

Introduced by

Representatives Carlisle, DeKrey, Delmore

Senators Grindberg, Lyson, Robinson

1 A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota  
2 Century Code, relating to the attorney general multijurisdictional drug task force grant fund; to  
3 amend and reenact sections 53-12.1-09 and 54-12-14 of the North Dakota Century Code,  
4 relating to disbursements from the lottery operating fund and the assets forfeiture fund; to  
5 provide a continuing appropriation; and to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**  
10 **disbursements - Report - Net proceeds.** There is established within the state treasury the  
11 lottery operating fund into which must be deposited all revenue from the sale of tickets, interest  
12 received on money in the fund, and all other fees and moneys collected, less a prize on a  
13 winning ticket or lottery promotion paid by a retailer and the retailer's commission. Except for  
14 moneys in the lottery operating fund appropriated by the legislative assembly for administrative  
15 and operating costs of the lottery under section 53-12.1-10, all other money in the fund is  
16 continuously appropriated for the purposes specified in this section. During each regular  
17 session, the attorney general shall present a report to the appropriations committee of each  
18 house of the legislative assembly on the actual and estimated expenditures for the current  
19 biennium and projected expenditures for the subsequent biennium authorized by this section.  
20 A payment of a prize or expense or transfer of net proceeds by the lottery may be made only  
21 against the fund or money collected from a retailer on the sale of a ticket. A disbursement from  
22 the fund must be for the following purposes:

23 1. Payment of a prize as the director deems appropriate to the owner of a valid,  
24 winning ticket;

- 1           2.    Payment of a gaming system or related service expense, game group dues, and
- 2                    retailer commissions; and
- 3           3.    Transfer of net proceeds:
- 4                a.    Starting July 1, 2005, fifty thousand dollars must be transferred to the state
- 5                    treasurer each quarter for deposit in the compulsive gambling prevention and
- 6                    treatment fund;
- 7                b.    An amount for the lottery's share of a game's prize reserve pool must be
- 8                    transferred to the multistate lottery association; ~~and~~
- 9                c.    Starting July 1, 2007, one hundred five thousand six hundred twenty-five
- 10                   dollars must be transferred to the state treasurer each quarter for deposit in
- 11                   the attorney general multijurisdictional drug task force grant fund; and
- 12                d.    The balance of the net proceeds, less holdback of any reserve funds the
- 13                    director may need for continuing operations, must be transferred to the state
- 14                    treasurer on at least an annual basis for deposit in the state general fund.

15           **SECTION 2.** A new section to chapter 54-12 of the North Dakota Century Code is  
16 created and enacted as follows:

17           **Attorney general multijurisdictional drug task force grant fund - Continuing**  
18 **appropriation.**

- 19           1.    The attorney general may establish a multijurisdictional drug task force grant fund.
- 20                    The fund consists of funds appropriated by the legislative assembly. The funds
- 21                    are appropriated as a standing and continuing appropriation to the attorney
- 22                    general for the purpose of defraying the expenses and operating costs incurred by
- 23                    a multijurisdictional drug task force. The attorney general shall develop guidelines
- 24                    for the qualifications for receipt of grant funds, the disbursement of grant funds,
- 25                    and the necessary accounting procedures for the use of grant funds. In this
- 26                    section, "multijurisdictional drug task force" means a law enforcement task force:
- 27                    a.    Organized and created in this state by a written mutual aid or joint powers
- 28                    agreement;
- 29                    b.    Comprised of persons who are employed by, or acting under the authority of,
- 30                    different governmental entities, including federal, state, county, or municipal
- 31                    governments, or any combination of these agencies; and

- 1           c. Operated and established to enhance and facilitate interagency coordination,  
2                   acquisition of intelligence information, and investigations of controlled  
3                   substance and other drug-related crimes.
- 4           2. If the attorney general receives federal funds in excess of the year 2006 level of  
5                   Byrne grant funding that may be used to defray the expenses and operating costs  
6                   incurred by a multijurisdictional task force during the 2007-09 biennium, the  
7                   attorney general may seek emergency commission approval to receive and spend  
8                   the additional federal funds but may not spend moneys from the funds  
9                   appropriated by the legislative assembly to the extent of the additional federal  
10                  funds received for this purpose for the biennium beginning July 1, 2007, and  
11                  ending June 30, 2009.

12           **SECTION 3. AMENDMENT.** Section 54-12-14 of the North Dakota Century Code is  
13 amended and reenacted as follows:

14           **54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.**

15 The attorney general assets forfeiture fund consists of funds appropriated by the legislative  
16 assembly and additional funds obtained from moneys, assets, and proceeds seized and  
17 forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as  
18 restitution, ~~and~~ amounts remaining from the forfeiture of property after the payment of  
19 expenses for forfeiture and sale authorized by law, and amounts received from a  
20 multijurisdictional drug task force as defined in section 2 of this Act. The amount of deposits  
21 into the fund which do not come from legislative appropriation or from a multijurisdictional drug  
22 task force and are not payable to another governmental entity may not exceed two hundred  
23 thousand dollars within a biennium and any moneys in excess of that amount must be  
24 deposited in the general fund. The funds are appropriated, as a standing and continuing  
25 appropriation, to the attorney general for the following purposes:

- 26           1. For obtaining evidence for enforcement of any state criminal law or law relating to  
27                   the control of drug abuse.
- 28           2. For repayment of rewards to qualified local programs approved under section  
29                   12.1-32-02.2, if the information that was reported to the qualified local program  
30                   substantially contributed to forfeiture of the asset, and for paying, at the discretion

- 1 of the attorney general, rewards for other information or assistance leading to a  
2 forfeiture under section 19-03.1-36.
- 3 3. For paying, at the discretion of the attorney general, any expenses necessary to  
4 seize, detain, inventory, safeguard, maintain, advertise, or sell property seized,  
5 detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary  
6 expenses incident to the seizure, detention, or forfeiture of such property.
- 7 4. For equipping, for law enforcement functions, forfeited vessels, vehicles, and  
8 aircraft retained as provided by law for official use by the state board of pharmacy  
9 or a law enforcement agency.
- 10 5. For paying, at the discretion of the attorney general, overtime compensation to  
11 agents of the bureau of criminal investigation and drug enforcement unit incurred  
12 as a result of investigations of violations of any state criminal law or law relating to  
13 the control of drug abuse.
- 14 6. For paying matching funds required to be paid as a condition for receipt of funds  
15 from a federal government program awarding monetary grants or assistance for  
16 the investigation, apprehension, or prosecution of persons violating the provisions  
17 of chapter 19-03.1.
- 18 The attorney general shall, with the concurrence of the director of the office of management  
19 and budget, establish the necessary accounting procedures for the use of the fund, and shall  
20 personally approve, in writing, all requests from the director of the bureau of criminal  
21 investigation or the director of the drug enforcement unit for the use of the fund.
- 22 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.