

Sixty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general;  
2 to provide a contingent appropriation; to provide exemptions; ~~and to provide a report to the~~  
3 ~~office of management and budget and the legislative council~~to authorize fees; to create and  
4 enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to electronic  
5 pull tab device requirements; to amend and reenact section 27-01-10 of the North Dakota  
6 Century Code, relating to fee assessments for funding crime victim and witness programs; to  
7 provide a statement of legislative intent; to provide for reports; and to declare an emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
10 as may be necessary, are appropriated out of any moneys in the general fund in the state  
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
12 other income, to the attorney general for the purpose of defraying the expenses of the attorney  
13 general, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

|  | Base Level              | Adjustments or<br>Enhancements | Appropriation           |
|--|-------------------------|--------------------------------|-------------------------|
| 16 <del>Salaries and wages</del>             | <del>\$40,503,865</del> | <del>(\$236,581)</del>         | <del>\$40,267,284</del> |
| 17 <del>Operating expenses</del>             | <del>24,672,585</del>   | <del>(8,527,581)</del>         | <del>16,145,004</del>   |
| 18 <u>Salaries and wages</u>                 | <u>\$40,503,865</u>     | <u>\$675,178</u>               | <u>\$41,179,043</u>     |
| 19 <u>Operating expenses</u>                 | <u>24,672,585</u>       | <u>(8,315,304)</u>             | <u>16,357,281</u>       |
| 20 Capital assets                            | 2,339,187               | 403,185                        | 2,742,372               |
| 21 Grants                                    | 1,762,659               | 677,341                        | 2,440,000               |
| 22 Litigation fees                           | 50,000                  | 100,000                        | 150,000                 |
| 23 <del>Intellectual property attorney</del> | <del>418,323</del>      | <del>8,808</del>               | <del>427,131</del>      |
| 24 <u>Intellectual property attorney</u>     | <u>418,323</u>          | <u>8,601</u>                   | <u>426,924</u>          |

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|    |   |                         |                          |                         |
|----|---|-------------------------|--------------------------|-------------------------|
| 1  | Abortion litigation fees                        | 400,000                 | (400,000)                | 0                       |
| 2  | Medical examinations                            | 660,000                 | 0                        | 660,000                 |
| 3  | <del>North Dakota lottery</del>                 | <del>5,282,778</del>    | <del>55,989</del>        | <del>5,338,767</del>    |
| 4  | <u>North Dakota lottery</u>                     | <u>5,282,778</u>        | <u>54,019</u>            | <u>5,336,797</u>        |
| 5  | Arrest and return of fugitives                  | 10,000                  | 0                        | 10,000                  |
| 6  | Gaming commission                               | 7,490                   | 0                        | 7,490                   |
| 7  | <del>Criminal justice information sharing</del> | <del>4,151,701</del>    | <del>(764,019)</del>     | <del>3,387,682</del>    |
| 8  | <del>Law enforcement</del>                      | <del>3,455,725</del>    | <del>(550,907)</del>     | <del>2,904,818</del>    |
| 9  | <del>Total all funds</del>                      | <del>\$83,714,313</del> | <del>(\$9,233,765)</del> | <del>\$74,480,548</del> |
| 10 | <del>Less estimated income</del>                | <del>35,247,452</del>   | <del>(4,766,904)</del>   | <del>30,480,548</del>   |
| 11 | <del>Total general fund</del>                   | <del>\$48,466,861</del> | <del>(\$4,466,861)</del> | <del>\$44,000,000</del> |
| 12 | <del>Full-time equivalent positions</del>       | <del>250.00</del>       | <del>(19.00)</del>       | <del>231.00</del>       |
| 13 | <u>Criminal justice information sharing</u>     | <u>4,151,701</u>        | <u>(765,056)</u>         | <u>3,386,645</u>        |
| 14 | <u>Law enforcement</u>                          | <u>3,455,725</u>        | <u>(554,117)</u>         | <u>2,901,608</u>        |
| 15 | <u>SAVIN cost-share program</u>                 | <u>0</u>                | <u>315,000</u>           | <u>315,000</u>          |
| 16 | <u>Total all funds</u>                          | <u>\$83,714,313</u>     | <u>(\$7,801,153)</u>     | <u>\$75,913,160</u>     |
| 17 | <u>Less estimated income</u>                    | <u>35,247,452</u>       | <u>(4,005,132)</u>       | <u>31,242,320</u>       |
| 18 | <u>Total general fund</u>                       | <u>\$48,466,861</u>     | <u>(\$3,796,021)</u>     | <u>\$44,670,840</u>     |
| 19 | <u>Full-time equivalent positions</u>           | <u>250.00</u>           | <u>(13.00)</u>           | <u>237.00</u>           |

20 **SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act  
 21 includes the sum of ~~\$695,462~~\$645,074, of which ~~\$637,105~~\$590,945 is from the general fund,  
 22 for increases in employee health insurance premiums from \$1,130 to ~~\$1,249~~\$1,241 per month.

