include information technology department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the information technology department before proceeding with any study recommendations relating to the project.

SECTION 11. LEGISLATIVE INTENT - EMPLOYEE POSITIONS PAID WITH FEDERAL FISCAL STIMULUS FUNDS. It is the intent of the sixty-second legislative assembly that the attorney general's base budget for the 2013-15 biennium not include funding or full-time equivalent positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The attorney general may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium.

SECTION 12. EMERGENCY. Section 9 of this Act is declared to be an emergency measure.