

PROPOSED AMENDMENTS TO REENGROSSED SENATE BILL NO. 2003

That the House recede from its amendments as printed on pages 1479-1482 of the Senate Journal and pages 1670-1674 of the House Journal and that Reengrossed Senate Bill No. 2003 be amended as follows:

Page 1, line 2, after "sections" insert "31-01-16,"

Page 1, line 2, after "53-12.1-09" insert a comma

Page 1, line 3, after the first "to" insert "prosecution witness fees,"

Page 1, line 4, after "fund" insert a comma

Page 1, line 4, after the second semicolon insert "to provide a statement of legislative intent;"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 6 with:

"Salaries and wages	\$41,179,043	\$4,775,938	\$45,954,981
Operating expenses	15,977,281	411,365	16,388,646
Capital assets	2,742,372	429,964	3,172,336
Grants	2,440,000	1,978,440	4,418,440
Litigation fees	150,000	0	150,000
Intellectual property attorney	426,924	15,161	442,085
Medical examinations	660,000	0	660,000
North Dakota lottery	5,336,797	(145,343)	5,191,454
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,490	(1)	7,489
Criminal justice information sharing	3,386,645	244,476	3,631,121
Law enforcement	2,901,608	80,676	2,982,284
Human trafficking victims grants	125,000	1,275,000	1,400,000
Forensic nurse examiners grants	<u>0</u>	<u>250,000</u>	<u>250,000</u>
Total all funds	\$75,343,160	\$9,315,676	\$84,658,836
Less estimated income	<u>30,647,320</u>	<u>8,206,920</u>	<u>38,854,240</u>
Total general fund	\$44,695,840	\$1,108,756	\$45,804,596
Full-time equivalent positions	237.00	8.00	245.00"

Page 2, replace lines 12 through 27 with:

"SAVIN cost-share program	\$315,000	\$0
Uniform crime reporting rewrite	280,000	0
DOS-based deposit system rewrite	100,000	0
Pipeline protest law enforcement support	200,000	0
Court-ordered payments	15,872,000	0
Forensic nurse examiner grants	150,000	0
Additional income	250,000	0
SAVIN program enhancements	500,000	0
Criminal history improvement project	0	400,000
Capital assets	0	1,851,956
Undercover vehicles	0	200,000

Finger identification system replacement project	0	316,000
Charitable gaming technology system	0	<u>400,000</u>
Total all funds	\$17,667,000	\$3,167,956
Total other funds	<u>17,567,000</u>	<u>2,967,956</u>
Total general fund	\$100,000	\$200,000"

Page 3, after line 3, insert:

**"SECTION 4. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is amended and reenacted as follows:

**31-01-16. Compensation and mileage and travel expense of witness.**

A witness in a civil or criminal case is entitled to receive:

1. A sum of twenty-five dollars for each day necessarily in attendance before the district court or before any other board or tribunal, except municipal court.
2. A sum for mileage and travel expense reimbursement equal to the reimbursement rates provided for state employees in sections 44-08-04 and 54-06-09.

In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed twenty-five thousand dollars per county per biennium, and the commission on legal counsel for indigents shall pay witness fees and expenses for witnesses in those cases in which counsel has been provided by the commission. Prisoners may not be compensated as witnesses under this section."

Page 4, line 11, remove "one hundred sixty thousand one hundred forty-nine"

Page 4, line 12, replace "dollars" with "one hundred fifty-nine thousand four hundred nine dollars"

Page 4, line 12, remove "one hundred"

Page 4, line 13, replace "sixty-four thousand nine hundred fifty-four dollars" with "one hundred sixty-three thousand three hundred ninety-four dollars"

Page 4, line 27, replace "the general fund" with "other funds"

Page 5, line 5, replace "\$1,625,000" with "\$1,400,000"

Page 6, after line 9, insert:

**"SECTION 14. LEGISLATIVE INTENT - ATTORNEY SALARY EQUITY INCREASES - ATTORNEY GENERAL REFUND FUND.** It is the intent of the sixty-sixth legislative assembly that the attorney general use up to \$425,000 from moneys deposited in the attorney general refund fund relating to an April 2019 lawsuit settlement of \$1,215,561 and investment earnings on the settlement amount for providing salary equity increases to attorney positions in the attorney general's office for the biennium beginning July 1, 2019, and ending June 30, 2021. It is further the intent of the legislative assembly that the remaining settlement proceeds and investment earnings on the remaining proceeds be retained in the attorney general refund fund and be used for the cost to continue the salary equity increases provided

during the 2019-21 biennium during the 2021-23 and 2023-25 bienniums, subject to legislative appropriations.

