

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for defraying the expenses of the attorney
2 general; to provide an exemption; to provide for racing commission expenses; to provide a
3 statement of legislative intent; to provide for duties of the attorney general; to amend section
4 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and
5 to declare an emergency.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. BASE LEVEL FUNDING INFORMATION.** The amounts identified in this
8 section represent the base level funding component appropriated to the attorney general in
9 section 3 of this Act as follows:

| | | |
|----|------------------------------------|-------------------|
| 10 | Salaries and wages | \$18,461,301 |
| 11 | Operating expenses | 7,995,471 |
| 12 | Capital assets | 1,830,250 |
| 13 | Grants | 5,891,560 |
| 14 | Litigation fees | 50,000 |
| 15 | State school finance lawsuit | 240,000 |
| 16 | Arrest and return of fugitives | 10,000 |
| 17 | Gaming commission | <u>5,109</u> |
| 18 | Total all funds - Base level | \$34,483,691 |
| 19 | Less estimated income - Base level | <u>17,429,474</u> |
| 20 | Total general fund - Base level | \$17,054,217 |

21 **SECTION 2. FUNDING ADJUSTMENTS OR ENHANCEMENTS INFORMATION.** The
22 amounts identified in this section represent the funding adjustments or enhancements to the
23 base funding level for the attorney general which are included in the appropriation in section 3
24 of this Act as follows:

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| | | |
|---|--|-----------------|
| 1 | Salaries and wages | \$860,869 |
| 2 | Operating expenses | 283,953 |
| 3 | Capital assets | (63,000) |
| 4 | Grants | 52,496 |
| 5 | Racing commission | 367,395 |
| 6 | Gaming commission | <u>(70)</u> |
| 7 | Total all funds - Adjustments/enhancements | \$1,501,643 |
| 8 | Less estimated income - Adjustments/enhancements | <u>(78,717)</u> |
| 9 | Total general fund - Adjustments/enhancements | \$1,580,360 |

10 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
11 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
12 treasury, not otherwise appropriated, and from special funds derived from federal funds and
13 other income, to the attorney general for the purpose of defraying the expenses of the attorney
14 general, for the biennium beginning July 1, 2005, and ending June 30, 2007, as follows:

| | | |
|----|----------------------------------|-------------------|
| 15 | Salaries and wages | \$19,322,170 |
| 16 | Operating expenses | 8,279,424 |
| 17 | Capital assets | 1,767,250 |
| 18 | Grants | 5,944,056 |
| 19 | Litigation fees | 50,000 |
| 20 | State school finance lawsuit | 240,000 |
| 21 | Racing commission | 367,395 |
| 22 | Arrest and return of fugitives | 10,000 |
| 23 | Gaming commission | <u>5,039</u> |
| 24 | Total all funds | \$35,985,334 |
| 25 | Less estimated income | <u>17,350,757</u> |
| 26 | Total general fund appropriation | \$18,634,577 |

27 **SECTION 4. SCHOOL FINANCE LAWSUIT.** The state school finance lawsuit line
28 item in section 3 of this Act is for the purpose of defraying the expenses of defending the state's
29 school finance system for the biennium beginning July 1, 2005, and ending June 30, 2007.

1 **SECTION 5. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION**

2 **FUND - LOCAL GAMING ENFORCEMENT GRANTS.** The grants line item in section 3 of this
3 Act includes \$617,000 for local gaming enforcement grants.

4 **SECTION 6. FIRE AND TORNADO FUND - FEES.** The attorney general shall charge
5 and collect fees for services provided by the state fire marshal program to entities covered by
6 the fire and tornado fund under chapter 26.1-22. Fees under this section may be collected in
7 amounts of up to a total of \$310,000 for the biennium beginning July 1, 2005, and ending
8 June 30, 2007. All fees collected under this section must be deposited in the attorney general's
9 operating fund.

10 **SECTION 7. PETROLEUM RELEASE COMPENSATION FUND - FEES.** The attorney
11 general shall charge and collect fees for services provided by the state fire marshal program to
12 entities covered by the petroleum release compensation fund under chapter 23-37. Fees under
13 this section may be collected in amounts of up to a total of \$35,000 for the biennium beginning
14 July 1, 2005, and ending June 30, 2007. All fees collected under this section must be
15 deposited in the attorney general's operating fund.

16 **SECTION 8. ESTIMATED INCOME - RACING PROMOTION, PURSE, AND**
17 **BREEDERS' FUNDS.** Notwithstanding section 53-06.2-11, the estimated income line item in
18 section 3 of this Act includes \$73,945 from the racing promotion fund, \$73,945 from the purse
19 fund, and \$73,946 from the breeders' fund for the purpose of defraying the administrative and
20 operating costs of the racing commission for the biennium beginning July 1, 2005, and ending
21 June 30, 2007.

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

29 **SECTION 10. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE**
30 **GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may

1 retain the balance in the attorney general refund fund that would otherwise be transferred to the
2 general fund on June 30, 2005.

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

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

14 **SECTION 13 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.** The annual salary of the attorney general is
17 ~~seventy one thousand seventy two dollars through December 31, 2001, seventy three~~
18 ~~seventy-six thousand two~~ nine hundred ~~four~~ eight dollars through June 30, ~~2002~~ 2006, and
19 ~~seventy-four~~ seventy-nine thousand ~~six~~ nine hundred ~~sixty-eight~~ eighty-four dollars thereafter.

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