

**HOUSE BILL NO. 1330
with Senate Amendments**

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1330

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;

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

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

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

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

c. Operated and established to enhance and facilitate interagency coordination, acquisition of intelligence information, and investigations of controlled substance and other drug-related crimes.

2. If the attorney general receives federal funds in excess of the year 2006 level of Byrne grant funding that may be used to defray the expenses and operating costs incurred by a multijurisdictional task force during the 2007-09 biennium, the attorney general may seek emergency commission approval to receive and spend the additional federal funds but may not spend moneys from the funds appropriated by the legislative assembly to the extent of the additional federal funds received for this purpose for the biennium beginning July 1, 2007, and ending June 30, 2009.

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

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

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

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

of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.

3. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
4. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
5. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation and drug enforcement unit incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
6. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.

The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.