

Sixty-sixth  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2003

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general;  
2 to amend and reenact sections 53-12.1-09 and 54-12-11 of the North Dakota Century Code,  
3 relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant  
4 fund and the salary of the attorney general; to provide an exemption; to provide a statement of  
5 legislative intent related to prosecution witness fees; and to provide for a report.

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 funds  
8 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, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 <del>Salaries and wages</del>	<del>\$41,179,043</del>	<del>\$4,175,280</del>	<del>\$45,354,323</del>
15 <del>Operating expenses</del>	<del>15,977,281</del>	<del>475,981</del>	<del>16,453,262</del>
16 <del>Capital assets</del>	<del>2,742,372</del>	<del>529,964</del>	<del>3,272,336</del>
17 <del>Grants</del>	<del>2,440,000</del>	<del>1,978,440</del>	<del>4,418,440</del>
18 <del>Litigation fees</del>	<del>150,000</del>	<del>0</del>	<del>150,000</del>
19 <del>Intellectual property attorney</del>	<del>426,924</del>	<del>17,837</del>	<del>444,761</del>
20 <del>Medical examinations</del>	<del>660,000</del>	<del>0</del>	<del>660,000</del>
21 <del>North Dakota lottery</del>	<del>5,336,797</del>	<del>(147,847)</del>	<del>5,188,950</del>
22 <del>Arrest and return of fugitives</del>	<del>10,000</del>	<del>0</del>	<del>10,000</del>
23 <del>Gaming commission</del>	<del>7,490</del>	<del>(1)</del>	<del>7,489</del>
24 <del>Criminal justice information sharing</del>	<del>3,386,645</del>	<del>244,369</del>	<del>3,631,014</del>

Sixty-sixth  
Legislative Assembly

1	<del>Law enforcement</del>	<del>2,901,608</del>	<del>78,136</del>	<del>2,979,744</del>
2	<del>Human trafficking victims grants</del>	<del>125,000</del>	<del>1,500,000</del>	<del>1,625,000</del>
3	<del>Forensic nurse examiners grants</del>	<del>0</del>	<del>250,000</del>	<del>250,000</del>
4	<del>Total all funds</del>	<del>\$75,343,160</del>	<del>\$9,102,159</del>	<del>\$84,445,319</del>
5	<del>Less estimated income</del>	<del>30,647,320</del>	<del>7,928,825</del>	<del>38,576,145</del>
6	<del>Total general fund</del>	<del>\$44,695,840</del>	<del>\$1,173,334</del>	<del>\$45,869,174</del>
7	<del>Full-time equivalent positions</del>	<del>237.00</del>	<del>7.00</del>	<del>244.00</del>
8	Salaries and wages	\$41,179,043	\$3,422,237	\$44,601,280
9	Operating expenses	15,977,281	325,321	16,302,602
10	Capital assets	2,742,372	331,204	3,073,576
11	Grants	2,440,000	1,978,440	4,418,440
12	Litigation fees	150,000	0	150,000
13	Intellectual property attorney	426,924	15,161	442,085
14	Medical examinations	660,000	0	660,000
15	North Dakota lottery	5,336,797	(145,343)	5,191,454
16	Arrest and return of fugitives	10,000	0	10,000
17	Gaming commission	7,490	(1)	7,489
18	Criminal justice information sharing	3,386,645	626,733	4,013,378
19	Law enforcement	2,901,608	80,676	2,982,284
20	Human trafficking victims grants	125,000	875,000	1,000,000
21	Forensic nurse examiners grants	0	250,000	250,000
22	Total all funds	\$75,343,160	\$7,759,428	\$83,102,588
23	Less estimated income	30,647,320	7,150,803	37,798,123
24	Total general fund	\$44,695,840	\$608,625	\$45,304,465
25	Full-time equivalent positions	237.00	5.00	242.00

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

**SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

30	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
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Sixty-sixth  
Legislative Assembly

