

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

That the Senate recede from its amendments as printed on pages 1325-1329 of the House Journal and pages 1166-1170 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 3, after the first semicolon insert "to provide for a legislative council study;" and replace "sections" with "section"

Page 1, line 4, replace the first "and" with ", subsections 1 and 3 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections" and after "54-12-11" insert "and 54-12-18"

Page 1, line 5, replace the first "and" with ", racing commission supervision and compensation, racing commission expenses," and after "general" insert ", and the attorney general refund fund; to provide for retroactive application"

Page 1, line 12, replace "14,841,235" with "14,970,368"

Page 1, line 13, replace "5,882,969" with "6,002,469"

Page 1, line 14, replace "399,876" with "414,876"

Page 1, line 17, replace "297,112" with "300,000"

Page 1, line 23, replace "32,142,123" with "32,408,644"

Page 2, line 1, replace "17,751,371" with "17,604,259"

Page 2, line 2, replace "14,390,752" with "14,804,385"

Page 2, line 22, after "23-37" insert ". Fees under this section may be collected in amounts"

Page 2, line 23, replace "2001" with "1999" and replace "2003" with "2001, and of up to a total of \$35,000 for services provided by the state fire marshal program for the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 3, line 7, replace "\$297,112" with "\$50,000", after the second comma insert "\$50,000 from the", and after "and" insert "\$50,000 from the"

Page 3, line 9, remove "The racing"

Page 3, remove lines 10 and 11

Page 3, after line 30, insert:

"SECTION 14. LEGISLATIVE COUNCIL STUDY - RACING COMMISSION.

The legislative council shall consider studying, during the 2001-02 interim, the racing commission, including its authority to schedule, promote, support, and regulate live or simulcast racing in North Dakota. If chosen, the study must address the effectiveness of the commission's authority to both promote and regulate racing and whether its

authority is appropriate for the commission and its members. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 5, after line 3, insert:

"SECTION 16. AMENDMENT. Subsections 1 and 3 of section 53-06.2-02 of the North Dakota Century Code are amended and reenacted as follows:

1. A North Dakota racing commission is established in the office of the attorney general. The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the racing commission. Payment for such services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the governor. Of the members appointed by the governor, one must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.
3. Commission members are entitled to ~~forty~~ seventy-five dollars per day for compensation, and mileage and expense reimbursement as allowed to other state employees.

SECTION 17. AMENDMENT. Subsection 3 of section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the ~~emergency commission~~ attorney general, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission."

Page 5, after line 10, insert:

"SECTION 19. AMENDMENT. Section 54-12-18 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-18. Special fund established - Continuing appropriation. A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer

protection division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer protection and antitrust division on behalf of specifically named consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer protection division; and
5. To pay the actual costs of background investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each ~~fiscal year~~ biennium any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

SECTION 20. RETROACTIVE APPLICATION. Section 6 of this Act is effective for services provided by the state fire marshal program beginning July 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Attorney General						
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,349,212	\$59,432
Less estimated income	16,979,504	17,751,371	(147,112)	17,604,259	17,454,259	150,000
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,894,953	(\$90,568)
Department of Human Services - Program and Policy						
Total all funds	\$0	\$0	\$0	\$0	\$50,000	(\$50,000)
Less estimated income						
General fund	\$0	\$0	\$0	\$0	\$50,000	(\$50,000)
Bill Total						
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,399,212	\$9,432
Less estimated income	16,979,504	17,751,371	(147,112)	17,604,259	17,454,259	150,000
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,944,953	(\$140,568)

House Bill No. 1003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$14,847,334	\$14,841,235	\$129,133	\$14,970,368	\$14,970,368	
Operating expenses	5,882,969	5,882,969	119,500	6,002,469	6,002,469	
Equipment	428,876	399,876	15,000	414,876	414,876	
Grants	5,524,989	5,734,398		5,734,398	5,734,398	

Litigation fees	50,000	50,000		50,000	50,000	
Racing Commission	238,814	297,112	2,888	300,000	240,568	\$59,432
National criminal history improvement project	2,358,720	2,358,720		2,358,720	2,358,720	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Law enforcement programs	631,056	631,056		631,056	631,056	
High-intensity drug trafficking area	1,931,648	1,931,648		1,931,648	1,931,648	
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,349,212	\$59,432
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(147,112)</u>	<u>17,604,259</u>	<u>17,454,259</u>	<u>150,000</u>
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,894,953	(\$90,568)
FTE	158.50	158.50	2.00	160.50	160.50	0.00

Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADD PUBLIC INFORMATION OFFICER ¹	ADD BCI AGENT ²	ADD INFORMATION TECHNOLOGY FUNDING ³	CHANGE FUNDING FOR RACING COMMISSION ⁴	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$48,000	\$81,133			\$129,133
Operating expenses		19,500	\$100,000		119,500
Equipment		15,000			15,000
Grants					
Litigation fees					
Racing Commission				\$2,888	2,888
National criminal history improvement project					
Arrest and return of fugitives					
Gaming Commission					
Law enforcement programs					
High-intensity drug trafficking area					
Total all funds	\$48,000	\$115,633	\$100,000	\$2,888	\$266,521
Less estimated income				<u>(147,112)</u>	<u>(147,112)</u>
General fund	\$48,000	\$115,633	\$100,000	\$150,000	\$413,633
FTE	1.00	1.00	0.00	0.00	2.00

¹ A public information officer position is added only for the second year of the biennium, the same as the Senate version.

² A Bureau of Criminal Investigation (BCI) position is added, the same as the Senate version.

³ Operating expenses are increased by \$100,000 from the general fund to provide a total of \$200,000 from the general fund for costs associated with rewriting the uniform crime reporting (UCR) computer system, the same as the Senate version.

⁴ Funding for the Racing Commission is increased by \$2,888, to a total of \$300,000, of which \$150,000 is from the general fund, \$50,000 is from the Racing Commission promotion fund, \$50,000 is from the Racing Commission purse fund, and \$50,000 from the Racing Commission breeders' fund. The House provided a total of \$297,112 for the Racing Commission from the promotion, purse, and breeders' fund. The Racing Commission was to determine the allocation from each fund based on the proportion of resources available in each fund. The Senate provided a total of \$240,568 for the Racing Commission from the general fund.

A section is added providing that any excess moneys in the Attorney General refund fund be transferred to the general fund at the end of each biennium rather than at the end of each fiscal year, the same as the Senate version. (Section 20)

A retroactive application section is added which will allow the State Fire Marshal to bill for services provided to entities covered by the petroleum release compensation fund for the 1999-2001 biennium in addition to the 2001-03 biennium, the same as the Senate version. (Section 21)

Sections added by the Senate are included providing that:

- The Racing Commission is under the supervision of the Attorney General. (Section 16)
- The Attorney General may charge the Racing Commission for services provided to the commission. (Section 16)
- The Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend up to 25 percent of the promotion fund for operating expenses of the commission. (Section 18)

The section added by the Senate providing for a Legislative Council study of the Racing Commission is included. (Section 14)

A section is added increasing the compensation of Racing Commission members by \$35 per day, from \$40 to \$75. (Section 17)

House Bill No. 1003 - Department of Human Services - Program and Policy - Conference Committee Action

The Conference Committee did not include funding of \$50,000 added by the Senate for the Department of Human Services to provide volunteer guardianship training during the 2001-03 biennium.

The Conference Committee did not include the section added by the Senate providing that the Attorney General, in cooperation with the Department of Human Services, implement standards of practice for guardianship services.