**SECTION 15. ATTORNEY GENERAL - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE INVESTMENT BOARD.** The attorney general may invest up to \$1,215,561 of lawsuit settlement proceeds received by the attorney general and deposited in the attorney general refund fund during the biennium beginning July 1, 2017, and ending June 30, 2019, under the supervision of the state investment board for the period beginning July 1, 2019, and ending June 30, 2025."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Attorney General - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$41,179,043	\$45,354,323	\$600,658	\$45,954,981	\$44,601,280	\$1,353,701
Operating expenses	15,977,281	16,453,262	(64,616)	16,388,646	16,302,602	86,044
Capital assets	2,742,372	3,272,336	(100,000)	3,172,336	3,073,576	98,760
Grants	2,440,000	4,418,440		4,418,440	4,418,440	
Litigation fees	150,000	150,000		150,000	150,000	
Intellectual property attorney	426,924	444,761	(2,676)	442,085	442,085	
Medical examinations	660,000	660,000		660,000	660,000	
North Dakota lottery	5,336,797	5,188,950	2,504	5,191,454	5,191,454	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming commission	7,490	7,489		7,489	7,489	
Criminal justice information sharing	3,386,645	3,631,014	107	3,631,121	4,013,378	(382,257)
Law enforcement	2,901,608	2,979,744	2,540	2,982,284	2,982,284	
Human trafficking victims grants	125,000	1,625,000	(225,000)	1,400,000	1,000,000	400,000
Additional expenses		250,000		250,000		250,000
Forensic nurse examiners grants		250,000		250,000	250,000	
<b>Total all funds</b>	<b>\$75,343,160</b>	<b>\$84,695,319</b>	<b>\$213,517</b>	<b>\$84,908,836</b>	<b>\$83,102,588</b>	<b>\$1,806,248</b>
Less estimated income	30,647,320	38,826,145	278,095	39,104,240	37,798,123	1,306,117
<b>General fund</b>	<b>\$44,695,840</b>	<b>\$45,869,174</b>	<b>(\$64,578)</b>	<b>\$45,804,596</b>	<b>\$45,304,465</b>	<b>\$500,131</b>
FTE	237.00	244.00	1.00	245.00	242.00	3.00

**Department 125 - Attorney General - Detail of Conference Committee Changes**

	<b>Adjusts Funding for Salary and Benefit Increases<sup>1</sup></b>	<b>Reduces Funding for the Medicaid Fraud Control Unit Program<sup>2</sup></b>	<b>Transfers 2 FTE from the Department of Emergency Services<sup>3</sup></b>	<b>Reduces Funding for the Human Trafficking Victims Grant Program<sup>4</sup></b>	<b>Reduces One- Time Funding for Undercover Vehicles<sup>5</sup></b>	<b>Adds Funding for Attorney Salary Increases<sup>6</sup></b>
Salaries and wages	\$17,805	(\$214,702)	\$372,555			\$425,000
Operating expenses		(74,004)	9,388			
Capital assets					(\$100,000)	
Grants						
Litigation fees						
Intellectual property attorney	(2,676)					
Medical examinations						
North Dakota lottery	2,504					
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	107					
Law enforcement	2,540					
Human trafficking victims grants				(\$225,000)		
Additional expenses						
Forensic nurse examiners grants						
<b>Total all funds</b>	<b>\$20,280</b>	<b>(\$288,706)</b>	<b>\$381,943</b>	<b>(\$225,000)</b>	<b>(\$100,000)</b>	<b>\$425,000</b>
Less estimated income	1,165	(259,836)	111,766	0	0	425,000
General fund	\$19,115	(\$28,870)	\$270,177	(\$225,000)	(\$100,000)	\$0
FTE	0.00	(1.00)	2.00	0.00	0.00	0.00