1	<del>SAVIN cost-share program</del>	<del>\$315,000</del>	<del>\$0</del>
2	<del>Uniform crime reporting rewrite</del>	<del>280,000</del>	<del>0</del>
3	<del>DOS-based deposit system rewrite</del>	<del>100,000</del>	<del>0</del>
4	<del>Pipeline protest law enforcement support</del>	<del>200,000</del>	<del>0</del>
5	<del>Court-ordered payments</del>	<del>15,872,000</del>	<del>0</del>
6	<del>Forensic nurse examiner grants</del>	<del>150,000</del>	<del>0</del>
7	<del>Additional income</del>	<del>250,000</del>	<del>0</del>
8	<del>SAVIN program enhancements</del>	<del>500,000</del>	<del>0</del>
9	<del>Criminal history improvement project</del>	<del>0</del>	<del>400,000</del>
10	<del>Capital assets</del>	<del>0</del>	<del>1,851,956</del>
11	<del>Undercover vehicles</del>	<del>0</del>	<del>300,000</del>
12	<del>Finger identification system replacement project</del>	<del>0</del>	<del>316,000</del>
13	<del>Charitable gaming technology system</del>	<del>0</del>	<del>400,000</del>
14	<del>Total all funds</del>	<del>\$17,667,000</del>	<del>\$3,267,956</del>
15	<del>Total other funds</del>	<del>17,567,000</del>	<del>2,967,956</del>
16	<del>Total general fund</del>	<del>\$100,000</del>	<del>\$300,000</del>
17	SAVIN cost-share program	\$315,000	\$0
18	Uniform crime reporting rewrite	280,000	0
19	DOS-based deposit system rewrite	100,000	0
20	Pipeline protest law enforcement support	200,000	0
21	Court-ordered payments	15,872,000	0
22	Forensic nurse examiner grants	150,000	0
23	Additional income	250,000	0
24	SAVIN program enhancements	500,000	0
25	Criminal history improvement project	0	400,000
26	Capital assets	0	1,851,956
27	Undercover vehicles	0	150,000
28	Finger identification system replacement project	0	316,000
29	Charitable gaming technology system	0	400,000
30	Total all funds	\$17,667,000	\$3,117,956

1	<u>Total other funds</u>	<u>17,567,000</u>	<u>2,967,956</u>
2	<u>Total general fund</u>	<u>\$100,000</u>	<u>\$150,000</u>

3 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget  
4 for the 2021-23 biennium. The attorney general shall report to the appropriations committees of  
5 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium  
6 beginning July 1, 2019, and ending June 30, 2021.

7 **SECTION 3. EXEMPTION - ATTORNEY GENERAL REFUND FUND.** Notwithstanding  
8 section 54-12-18, the attorney general may retain the balance in the attorney general refund  
9 fund which would otherwise be transferred to the general fund on June 30, 2019.

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

12 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**  
13 **disbursements - Report - Net proceeds.**

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

- 27 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning  
28 ticket;
- 29 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly  
30 offset by cosponsorship funds collected;

- 1       3.   Payment of a gaming system or related service expense, retailer record and credit
- 2           check fees, game group dues, and retailer commissions; and
- 3       4.   Transfer of net proceeds:
- 4           a.   Eighty thousand dollars must be transferred to the state treasurer each quarter
- 5           for deposit in the gambling disorder prevention and treatment fund;
- 6           b.   An amount for the lottery's share of a game's prize reserve pool must be
- 7           transferred to the multistate lottery association;
- 8           c.   Starting July 1, ~~2007~~2019, ~~one~~two hundred five thousand six hundred twenty-five
- 9           dollars must be transferred to the state treasurer each quarter for deposit in the
- 10          attorney general multijurisdictional drug task force grant fund; and
- 11          d.   The balance of the net proceeds, less holdback of any reserve funds the director
- 12          may need for continuing operations, must be transferred to the state treasurer on
- 13          at least an annual basis for deposit in the state general fund.

14       **SECTION 5. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **54-12-11. Salary of attorney general.**

17       The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred~~  
18 ~~thirty-six dollars through June 30, 2016~~one hundred sixty thousand one hundred forty-nine  
19 dollarsone hundred fifty-nine thousand four hundred nine dollars through June 30, 2020, and  
20 ~~one hundred fifty-seven thousand nine dollars~~one hundred sixty-four thousand nine hundred  
21 fifty-four dollarsone hundred sixty-three thousand three hundred ninety-four dollars thereafter.

