

**SECOND ENGROSSMENT
with House Amendments
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 Salaries and wages	\$41,179,043	\$3,422,237	\$44,601,280
15 Operating expenses	15,977,281	325,321	16,302,602
16 Capital assets	2,742,372	331,204	3,073,576
17 Grants	2,440,000	1,978,440	4,418,440
18 Litigation fees	150,000	0	150,000
19 Intellectual property attorney	426,924	15,161	442,085
20 Medical examinations	660,000	0	660,000
21 North Dakota lottery	5,336,797	(145,343)	5,191,454
22 Arrest and return of fugitives	10,000	0	10,000
23 Gaming commission	7,490	(1)	7,489
24 Criminal justice information sharing	3,386,645	626,733	4,013,378

Sixty-sixth
Legislative Assembly

1	Law enforcement	2,901,608	80,676	2,982,284
2	Human trafficking victims grants	125,000	875,000	1,000,000
3	Forensic nurse examiners grants	<u>0</u>	<u>250,000</u>	<u>250,000</u>
4	Total all funds	\$75,343,160	\$7,759,428	\$83,102,588
5	Less estimated income	<u>30,647,320</u>	<u>7,150,803</u>	<u>37,798,123</u>
6	Total general fund	\$44,695,840	\$608,625	\$45,304,465
7	Full-time equivalent positions	237.00	5.00	242.00

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

9 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

10 funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the
11 one-time funding items included in the appropriation in section 1 of this Act:

12	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
13	SAVIN cost-share program	\$315,000	\$0
14	Uniform crime reporting rewrite	280,000	0
15	DOS-based deposit system rewrite	100,000	0
16	Pipeline protest law enforcement support	200,000	0
17	Court-ordered payments	15,872,000	0
18	Forensic nurse examiner grants	150,000	0
19	Additional income	250,000	0
20	SAVIN program enhancements	500,000	0
21	Criminal history improvement project	0	400,000
22	Capital assets	0	1,851,956
23	Undercover vehicles	0	150,000
24	Finger identification system replacement project	0	316,000
25	Charitable gaming technology system	<u>0</u>	<u>400,000</u>
26	Total all funds	\$17,667,000	\$3,117,956
27	Total other funds	<u>17,567,000</u>	<u>2,967,956</u>
28	Total general fund	\$100,000	\$150,000

29 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
30 for the 2021-23 biennium. The attorney general shall report to the appropriations committees of

1 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium
2 beginning July 1, 2019, and ending June 30, 2021.

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

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

8 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
9 **disbursements - Report - Net proceeds.**

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

- 23 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning
24 ticket;
- 25 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly
26 offset by cosponsorship funds collected;
- 27 3. Payment of a gaming system or related service expense, retailer record and credit
28 check fees, game group dues, and retailer commissions; and
- 29 4. Transfer of net proceeds:
 - 30 a. Eighty thousand dollars must be transferred to the state treasurer each quarter
31 for deposit in the gambling disorder prevention and treatment fund;

- 1 b. An amount for the lottery's share of a game's prize reserve pool must be
2 transferred to the multistate lottery association;
- 3 c. Starting July 1, ~~2007~~2019, ~~one~~two hundred five thousand six hundred twenty-five
4 dollars must be transferred to the state treasurer each quarter for deposit in the
5 attorney general multijurisdictional drug task force grant fund; and
- 6 d. The balance of the net proceeds, less holdback of any reserve funds the director
7 may need for continuing operations, must be transferred to the state treasurer on
8 at least an annual basis for deposit in the state general fund.

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

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

12 The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred~~
13 ~~thirty-six dollars through June 30, 2016~~one hundred fifty-nine thousand four hundred nine
14 dollars through June 30, 2020, and ~~one hundred fifty-seven thousand nine dollars~~one hundred
15 sixty-three thousand three hundred ninety-four dollars thereafter.

16 **SECTION 6. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
17 requesting a criminal history record check from the bureau of criminal investigation, as a result
18 of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee
19 established by the attorney general to the attorney general to be deposited in the state's general
20 fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

21 **SECTION 7. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**
22 **NOTIFICATION PROGRAM.** The \$815,000 from other funds appropriated to the attorney
23 general for the statewide automated victim information and notification system as contained in
24 sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of
25 section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney
26 general for the statewide automated victim information and notification program, during the
27 biennium beginning July 1, 2019, and ending June 30, 2021.

28 **SECTION 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
29 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
30 \$1,000,000 from the general fund for the purpose of providing grants to organizations involved
31 in providing prevention and treatment services related to human trafficking victims for the

1 biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide
2 grants for the development and implementation of direct care emergency or long-term crisis
3 services, residential care, training for law enforcement, support of advocacy services, and
4 programs promoting positive outcomes for victims. Any organization that receives a grant under
5 this section shall report to the attorney general and the appropriations committees of the
6 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
7 program. The attorney general shall report to the legislative management during the 2019-20
8 interim on the status and results of the grant program.

9 **SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
10 forensic nurse examiners grants line item in section 1 of this Act includes \$250,000 from the
11 general fund for the purpose of providing forensic nurse examiner program grants for
12 community-based or hospital-based sexual assault examiner programs, for the biennium
13 beginning July 1, 2019, and ending June 30, 2021. Any organization that receives a grant under
14 this section shall report to the attorney general and the appropriations committees of the
15 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
16 programs. The attorney general shall report to the appropriations committees of the
17 sixty-seventh legislative assembly on the number of nurses trained, the number and location of
18 nurses providing services related to sexual assault nurse examiner programs, and
19 documentation of collaborative efforts to assist victims which includes nurses, the hospital or
20 clinic, law enforcement, and state's attorneys.

21 **SECTION 10. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
22 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of
23 this Act includes \$400,000 from the attorney general operating fund for the purpose of
24 purchasing equipment and software for a charitable gaming technology system.
25 Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit
26 in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney
27 general shall deposit \$400,000 into the attorney general operating fund during the biennium
28 beginning July 1, 2019, and ending June 30, 2021.

29 **SECTION 11. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
30 appropriated to the attorney general from the general fund for a concealed weapon rewrite
31 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the

1 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds
2 from this appropriation are available to the attorney general for the concealed weapon rewrite
3 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.

4 **SECTION 12. PROSECUTION WITNESS FEES - LEGISLATIVE INTENT - REPORT TO**
5 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The operating expenses line item in section 1 of
6 this Act includes \$150,000 from the general fund for prosecution witness fees. It is the intent of
7 the sixty-sixth legislative assembly that if the funding provided for prosecution witness fees is
8 insufficient, the attorney general reduce other operating expenses to the extent necessary to
9 provide adequate funding for prosecution witness fees for the biennium beginning July 1, 2019,
10 and ending June 30, 2021. The attorney general shall report to the appropriations committees
11 of the sixty-seventh legislative assembly on the use of funding for prosecution witness fees for
12 the biennium beginning July 1, 2019, and ending June 30, 2021.