

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2003

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 general;
2 to create and enact two new sections to chapter 18-01 of the North Dakota Century Code,
3 relating to fire and tornado fund fees and petroleum release compensation fund fees; to amend
4 and reenact sections 12-60-25, 54-12-11, and 57-43.1-03.2 of the North Dakota Century Code,
5 relating to missing children, the salary of the attorney general, and refunds of tax for fuel
6 purchased by native Americans; to provide an exemption; to provide legislative intent; and to
7 declare an emergency.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
10 as may be necessary, are appropriated out of any moneys in the general fund in the state
11 treasury, not otherwise appropriated, and from special funds derived from federal funds and
12 other income, to the attorney general for the purpose of defraying the expenses of the attorney
13 general, for the biennium beginning July 1, 2011, and ending June 30, 2013, as follows:

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
16 Salaries and wages	\$25,958,281	\$3,615,058	\$29,573,339
17 <u>Salaries and wages</u>	<u>\$25,958,281</u>	<u>\$3,219,735</u>	<u>\$29,178,016</u>
18 Operating expenses	14,750,431	1,667,585	16,418,016
19 Capital assets	2,391,187	(135,004)	2,256,183
20 Grants	3,452,225	(32,225)	3,420,000
21 Litigation fees	50,000	0	50,000
22 Medical examinations	660,000	0	660,000
23 North Dakota lottery	3,584,388	115,854	3,700,242
24 Arrest and return of fugitives	10,000	0	10,000

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1	Gaming commission	6,141	1,227	7,368
2	Federal stimulus funds	<u>0</u>	<u>2,355,708</u>	<u>2,355,708</u>
3	Total all funds	\$50,862,653	\$7,588,203	\$58,450,856
4	<u>Total all funds</u>	<u>\$50,862,653</u>	<u>\$7,192,880</u>	<u>\$58,055,533</u>
5	Less estimated income	<u>22,802,221</u>	<u>4,039,097</u>	<u>26,841,318</u>
6	Total general fund	\$28,060,432	\$3,549,106	\$31,609,538
7	<u>Total general fund</u>	<u>\$28,060,432</u>	<u>\$3,153,783</u>	<u>\$31,214,215</u>
8	Full-time equivalent positions	202.50	0.00	202.50

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

SIXTY-THIRD LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-first legislative assembly for the 2009-11 biennium and the 2011-13 one-time funding items included in the appropriation in section 1 of this Act:

13	<u>One-Time Funding Description</u>	<u>2009-11</u>	<u>2011-13</u>
14	Federal stimulus funds	\$2,259,188	\$2,355,708
15	Crime lab equipment and BCI vehicles	<u>0</u>	<u>312,400</u>
16	Total all funds	\$2,259,188	\$2,668,108
17	Total special funds	<u>2,259,188</u>	<u>2,355,708</u>
18	Total general fund	\$0	\$312,400

The 2011-13 one-time funding amounts are not a part of the entity's base budget for the 2013-15 biennium. The attorney general shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 3. ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND

- LOCAL GAMING ENFORCEMENT GRANTS. The grants line item in section 1 of this Act includes \$510,000 for local gaming enforcement grants.

SECTION 4. AMENDMENT. Section 12-60-25 of the North Dakota Century Code is amended and reenacted as follows:

12-60-25. Lost, missing, or runaway children.

The bureau shall:

1. ~~Establish and maintain a statewide file system for the purpose of effecting an immediate law enforcement response to reports of lost, missing, or runaway children.~~