22       ~~**SECTION 7. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the~~  
23 ~~amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from~~  
24 ~~federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the~~  
25 ~~attorney general for the purposes of defraying the expenses of the office, for the biennium~~  
26 ~~beginning July 1, 2019, and ending June 30, 2021. The attorney general shall notify the office of~~  
27 ~~management and budget and the legislative council of any funding made available pursuant to~~  
28 ~~this section.~~

29       **SECTION 6. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity  
30 requesting a criminal history record check from the bureau of criminal investigation, as a result  
31 of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee

1 established by the attorney general to the attorney general to be deposited in the state's general  
2 fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

3 **SECTION 7. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**

4 **NOTIFICATION PROGRAM.** The \$815,000 from ~~the general fund~~ other funds appropriated to  
5 the attorney general for the statewide automated victim information and notification system as  
6 contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the  
7 provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to  
8 the attorney general for the statewide automated victim information and notification program,  
9 during the biennium beginning July 1, 2019, and ending June 30, 2021.

10 **SECTION 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**

11 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes

12 ~~\$1,625,000~~ \$1,000,000 from the general fund for the purpose of providing grants to  
13 organizations involved in providing prevention and treatment services related to human  
14 trafficking victims for the biennium beginning July 1, 2019, and ending June 30, 2021. The  
15 attorney general may provide grants for the development and implementation of direct care  
16 emergency or long-term crisis services, residential care, training for law enforcement, support of  
17 advocacy services, and programs promoting positive outcomes for victims. Any organization  
18 that receives a grant under this section shall report to the attorney general and the  
19 appropriations committees of the sixty-seventh legislative assembly on the use of the funds  
20 received and the outcomes of its program. The attorney general shall report to the legislative  
21 management during the 2019-20 interim on the status and results of the grant program.

22 **SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The

23 forensic nurse examiners grants line item in section 1 of this Act includes \$250,000 from the  
24 general fund for the purpose of providing forensic nurse examiner program grants for  
25 community-based or hospital-based sexual assault examiner programs, for the biennium  
26 beginning July 1, 2019, and ending June 30, 2021. Any organization that receives a grant under  
27 this section shall report to the attorney general and the appropriations committees of the  
28 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its  
29 programs. The attorney general shall report to the appropriations committees of the  
30 sixty-seventh legislative assembly on the number of nurses trained, the number and location of  
31 nurses providing services related to sexual assault nurse examiner programs, and

1 documentation of collaborative efforts to assist victims which includes nurses, the hospital or  
2 clinic, law enforcement, and state's attorneys.

3 **SECTION 10. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**

4 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of  
5 this Act includes \$400,000 from the attorney general operating fund for the purpose of  
6 purchasing equipment and software for a charitable gaming technology system.

7 Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit  
8 in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney  
9 general shall deposit \$400,000 into the attorney general operating fund during the biennium  
10 beginning July 1, 2019, and ending June 30, 2021.

11 **SECTION 11. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount  
12 appropriated to the attorney general from the general fund for a concealed weapon rewrite  
13 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the  
14 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds  
15 from this appropriation are available to the attorney general for the concealed weapon rewrite  
16 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.

17 **SECTION 12. PROSECUTION WITNESS FEES - LEGISLATIVE INTENT - REPORT TO**

18 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The operating expenses line item in section 1 of  
19 this Act includes \$150,000 from the general fund for prosecution witness fees. It is the intent of  
20 the sixty-sixth legislative assembly that if the funding provided for prosecution witness fees is  
21 insufficient, the attorney general reduce other operating expenses to the extent necessary to  
22 provide adequate funding for prosecution witness fees for the biennium beginning July 1, 2019,  
23 and ending June 30, 2021. The attorney general shall report to the appropriations committees  
24 of the sixty-seventh legislative assembly on the use of funding for prosecution witness fees for  
25 the biennium beginning July 1, 2019, and ending June 30, 2021.