

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, remove "to provide for grants;"

Page 1, line 2, after the "a" insert "new section to chapter 27-05 and two"

Page 1, line 2, replace "section" with "sections"

Page 1, line 3, after "to" insert "the responsibility for expert witness expenses, to attorney
general opinions, and"

Page 1, line 4, after the first comma insert "54-12-08, and"

Page 1, line 4, remove ", and 54-27-25"

Page 1, line 5, after the second comma insert "the assistant and special assistant attorneys
general, and"

Page 1, line 5, remove ", and the"

Page 1, line 6, remove "tobacco settlement trust fund"

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 8 with:

"Salaries and wages	\$34,806,462	\$5,947,335	\$40,753,797
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,444,463)	25,549,593
Capital assets	2,165,077	506,110	2,671,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,401,701	5,401,701
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,368	122	7,490
Total all funds	\$72,657,978	\$9,891,227	\$82,549,205
Less estimated income	35,382,450	(468,838)	34,913,612
Total general fund	\$37,275,528	\$10,360,065	\$47,635,593
Full-time equivalent positions	212.50	18.00	230.50"

Page 2, replace lines 14 through 20 with:

"BCI vehicles	\$198,000	\$132,000
BCI surveillance vehicles	0	200,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	178,100	0
Total all funds	\$376,100	\$1,582,000
Total special funds	0	133,333
Total general fund	\$376,100	\$1,448,667"

Page 2, remove lines 25 through 30

Page 3, remove lines 14 through 31

Page 4, replace lines 1 and 2 with:

"**SECTION 5.** A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

State crime laboratory expert witness travel costs responsibility of district court - Exception.

In any case before the district court involving an offense other than a class AA felony in which a staff member from the state crime laboratory is subpoenaed to testify as an expert witness, the district court shall pay the mileage and travel expenses incurred by the expert witness as provided in sections 44-04-04 and 54-06-09. If the district court permits the expert witness to testify via the state's interactive video network service or other interactive computer service, the district court is not responsible for any costs related to the testimony of a subpoenaed state crime laboratory expert witness.

SECTION 6. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Attorney general opinions - Notification of receipt of request - Delivery.

Within thirty days of receipt of a request for a written opinion under section 54-12-01 or 44-04-21.1, the attorney general shall notify the individual who requested the opinion that the request has been received and that a written opinion will be delivered to the requester within sixty days of the receipt of the request or that the attorney general has determined that a written opinion will not be provided to the requester. If the attorney general determines that an opinion will not be written in response to the request, the attorney general shall inform the requester of the basis for that determination."

Page 6, after line 30, insert:

"**SECTION 9. AMENDMENT.** Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, ~~the board of higher education~~, and the securities commissioner may employ attorneys

to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.
3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of human services, state department of health, and the state hospital.
4. Any assistant and special assistant attorney general, appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant and special assistant attorneys general must be considered a state educational official authorized to access student records for legal purposes."

Page 7, remove lines 7 through 30

Page 8, remove lines 1 through 18

Page 8, line 20, replace "Sections" with "Section"

Page 8, line 20, remove "and section 4"

Page 8, line 20, replace "are" with "is"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

Base

Senate

House

House

	Budget	Version	Changes	Version
Salaries and wages	\$34,806,462	\$40,303,241	\$450,556	\$40,753,797
Operating expenses	26,994,056	25,858,095	(308,502)	25,549,593
Capital assets	2,165,077	2,879,187	(208,000)	2,671,187
Grants	2,373,947	1,762,659		1,762,659
Litigation fees	50,000	50,000		50,000
Abortion litigation fees	400,000	400,000		400,000
Medical examinations	660,000	660,000		660,000
North Dakota lottery	4,133,821	5,282,778		5,282,778
Arrest and return of fugitives	10,000	10,000		10,000
Gaming commission	7,368	7,490		7,490
Accrued leave payments	1,057,247			
Law enforcement grants		24,815,507	(24,815,507)	
Criminal justice information sharing		5,406,219	(4,518)	5,401,701
Total all funds	\$72,657,978	\$107,435,176	(\$24,885,971)	\$82,549,205
Less estimated income	35,382,450	60,523,643	(25,610,031)	34,913,612
General fund	\$37,275,528	\$46,911,533	\$724,060	\$47,635,593
FTE	212.50	248.00	(17.50)	230.50

