

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1003

Page 1, line 2, replace "for a contingent appropriation" with "an exemption" and replace "and" with "to provide a statement of legislative intent; to provide for duties of the attorney general;"

Page 1, line 4, after "general" insert "; and to declare an emergency"

Page 2, line 1, replace "939,420" with "860,869"

Page 2, line 2, replace "258,633" with "283,953"

Page 2, line 5, replace "387,007" with "367,395"

Page 2, line 7, replace "1,574,486" with "1,501,643"

Page 2, line 8, replace "359,067" with "(78,717)"

Page 2, line 9, replace "1,215,419" with "1,580,360"

Page 2, line 15, replace "19,400,721" with "19,322,170"

Page 2, line 16, replace "8,254,104" with "8,279,424"

Page 2, line 21, replace "387,007" with "367,395"

Page 2, line 24, replace "36,058,177" with "35,985,334"

Page 2, line 25, replace "17,788,541" with "17,350,757"

Page 2, line 26, replace "18,269,636" with "18,634,577"

Page 2, line 28, replace "sections 1 and" with "section"

Page 3, line 18, replace the first "\$129,002" with "\$73,945" and replace the second "\$129,002" with "\$73,945"

Page 3, line 19, replace "\$129,003" with "\$73,946"

Page 3, after line 21, insert:

**"SECTION 9. FEDERAL FUNDS - REDUCTION IN GENERAL FUND EXPENDITURES.** If the attorney general receives federal funds that may be used to replace the reduction in federal Byrne grant funds for drug enforcement activities during the 2005-07 biennium, the attorney general may seek emergency commission approval to receive and spend the federal funds but may not spend moneys from the general fund added by the legislative assembly to the extent of the federal funds received for this purpose for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 10. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2005.

**SECTION 11. LEGISLATIVE INTENT - FUNDING PRIORITY.** It is the intent of the fifty-ninth legislative assembly that the attorney general prioritize the attorney general's funding appropriated by the legislative assembly for the biennium beginning July 1, 2005, and ending June 30, 2005, to continue, to the extent possible, the drug enforcement activities that were previously paid for from federal Byrne grant funds.

**SECTION 12. MEDICARE AND MEDICAID FRAUD ABUSE - COLLABORATION WITH UNITED STATES DEPARTMENT OF JUSTICE.** The attorney general shall collaborate with the United States department of justice to determine whether the state of North Dakota should be named as a plaintiff in medicare and medicaid fraud abuse cases being considered by the United States department of justice for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 3, line 26, replace "seventy-seven" with "seventy-six", replace "six" with "nine", and replace "fifty-five" with "eight"

Page 3, line 27, replace "may not exceed eighty" with "seventy-nine", replace "seven" with "nine", and replace "sixty-one" with "eighty-four"

Page 3, after line 28, insert:

**"SECTION 14. EMERGENCY.** Section 10 of this Act is declared to be an emergency measure."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1003 - Attorney General - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$19,400,721	(\$78,551)	\$19,322,170
Operating expenses	8,254,104	25,320	8,279,424
Capital assets	1,767,250		1,767,250
Grants	5,944,056		5,944,056
Litigation fees	50,000		50,000
State school finance lawsuit	240,000		240,000
Racing Commission	387,007	(19,612)	367,395
Arrest and return of fugitives	10,000		10,000
Gaming Commission	<u>5,039</u>		<u>5,039</u>
Total all funds	\$36,058,177	(\$72,843)	\$35,985,334
Less estimated income	<u>17,788,541</u>	<u>(437,784)</u>	<u>17,350,757</u>
General fund	\$18,269,636	\$364,941	\$18,634,577
FTE	177.00	(2.00)	175.00

**Dept. 125 - Attorney General - Detail of House Changes**

	REDUCES COMPENSATION PACKAGE TO 3/4	REPLACES FEDERAL FUNDS REDUCTION 1	REALLOCATES GENERAL FUND INCREASE 2	REDUCES FUNDING FOR RACING COMMISSION 3	ADDS FUNDING FOR DNA TESTING 4	TOTAL HOUSE CHANGES
Salaries and wages	(\$78,551)					(\$78,551)
Operating expenses					\$25,320	25,320
Capital assets						
Grants						
Litigation fees						
State school finance lawsuit						
Racing Commission	(978)			(\$18,634)		(19,612)
Arrest and return of fugitives						
Gaming Commission						

Total all funds	(\$79,529)	\$0	\$0	(\$18,634)	\$25,320	(\$72,843)
Less estimated income	<u>(21,018)</u>	<u>(398,132)</u>	_____	<u>(18,634)</u>	_____	<u>(437,784)</u>
General fund	(\$58,511)	\$398,132	\$0	\$0	\$25,320	\$364,941
FTE	0.00	0.00	(2.00)	0.00	0.00	(2.00)

<sup>1</sup> Additional general fund support is added to replace a portion of the anticipated reduction in federal funds available for drug enforcement activities of the Bureau of Criminal Investigation and the crime lab. Sections are added to the bill providing:

- If federal funds are received for these drug enforcement purposes, the Attorney General may seek Emergency Commission approval to receive and spend the federal funds but may not spend this funding from the general fund.
- Legislative intent that the Attorney General prioritize its 2005-07 biennium funding to continue, to the extent possible, the drug enforcement activities which were previously paid for from federal Byrne grant funds.

<sup>2</sup> Funding added in the executive budget of \$157,957 from the general fund for an additional Bureau of Criminal Investigation agent and \$106,467 for an additional lab forensic scientist is reallocated to provide for the anticipated reduction in federal funds available for drug enforcement activities of the Bureau of Criminal Investigation and the crime lab. The 2 FTE positions added in the executive budget for these new positions are removed.

<sup>3</sup> Funding from Racing Commission special funds included in the executive budget for the Racing Commission executive director's salary and fringe benefits is reduced to provide for the current estimate of the amount needed for the director's salary and fringe benefits for the 2005-07 biennium.

<sup>4</sup> The operating expenses line item is increased by \$25,320 from the general fund for costs of processing DNA samples of sexual offenders required by House Bill No. 1061.

A new section is added to the bill allowing the Attorney General to retain the June 30, 2005, balance in the Attorney General refund fund estimated to be \$213,697, rather than transferring the balance to the general fund as required by North Dakota Century Code Section 54-12-18. As this amount was not reflected in the 2005-07 executive revenue forecast, there will be no general fund budget status impact.

A new section is added directing the Attorney General to work with federal prosecutors to determine whether the state of North Dakota should be included as a plaintiff in federal Medicare and Medicaid fraud cases.