

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1492-1509 of the House Journal and pages 1231-1248 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 1, after "general" insert "; to provide a contingent appropriation"

Page 1, line 2, remove "and to provide a report to the office of management and budget and the"

Page 1, line 3, replace "legislative council" with "to authorize fees; to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to electronic pull tab device requirements; to amend and reenact section 27-01-10 of the North Dakota Century Code, relating to fee assessments for funding crime victim and witness programs; to provide a statement of legislative intent; to provide for reports; and to declare an emergency"

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$40,503,865	\$675,178	\$41,179,043
Operating expenses	24,672,585	(8,315,304)	16,357,281"

Page 1, replace line 17 with:

"Intellectual property attorney	418,323	8,601	426,924"
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Page 1, replace line 20 with:

"North Dakota lottery	5,282,778	54,019	5,336,797"
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Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 4 with:

"Criminal justice information sharing	4,151,701	(765,056)	3,386,645
Law enforcement	3,455,725	(554,117)	2,901,608
SAVIN cost-share program	<u>0</u>	<u>315,000</u>	<u>315,000</u>
Total all funds	\$83,714,313	(\$7,801,153)	\$75,913,160
Less estimated income	<u>35,247,452</u>	<u>(4,005,132)</u>	<u>31,242,320</u>
Total general fund	\$48,466,861	(\$3,796,021)	\$44,670,840
Full-time equivalent positions	250.00	(13.00)	237.00"

Page 2, line 6, replace "\$695,462" with "\$645,074"

Page 2, line 6, replace "\$637,105" with "\$590,945"

Page 2, line 7, replace "\$1,249" with "\$1,241"

Page 2, line 8, after "FUNDING" insert "- **EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SIXTH LEGISLATIVE ASSEMBLY**"

Page 2, line 9, after "biennium" insert "and the 2017-19 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 16 through 19 with:

"Targeted equity - gaming	270,000	0
SAVIN cost-share program	0	315,000
Uniform crime reporting rewrite	0	280,000
DOS-based deposit system rewrite	0	100,000
Total all funds	\$3,936,157	\$695,000
Total special funds	653,333	595,000
Total general fund	\$3,282,824	\$100,000

The 2017-19 biennium one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The attorney general shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 2, after line 24, insert:

"SECTION 5. INDUSTRIAL COMMISSION LITIGATION FUNDS - ATTORNEY GENERAL PROTEST-RELATED EXPENSES - REPORT TO BUDGET SECTION.

The attorney general may submit litigation-related expenses to the industrial commission which the industrial commission shall pay from litigation funding available to the industrial commission for expenses incurred by the attorney general as a result of the protests and related activities associated with the Dakota access pipeline project. The attorney general shall report quarterly to the budget section of the legislative management regarding all expenditures for litigation-related expenses from the industrial commission's litigation fund during the 2017-18 interim.

SECTION 6. LEGISLATIVE INTENT - DAKOTA ACCESS PIPELINE PROJECT PROTEST-RELATED COSTS. It is the intent of the sixty-fifth legislative assembly that the attorney general pursue all reasonable and available options to recoup all costs and expenses incurred by the state and its political subdivisions as a result of the protests and related activities associated with the Dakota access pipeline project."

Page 2, after line 31, insert:

"SECTION 8. BUDGETARY SAVINGS - CONTINGENT ALLOCATION FROM BOARD OF UNIVERSITY AND SCHOOL LANDS - FUNDING FOR STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION PROGRAM ENHANCEMENTS - APPROPRIATION. Of the funds appropriated in section 1 of this Act for rent expense, the attorney general shall use up to \$500,000 made available from rent savings as a result of the attorney general relocating a portion of its operations to the job service North Dakota central office building, for the purpose of enhancing the statewide automated victim information and notification program, as defined in section 12.1-34-01, to provide the notifications necessary to comply with section 25 of article I of the Constitution of North Dakota, for the biennium beginning July 1, 2017, and ending June 30, 2019. If the attorney general does not relocate a portion of its operations to the job service North Dakota central office building and does not realize rent savings, the board of university and school lands, from funds designated in subsection 3 of section 5 of chapter 463 of the 2015 Session Laws, shall provide a grant of up to \$500,000 to the attorney general, the sum of which is appropriated, for the purpose of defraying the expenses of enhancing the statewide automated victim information and notification program, as defined in section 12.1-34-01, to provide the notifications necessary to comply with section 25 of article I

of the Constitution of North Dakota, for the period beginning with the effective date of this Act, and ending June 30, 2019.