Department No. 125 - Attorney General - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases ¹	Adds Funding for Higher Education Legal Staff ²	Removes Funding for Oil Impact Law Enforcement Grants ³	Removes Funding for Medicaid Fraud Unit ⁴	Removes Funding for Tobacco Enforcement ⁵	Removes Funding for Building Feasibility Study ⁶
Salaries and wages	(\$180,687)	\$1,487,982	(\$131,847)	(\$724,892)		
Operating expenses		112,000		(190,502)	(200,000)	(30,000)
Capital assets				(20,000)		
Grants						
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Accrued leave payments						
Law enforcement grants			(24,815,507)			
Criminal justice information sharing	(4,518)					
Total all funds	(\$185,205)	\$1,599,982	(\$24,947,354)	(\$935,394)	(\$200,000)	(\$30,000)
Less estimated income	(15,201)	0	(24,456,308)	(841,855)	(200,000)	(30,000)
General fund	(\$170,004)	\$1,599,982	(\$491,046)	(\$93,539)	\$0	\$0
FTE	0.00	6.00	(19.50)	(4.00)	0.00	0.00

	Reduces One-Time Funding for Undercover Vehicles ⁷	Reduces One-Time Funding for Surveillance Vehicles ⁸	Total House Changes
Salaries and wages			\$450,556
Operating expenses			(308,502)
Capital assets	(88,000)	(100,000)	(208,000)
Grants			
Litigation fees			
Abortion litigation fees			
Medical examinations			
North Dakota lottery			
Arrest and return of fugitives			
Gaming commission			
Accrued leave payments			
Law enforcement grants			(24,815,507)
Criminal justice information sharing			(4,518)
	(\$88,000)	(\$100,000)	(\$24,885,971)

Total all funds			
Less estimated income	0	(66,667)	(25,610,031)
General fund	(\$88,000)	(\$33,333)	\$724,060
FTE	0.00	0.00	(17.50)

¹ Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

² Funding is added from the general fund for 6 FTE positions, related salary increases and health insurance increases (\$1,487,982) and related operating expenses (\$112,000) for providing legal services to the North Dakota University System.

³ The funding shown below is removed for oil impact law enforcement grants. The other funds include \$24,164,271 from the oil and gas impact grant fund.

	FTE	General Fund	Other Funds	Total
New criminal investigators	(5.00)		(\$1,388,830)	(\$1,388,830)
New intelligence analysts	(3.00)		(480,946)	(480,946)
New BCI agents	(4.00)	(\$270,336)	(495,555)	(765,891)
New victim advocate	(1.00)		(189,580)	(189,580)
New assistant Attorney General	(1.00)		(302,136)	(302,136)
New assistant Attorney General	(1.00)		(198,619)	(198,619)
New administrative assistants	(2.00)		(264,380)	(264,380)
New grants administrator	(1.00)		(132,190)	(132,190)
New forensic scientist	(1.00)		(165,554)	(165,554)
New attorney	(0.50)		(165,264)	(165,264)
Oil impact law enforcement grants			(20,000,000)	(20,000,000)
Operating and other costs			(673,254)	(673,254)
Salary increase - Performance			(220,710)	(220,710)
Total	(19.50)	(\$270,336)	(\$24,677,018)	(\$24,947,354)

⁴ Funding for a Medicaid fraud unit is removed as shown below:

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	(4.00)	(\$72,489)	(\$652,403)	(\$724,892)
Operating expenses		(19,050)	(171,452)	(190,502)
Capital assets		(2,000)	(18,000)	(20,000)
Total	(4.00)	(\$93,539)	(\$841,855)	(\$935,394)

⁵ Funding has been removed for tobacco enforcement and Section 12 has been removed, which amended Section 54-27-25 to allow tobacco settlement funding to be appropriated to the Attorney General for tobacco enforcement.

⁶ Funding is removed from other funds for a building feasibility study.

⁷ Funding is reduced from one-time capital purchases to provide 6 of the 10 undercover vehicles approved by the Senate.

⁸ Funding is reduced from one-time capital purchases to provide 2 of the 3 surveillance vehicles approved by the Senate.

This amendment also:

- Removes a section to appropriate \$1 million from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Removes a section designating that of the law enforcement grants line item in Section 1 of the bill, \$24,164,271 is from the oil and gas impact grant fund, of which \$20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and \$4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Removes a section which provided an exemption from Section 54-44.1-11 for the amount

appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.

- Adds a section to create a new section to Chapter 27-05 regarding State Crime Laboratory expert witness travel costs responsibility of district courts and provides an exemption.
- Adds a section to create a new section to Chapter 54-12 regarding notification to the requestor of the receipt and status of an opinion requested from the Attorney General.
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant Attorneys General and to allow assistant and special assistant Attorneys General that have been appointed to access and examine records under the control of the State Board of Higher Education.
- Removes the appropriation of \$1 million from the general fund to the Attorney General from the emergency clause.