

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1003

Page 1, line 1, after "general" insert "; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; to provide for a transfer; to provide an exemption; to provide for a statement of legislative intent; and to provide for a report"

Page 1, remove lines 8 through 24

Page 2, replace lines 1 through 4 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$45,954,981	\$2,827,832	\$48,782,813
Operating expenses	15,588,646	87,126	15,675,772
Capital assets	804,380	934,841	1,739,221
Grants	4,418,440	(755,000)	3,663,440
Human trafficking victims grants	1,400,000	(298,166)	1,101,834
Forensic nurse examiners grants	250,000	674	250,674
Statewide litigation funding pool	0	3,000,000	3,000,000
Litigation fees	150,000	(22,500)	127,500
Intellectual property attorney	442,085	(442,085)	0
Medical examinations	660,000	0	660,000
North Dakota lottery	5,191,454	62,077	5,253,531
Arrest and return of fugitives	10,000	(1,500)	8,500
Gaming commission	7,489	0	7,489
Criminal justice information sharing	3,631,121	170,802	3,801,923
Law enforcement	<u>2,982,284</u>	<u>(279,299)</u>	<u>2,702,985</u>
Total all funds	\$81,490,880	\$5,284,802	\$86,775,682
Less estimated income	<u>35,886,284</u>	<u>7,213,762</u>	<u>43,100,046</u>
Total general fund	\$45,604,596	(\$1,928,960)	\$43,675,636
Full-time equivalent positions	245.00	3.00	248.00"

Page 2, line 5, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-EIGHTH LEGISLATIVE ASSEMBLY"

Page 2, line 6, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 8 through 16 with:

"Criminal history improvement system	\$400,000	\$400,000
Capital assets	1,851,956	1,111,706
Undercover vehicles	200,000	0
Automated biometric identification system	316,000	300,000
Charitable gaming technology system	400,000	475,000
Statewide litigation funding pool	0	3,000,000
Additional income	<u>250,000</u>	<u>0</u>
Total all funds	\$3,417,956	\$5,286,706

Total other funds	<u>3,217,956</u>	<u>5,286,706</u>
Total general fund	\$200,000	\$0

SECTION 3. 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, 2021, and ending June 30, 2023. 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 4. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER - LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING. The statewide litigation funding pool line item in section 1 of this Act includes \$3,000,000 from the strategic investment and improvements fund, which the attorney general shall transfer to eligible state agencies for litigation expenses during the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is considered a one-time funding item. The attorney general may not use funding from the litigation pool to pay judgments under section 32-12-04.

SECTION 5. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$1,101,834 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the biennium beginning July 1, 2021, and ending June 30, 2023. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-eighth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2021-22 interim on the status and results of the grant program.

SECTION 6. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$250,674 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs, for the biennium beginning July 1, 2021, and ending June 30, 2023. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-eighth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the sixty-eighth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

SECTION 7. ESTIMATED INCOME - SALARY EQUITY INCREASES - ATTORNEY GENERAL REFUND FUND. The estimated income line item in section 1 of this Act includes \$1,133,232 from the attorney general refund fund for the purpose of providing salary equity increases to employees in the attorney general's office, of which \$1,007,326 is for bureau of criminal investigation positions and Medicaid fraud control

unit positions and \$125,906 is for fire marshal office positions, for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 8. LEGISLATIVE INTENT - ATTORNEY GENERAL - SALARY EQUITY INCREASES - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE INVESTMENT BOARD. The attorney general may invest up to \$2,266,464 of funding in the attorney general refund fund, of which \$1,160,896 is derived from January 2021 lawsuit settlement proceeds, under the supervision of the state investment board for the period beginning July 1, 2021, and ending June 30, 2025. It is the intent of the sixty-seventh legislative assembly that \$2,266,464 in the attorney general refund fund and any investment earnings on the funding be retained in the attorney general refund fund for the purpose of providing salary equity increases as provided for in section 7 of this Act and for the cost to continue the salary equity increases during the 2023-25 biennium, subject to legislative appropriations.

SECTION 9. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

The annual salary of the attorney general is one hundred ~~fifty-nine~~sixty-five thousand ~~four~~eight hundred ~~ninety-five dollars through June 30, ~~2020~~2022, and one hundred ~~sixty-three~~sixty-eight thousand three hundred ~~ninety-four~~thirty-three dollars thereafter.~~

SECTION 10. CRIMINAL HISTORY RECORD CHECKS - FEES. Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-seventh 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, 2021, and ending June 30, 2023.

SECTION 11. 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, 2021.

SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT. The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19 and 2019-21 bienniums, 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 the concealed weapon rewrite project, during the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Attorney General - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$45,954,981	\$2,827,832	\$48,782,813
Operating expenses	15,588,646	87,126	15,675,772
Capital assets	804,380	934,841	1,739,221
Grants	4,418,440	(755,000)	3,663,440

Litigation fees	150,000	(22,500)	127,500
Intellectual property attorney	442,085	(442,085)	
Medical examinations	660,000		660,000
North Dakota lottery	5,191,454	62,077	5,253,531
Arrest and return of fugitives	10,000	(1,500)	8,500
Gaming commission	7,489		7,489
Criminal justice information sharing	3,631,121	170,802	3,801,923
Law enforcement	2,982,284	(279,299)	2,702,985
Human trafficking victims grants	1,400,000	(298,166)	1,101,834
Forensic nurse examiners grants	250,000	674	250,674
Additional income		250,000	250,000
Statewide litigation funding pool		3,000,000	3,000,000
Total all funds	\$81,490,880	\$5,534,802	\$87,025,682
Less estimated income	35,886,284	7,463,762	43,350,046
General fund	\$45,604,596	(\$1,928,960)	\$43,675,636
FTE	245.00	3.00	248.00

Department 125 - Attorney General - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Salary Equity Increases ³	Adds Funding for FTE Gaming Division Positions ⁴	Adjusts Base Level Funding ⁵	Removes Funding for Lottery Narcotics Task Force ⁸
Salaries and wages	\$82,962	\$1,042,784	\$1,133,232	\$814,863	(\$246,009)	
Operating expenses				144,836	(1,253,250)	
Capital assets					(156,325)	
Grants						(\$755,000)
Litigation fees					(22,500)	
Intellectual property attorney	5,707	(2)				
Medical examinations						
North Dakota lottery	20,135	45,942			(4,000)	
Arrest and return of fugitives					(1,500)	
Gaming commission						
Criminal justice information sharing	37,985	22,044				
Law enforcement	(3,378)	64,439			(340,360)	
Human trafficking victims grants		1,834				
Forensic nurse examiners grants	(1)	675				
Additional income						
Statewide litigation funding pool						
Total all funds	\$143,410	\$1,177,716	\$1,133,232	\$959,699	(\$2,023,944)	(\$755,000)
Less estimated income	87,874	388,187	1,133,232	959,699	113,064	(755,000)
General fund	\$55,536	\$789,529	\$0	\$0	(\$2,137,008)	\$0
FTE	0.00	0.00	0.00	4.00	0.00	0.00

	Removes Intellectual Property Attorney⁷	Adds Funding for CJIS⁸	Reduces Funding for Human Trafficking Victims Grants⁹	Adds One-Time Funding for Criminal History Improvement System¹⁰	Adds One-Time Funding for Charitable Gaming Technology System¹¹	Adds One-Time Funding for Automated Biometric Identification System¹²
Salaries and wages						
Operating expenses				\$400,000	\$475,000	\$300,000
Capital assets						
Grants						
Litigation fees						
Intellectual property attorney	(\$447,790)					
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing		\$110,773				
Law enforcement						
Human trafficking victims grants			(\$300,000)			
Forensic nurse examiners grants						
Additional income						
Statewide litigation funding pool						
Total all funds	(\$447,790)	\$110,773	(\$300,000)	\$400,000	\$475,000	\$300,000
Less estimated income	0	0	0	400,000	475,000	300,000
General fund	(\$447,790)	\$110,773	(\$300,000)	\$0	\$0	\$0
FTE	(1.00)	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for State Crime Laboratory Equipment¹³	Adds One-Time Funding for Statewide Litigation¹⁴	Adds One-Time Funding for Additional Income¹⁵	Total House Changes
Salaries and wages				\$2,827,832
Operating expenses	\$20,540			87,126
Capital assets	1,091,166			934,841
Grants				(755,000)
Litigation fees				(22,500)
Intellectual property attorney				(442,085)
Medical examinations				
North Dakota lottery				62,077
Arrest and return of fugitives				(1,500)
Gaming commission				
Criminal justice information sharing				170,802
Law enforcement				(279,299)
Human trafficking victims grants				(298,166)
Forensic nurse examiners grants				674
Additional income			\$250,000	250,000
Statewide litigation funding pool		\$3,000,000		3,000,000
Total all funds	\$1,111,706	\$3,000,000	\$250,000	\$5,534,802
Less estimated income	1,111,706	3,000,000	250,000	7,463,762
General fund	\$0	\$0	\$0	(\$1,928,960)
FTE	0.00	0.00	0.00	3.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250 for both years, and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$781,879	\$384,469	\$1,166,348
Health insurance increase	7,650	3,718	11,368
Total	\$789,529	\$388,187	\$1,177,716

³ Funding of \$1,133,232 is added from the Attorney General refund fund for salary equity increases for 55 FTE Bureau of Criminal Investigation (BCI) positions and 2 FTE Medicaid Fraud Control Unit (MFCU) positions (\$1,007,326) and 7 FTE Fire Marshal office positions (\$125,906). Sections are added to the bill to provide legislative intent that the Attorney General, under the supervision of the State Investment Board, invest available funding for the salary equity raises and for the cost to continue the raises during the 2023-25 biennium.

⁴ Funding of \$959,699 is added from the Attorney General operating fund for 4 FTE Gaming Division positions to address increased workloads related to increased electronic pull tabs activity in the state, of which \$814,863 is for salaries and \$144,836 is for related operating expenses.