SECTION 9. STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION PROGRAM ENHANCEMENTS - COST-SHARING PROGRAM - ESTIMATED INCOME. The attorney general, in consultation with the North Dakota association of counties and the North Dakota league of cities, shall establish a cost-sharing program to defray the expenses related to the enhancement of the statewide automated victim information and notification program, in addition to the amounts appropriated in section 9 of this Act. The cost-sharing program must apportion the sum of \$315,000 among the political subdivisions of the state for each political subdivision's share of the cost of the statewide automated victim information and notification program and the political subdivision shall contribute funds to the attorney general as set forth in the cost-sharing program. The estimated income line item in section 1 of this Act includes \$315,000 of funding received as payments from political subdivisions for the cost-sharing program for the purpose of enhancing the statewide automated victim information and notification program, as defined in section 12.1-34-01, to provide the notifications necessary to comply with section 25 of article I of the Constitution of North Dakota, for the period beginning with the effective date of this Act, and ending June 30, 2019.

SECTION 10. LEGISLATIVE INTENT - COST-SHARING PROGRAM. It is the intent of the sixty-fifth legislative assembly that the funding for the political subdivision's cost-sharing program identified in section 9 of this Act, be provided from any additional income collected from the victim witness fee as required in section 11 of this Act, or a proportionate contribution from the counties and cities that utilize the odyssey system, or a combination of both.

SECTION 11. AMENDMENT. Section 27-01-10 of the North Dakota Century Code is amended and reenacted as follows:

27-01-10. Fee assessments for funding crime victim and witness programs.

1. The governing body of a county ~~may~~shall, by resolution, authorize the district judges serving that county to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed by law for the offense or violation includes imprisonment.
2. The governing body of a city ~~may~~shall, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than twenty-five dollars as part of a sentence imposed on a defendant who pleads guilty to or is convicted of violating a municipal ordinance for which the maximum penalty that may be imposed under the ordinance for the violation includes imprisonment.
3. The governing body of the county or city ~~may~~shall determine the amount of the fee to be assessed in all cases or it may authorize the district or municipal judge to determine the amount of the fee to be assessed in each case. The fee assessed under this section is in addition to any fine, penalty, costs, or administrative fee prescribed by law. The district or municipal judge ~~may~~shall assess the fee when sentence is imposed or

when sentence is suspended or imposition of sentence is deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a district or municipal court under this section must be deposited monthly in the county or city treasury for allocation by the governing body of the county or city to one or more of the following programs as determined by the governing body or by agreement of the attorney general, the North Dakota league of cities, and the North Dakota association of counties:

- a. A private, nonprofit domestic violence or sexual assault program.
- b. A victim and witness advocacy program of which the primary function is to provide direct services to victims of and witnesses to crime.
- c. The statewide automated victim information and notification system, as provided for under chapter 12.1-34.

SECTION 12. A new section to chapter 53-06.1 of the North Dakota Century Code is created and enacted as follows:

Electronic pull tab device requirements

An electronic pull tab device must display an electronic pull tab in which the player may win credits that can be redeemed for cash or used to purchase more pull tabs. The device may not directly dispense coins, cash, tokens, or anything else of value other than a credit ticket voucher.

SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES. Any person or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-fifth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the state's general fund for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 3, after line 9, insert:

"SECTION 15. EXEMPTION - HUMAN TRAFFICKING GRANTS. The amount appropriated to the attorney general from the general fund for providing human trafficking grants as contained in section 1 of chapter 375 of the 2015 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims, during the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 3, after line 12, insert:

"SECTION 17. EXEMPTION - ADDITIONAL FUNDING FOR LITIGATION FEES. Of the funding appropriated to the attorney general in section 6 of chapter 3 of the 2015 Session Laws, up to \$100,000 is not subject to the provisions of section 54-44.1-11 and may be continued for defraying the cost of litigation fees for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 18. EMERGENCY. Sections 5, 8, and 9 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Attorney General - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$40,503,865	\$40,267,284	\$911,759	\$41,179,043	\$41,244,766	(\$65,723)
Operating expenses	24,672,585	16,145,004	212,277	16,357,281	16,557,558	(200,277)
Capital assets	2,339,187	2,742,372		2,742,372	2,742,372	
Grants	1,762,659	2,440,000		2,440,000	2,440,000	
Litigation fees	50,000	150,000		150,000	150,000	
Intellectual property attorney	418,323	427,131	(207)	426,924	426,924	
Abortion litigation fees	400,000					
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota lottery	5,282,778	5,338,767	(1,970)	5,336,797	5,336,797	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming commission	7,490	7,490		7,490	7,490	
Criminal justice information sharing	4,151,701	3,387,682	(1,037)	3,386,645	3,386,645	
Law enforcement	3,455,725	2,904,818	(3,210)	2,901,608	2,901,608	
Additional income appropriation		250,000		250,000	250,000	
SAVIN cost share program			315,000	315,000	315,000	
Contingent funding for the SAVIN program			500,000	500,000	500,000	
Contingent Medicaid Fraud Control Unit					1,561,604	(1,561,604)
Total all funds	\$83,714,313	\$74,730,548	\$1,932,612	\$76,663,160	\$78,490,764	(\$1,827,604)
Less estimated income	35,247,452	30,730,548	1,261,772	31,992,320	32,946,764	(954,444)
General fund	\$48,466,861	\$44,000,000	\$670,840	\$44,670,840	\$45,544,000	(\$873,160)
FTE	250.00	231.00	6.00	237.00	243.00	(6.00)

Department No. 125 - Attorney General - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Increases ¹	Restores 5 FTE Positions ²	Adds 1 FTE Identification Technician Position ³	Reduces Funding for Operating Expenses ⁴	Adds One-Time Funding for Uniform Crime Reporting Rewrite ⁵	Adds One-Time Funding for Deposit System Rewrite ⁶
Salaries and wages	(\$43,964)	\$890,000	\$65,723			
Operating expenses			16,277	(184,000)	280,000	100,000
Capital assets						
Grants						
Litigation fees						
Intellectual property attorney	(207)					
Abortion litigation fees						
Medical examinations						
North Dakota lottery	(1,970)					
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	(1,037)					
Law enforcement	(3,210)					
Additional income appropriation						
SAVIN cost share program						
Contingent funding for the SAVIN program						
Contingent Medicaid Fraud Control Unit						
Total all funds	(\$50,388)	\$890,000	\$82,000	(\$184,000)	\$280,000	\$100,000
Less estimated income	(4,228)	0	0	171,000	280,000	0
General fund	(\$46,160)	\$890,000	\$82,000	(\$355,000)	\$0	\$100,000
FTE	0.00	5.00	1.00	0.00	0.00	0.00

	Adds One-Time Funding for the SAVIN Cost- Share Program ⁷	Adds Contingent Funding for the SAVIN Cost- Share Program ⁸	Total Conference Committee Changes
Salaries and wages			\$911,759
Operating expenses			212,277
Capital assets			
Grants			
Litigation fees			
Intellectual property attorney			(207)
Abortion litigation fees			
Medical examinations			
North Dakota lottery			(1,970)
Arrest and return of fugitives			
Gaming commission			
Criminal justice information sharing			(1,037)
Law enforcement			(3,210)
Additional income appropriation			
SAVIN cost share program	315,000		315,000
Contingent funding for the SAVIN program		500,000	500,000
Contingent Medicaid Fraud Control Unit			
Total all funds	\$315,000	\$500,000	\$1,932,612
Less estimated income	315,000	500,000	1,261,772
General fund	\$0	\$0	\$670,840
FTE	0.00	0.00	6.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month, the same as the Senate version.

² Restores the following 5 FTE positions and related funding from the general fund--4 FTE criminal investigator positions (\$720,000), 1 FTE forensic scientist position (\$170,000), the same as the Senate version. The House removed 19 FTE positions with related funding and changed the funding source from the general fund to other funds for 8 FTE positions.

³ Adds 1 FTE identification technician position (\$65,723) and related operating expenses (\$16,277). The Senate version included funding of \$131,446 for salaries and wages and \$32,554 for operating expenses.

⁴ The funding source for \$171,000 is changed from the general fund to other funds and funding of \$184,000 from the general fund is removed for operating expenses for a total reduction of \$355,000 from the general fund.

