

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1003
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact subsection 1 of section 53-12.1-04 and section 54-12-11 of the North Dakota Century Code, relating to the lottery commission and the salary of the attorney general; to provide for a legislative council study; to provide legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the attorney general for the purpose of defraying the expenses of the attorney 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>
Salaries and wages	\$22,427,935	\$3,351,102	\$25,779,037
Operating expenses	10,596,526	3,513,279	14,109,805
Capital assets	1,126,891	1,264,296	2,391,187
Grants	4,197,000	(744,775)	3,452,225
Litigation fees	50,000	0	50,000
Medical examinations	500,000	(250,000)	250,000
North Dakota lottery	3,930,589	(346,201)	3,584,388
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	6,141	0	6,141
Computerized registrations	1,046,080	(1,046,080)	0
Total all funds	\$43,891,162	\$5,741,621	\$49,632,783
Less estimated income	<u>20,901,921</u>	<u>1,167,232</u>	<u>22,069,153</u>
Total general fund	\$22,989,241	\$4,574,389	\$27,563,630
Full-time equivalent positions	188.50	4.00	192.50

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

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

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

SECTION 3. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND - LOCAL GAMING ENFORCEMENT GRANTS. The grants line item in section 1 of this Act includes \$510,000 for local gaming enforcement grants.

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

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

SECTION 6. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES. If the attorney general receives federal funding in excess of federal funding amounts appropriated for the 2009-11 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2009, and ending June 30, 2011.

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

SECTION 8. AMENDMENT. Subsection 1 of section 53-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. There is created the lottery advisory commission, which is composed of five members, three of whom are legislators selected by the chairman of the legislative council and two of whom are selected by the attorney general. The term of office is three years, expiring on June thirtieth with no more than two terms expiring in any one year. ~~No member may be appointed to more than two consecutive terms.~~ Each member must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually from the membership of the commission by a majority of its members at the first meeting of the commission each fiscal year. A member may serve as chairman for more than one year.

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 eighty three ninety-one thousand nine seven hundred ninety-one nineteen dollars through June 30, 2008 2010, and eighty seven ninety-six thousand three hundred fifty-one four dollars through December 31, 2010, one hundred thirteen thousand two hundred sixty-six dollars through June 30, 2011, and one hundred thirty thousand two hundred twenty-eight dollars thereafter.

SECTION 10. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 11. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$2,259,188
Full-time equivalent positions	8.00

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

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 12. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority to hire up to two additional full-time equivalent positions with funding authorized under this section.

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

SECTION 14. EMERGENCY. Sections 11, 12, and 13 of this Act are declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1003 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 77 Nays 16 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State