	<b>Total Conference Committee Changes</b>
Salaries and wages	\$600,658
Operating expenses	(64,616)
Capital assets	(100,000)
Grants	
Litigation fees	
Intellectual property attorney	(2,676)
Medical examinations	
North Dakota lottery	2,504
Arrest and return of fugitives	
Gaming commission	
Criminal justice information sharing	107
Law enforcement	2,540
Human trafficking victims grants	(225,000)
Additional expenses	
Forensic nurse examiners grants	
<b>Total all funds</b>	<b>\$213,517</b>
Less estimated income	278,095
General fund	(\$64,578)
FTE	1.00

<sup>1</sup> Funding of \$24,742 is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020, to provide total salary increases of \$1,431,585, of which \$1,053,211 is from the general fund and \$378,374 is from other funds. The Senate approved salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, to provide total salary increases of \$1,406,843, of which \$1,033,650 was from the general fund and \$373,193 was from other funds.

This amendment also reduces funding by \$4,462, of which \$446 is from the general fund and \$4,016 is from other funds, for health insurance premiums related to the Conference Committee removing 1 FTE Medicaid Fraud Control

Unit attorney position.

<sup>2</sup> Funding of \$288,706, of which \$28,870 is from the general fund and \$259,836 is from federal funds, is reduced for the Medicaid Fraud Control Unit program, to provide total funding of \$1,528,620 for the program, of which \$152,863 is from the general fund and \$1,375,757 is from federal funds. The Senate approved a total of \$1,817,326 for the program, of which \$181,733 was from the general fund and \$1,635,593 was from federal funds. The House approved a total of \$1,046,802, of which \$104,680 was from the general fund and \$942,122 was from federal funds.

The reduction includes the removal of 1 FTE attorney position to provide for 6 FTE positions, including 1 attorney, 2 auditors, 2 criminal investigators, and 1 administrative assistant. The Senate approved 7 FTE positions for the program, including 2 attorneys, 2 auditors, 2 criminal investigators, and 1 administrative assistant. The House approved 4 FTE positions, including 1 attorney, 1 auditor, and 2 criminal investigators.

<sup>3</sup> Funding of \$381,943, of which \$270,177 is from the general fund, \$74,510 is from federal funds, and \$37,256 is from special funds, is transferred from the Adjutant General to the Attorney General, including 2 Criminal Justice Information Sharing FTE positions. The House also provided for this transfer.

<sup>4</sup> Funding for the human trafficking victims grant program is reduced by \$225,000 from the general fund, to provide a total of \$1,400,000 from the general fund for the program. The Senate approved \$1,625,000 and the House approved \$1,000,000 from the general fund for the program.

<sup>5</sup> One-time funding from the general fund is reduced by \$100,000 for the replacement of 8 Bureau of Criminal Investigation undercover vehicles to provide a total appropriation of \$200,000 from the general fund. The Senate approved one-time funding of \$300,000 from the general fund for the replacement of 12 undercover vehicles. The House approved one-time funding of \$150,000 from the general fund for the replacement of 6 undercover vehicles.

<sup>6</sup> One-time funding of \$425,000 is added from the Attorney General refund fund to provide salary equity increases for attorneys during the 2019-21 biennium. Of this amount, \$400,000 relates to a lawsuit settlement received by the Consumer Protection Division of the Attorney General's office and \$25,000 relates to anticipated interest and earnings on the settlement amount.

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The House removed \$169,924 from the Attorney General's operating fund for 1 FTE Deputy Fire Marshal position. The Conference Committee did not remove funding for the position, the same as the Senate.

The House removed \$250,000 for additional federal or other funds received during the 2019-21 biennium. The Conference Committee did not remove this funding, the same as the Senate.

This amendment also:

- Amends the section providing for the Attorney General's salary increase for the 2019-21 biennium.
- Amends a section related to the human trafficking victims grant program.
- Adds a section of legislative intent regarding salary equity increases for attorneys in the Attorney General's office for the 2019-21 biennium.
- Adds a section authorizing the Attorney General to invest certain lawsuit settlement proceeds deposited in the refund fund under the supervision of the State Investment Board.
- Adds statutory sections to limit the amount of prosecution witness fees the Attorney General can reimburse to each county to \$25,000 in a biennium. The House added a section regarding prosecution witness fees that identified \$150,000 in the operating expenses line item for prosecution witness fees, which included a reallocation of funding in the operating expenses line item to increase prosecution witness fees from \$95,000 to \$150,000 and decreased other operating expenses by \$55,000. The Conference Committee did not include the House's section related to prosecution witness fees.