

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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>Adjustments or</u>			
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
11				
12				
13	Salaries and wages	\$41,179,043	\$3,902,881	\$45,081,924
14	Operating expenses	15,977,281	475,981	16,453,262
15	Capital assets	2,742,372	529,964	3,272,336
16	Grants	2,440,000	1,978,440	4,418,440
17	Litigation fees	150,000	0	150,000
18	Intellectual property attorney	426,924	17,837	444,761
19	Medical examinations	660,000	0	660,000
20	North Dakota lottery	5,336,797	(147,847)	5,188,950
21	Arrest and return of fugitives	10,000	0	10,000
22	Gaming commission	7,490	(1)	7,489
23	Criminal justice information sharing	3,386,645	244,369	3,631,014
24	Law enforcement	2,901,608	78,136	2,979,744

Sixty-sixth
Legislative Assembly

1	Human trafficking victims grants	125,000	1,500,000	1,625,000
2	Forensic nurse examiners grants	0	250,000	250,000
3	Total all funds	\$75,343,160	\$8,829,760	\$84,172,920
4	Less estimated income	30,647,320	7,656,426	38,303,746
5	Total general fund	\$44,695,840	\$1,173,334	\$45,869,174
6	Full-time equivalent positions	237.00	7.00	244.00
7		<u>Adjustments or</u>		
8		<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
9	<u>Salaries and wages</u>	<u>\$41,179,043</u>	<u>\$4,175,280</u>	<u>\$45,354,323</u>
10	<u>Operating expenses</u>	<u>15,977,281</u>	<u>475,981</u>	<u>16,453,262</u>
11	<u>Capital assets</u>	<u>2,742,372</u>	<u>529,964</u>	<u>3,272,336</u>
12	<u>Grants</u>	<u>2,440,000</u>	<u>1,978,440</u>	<u>4,418,440</u>
13	<u>Litigation fees</u>	<u>150,000</u>	<u>0</u>	<u>150,000</u>
14	<u>Intellectual property attorney</u>	<u>426,924</u>	<u>17,837</u>	<u>444,761</u>
15	<u>Medical examinations</u>	<u>660,000</u>	<u>0</u>	<u>660,000</u>
16	<u>North Dakota lottery</u>	<u>5,336,797</u>	<u>(147,847)</u>	<u>5,188,950</u>
17	<u>Arrest and return of fugitives</u>	<u>10,000</u>	<u>0</u>	<u>10,000</u>
18	<u>Gaming commission</u>	<u>7,490</u>	<u>(1)</u>	<u>7,489</u>
19	<u>Criminal justice information sharing</u>	<u>3,386,645</u>	<u>244,369</u>	<u>3,631,014</u>
20	<u>Law enforcement</u>	<u>2,901,608</u>	<u>78,136</u>	<u>2,979,744</u>
21	<u>Human trafficking victims grants</u>	<u>125,000</u>	<u>1,500,000</u>	<u>1,625,000</u>
22	<u>Forensic nurse examiners grants</u>	<u>0</u>	<u>250,000</u>	<u>250,000</u>
23	<u>Total all funds</u>	<u>\$75,343,160</u>	<u>\$9,102,159</u>	<u>\$84,445,319</u>
24	<u>Less estimated income</u>	<u>30,647,320</u>	<u>7,928,825</u>	<u>38,576,145</u>
25	<u>Total general fund</u>	<u>\$44,695,840</u>	<u>\$1,173,334</u>	<u>\$45,869,174</u>
26	<u>Full-time equivalent positions</u>	<u>237.00</u>	<u>7.00</u>	<u>244.00</u>

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:

31	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
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Sixty-sixth
Legislative Assembly

