

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1003

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 create and enact a new subsection to section 31-13-03 of the North Dakota Century
3 Code, relating to DNA testing; to amend and reenact section 54-12-11 of the North Dakota
4 Century Code, relating to the salary of the attorney general; and to provide for a legislative
5 council study.

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

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the
8 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the attorney general for the purpose of defraying the expenses of the attorney
11 general, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
13 Salaries and wages	\$22,427,935	\$2,396,350	\$24,824,285
15 Operating expenses	10,596,526	2,829,979	13,426,505
16 Capital assets	1,126,891	1,264,296	2,391,187
17 Grants	4,197,000	(637,775)	3,559,225
18 Litigation fees	50,000	0	50,000
19 Medical examinations	500,000	(250,000)	250,000
20 North Dakota lottery	3,930,589	(346,201)	3,584,388
21 Arrest and return of fugitives	10,000	0	10,000
22 Gaming commission	6,141	0	6,141
23 Computerized registrations	<u>1,046,080</u>	<u>(1,046,080)</u>	<u>0</u>
24 Total all funds	\$43,891,162	\$4,210,569	\$48,101,731

1	Less estimated income	<u>20,901,921</u>	<u>1,008,689</u>	<u>21,910,610</u>
2	Total general fund	\$22,989,241	\$3,201,880	\$26,191,121
3	Full-time equivalent positions	188.50	2.50	191.00

4 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**

5 **SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time
6 funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the
7 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

8	<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
9	Crime lab construction	<u>\$1,442,840</u>	<u>\$0</u>
10	Total general fund	\$1,442,840	\$0

11 The 2009-11 one-time funding amounts are not a part of the entity's base budget for the
12 2011-13 biennium. The attorney general shall report to the appropriations committees of the
13 sixty-second legislative assembly on the use of this one-time funding for the biennium
14 beginning July 1, 2009, and ending June 30, 2011.

15 **SECTION 3. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION**

16 **FUND - LOCAL GAMING ENFORCEMENT GRANTS.** The grants line item in section 1 of this
17 Act includes \$617,000 for local gaming enforcement grants.

18 **SECTION 4. FIRE AND TORNADO FUND - FEES.** The attorney general shall charge
19 and collect fees for services provided by the state fire marshal program to entities covered by
20 the fire and tornado fund under chapter 26.1-22. Fees under this section may be collected in
21 amounts of up to a total of \$310,000 for the biennium beginning July 1, 2009, and ending
22 June 30, 2011. All fees collected under this section must be deposited in the attorney general's
23 operating fund.

24 **SECTION 5. PETROLEUM RELEASE COMPENSATION FUND - FEES.** The attorney
25 general shall charge and collect fees for services provided by the state fire marshal program to
26 entities covered by the petroleum release compensation fund under chapter 23-37. Fees under
27 this section may be collected in amounts of up to a total of \$35,000 for the biennium beginning
28 July 1, 2009, and ending June 30, 2011. All fees collected under this section must be
29 deposited in the attorney general's operating fund.

30 **SECTION 6. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION**

31 **APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives

1 federal funding in excess of federal funding amounts appropriated for the 2009-11 biennium,
2 the attorney general may spend the additional federal funds, subject to emergency commission
3 approval, but may not spend funding appropriated from the general fund or the
4 multijurisdictional task force grant fund for similar purposes for the biennium beginning July 1,
5 2009, and ending June 30, 2011.

6 **SECTION 7. LEGISLATIVE COUNCIL STUDY - FELONY PENALTIES.** During the
7 2009-10 interim, the legislative council shall consider studying whether penalties for felonies
8 are suitable to the felonious behavior. The legislative council shall report its findings and
9 recommendations, together with any legislation required to implement the recommendations, to
10 the sixty-second legislative assembly.

11 **SECTION 8.** A new subsection to section 31-13-03 of the North Dakota Century Code
12 is created and enacted as follows:

13 This section does not apply to a person eighteen years of age or over who is
14 arrested for the commission of a class C felony.

15 **SECTION 9. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-12-11. Salary of attorney general.** The annual salary of the attorney general is
18 ~~eighty-three~~ ninety-one thousand ~~nine~~ seventy hundred ~~ninety-one~~ nineteen dollars through
19 June 30, 2008, and ~~eighty-seven~~ ninety-six thousand three hundred ~~fifty-one~~ four dollars
20 thereafter.