

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the attorney
2 general; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to
3 the salary of the attorney general; to provide for a legislative council study; to provide legislative
4 intent; and to declare an emergency.

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
7 funds 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, 2009, and ending June 30, 2011, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
11		Adjustments or	
12		<u>Enhancements</u>	<u>Appropriation</u>
13 Salaries and wages	\$22,427,935	\$5,107,086	\$27,535,021
14 Operating expenses	10,596,526	3,802,419	14,398,945
15 Capital assets	1,126,891	1,264,296	2,391,187
16 Grants	4,197,000	(815,775)	3,381,225
17 Litigation fees	50,000	0	50,000
18 Medical examinations	500,000	(250,000)	250,000
19 North Dakota lottery	3,930,589	(346,201)	3,584,388
20 Arrest and return of fugitives	10,000	0	10,000
21 Gaming commission	6,141	0	6,141
22 Computerized registrations	<u>1,046,080</u>	<u>(1,046,080)</u>	<u>0</u>
23 Total all funds	\$43,891,162	\$7,715,745	\$51,606,907
24 Less estimated income	<u>20,901,921</u>	<u>891,021</u>	<u>21,792,942</u>

1	Total general fund	\$22,989,241	\$6,824,724	\$29,813,965
2	Full-time equivalent positions	188.50	7.00	195.50

3 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
4 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
5 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
6 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

7	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
8	Crime lab construction	\$1,442,840	\$0
9	Total general fund	\$1,442,840	\$0

10 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
11 2011-13 biennium. The attorney general shall report to the appropriations committees of the
12 sixty-second legislative assembly on the use of this one-time funding for the biennium
13 beginning July 1, 2009, and ending June 30, 2011.

14 **SECTION 3. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION**
15 **FUND - LOCAL GAMING ENFORCEMENT GRANTS.** The grants line item in section 1 of this
16 Act includes \$617,000 for local gaming enforcement grants.

17 **SECTION 4. FIRE AND TORNADO FUND - FEES.** The attorney general shall charge
18 and collect fees for services provided by the state fire marshal program to entities covered by
19 the fire and tornado fund under chapter 26.1-22. Fees under this section may be collected in
20 amounts of up to a total of \$310,000 for the biennium beginning July 1, 2009, and ending
21 June 30, 2011. All fees collected under this section must be deposited in the attorney general's
22 operating fund.

23 **SECTION 5. PETROLEUM RELEASE COMPENSATION FUND - FEES.** The attorney
24 general shall charge and collect fees for services provided by the state fire marshal program to
25 entities covered by the petroleum release compensation fund under chapter 23-37. Fees under
26 this section may be collected in amounts of up to a total of \$35,000 for the biennium beginning
27 July 1, 2009, and ending June 30, 2011. All fees collected under this section must be
28 deposited in the attorney general's operating fund.

29 **SECTION 6. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION**
30 **APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives
31 federal funding in excess of federal funding amounts appropriated for the 2009-11 biennium,

1 the attorney general may spend the additional federal funds, subject to emergency commission
2 approval, but may not spend funding appropriated from the general fund or the
3 multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1,
4 2009, and ending June 30, 2011.

5 **SECTION 7. LEGISLATIVE COUNCIL STUDY - FELONY PENALTIES.** During the
6 2009-10 interim, the legislative council shall consider studying whether penalties for felonies
7 are suitable to the felonious behavior. The legislative council shall report its findings and
8 recommendations, together with any legislation required to implement the recommendations, to
9 the sixty-second legislative assembly.

10 **SECTION 8. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **54-12-11. Salary of attorney general.** The annual salary of the attorney general is
13 ~~eighty-three~~ ninety-one thousand ~~nine~~ seven hundred ~~ninety-one~~ nineteen dollars through
14 June 30, ~~2008~~ 2010, and ~~eighty-seven~~ ninety-six thousand three hundred ~~fifty-one~~ four dollars
15 thereafter. Beginning July 1, 2011, the annual salary of the attorney general must be the same
16 annual salary amount as a justice of the North Dakota supreme court.

17 **SECTION 9. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL.** It is the
18 intent of the sixty-first legislative assembly that the office of the attorney general continue the
19 practice of state agencies paying directly for requested legal service staff travel.

20 **SECTION 10. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS -**
21 **ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the
22 funds as may be necessary, are appropriated from federal funds made available to the state
23 under the federal American Recovery and Reinvestment Act of 2009, not otherwise
24 appropriated, to the attorney general, for the period beginning with the effective date of this Act
25 and ending June 30, 2011, as follows:

26 Edward Byrne memorial justice assistance	\$1,652,426
27 grant program funding	
28 Internet crimes against children grant program funding	216,174
29 Community oriented policing services grant program funding	864,696
30 Rural Law Enforcement Assistance Act funding	<u>390,588</u>

1	Total federal funds	\$3,123,884
2	Full-time equivalent positions	12.00

3 The attorney general may seek emergency commission and budget section approval
4 under chapter 54-16 for authority to spend any additional federal funds received under the
5 federal American Recovery and Reinvestment Act of 2009 in excess of the amounts
6 appropriated in this section for the period beginning with the effective date of this Act and
7 ending June 30, 2011.

8 Any federal funds appropriated under this section are not a part of the agency's 2011-13
9 base budget. Any program expenditures made with these funds will not be replaced with state
10 funds beyond that required by the federal American Recovery and Reinvestment Act of 2009.

11 **SECTION 11. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE**
12 **GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may
13 retain the balance in the attorney general refund fund that would otherwise be transferred to the
14 general fund on June 30, 2009.

15 **SECTION 12. EMERGENCY.** Sections 10 and 11 of this Act are declared to be an
16 emergency measure.