

**FIRST ENGROSSMENT
with House Amendments**

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2003

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 provide an exemption; to provide for crime laboratory building project carryover
3 authority; to authorize the use of state property; to provide for budget section reports; to provide
4 legislative intent; and to amend sections 54-12-11 and 54-59-21 of the North Dakota Century
5 Code, relating to the salary of the attorney general and the criminal justice information sharing
6 system.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
9 section represent the base level funding component appropriated to the attorney general in
10 section 3 of this Act as follows:

11 Salaries and wages	\$19,549,735
12 Operating expenses	8,483,795
13 Capital assets	5,418,741
14 Grants	5,944,056
15 Litigation fees	50,000
16 State school finance lawsuit	240,000
17 North Dakota lottery	3,899,191
18 Arrest and return of fugitives	10,000
19 Gaming commission	5,039
20 North Dakota children's advocacy center	<u>100,000</u>
21 Total all funds - Base level	\$43,700,557
22 Less estimated income - Base level	<u>24,488,401</u>
23 Total general fund - Base level	\$19,212,156

1 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
2 amounts identified in this section represent the funding adjustments or enhancements to the
3 base funding level for the attorney general which are included in the appropriation in section 3
4 of this Act as follows:

5 Salaries and wages	\$2,225,225
6 Operating expenses	1,713,247
7 Capital assets	(3,249,010)
8 Grants	(1,747,056)
9 State school finance lawsuit	(240,000)
10 North Dakota lottery	31,398
11 Gaming commission	1,102
12 North Dakota children's advocacy center	<u>(100,000)</u>
13 Total all funds - Adjustments/enhancements	(\$1,365,094)
14 Less estimated income - Adjustments/enhancements	<u>(5,897,373)</u>
15 Total general fund - Adjustments/enhancements	\$4,532,279

16 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
17 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
18 treasury, not otherwise appropriated, and from special funds derived from federal funds and
19 other income, to the attorney general for the purpose of defraying the expenses of the attorney
20 general, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

21 Salaries and wages	\$21,774,960
22 Operating expenses	10,197,042
23 Capital assets	2,169,731
24 Grants	4,197,000
25 Litigation fees	50,000
26 Arrest and return of fugitives	10,000
27 North Dakota lottery	3,930,589
28 Gaming commission	<u>6,141</u>
29 Total all funds	\$42,335,463
30 Less estimated income	<u>18,591,028</u>
31 Total general fund appropriation	\$23,744,435

1 **SECTION 4. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION**

2 **FUND - LOCAL GAMING ENFORCEMENT GRANTS.** The grants line item in section 3 of this
3 Act includes \$617,000 for local gaming enforcement grants.

4 **SECTION 5. FIRE AND TORNADO FUND - FEES.** The attorney general shall charge
5 and collect fees for services provided by the state fire marshal program to entities covered by
6 the fire and tornado fund under chapter 26.1-22. Fees under this section may be collected in
7 amounts of up to a total of \$310,000 for the biennium beginning July 1, 2007, and ending
8 June 30, 2009. All fees collected under this section must be deposited in the attorney general's
9 operating fund.

10 **SECTION 6. PETROLEUM RELEASE COMPENSATION FUND - FEES.** The attorney
11 general shall charge and collect fees for services provided by the state fire marshal program to
12 entities covered by the petroleum release compensation fund under chapter 23-37. Fees under
13 this section may be collected in amounts of up to a total of \$35,000 for the biennium beginning
14 July 1, 2007, and ending June 30, 2009. All fees collected under this section must be
15 deposited in the attorney general's operating fund.

16 **SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
17 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
18 section 3 of this Act includes \$1,242,840 from the general fund for construction of a new crime
19 laboratory which is a one-time funding item. This amount is not a part of the agency's base
20 budget to be used in preparing the 2009-11 executive budget. The attorney general shall
21 report to the appropriations committees of the sixty-first legislative assembly on the use of this
22 one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

23 **SECTION 8. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION**
24 **APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives
25 federal funding in excess of federal funding amounts appropriated by the sixtieth legislative
26 assembly for the 2007-09 biennium, the attorney general may spend the additional federal
27 funds, subject to emergency commission approval, but may not spend funding appropriated
28 from the general fund for similar purposes for the biennium beginning July 1, 2007, and ending
29 June 30, 2009.

30 **SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS -**
31 **BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five

1 new full-time equivalent positions authorized for the attorney general's office to assist with
2 conducting background checks, that the attorney general fill the positions only as necessary to
3 meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

4 **SECTION 10. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.**

5 The attorney general is authorized to construct a new crime laboratory building on property
6 owned by the state of North Dakota adjacent to the existing facility housing the crime
7 laboratory.

8 **SECTION 11. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney
9 general shall provide periodic reports to the budget section on the status of the construction of
10 a new crime laboratory during the 2007-08 interim.

11 **SECTION 12. EXEMPTION.** Of the funds appropriated in the capital assets line item
12 for the attorney general crime laboratory building project in section 1 of chapter 51 of the 2005
13 Session Laws, \$3,280,722 is not subject to section 54-44.1-11 and any unexpended funds from
14 this line item are available for construction costs during the biennium beginning July 1, 2007,
15 and ending June 30, 2009.

16 **SECTION 13. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **54-12-11. Salary of attorney general.** The annual salary of the attorney general is
19 ~~seventy-seven~~ eighty-three thousand ~~six~~ nine hundred ~~fifty-five~~ ninety-one dollars through
20 June 30, ~~2006~~ 2008, and ~~eighty~~ eighty-seven thousand ~~seven~~ three hundred ~~sixty-one~~ fifty-one
21 dollars thereafter.

22 **SECTION 14. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-59-21. Criminal justice information sharing board - Membership - Duties and**
25 **powers - Exempt records.**

26 1. The criminal justice information sharing board consists of the chief justice of the
27 supreme court or the chief justice's designee, the attorney general or the attorney
28 general's designee, and the chief information officer of the state. The chief
29 information officer is chairman of the board.

30 2. The information technology department, at the discretion of the board, shall
31 maintain a criminal justice data information sharing system to facilitate the

- 1 exchange of criminal justice information among judicial, law enforcement, and
2 emergency personnel. Only a criminal justice agency, as defined in section
3 12-60-16.1; designated employees of the information technology department, for
4 the purpose of administration and maintenance of the system; and any other
5 person designated by the board may access the system. The system may be
6 accessed only for the purposes set forth by the board. Any law enforcement
7 record in the possession of the department is an exempt record.
- 8 3. The information technology department shall provide staff and other necessary
9 support to the board. The chief information officer, after consultation with the
10 attorney general, shall designate employees of the information technology
11 department who may access the system for the purpose of administering and
12 maintaining the system.
- 13 4. The board shall set policy and adopt rules relating to the access to and the
14 collection, storage, and sharing of criminal justice information and the systems
15 necessary to perform those functions. The board shall provide operational
16 oversight for criminal justice information sharing activities and shall approve and
17 provide oversight of criminal justice information sharing budgets. The board may
18 appoint an executive committee and an advisory committee that would serve in an
19 advisory capacity to the board.