

SENATE BILL NO. 2003

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general;
 2 to amend and reenact sections 53-12.1-09 and 54-12-11 of the North Dakota Century Code.
 3 relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant
 4 fund and the salary of the attorney general; to provide an exemption; and to provide for a report.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 7 as may be necessary, are appropriated out of any moneys in the general fund in the state
 8 treasury, not otherwise appropriated, and from special funds derived from federal funds and
 9 other income, to the attorney general for the purpose of defraying the expenses of the attorney
 10 general, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
13 Salaries and wages	\$41,179,043	\$44,523,842	\$41,179,043
14 Operating expenses	15,977,281	16,124,422	15,977,281
15 Capital assets	2,742,372	3,115,456	2,742,372
16 Grants	2,565,000	4,418,440	2,565,000
17 Litigation fees	150,000	150,000	150,000
18 Intellectual property attorney	426,924	452,436	426,924
19 Medical examinations	660,000	660,000	660,000
20 North Dakota lottery	5,336,797	5,217,256	5,336,797
21 Arrest and return of fugitives	10,000	10,000	10,000
22 Gaming commission	7,490	7,489	7,490
23 Criminal justice information sharing	3,386,645	3,644,893	3,386,645
24 Law enforcement	2,901,608	3,011,833	2,901,608

Sixty-sixth
Legislative Assembly

1	Total all funds	\$75,343,160	\$81,336,067	\$75,343,160
2	Less estimated income	30,647,320	37,125,241	30,647,320
3	Total general fund	\$44,695,840	\$44,210,826	\$44,695,840
4	Full-time equivalent positions	237.00	237.00	237.00
5		Adjustments or		
6		Base Level	Enhancements	Appropriation
7	Salaries and wages	\$41,179,043	\$3,902,881	\$45,081,924
8	Operating expenses	15,977,281	475,981	16,453,262
9	Capital assets	2,742,372	529,964	3,272,336
10	Grants	2,440,000	1,978,440	4,418,440
11	Litigation fees	150,000	0	150,000
12	Intellectual property attorney	426,924	17,837	444,761
13	Medical examinations	660,000	0	660,000
14	North Dakota lottery	5,336,797	(147,847)	5,188,950
15	Arrest and return of fugitives	10,000	0	10,000
16	Gaming commission	7,490	(1)	7,489
17	Criminal justice information sharing	3,386,645	244,369	3,631,014
18	Law enforcement	2,901,608	78,136	2,979,744
19	Human trafficking victims grants	125,000	1,500,000	1,625,000
20	Forensic nurse examiners grants	0	250,000	250,000
21	Total all funds	\$75,343,160	\$8,829,760	\$84,172,920
22	Less estimated income	30,647,320	7,656,426	38,303,746
23	Total general fund	\$44,695,840	\$1,173,334	\$45,869,174
24	Full-time equivalent positions	237.00	7.00	244.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO

SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

29	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
30	SAVIN cost share program	\$315,000	\$0
31	Uniform crime reporting rewrite	280,000	0

Sixty-sixth
Legislative Assembly

1	DOS-based deposit system rewrite	100,000	0
2	Pipeline protest law enforcement support	200,000	0
3	Court-ordered payments	15,872,000	0
4	Sexual assault examiner program grants	150,000	0
5	Additional income	250,000	0
6	SAVIN program enhancements	500,000	0
7	Total all funds	\$17,667,000	\$0
8	Total special funds	17,567,000	0
9	Total general fund	\$100,000	\$0

10 **SECTION 3. TOBACCO SETTLEMENT TRUST FUND - USE.** The estimated income line-
 11 item in section 1 of this Act includes \$200,000 from the tobacco settlement trust fund which the
 12 attorney general may use for the purpose of enforcing the master settlement agreement and
 13 any disputes with the agreement, during the biennium beginning July 1, 2019, and ending
 14 June 30, 2021.

15	One-Time Funding Description	2017-19	2019-21
16	SAVIN cost-share program	\$315,000	\$0
17	Uniform crime reporting rewrite	280,000	0
18	DOS-based deposit system rewrite	100,000	0
19	Pipeline protest law enforcement support	200,000	0
20	Court-ordered payments	15,872,000	0
21	Forensic nurse examiner grants	150,000	0
22	Additional income	250,000	0
23	SAVIN program enhancements	500,000	0
24	Criminal history improvement project	0	400,000
25	Capital assets	0	1,851,956
26	Undercover vehicles	0	300,000
27	Finger identification system replacement project	0	316,000
28	Charitable gaming technology system	0	400,000
29	Total all funds	\$17,667,000	\$3,267,956
30	Total other funds	17,567,000	2,967,956
31	Total general fund	\$100,000	\$300,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The attorney general shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. EXEMPTION - ATTORNEY GENERAL REFUND FUND. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund which would otherwise be transferred to the general fund on June 30, 2019.

