

March 23, 2007

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 3, after the semicolon insert "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;", replace "section" with "sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 2, line 3, replace "3,189,266" with "2,225,225"

Page 2, line 4, replace "1,525,512" with "1,713,247"

Page 2, line 5, replace "992,215" with "(3,249,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "\$3,770,250" with "(\$1,365,094)"

Page 2, line 12, replace "(5,576,024)" with "(5,897,373)"

Page 2, line 13, replace "9,346,274" with "4,532,279"

Page 2, line 19, replace "22,739,001" with "21,774,960"

Page 2, line 20, replace "10,009,307" with "10,197,042"

Page 2, line 21, replace "6,410,956" with "2,169,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "42,335,463"

Page 2, line 28, replace "18,912,377" with "18,591,028"

Page 2, line 29, replace "28,558,430" with "23,744,435"

Page 3, replace lines 16 through 20 with:

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

**SECTION 8. 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 by the sixtieth legislative assembly for the 2007-09 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 for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, that the attorney general fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

**SECTION 10. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.** The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota adjacent to the existing facility housing the crime laboratory.

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

Page 3, after line 31, insert:

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

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

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.
4. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Attorney General - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,344,055	\$22,739,001	(\$964,041)	\$21,774,960
Operating expenses	9,418,403	10,009,307	187,735	10,197,042
Capital assets	2,149,731	6,410,956	(4,241,225)	2,169,731
Grants	4,197,000	4,197,000		4,197,000
Litigation fees	50,000	50,000		50,000
Arrest and return of fugitives	10,000	10,000		10,000
North Dakota lottery	4,048,402	4,048,402	(117,813)	3,930,589
Gaming Commission	6,141	6,141		6,141
Total all funds	\$41,223,732	\$47,470,807	(\$5,135,344)	\$42,335,463
Less estimated income	<u>18,294,523</u>	<u>18,912,377</u>	<u>(321,349)</u>	<u>18,591,028</u>
General fund	\$22,929,209	\$28,558,430	(\$4,813,995)	\$23,744,435
FTE	181.30	189.80	(4.80)	185.00

**Dept. 125 - Attorney General - Detail of House Changes**

	REMOVES VACANT POSITIONS 1	ADDS BCI COMPUTER FORENSICS POSITION 2	REMOVES CJIS POSITIONS 3	ADDS FUNDING FOR BACKGROUND CHECKS 4	REDUCES SALARY EQUITY FUNDING 5	INCREASES SALARY EQUITY FUNDING 6
Salaries and wages	(\$395,970)	\$104,572	(\$261,916)	\$68,146	(\$496,885)	\$79,000
Operating expenses		50,428		139,190		
Capital assets		20,000				
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery	(117,813)					
Gaming Commission						
Total all funds	(\$513,783)	\$175,000	(\$261,916)	\$207,336	(\$496,885)	\$79,000
Less estimated income	<u>(513,783)</u>			<u>119,400</u>	<u>(21,842)</u>	
General fund	\$0	\$175,000	(\$261,916)	\$87,936	(\$475,043)	\$79,000
FTE	(4.30)	1.00	(2.00)	1.00	0.00	0.00
	REMOVES HORSE RACING AUDITOR 7	CHANGES FUNDING FOR NEW CRIME LAB 8	REMOVES BCI BUILDING PURCHASE 9	REDUCES CRIME LAB OPERATING FUNDS 10	TOTAL HOUSE CHANGES	
Salaries and wages	(\$60,988)				(\$964,041)	
Operating expenses			\$277,716	(\$279,599)	187,735	
Capital assets		(\$2,263,225)	(1,998,000)		(4,241,225)	
Grants						
Litigation fees						
Arrest and return of fugitives						
North Dakota lottery					(117,813)	
Gaming Commission						
Total all funds	(\$60,988)	(\$2,263,225)	(\$1,720,284)	(\$279,599)	(\$5,135,344)	
Less estimated income	<u>(60,988)</u>		<u>155,864</u>		<u>(321,349)</u>	
General fund	\$0	(\$2,263,225)	(\$1,876,148)	(\$279,599)	(\$4,813,995)	
FTE	(0.50)	0.00	0.00	0.00	(4.80)	

1 The following vacant FTE positions are removed:

POSITION	FTE	GENERAL FUND	OTHER FUNDS	TOTAL
Assistant attorney general	(1.00)		(\$141,362)	(\$141,362)
Grants and contracts officer	(1.00)		(100,636)	(100,636)
Administrative assistant	(0.30)		(34,905)	(34,905)
High intensity drug trafficking analyst	(1.00)		(119,067)	(119,067)
Lottery customer relations specialist	(1.00)		(117,813)	(117,813)
Total	(4.30)	\$0	(\$513,783)	(\$513,783)

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.

- 3 This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.
- 4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.
- 5 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed.
- 6 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 7 The .5 FTE horse racing auditor position added by the Senate is removed.
- 8 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project.
- 9 Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.
- 10 Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.