

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2003

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 general;
2 to provide exemptions; to provide for grants; to create and enact a new section to chapter 54-12
3 of the North Dakota Century Code, relating to the criminal justice data information sharing
4 system; to amend and reenact sections 53-12.1-09, 54-12-11, and 54-27-25 of the North Dakota
5 Century Code, relating to the salary of the attorney general, the lottery operating fund, and the
6 tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code,
7 relating to the criminal justice data information sharing system; and to declare an emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the attorney general for the purpose of defraying the expenses of the attorney
13 general, for the biennium beginning July 1, 2015, and ending June 30, 2017, as follows:

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
14				
15				
16	Salaries and wages	\$34,806,462	\$5,496,779	\$40,303,241
17	Accrued leave payments	1,057,247	(1,057,247)	0
18	Operating expenses	26,994,056	(1,135,961)	25,858,095
19	Capital assets	2,165,077	714,110	2,879,187
20	Grants	2,373,947	(611,288)	1,762,659
21	Criminal justice information sharing	0	5,406,219	5,406,219
22	Law enforcement grants	0	24,815,507	24,815,507
23	Litigation fees	50,000	0	50,000
24	Abortion litigation fees	400,000	0	400,000

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1	Medical examinations	660,000	0	660,000
2	North Dakota lottery	4,133,821	1,148,957	5,282,778
3	Arrest and return of fugitives	10,000	0	10,000
4	Gaming commission	<u>7,368</u>	<u>122</u>	<u>7,490</u>
5	Total all funds	\$72,657,978	\$34,777,198	\$107,435,176
6	Less estimated income	<u>35,382,450</u>	<u>25,141,193</u>	<u>60,523,643</u>
7	Total general fund	\$37,275,528	\$9,636,005	\$46,911,533
8	Full-time equivalent positions	212.50	35.50	248.00

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

SIXTY-FIFTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-third legislative assembly for the 2013-15 biennium and the 2015-17 one-time funding items included in the appropriation in section 1 of this Act:

13	<u>One-Time Funding Description</u>	<u>2013-15</u>	<u>2015-17</u>
14	BCI vehicles	\$198,000	\$220,000
15	BCI surveillance vehicles	0	300,000
16	Criminal justice information sharing	0	1,250,000
17	Computerized business projects FTE	<u>178,100</u>	<u>0</u>
18	Total all funds	\$376,100	\$1,770,000
19	Total special funds	<u>0</u>	<u>200,000</u>
20	Total general fund	\$376,100	\$1,570,000

The 2015-17 one-time funding amounts are not a part of the entity's base budget for the 2017-19 biennium. The attorney general shall report to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2015, and ending June 30, 2017.

SECTION 3. APPROPRIATION - 2013-15 BIENNIUM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the attorney general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015.

1 **SECTION 4. ATTORNEY GENERAL REFUND TRANSFER TO THE GENERAL FUND -**

2 **EXEMPTION.** Notwithstanding section 54-12-18, the attorney general may retain the balance in
3 the attorney general refund fund that would otherwise be transferred to the general fund on
4 June 30, 2015.

5 **SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.** The amount
6 appropriated to the attorney general from the strategic investment and improvements fund for
7 awarding grants to law enforcement agencies, for crime-related needs of the attorney general's
8 office, and for development of a uniform law enforcement and custody manual, as contained in
9 section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section
10 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general
11 to award grants to law enforcement agencies, for crime-related needs of the attorney general's
12 office, and for development of a uniform law enforcement and custody manual during the
13 biennium beginning July 1, 2015, and ending June 30, 2017.

14 **SECTION 6. LAW ENFORCEMENT GRANTS.** The law enforcement grants line item in
15 section 1 of this Act includes \$24,164,271 from the oil and gas impact grant fund, of which
16 \$4,164,271 relates to salaries and wages and equipment for the attorney general for
17 oil-impacted areas and \$20,000,000 in grants is for awarding grants to law enforcement
18 agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and
19 violent crime policy board of the attorney general, with approval of the board of university and
20 school lands, shall grant funds to law enforcement agencies in oil-impacted counties where
21 crime-related activities have increased or in other counties if the crime-related activities in
22 oil-impacted counties originated in any of those counties. The attorney general may spend up to
23 ten percent of the funding provided for grants under this section for defraying the expenses of
24 additional staffing needs or other needs necessary to accomplish the role of the attorney
25 general's office as an assisting agency in ensuring public safety in the affected areas. The
26 funding provided in this section is considered a one-time funding item. The attorney general
27 shall report to the budget section and to the appropriations committees of the sixty-fifth
28 legislative assembly on the use of this one-time funding, including the impact the grant funding
29 has had on crime-related activities.

30 **SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS.** The amount appropriated for
31 law enforcement grants in the law enforcement grants line item in section 1 of this Act is not

1 subject to section 54-44.1-11, and any unexpended funds from this line item may be continued
2 into the 2017-19 biennium.

