

FIRST ENGROSSMENT
with Conference Committee Amendments

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 amend and reenact subsection 1 of section 53-12.1-04 and section 54-12-11 of the
 3 North Dakota Century Code, relating to the lottery commission and the salary of the attorney
 4 general; to provide for a legislative council study; to provide legislative intent; and to declare an
 5 emergency.

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 | \$3,351,102 | \$25,779,037 |
| 15 Operating expenses | 10,596,526 | 3,513,279 | 14,109,805 |
| 16 Capital assets | 1,126,891 | 1,264,296 | 2,391,187 |
| 17 Grants | 4,197,000 | (744,775) | 3,452,225 |
| 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 | \$5,741,621 | \$49,632,783 |

| | | | | |
|---|--------------------------------|-------------------|------------------|-------------------|
| 1 | Less estimated income | <u>20,901,921</u> | <u>1,167,232</u> | <u>22,069,153</u> |
| 2 | Total general fund | \$22,989,241 | \$4,574,389 | \$27,563,630 |
| 3 | Full-time equivalent positions | 188.50 | 4.00 | 192.50 |

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 \$510,000 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. AMENDMENT.** Subsection 1 of section 53-12.1-04 of the North Dakota
12 Century Code is amended and reenacted as follows:

- 13 1. There is created the lottery advisory commission, which is composed of five
14 members, three of whom are legislators selected by the chairman of the legislative
15 council and two of whom are selected by the attorney general. The term of office
16 is three years, expiring on June thirtieth with no more than two terms expiring in
17 any one year. ~~No member may be appointed to more than two consecutive terms.~~
18 Each member must be a citizen of the United States and a resident of this state. A
19 chairman of the commission must be chosen annually from the membership of the
20 commission by a majority of its members at the first meeting of the commission
21 each fiscal year. A member may serve as chairman for more than one year.

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

24 **54-12-11. Salary of attorney general.** The annual salary of the attorney general is
25 ~~eighty-three~~ ninety-one thousand nine seven hundred ninety-one nineteen dollars through
26 June 30, ~~2008~~ 2010, and ~~eighty-seven~~ ninety-six thousand three hundred ~~fifty-one~~ four dollars
27 through December 31, 2010, one hundred thirteen thousand two hundred sixty-six dollars
28 through June 30, 2011, and one hundred thirty thousand two hundred twenty-eight dollars
29 thereafter.

SECTION 10. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 11. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|--|----------------|
| Edward Byrne memorial justice assistance | \$1,652,426 |
| grant program funding | |
| Internet crimes against children grant program funding | 216,174 |
| Rural Law Enforcement Assistance Act funding | <u>390,588</u> |
| Total federal funds | \$2,259,188 |
| Full-time equivalent positions | 8.00 |

The attorney general may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

The attorney general may accept federal fiscal stimulus funding for programs that continue into the biennium beginning July 1, 2011, and ending June 30, 2013. Any federal fiscal stimulus funding received in the 2011-13 biennium is not a part of the agency's 2013-15 base budget.

SECTION 12. FEDERAL FISCAL STIMULUS FUNDS - COMMUNITY ORIENTED POLICING SERVICES GRANTS - APPROVAL. The attorney general shall seek emergency commission and budget section approval under chapter 54-16 for authority to accept and spend federal funds received under the federal American Recovery and Reinvestment Act of 2009 for the community oriented policing services grant program, for the period beginning with the effective date of this Act and ending June 30, 2011. The attorney general may seek authority

1 to hire up to two additional full-time equivalent positions with funding authorized under this
2 section.

3 **SECTION 13. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE**
4 **GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may
5 retain the balance in the attorney general refund fund that would otherwise be transferred to the
6 general fund on June 30, 2009.

7 **SECTION 14. EMERGENCY.** Sections 11, 12, and 13 of this Act are declared to be an
8 emergency measure.