SECTION 4. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

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

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;
2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;
3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and
4. Transfer of net proceeds:

- 1 a. Eighty thousand dollars must be transferred to the state treasurer each quarter
- 2 for deposit in the gambling disorder prevention and treatment fund;
- 3 b. An amount for the lottery's share of a game's prize reserve pool must be
- 4 transferred to the multistate lottery association;
- 5 c. Starting July 1, ~~2007~~2019, ~~onetwo~~ hundred ~~five~~ thousand ~~six hundred twenty-five~~
- 6 dollars must be transferred to the state treasurer each quarter for deposit in the
- 7 attorney general multijurisdictional drug task force grant fund; and
- 8 d. The balance of the net proceeds, less holdback of any reserve funds the director
- 9 may need for continuing operations, must be transferred to the state treasurer on
- 10 at least an annual basis for deposit in the state general fund.

11 **SECTION 5. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **54-12-11. Salary of attorney general.**

14 The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred~~
15 ~~thirty-six dollars through June 30, 2016~~one hundred sixty thousand one hundred forty-nine
16 dollars through June 30, 2020, and ~~one hundred fifty-seven thousand nine dollars~~one hundred
17 sixty-four thousand nine hundred fifty-four dollars thereafter.

18 **SECTION 6. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
19 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
20 federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the
21 attorney general for the purposes of defraying the expenses of the office, for the biennium
22 beginning July 1, 2019, and ending June 30, 2021. The attorney general shall notify the office of
23 management and budget and the legislative council of any funding made available pursuant to
24 this section.

25 **SECTION 7. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
26 requesting a criminal history record check from the bureau of criminal investigation, as a result
27 of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee
28 established by the attorney general to the attorney general to be deposited in the state's general
29 fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

30 **SECTION 8. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**
31 **NOTIFICATION PROGRAM.** The \$815,000 from the general fund appropriated to the attorney

1 general for the statewide automated victim information and notification system as contained in
2 sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of
3 section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney
4 general for the statewide automated victim information and notification program, during the
5 biennium beginning July 1, 2019, and ending June 30, 2021.

6 **SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
7 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
8 \$1,625,000 from the general fund for the purpose of providing grants to organizations involved
9 in providing prevention and treatment services related to human trafficking victims for the
10 biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide
11 grants for the development and implementation of direct care emergency or long-term crisis
12 services, residential care, training for law enforcement, support of advocacy services, and
13 programs promoting positive outcomes for victims. Any organization that receives a grant under
14 this section shall report to the attorney general and the appropriations committees of the
15 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
16 program. The attorney general shall report to the legislative management during the 2019-20
17 interim on the status and results of the grant program.

18 **SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
19 forensic nurse examiners grants line item in section 1 of this Act includes \$250,000 from the
20 general fund for the purpose of providing forensic nurse examiner program grants for
21 community-based or hospital-based sexual assault examiner programs, for the biennium
22 beginning July 1, 2019, and ending June 30, 2021. Any organization that receives a grant under
23 this section shall report to the attorney general and the appropriations committees of the
24 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
25 programs. The attorney general shall report to the appropriations committees of the
26 sixty-seventh legislative assembly on the number of nurses trained, the number and location of
27 nurses providing services related to sexual assault nurse examiner programs, and
28 documentation of collaborative efforts to assist victims which includes nurses, the hospital or
29 clinic, law enforcement, and state's attorneys.

30 **SECTION 11. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
31 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of

1 this Act includes \$400,000 from the attorney general operating fund for the purpose of
2 purchasing equipment and software for a charitable gaming technology system.

3 Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit
4 in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney
5 general shall deposit \$400,000 into the attorney general operating fund during the biennium
6 beginning July 1, 2019, and ending June 30, 2021.

7 **SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
8 appropriated to the attorney general from the general fund for a concealed weapon rewrite
9 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the
10 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds
11 from this appropriation are available to the attorney general for the concealed weapon rewrite
12 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.