

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1071-1074 of the Senate Journal and pages 1160-1163 of the House Journal and that Engrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, replace "an exemption" with "exemptions"

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

Page 1, line 4, after "general" insert "and to the criminal justice information sharing system; and to declare an emergency"

Page 2, line 3, replace "3,189,266" with "2,901,006"

Page 2, line 4, replace "1,525,512" with "2,112,731"

Page 2, line 5, replace "992,215" with "(2,849,010)"

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

Page 2, line 11, replace "3,770,250" with "110,171"

Page 2, line 12, replace "(5,576,024)" with "(5,128,707)"

Page 2, line 13, replace "9,346,274" with "5,238,878"

Page 2, line 19, replace "22,739,001" with "22,450,741"

Page 2, line 20, replace "10,009,307" with "10,596,526"

Page 2, line 21, replace "6,410,956" with "2,569,731"

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

Page 2, line 27, replace "47,470,807" with "43,810,728"

Page 2, line 28, replace "18,912,377" with "19,359,694"

Page 2, line 29, replace "28,558,430" with "24,451,034"

Page 3, after line 20, insert:

"SECTION 8. 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 \$1,442,840 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 9. 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 or the multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 10. 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, the attorney general may fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 11. SOBRIETY PROGRAM PILOT PROJECT. The attorney general may establish a pilot sobriety program in one or more judicial districts of the state during the biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves coordination among state, county, and municipal agencies for the purpose of implementing procedures as alternatives to incarceration, including sobriety testing twice per day seven days per week or continuous monitoring, for offenders charged with, or convicted of, driving under the influence of alcohol or controlled substances or other offenses involving alcohol or controlled substances. The attorney general, in cooperation with law enforcement, the judiciary, the department of corrections and rehabilitation, and the department of transportation traffic safety division, may develop guidelines, policies, and procedures for the administration of the pilot sobriety program and to test offenders to enforce compliance with the sobriety program, including urine testing and electronic monitoring, and to establish user fees, all of which are not subject to chapter 28-32. There is created the North Dakota sobriety program fund. The fund consists of moneys received from grants from the United States, agencies of this state, private grants, gifts, or donations, and user fees. The funds are appropriated as a continuing appropriation to the attorney general for expenses necessary for the administration and operation of the sobriety program, including training and travel costs, equipment, and supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 12. 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 near the existing facility housing the crime laboratory. The attorney general, if necessary to allow for construction of the new crime laboratory, may move the state department of health's storage building located on the site. The attorney general, to the extent possible, shall locate the building to minimize the effect on the operations of the water commission in the area.

SECTION 13. 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.

SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN. It is the intent of the sixtieth legislative assembly that the facility management division of the office of management and budget develop a plan for the use of space that becomes available in the existing crime laboratory when the new crime laboratory is completed for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 15. 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, 2007."

Page 3, after line 31, insert:

"SECTION 18. 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 - Director.

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 board may appoint and employ a director who serves at the pleasure of and under the direct supervision of the board. The information technology department shall provide staff support to the board. The board or director may acquire support staff and employ personnel who are under the direct supervision of the director and the board.
3. The board shall set policy relating to 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.
4. The director may contract with the bureau of criminal investigation for the processing of federal fingerprint identification.

SECTION 19. EMERGENCY. The amount of \$16,515 included in the salaries and wages line item and \$77,885 included in the operating expenses line item in section 3 of this Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Conference Committee Action

| | EXECUTIVE BUDGET | SENATE VERSION | CONFERENCE COMMITTEE CHANGES | CONFERENCE COMMITTEE VERSION | HOUSE VERSION | COMPARISON TO HOUSE |
|--------------------------------|------------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$21,344,055 | \$22,739,001 | (\$288,260) | \$22,450,741 | \$21,774,960 | \$675,781 |
| Operating expenses | 9,418,403 | 10,009,307 | 587,219 | 10,596,526 | 10,197,042 | 399,484 |
| Capital assets | 2,149,731 | 6,410,956 | (3,841,225) | 2,569,731 | 2,169,731 | 400,000 |
| Grants | 4,197,000 | 4,197,000 | | 4,197,000 | 4,197,000 | |
| Litigation fees | 50,000 | 50,000 | | 50,000 | 50,000 | |
| Arrest and return of fugitives | 10,000 | 10,000 | | 10,000 | 10,000 | |
| North Dakota lottery | 4,048,402 | 4,048,402 | (117,813) | 3,930,589 | 3,930,589 | |
| Gaming Commission | 6,141 | 6,141 | | 6,141 | 6,141 | |
| Total all funds | \$41,223,732 | \$47,470,807 | (\$3,660,079) | \$43,810,728 | \$42,335,463 | \$1,475,265 |
| Less estimated income | 18,294,523 | 18,912,377 | 447,317 | 19,359,694 | 18,591,028 | 768,666 |
| General fund | \$22,929,209 | \$28,558,430 | (\$4,107,396) | \$24,451,034 | \$23,744,435 | \$706,599 |
| FTE | 181.30 | 189.80 | (1.30) | 188.50 | 185.00 | 3.50 |