⁵ Base level funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Reduces funding for temporary salaries	(\$246,009)	\$0	(\$246,009)
Adjusts funding for operating expenses	(1,489,628)	185,464	(1,304,164)
Reduces funding for operating expenses	(210,000)	0	(210,000)
Adds funding for technology fees, including Microsoft Office 365 license expenses	70,958	0	70,958
Adds funding for BCI service contracts and monitoring fees	114,342	80,000	194,342
Reduces funding for MFCU	(12,866)	0	(12,866)
Adds funding for State Crime Laboratory bond payments	555	0	555
Reduces funding for capital assets	0	(152,400)	(152,400)
Reduces funding for litigation fees to provide a total of \$127,500	(22,500)	0	(22,500)
Reduces funding for the arrest and return of fugitives to provide a total of \$8,500 from the general fund	(1,500)	0	(1,500)
Reduces funding for law enforcement operating expenses	(340,360)	0	(340,360)
Total	(\$2,137,008)	\$113,064	(\$2,023,944)

⁶ Funding of \$755,000 from the lottery fund is removed for the Lottery Narcotics Task Force. North Dakota Century Code Section 53-12.1-09 provides for transfers totaling \$1.6 million each biennium from the lottery fund to the multijurisdictional drug task force grant fund and provides the Attorney General a continuing appropriation for this funding.

⁷ Funding of \$447,790 from the general fund is removed for 1 FTE assistant attorney general position to eliminate the intellectual property attorney program.

⁸ Funding of \$110,773 is added for criminal justice information sharing (CJIS) to provide a total of \$3,801,923. Of the \$110,773 added, \$271,889 related to CJIS information technology expenses is reduced and funding of \$382,662 is added for CJIS projects, including a common statute tables project (\$40,000), CJIS portal upgrades (\$75,000), broker maintenance costs (\$50,000), and law enforcement records and jail management system maintenance (\$217,662).

⁹ Funding of \$300,000 is reduced from the general fund for human trafficking victims grants to provide a total of \$1,101,834 from the general fund, of which \$1,100,000 is for grants and \$1,834 is for the administration of the program.

¹⁰ One-time funding of \$400,000 is added from the Attorney General refund fund to upgrade the criminal history improvement system. Funding of \$400,000 was also appropriated from the Attorney General refund fund for this purpose for the 2019-21 biennium.

¹¹ One-time funding of \$475,000 is added from the Attorney General operating fund for Phases 3 and 4 of the charitable gaming technology system project, which is expected to complete the project. Funding of \$400,000 was appropriated to the Attorney General from gaming tax revenues deposited in the Attorney General operating fund for Phases 1 and 2 of the project during the 2019-21 biennium.

¹² One-time funding of \$300,000 is added from federal funds to upgrade the automated biometric identification system, formerly known as the automated fingerprint identification system.

¹³ One-time funding of \$1,091,166 is added from federal funds for State Crime Laboratory equipment.

¹⁴ One-time funding of \$3 million is added from the strategic investment and improvements fund for a statewide litigation funding pool.

¹⁵ One-time funding of \$250,000 is added from federal funds or other funds received during the 2021-23 biennium, the same amount provided for the 2017-19 and 2019-21 bienniums. This amount is appropriated in a separate section of the bill.

This amendment also:

- Adds a section to identify \$3 million of one-time funding in the statewide litigation funding pool line item in Section 1 is from the strategic investment and improvements fund and requires the Attorney General to transfer funds from this line item to eligible state agencies for litigation expenses during the 2021-23 biennium.
- Adds a section to identify funding in the human trafficking victims grants line item, which the Attorney General is required to use for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2021-23 biennium.
- Adds a section to identify funding in the forensic nurse examiners grants line item, which the Attorney General is required to use for providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs for the 2021-23 biennium.
- Adds a section to identify \$1,133,232 in the estimated income line item in Section 1 is from the Attorney General refund fund for salary equity increases for 55 FTE BCI positions and 2 FTE MFCU positions (\$1,007,326) and 7 FTE Fire Marshal office positions (\$125,906).
- Adds a section to authorize the Attorney General, under the supervision of the State Investment Board, to invest up to \$2,266,464 of funding available in the Attorney General refund fund for salary equity raises, of which \$2,014,652 is for BCI and MFCU positions and \$251,812 is for Fire Marshal positions, during the 2021-23 and 2023-25 bienniums. Of the \$2,266,464 total, \$1,160,896 is from an Apple lawsuit settlement deposited in the Attorney General refund fund in January 2021 and the remaining \$1,105,568 is from previously unobligated funding available in the Attorney General refund fund. Legislative intent is provided that the \$2,266,464 and any investment earnings on the funding be retained in the Attorney General refund fund and be used for the \$1,133,232 of 2021-23 biennium salary equity increases and the cost to continue the salary equity increases during the 2023-25 biennium.
- Adds a section to provide the statutory changes necessary to increase the Attorney General's salary to reflect state employee salary increases approved by the House for the 2021-23 biennium.
- Adds a section that requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2021-23 biennium.
- Adds a section to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2019-21 biennium to be used during the 2021-23 biennium, rather than transferring the balance to the general fund.
- Adds a section to allow the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19 and 2019-21 bienniums for a concealed weapon rewrite project into the 2021-23 biennium.