⁵ One-time funding of \$280,000 is added from federal funds for the rewrite of the uniform crime reporting system. The Senate version provided \$280,000 from the general fund.

⁶ One-time funding of \$100,000 from the general fund is added for a DOS-based deposit system rewrite, the same as the Senate version.

⁷ One-time funding of \$315,000 is added from other funds for the statewide automated victim information and notification (SAVIN) program enhancement project. The other funds are from revenues generated through payments from political subdivisions for their share of the cost for the SAVIN program enhancement project. The enhancements will upgrade the SAVIN program so that it may provide the notifications necessary to comply with Section 25 of Article I of the Constitution of North Dakota also known as Marsy's Law, the same as the Senate version.

⁸ Contingent funding of \$500,000 from a grant from the Department of Trust Lands is added. The Attorney General plans to relocate employees into space available in the Job Service North Dakota central office building resulting in anticipated rent savings of \$500,000 that would be used for the costs of statewide automated victim information and notification program enhancements. If the move does not occur and the Attorney General does not recognize rent savings, \$500,000 from the Department of Trust Lands grant is appropriated to the Attorney General for the state's share of the SAVIN program enhancements, the same as the Senate version.

This amendment also:

- Adds a section authorizing the Attorney General to submit litigation-related expenses to the Industrial Commission to be paid from litigation funding available to the Industrial Commission for expenses incurred by the Attorney General as a result of the protests and related activities associated with the Dakota Access Pipeline project and requires the Attorney General to report to the Budget Section quarterly regarding expenditures submitted to be paid from the Industrial Commission's litigation fund. The Senate version included a section directing the Industrial Commission to provide litigation funding to the Attorney General for litigation costs related to the Dakota Access Pipeline protest and other related activities for the 2017-19 biennium.
- Adds a section of legislative intent that the Attorney General pursue all reasonable and available options to recoup all costs and expenses incurred by the state and its political subdivisions as a result of the protests and related activities associated with the Dakota Access Pipeline project. Neither the House nor the Senate version included this section.
- Adds a section authorizing the Attorney General to use up to \$500,000 of rent savings as the result of an expected move of employees into space available in the Job Service North Dakota central office building for the SAVIN program enhancements. The section also provides a contingent appropriation of \$500,000 from a Department of Trust Lands grant for the 2015-17 biennium, if the move does not occur, the same as the Senate version.
- Adds a section directing the Attorney General to consult with the North Dakota Association of Counties and the North Dakota League of Cities to establish a cost-sharing program providing that political subdivisions share in the cost of the SAVIN program enhancement project. As a result of the completion of the SAVIN program enhancement project, the political subdivision's costs to comply with Marsy's Law are expected to be significantly reduced. The section authorizes the Attorney General to allocate \$315,000 of the cost among the political subdivisions of the state, the same as the Senate version.
- Adds a section amending North Dakota Century Code Section 27-01-10 related to fee assessments for funding crime victim and witness programs and changes the assessment of a fee from optional to mandatory, the same as the Senate version.
- Adds a section creating a new section to Chapter 53-06.1 relating to electronic pull tab device requirements. The section requires an electronic pull tab device to display an electronic pull tab and it may not directly dispense coins, cash, tokens, or anything of value. Neither the House nor the Senate version included this section.
- Adds a section requiring any person or entity requesting a criminal history record check from the Bureau of Criminal Investigation, as a result of legislation enacted by the 65th Legislative Assembly, to pay a reasonable fee as set by the Attorney General for the 2017-19 biennium. The fee is to be deposited in general fund and is anticipated to generate an estimated \$164,000 of general fund revenue for the 2017-19 biennium, the same as the Senate version.
- Amends Section 6 of the House version to provide an exemption for funding appropriated for human trafficking grants provided for the 2015-17 biennium. The Senate version did not include this change.
- Adds a section exempting \$100,000 of funding appropriated to the Attorney General for the 2015-17 biennium for contracted higher education legal fees and authorizes that funding to be used during the 2017-19 biennium in the Attorney General's litigation fees line, the same as the Senate version.
- The Conference Committee did not include 3 sections added by the Senate relating to the contingent creation of a Medicaid Fraud Control Unit.
- Adds an emergency clause for Section 5 and the SAVIN program enhancements. The Senate version provided an emergency clause related to

the SAVIN program enhancements only.