3 **SECTION 8. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
6 **disbursements - Report - Net proceeds.**

7 There is established within the state treasury the lottery operating fund into which must be
8 deposited all revenue from the sale of tickets, interest received on money in the fund, and all
9 other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket
10 paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund
11 appropriated by the legislative assembly for administrative and operating costs of the lottery
12 under section 53-12.1-10, all other money in the fund is continuously appropriated for the
13 purposes specified in this section. During each regular session, the attorney general shall
14 present a report to the appropriations committee of each house of the legislative assembly on
15 the actual and estimated operating revenue and expenditures for the current biennium and
16 projected operating revenue and expenditures for the subsequent biennium authorized by this
17 section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made
18 only against the fund or money collected from a retailer on the sale of a ticket. A disbursement
19 from the fund must be for the following purposes:

- 20 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning
21 ticket;
- 22 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly
23 offset by cosponsorship funds collected;
- 24 3. Payment of a gaming system or related service expense, retailer record and credit
25 check fees, game group dues, and retailer commissions; and
- 26 4. Transfer of net proceeds:
- 27 a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer
28 each quarter for deposit in the compulsive gambling prevention and treatment
29 fund;
- 30 b. An amount for the lottery's share of a game's prize reserve pool must be
31 transferred to the multistate lottery association;

- 1 c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars
2 must be transferred to the state treasurer each quarter for deposit in the attorney
3 general multijurisdictional drug task force grant fund; and
- 4 d. The balance of the net proceeds, less holdback of any reserve funds the director
5 may need for continuing operations, must be transferred to the state treasurer on
6 at least an annual basis for deposit in the state general fund.

7 **SECTION 9.** A new section to chapter 54-12 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Criminal justice data information sharing system.**

- 10 1. The attorney general shall maintain a criminal justice data information sharing system
11 within the bureau of criminal investigation for the exchange of criminal justice data
12 information by judicial, law enforcement, and emergency services agencies, and the
13 department of transportation. Only an authorized individual employed by a criminal
14 justice agency as defined in section 12-60-16.1, the department of transportation, a
15 state court, or the department of emergency services or any other individual approved
16 by the attorney general may access the system. To be eligible for access to the
17 criminal justice data information sharing system, an individual shall undergo a criminal
18 history background check, including a fingerprint check.
- 19 2. The criminal justice data information sharing system may be accessed only in
20 accordance with rules adopted under this section. Any law enforcement record in the
21 possession of the attorney general through the criminal justice data information
22 sharing system is an exempt record. Criminal justice data information about an offense
23 committed by a child if the offense has not been transferred under section 27-20-34 to
24 another court having jurisdiction of the offense and information about a child victim or
25 witness is confidential.
- 26 3. The attorney general shall provide staff to maintain the criminal justice data
27 information system and provide administrative support for the advisory board.
- 28 4. A criminal justice information advisory board must be appointed, consisting of:
29 a. The chief justice of the supreme court or the chief justice's designee.
30 b. The director of the department of emergency services or the director's designee.

- 1 c. The director of the department of corrections and rehabilitation or the director's
- 2 designee.
- 3 d. The superintendent of the state highway patrol or the superintendent's designee.
- 4 e. The chief of the bureau of criminal investigation, who is the chairman of the
- 5 advisory board.
- 6 f. The chief information officer of the state or the chief information officer's
- 7 designee.
- 8 g. The director of the department of transportation or the director's designee.
- 9 h. A representative of a city police department, appointed by the attorney general
- 10 from a list of two or more nominees from the North Dakota chiefs of police
- 11 association.
- 12 i. A representative of a county sheriff's office, appointed by the attorney general
- 13 from a list of two or more nominees from the North Dakota sheriffs and deputies
- 14 association.
- 15 j. A state's attorney, appointed by the attorney general from a list of two or more
- 16 nominees from the North Dakota state's attorney's association.
- 17 k. A city government representative, appointed by the attorney general from a list of
- 18 two or more nominees from the league of cities.
- 19 l. A county government representative, appointed by the attorney general from a
- 20 list of two or more nominees from the association of counties.
- 21 5. Advisory board members who are not permanent full-time state employees are entitled
- 22 to compensation of seventy-five dollars per day and mileage and expenses as
- 23 provided by law for state employees. With the exception of the chief of the bureau of
- 24 criminal investigation, advisory board members appointed under this section serve
- 25 staggered three year terms.
- 26 6. The attorney general, after consultation with the advisory board, shall adopt rules to
- 27 establish eligibility for access to the criminal justice data information sharing system; to
- 28 implement the collection, storage, and sharing of criminal justice information and the
- 29 systems necessary to perform those functions; and to address the operation of the
- 30 advisory board.

1 c. Transfers to the water development trust fund to be used to address the
2 long-term water development and management needs of the state. Transfers
3 under this subsection must equal forty-five percent of the total annual transfers
4 from the tobacco settlement trust fund.

5 2. There is created in the state treasury a tobacco prevention and control trust fund. The
6 fund consists of the tobacco settlement dollars obtained by the state under
7 section IX(c)(2) of the agreement adopted by the east central judicial district court in its
8 judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota,
9 ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be
10 credited to the fund and deposited in the fund. Moneys received into the fund are to be
11 administered by the executive committee for the purpose of creating and implementing
12 the comprehensive plan. If in any biennium, the tobacco prevention and control trust
13 fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall
14 transfer money from the water development trust fund to the tobacco prevention and
15 control trust fund in an amount equal to the amount determined necessary by the
16 executive committee to fund a comprehensive plan.

17 3. Transfers to the funds under this section must be made within thirty days of receipt by
18 the state.

19 **SECTION 12. REPEAL.** Section 54-59-21 of the North Dakota Century Code is repealed.

20 **SECTION 13. EMERGENCY.** Sections 3 and section 4 of this Act are declared to be an
21 emergency measure.