23 **SECTION 3. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE**  
 24 **SIXTY-SIXTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding  
 25 items approved by the sixty-fourth legislative assembly adjusted for the 2015-17 biennium and  
 26 the 2017-19 biennium one-time funding items included in the appropriation in section 1 of this  
 27 Act:

| 28 | <u>One-Time Funding Description</u>       | <u>2015-17</u> | <u>2017-19</u> |
|----|---|----------------|----------------|
| 29 | Bureau of criminal investigation vehicles | \$332,000      | \$0            |
| 30 | Grants                                    | 500,000        | 0              |
| 31 | Higher education legal services           | 600,000        | 0              |

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|    |  |                        |                  |
|----|--|------------------------|------------------|
| 1  | Criminal justice information sharing               | 957,856                | 0                |
| 2  | Targeted equity - bureau of criminal investigation | 1,276,301              | 0                |
| 3  | <del>Targeted equity - gaming</del>                | <del>270,000</del>     | <del>0</del>     |
| 4  | <del>Total all funds</del>                         | <del>\$3,936,157</del> | <del>\$0</del>   |
| 5  | <del>Total special funds</del>                     | <del>653,333</del>     | <del>0</del>     |
| 6  | <del>Total general fund</del>                      | <del>\$3,282,824</del> | <del>\$0</del>   |
| 7  | <u>Targeted equity - gaming</u>                    | <u>270,000</u>         | <u>0</u>         |
| 8  | <u>SAVIN cost-share program</u>                    | <u>0</u>               | <u>315,000</u>   |
| 9  | <u>Uniform crime reporting rewrite</u>             | <u>0</u>               | <u>280,000</u>   |
| 10 | <u>DOS-based deposit system rewrite</u>            | <u>0</u>               | <u>100,000</u>   |
| 11 | <u>Total all funds</u>                             | <u>\$3,936,157</u>     | <u>\$695,000</u> |
| 12 | <u>Total special funds</u>                         | <u>653,333</u>         | <u>595,000</u>   |
| 13 | <u>Total general fund</u>                          | <u>\$3,282,824</u>     | <u>\$100,000</u> |

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

18 **SECTION 4. TOBACCO SETTLEMENT TRUST FUND - USE.** The estimated income line  
 19 item in section 1 of this Act includes \$200,000 from the tobacco settlement trust fund which the  
 20 attorney general may use for the purpose of enforcing the master settlement agreement and  
 21 any disputes with the agreement, during the biennium beginning July 1, 2017, and ending  
 22 June 30, 2019.

23 **SECTION 5. INDUSTRIAL COMMISSION LITIGATION FUNDS - ATTORNEY GENERAL**  
 24 **PROTEST-RELATED EXPENSES - REPORT TO BUDGET SECTION.** The attorney general  
 25 may submit litigation-related expenses to the industrial commission which the industrial  
 26 commission shall pay from litigation funding available to the industrial commission for expenses  
 27 incurred by the attorney general as a result of the protests and related activities associated with  
 28 the Dakota access pipeline project. The attorney general shall report quarterly to the budget  
 29 section of the legislative management regarding all expenditures for litigation-related expenses  
 30 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.

**SECTION 7. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the

amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2017, and ending June 30, 2019. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

**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 **mayshall**, 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 **mayshall**, by ordinance, authorize a municipal judge to assess a fee under subsection 3 of not more than twenty-five dollars as part of a

1 sentence imposed on a defendant who pleads guilty to or is convicted of violating a  
2 municipal ordinance for which the maximum penalty that may be imposed under the  
3 ordinance for the violation includes imprisonment.

4 3. The governing body of the county or city ~~may~~shall determine the amount of the fee to  
5 be assessed in all cases or it may authorize the district or municipal judge to  
6 determine the amount of the fee to be assessed in each case. The fee assessed  
7 under this section is in addition to any fine, penalty, costs, or administrative fee  
8 prescribed by law. The district or municipal judge ~~may~~shall assess the fee when  
9 sentence is imposed or when sentence is suspended or imposition of sentence is  
10 deferred, unless the defendant is indigent and unable to pay the fee. All fees paid to a  
11 district or municipal court under this section must be deposited monthly in the county  
12 or city treasury for allocation by the governing body of the county or city to one or  
13 more of the following programs as determined by the governing body or by agreement  
14 of the attorney general, the North Dakota league of cities, and the North Dakota  
15 association of counties:

16 a. A private, nonprofit domestic violence or sexual assault program.

17 b. A victim and witness advocacy program of which the primary function is to  
18 provide direct services to victims of and witnesses to crime.

19 c. The statewide automated victim information and notification system, as provided  
20 for under chapter 12.1-34.

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

23 **Electronic pull tab device requirements**

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

28 **SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any person or entity  
29 requesting a criminal history record check from the bureau of criminal investigation, as a result  
30 of legislation enacted by the sixty-fifth legislative assembly, shall pay a reasonable fee

1 established by the attorney general to the attorney general to be deposited in the state's general  
2 fund for the biennium beginning July 1, 2017, and ending June 30, 2019.

3 **SECTION 14. EXEMPTION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.**

4 The amount appropriated to the attorney general from the strategic investment and  
5 improvements fund for awarding grants to law enforcement agencies, for crime-related needs of  
6 the attorney general's office, and for development of a uniform law enforcement and custody  
7 manual, as contained in section 11 of chapter 471 of the 2013 Session Laws and as continued  
8 in section 5 of chapter 37 of the 2015 Session Laws, is not subject to the provisions of section  
9 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general  
10 for crime-related needs of the attorney general's office, during the biennium beginning July 1,  
11 2017, and ending June 30, 2019.

12 **SECTION 15. EXEMPTION - HUMAN TRAFFICKING GRANTS.** The amount appropriated  
13 to the attorney general from the general fund for providing human trafficking grants as  
14 contained in section 1 of chapter 375 of the 2015 Session Laws, is not subject to the provisions  
15 of section 54-44.1-11. Any unexpended funds from this appropriation are available to the  
16 attorney general for providing grants to organizations involved in providing prevention and  
17 treatment services related to human trafficking victims, during the biennium beginning July 1,  
18 2017, and ending June 30, 2019.

19 **SECTION 16. EXEMPTION - ATTORNEY GENERAL REFUND FUND.** Notwithstanding  
20 section 54-12-18, the attorney general may retain the balance in the attorney general refund  
21 fund that would otherwise be transferred to the general fund on June 30, 2017.

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

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