

**Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007**

SENATE BILL NO. 2003
(Appropriations Committee)
(At the request of the Governor)

AN ACT to provide an appropriation for defraying the expenses of the attorney general; to provide exemptions; to provide for crime laboratory building project carryover authority; to authorize the use of state property; to provide for budget section reports; to provide legislative intent; to amend and reenact sections 54-12-11 and 54-59-21 of the North Dakota Century Code, relating to the salary of the attorney general and to the criminal justice information sharing system; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

Salaries and wages	\$2,901,006
Operating expenses	2,112,731
Capital assets	(2,849,010)
Grants	(1,747,056)
State school finance lawsuit	(240,000)
North Dakota lottery	31,398
Gaming commission	1,102
North Dakota children's advocacy center	(100,000)
Total all funds - Adjustments/enhancements	<u>\$110,171</u>
Less estimated income - Adjustments/enhancements	<u>(5,128,707)</u>
Total general fund - Adjustments/enhancements	\$5,238,878

SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the

attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

Salaries and wages	\$22,450,741
Operating expenses	10,596,526
Capital assets	2,569,731
Grants	4,197,000
Litigation fees	50,000
Arrest and return of fugitives	10,000
North Dakota lottery	3,930,589
Gaming commission	6,141
Total all funds	\$43,810,728
Less estimated income	19,359,694
Total general fund appropriation	\$24,451,034

SECTION 4. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND - LOCAL GAMING ENFORCEMENT GRANTS. The grants line item in section 3 of this Act includes \$617,000 for local gaming enforcement grants.

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

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

SECTION 7. ESTIMATED INCOME - RACING PROMOTION FUND. Notwithstanding section 53-06.2-11, the estimated income line item in section 3 of this Act includes \$60,988 from the racing promotion fund for the purpose of defraying the expenses of simulcast racing site audits conducted by the attorney general's office for the biennium beginning July 1, 2007, and ending June 30, 2009.

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.

SECTION 16. EXEMPTION. Of the funds appropriated in the capital assets line item for the attorney general crime laboratory building project in section 1 of chapter 51 of the 2005 Session Laws, \$3,280,722 is not subject to section 54-44.1-11 and any unexpended funds from this line item are available for construction costs during the biennium beginning July 1, 2007, and ending June 30, 2009.

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

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

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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2003 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 91 Nays 1 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at ___ o'clock _____ M.

Secretary of State