1	SAVIN cost-share program	\$315,000	\$0
2	Uniform crime reporting rewrite	280,000	0
3	DOS-based deposit system rewrite	100,000	0
4	Pipeline protest law enforcement support	200,000	0
5	Court-ordered payments	15,872,000	0
6	Forensic nurse examiner grants	150,000	0
7	Additional income	250,000	0
8	SAVIN program enhancements	500,000	0
9	Criminal history improvement project	0	400,000
10	Capital assets	0	1,851,956
11	Undercover vehicles	0	300,000
12	Finger identification system replacement project	0	316,000
13	Charitable gaming technology system	<u>0</u>	<u>400,000</u>
14	Total all funds	\$17,667,000	\$3,267,956
15	Total other funds	<u>17,567,000</u>	<u>2,967,956</u>
16	Total general fund	\$100,000	\$300,000

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

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

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

26 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
 27 **disbursements - Report - Net proceeds.**

28 There is established within the state treasury the lottery operating fund into which must be
 29 deposited all revenue from the sale of tickets, interest received on money in the fund, and all
 30 other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket
 31 paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund

1 appropriated by the legislative assembly for administrative and operating costs of the lottery
2 under section 53-12.1-10, all other money in the fund is continuously appropriated for the
3 purposes specified in this section. During each regular session, the attorney general shall
4 present a report to the appropriations committee of each house of the legislative assembly on
5 the actual and estimated operating revenue and expenditures for the current biennium and
6 projected operating revenue and expenditures for the subsequent biennium authorized by this
7 section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made
8 only against the fund or money collected from a retailer on the sale of a ticket. A disbursement
9 from the fund must be for the following purposes:

- 10 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning
11 ticket;
- 12 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly
13 offset by cosponsorship funds collected;
- 14 3. Payment of a gaming system or related service expense, retailer record and credit
15 check fees, game group dues, and retailer commissions; and
- 16 4. Transfer of net proceeds:
 - 17 a. Eighty thousand dollars must be transferred to the state treasurer each quarter
18 for deposit in the gambling disorder prevention and treatment fund;
 - 19 b. An amount for the lottery's share of a game's prize reserve pool must be
20 transferred to the multistate lottery association;
 - 21 c. Starting July 1, ~~2007~~2019, ~~one~~two hundred five thousand six hundred twenty-five
22 dollars must be transferred to the state treasurer each quarter for deposit in the
23 attorney general multijurisdictional drug task force grant fund; and
 - 24 d. The balance of the net proceeds, less holdback of any reserve funds the director
25 may need for continuing operations, must be transferred to the state treasurer on
26 at least an annual basis for deposit in the state general fund.

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

29 **54-12-11. Salary of attorney general.**

30 The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred~~
31 ~~thirty-six dollars through June 30, 2016~~one hundred sixty thousand one hundred forty-nine

1 dollars through June 30, 2020, and one hundred fifty-seven thousand nine dollars one hundred
2 sixty-four thousand nine hundred fifty-four dollars thereafter.

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

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

15 **SECTION 8. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**
16 **NOTIFICATION PROGRAM.** The \$815,000 from the general fund appropriated to the attorney
17 general for the statewide automated victim information and notification system as contained in
18 sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of
19 section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney
20 general for the statewide automated victim information and notification program, during the
21 biennium beginning July 1, 2019, and ending June 30, 2021.

22 **SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
23 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
24 \$1,625,000 from the general fund for the purpose of providing grants to organizations involved
25 in providing prevention and treatment services related to human trafficking victims for the
26 biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide
27 grants for the development and implementation of direct care emergency or long-term crisis
28 services, residential care, training for law enforcement, support of advocacy services, and
29 programs promoting positive outcomes for victims. Any organization that receives a grant under
30 this section shall report to the attorney general and the appropriations committees of the
31 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its

1 program. The attorney general shall report to the legislative management during the 2019-20
2 interim on the status and results of the grant program.

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

15 **SECTION 11. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
16 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of
17 this Act includes \$400,000 from the attorney general operating fund for the purpose of
18 purchasing equipment and software for a charitable gaming technology system.
19 Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit
20 in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney
21 general shall deposit \$400,000 into the attorney general operating fund during the biennium
22 beginning July 1, 2019, and ending June 30, 2021.

23 **SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
24 appropriated to the attorney general from the general fund for a concealed weapon rewrite
25 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the
26 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds
27 from this appropriation are available to the attorney general for the concealed weapon rewrite
28 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.