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

| | REMOVES VACANT POSITIONS 1 | ADDS BCI COMPUTER FORENSICS POSITION 2 | CJIS FUNDING CHANGE 3 | ADDS FUNDING FOR BACKGROUND CHECKS 4 | ADDS FUNDING FOR 2005-07 BACKGROUND CHECKS 5 | REDUCES SALARY EQUITY FUNDING 6 |
|--------------------------------|----------------------------------|-------------------------------------------------|-----------------------------|-----------------------------------------------|----------------------------------------------------------|------------------------------------------|
| Salaries and wages | (\$254,608) | \$104,572 | | \$68,146 | \$16,515 | (\$496,885) |
| Operating expenses | | 50,428 | | 139,190 | 77,885 | |
| Capital assets | | 20,000 | | | | |
| Grants | | | | | | |
| Litigation fees | | | | | | |
| Arrest and return of fugitives | | | | | | |
| North Dakota lottery | (117,813) | | | | | |
| Gaming Commission | | | | | | |
| Total all funds | (\$372,421) | \$175,000 | \$0 | \$207,336 | \$94,400 | (\$496,885) |
| Less estimated income | <u>(372,421)</u> | | <u>261,916</u> | <u>119,400</u> | <u>59,400</u> | <u>(21,842)</u> |
| General fund | \$0 | \$175,000 | (\$261,916) | \$87,936 | \$35,000 | (\$475,043) |
| FTE | (3.30) | 1.00 | 0.00 | 1.00 | 0.00 | 0.00 |

| | INCREASES SALARY EQUITY FUNDING 7 | ADDS ADMINISTRATIVE FUNDS 8 | CHANGES FUNDING FOR NEW CRIME LAB 9 | REMOVES BCI BUILDING PURCHASE 10 | ADDS FUNDING FOR EXISTING CRIME LAB OPERATING COST 11 | TOTAL CONFERENCE COMMITTEE CHANGES |
|--------------------------------|--------------------------------------------|-----------------------------------|----------------------------------------------|-------------------------------------------|----------------------------------------------------------------------|---------------------------------------------|
| Salaries and wages | \$229,000 | \$45,000 | | | | (\$288,260) |
| Operating expenses | | | | \$277,716 | \$42,000 | 587,219 |
| Capital assets | | | (\$1,863,225) | (1,998,000) | | (3,841,225) |
| Grants | | | | | | |
| Litigation fees | | | | | | |
| Arrest and return of fugitives | | | | | | |
| North Dakota lottery | | | | | | (117,813) |
| Gaming Commission | | | | | | |
| Total all funds | \$229,000 | \$45,000 | (\$1,863,225) | (\$1,720,284) | \$42,000 | (\$3,660,079) |
| Less estimated income | | <u>45,000</u> | <u>200,000</u> | <u>155,864</u> | | <u>447,317</u> |
| General fund | \$229,000 | \$0 | (\$2,063,225) | (\$1,876,148) | \$42,000 | (\$4,107,396) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | (1.30) |

1 The following vacant FTE positions are removed (the House had removed 4.30 vacant FTE positions):

| POSITION | FTE | GENERAL FUND | OTHER FUNDS | TOTAL |
|-----------------------------------------|---------------|-----------------|--------------------|--------------------|
| 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 | (3.30) | \$0 | (\$372,421) | (\$372,421) |

- 2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations, the same as the House version.
- 3 This amendment provides funding from funds received from the Information Technology Department for 2 FTE criminal justice information sharing (CJIS) positions. The Senate version provided funding from the general fund for these positions and the House removed the positions and funding. The section added by the House clarifying the services that may be provided by ITD relating to the criminal justice information sharing system is replaced with a section authorizing the CJIS board to hire a director position and to contract with BCI for federal fingerprint identification processing.
- 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. The House also made these changes.
- 5 Funding is added with an emergency clause relating to costs of conducting background checks for the remainder of the 2005-07 biennium, in accordance with provisions of Senate Bill No. 2260.
- 6 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, the same as the House version.
- 7 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Attorney General's office. The House had added \$79,000 from the general fund for additional salary equity increases for employees of the Crime Laboratory and Bureau of Criminal Investigation.
- 8 Funding from the multijurisdictional task force grant fund created by House Bill No. 1330 is provided for salaries and wages relating to the administration of the multijurisdictional grant program.

- ⁹ 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 \$1,642,840, of which \$1,442,840 is from the general fund and \$200,000 of other funds, except that the other funds may not be from the Attorney General refund fund, is appropriated in Section 3 of the bill. The Attorney General may use this funding, which totals \$4,923,562 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. The amounts provided are \$400,000 more, \$200,000 of which is from the general fund, than the funding provided by the House. The conference committee also added language authorizing the Attorney General to move the State Department of Health storage building from the site if necessary to allow for the building construction.
- ¹⁰ Authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation is removed, the same as the House version. Funding is provided to continue to lease the building, the same as the House version.
- ¹¹ The conference committee appropriated \$42,000 from the general fund for operating costs of the existing crime lab facility for the last nine months of the 2007-09 biennium. This funding may be used only for operating costs of this facility during the period of time it is unoccupied.

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, the same as the House version.

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 one-time funding. The House added a similar section.

Sections are added by the conference committee which:

- Allow the Attorney General to retain the June 30, 2007, balance in the Attorney General refund fund rather than transferring the balance to the general fund.
- Provide for a sobriety program pilot project.
- Provide legislative intent that Facility Management develop a plan for the existing Crime Laboratory space when the new Crime Laboratory is completed.

Funding provided by the Senate but removed by the House for a .5 FTE horse racing auditor position is included in the conference committee version.

Funding of \$279,599 is included for additional Crime Laboratory operating costs resulting from inflation and the building expansion. This amount was included in the executive budget and the Senate version, but was removed by the House.