

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

Page 1, line 2, after the semicolon insert "to provide for standards of practice for guardians;"

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 ", subsection 1 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 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 "240,568"

Page 1, line 23, replace "32,142,123" with "32,349,212"

Page 2, line 1, replace "17,751,371" with "17,454,259"

Page 2, line 2, replace "14,390,752" with "14,894,953"

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", 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, remove lines 5 through 11

Page 3, after line 30, insert:

"SECTION 13. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing volunteer guardianship training in the state, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 14. Standards of practice for guardians. The attorney general, in cooperation with the department of human services, shall adopt and implement standards of practice for guardianship services in accordance with the national guardianship association standards of practices adopted most recently by the membership of the national guardianship association.

SECTION 15. 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 17. AMENDMENT. Subsection 1 of section 53-06.2-02 of the North Dakota Century Code is 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.

SECTION 18. 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 20. 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 21. RETROACTIVE APPLICATION. Section 6 of this Act is effective for services provided by the state fire marshal program beginning July 1, 1999."

Page 5, line 11, replace "11" with "10"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Attorney General				
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	16,979,504	17,751,371	(297,112)	17,454,259
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
Department of Human Services - Program and Policy				
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income				
General fund	\$0	\$0	\$50,000	\$50,000
Bill Total				
Total all funds	\$31,909,515	\$32,142,123	\$257,089	\$32,399,212
Less estimated income	16,979,504	17,751,371	(297,112)	17,454,259
General fund	\$14,930,011	\$14,390,752	\$554,201	\$14,944,953

House Bill No. 1003 - Attorney General - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$14,847,334	\$14,841,235	\$129,133	\$14,970,368

Operating expenses	5,882,969	5,882,969	119,500	6,002,469
Equipment	428,876	399,876	15,000	414,876
Grants	5,524,989	5,734,398		5,734,398
Litigation fees	50,000	50,000		50,000
Racing Commission	238,814	297,112	(56,544)	240,568
National criminal history improvement project	2,358,720	2,358,720		2,358,720
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	5,109	5,109		5,109
Law enforcement programs	631,056	631,056		631,056
High-intensity drug trafficking area	1,931,648	1,931,648		1,931,648
Total all funds	\$31,909,515	\$32,142,123	\$207,089	\$32,349,212
Less estimated income	<u>16,979,504</u>	<u>17,751,371</u>	<u>(297,112)</u>	<u>17,454,259</u>
General fund	\$14,930,011	\$14,390,752	\$504,201	\$14,894,953
FTE	158.50	158.50	2.00	160.50

Dept. 125 - Attorney General - Detail of Senate Changes

	ADD PUBLIC INFORMATION OFFICER ¹	ADD BCI AGENT	ADD INFORMATION TECHNOLOGY FUNDING ²	CHANGE FUNDING FOR RACING COMMISSION ³	TOTAL SENATE 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				(\$56,544)	(56,544)
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	(\$56,544)	\$207,089
Less estimated income				<u>(297,112)</u>	<u>(297,112)</u>
General fund	\$48,000	\$115,633	\$100,000	\$240,568	\$504,201
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.

² 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.

³ The funding source for Racing Commission expenses is changed from Racing Commission special funds as included in the House version to the general fund. This amendment removes funding of \$56,544 added by the House for additional funding for Racing Commission operating costs.

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. (Section 20)

A retroactive application section is added which will allow the 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. (Section 21)

Sections are added providing that:

- The Racing Commission is under the supervision of the Attorney General. (Section 17)
- The Attorney General may charge the Racing Commission for services provided to the commission. (Section 17)
- The Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend more than 25 percent of the promotion fund for operating expenses of the commission. (Section 18)

A section is added providing for a Legislative Council study of the Racing Commission.

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

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants	_____	_____	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$0	\$0	\$50,000	\$50,000
Less estimated income	_____	_____	_____	_____
General fund	\$0	\$0	\$50,000	\$50,000
FTE	0.00	0.00	0.00	0.00

Dept. 328 - Department of Human Services - Program and Policy - Detail of Senate Changes

	ADD GUARDIANSHIP TRAINING FUNDING ¹	TOTAL SENATE CHANGES
Grants	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$50,000	\$50,000
Less estimated income	_____	_____
General fund	\$50,000	\$50,000
FTE	0.00	0.00

¹ Funding is added for the Department of Human Services to provide volunteer guardianship training during the 2001-03 biennium. (Section 13)

A section is added providing that the Attorney General, in cooperation with the Department of Human services, implement standards of practice for guardianship services. (Section 14)