- 1 2. Implement a data exchange system to compile, to maintain, and to make available for
2 dissemination to North Dakota and to out-of-state law enforcement agencies,
3 descriptive information that can assist appropriate agencies in recovering lost,
4 missing, or runaway children through the national crime information center.
- 5 ~~3.2.~~ Establish contacts and exchange information regarding lost, missing, or runaway
6 children with the national crime information center.
- 7 ~~4.3.~~ Notify all enforcement agencies that reports of lost, missing, or runaway children must
8 be entered as soon as the minimum level of data specified by the bureau is available
9 to the reporting agency and that no waiting period for entry of such data exists. If the
10 enforcement agency is unable to enter the data, the bureau immediately upon
11 notification shall enter the information into the national crime information center file.
- 12 ~~5.4.~~ Compile and retain information regarding lost, missing, or runaway children ~~in a~~
13 ~~separate file,~~ in a manner that allows the information to be used by law enforcement
14 and other agencies, considered appropriate by the bureau, for investigative purposes.
15 The reporting law enforcement agency is responsible for maintaining the disposition of
16 the case ~~and periodically shall review the case with the reporting party and the bureau~~
17 ~~to ensure all available information is included and to determine the current status of~~
18 ~~the case.~~
- 19 ~~6.5.~~ Provide prompt confirmation of the receipt and entry of lost, missing, or runaway
20 children reports ~~into the file system~~ to the enforcement agency providing the report or
21 to the parent, guardian, or identified family member as provided in subsection ~~7~~6.
- 22 ~~7.6.~~ Allow any parent, guardian, or identified family member to submit a lost, missing, or
23 runaway child report to the bureau which will be ~~included in the bureau file system and~~
24 transmitted to the national crime information center, if they are unable to receive
25 services from the local law enforcement agency.
- 26 ~~8.7.~~ Compile and maintain a historical ~~data repository~~information relating to lost, missing,
27 or runaway children for all of the following purposes:
28 a. To develop and improve techniques utilized by law enforcement agencies when
29 responding to reports of lost, missing, or runaway children.
30 b. To provide a factual and statistical base for research which would address the
31 problem of lost, missing, or runaway children.

1 **SECTION 5.** A new section to chapter 18-01 of the North Dakota Century Code is created
2 and enacted as follows:

3 **Fire and tornado fund fees.**

4 The attorney general shall charge and collect fees for services provided by the state fire
5 marshal program to entities covered by the fire and tornado fund under chapter 26.1-22. All fees
6 collected under this section must be deposited in the attorney general's operating fund.

7 **SECTION 6.** A new section to chapter 18-01 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Petroleum release compensation fund fees.**

10 The attorney general shall charge and collect fees for services provided by the state fire
11 marshal program to entities covered by the petroleum release compensation fund under chapter
12 23-37. All fees collected under this section must be deposited in the attorney general's
13 operating fund.

14 **SECTION 7. 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 ~~ninety-one~~one hundred ~~thirty-four~~thirty
18 ~~thousand seven~~one~~two~~ hundred ~~nineteen~~thirty-five~~twenty-eight~~ dollars through June 30,
19 ~~2010~~2012, ~~ninety-six thousand three hundred four~~ dollars through December 31, 2010, ~~one~~
20 ~~hundred thirteen thousand two hundred sixty-six~~ dollars through June 30, 2011, and one
21 ~~hundred thirty~~thirty-eight~~thirty-four~~ thousand ~~two~~one hundred ~~twenty-eight~~fifty-nine~~thirty-five~~
22 dollars thereafter.

23 **SECTION 8. AMENDMENT.** Section 57-43.1-03.2 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **57-43.1-03.2. Refund of tax for fuel purchased by native Americans - Fuels tax refund**
26 **reserve fund - Continuing appropriation.**

27 1. A native American may file a claim with the tax commissioner for a refund of motor
28 vehicle fuel taxes paid by that person under this chapter or special fuel taxes paid
29 under chapter 57-43.2 if the motor vehicle fuel or special fuel was purchased from a
30 retail fuel dealer located on the Indian reservation where the native American is an
31 enrolled member and the fuel was delivered to the native American on that

1 reservation. The refund provisions of this chapter apply to refund claims made under
2 this section.

3 2. A fuels tax refund reserve fund is created as a special fund in the state treasury. The
4 tax commissioner shall deposit in that fund such amounts from motor vehicle fuel tax
5 and special fuel tax collections as ~~the attorney general determines~~ necessary to be
6 expended for refunds to which native American government entities may be entitled
7 under qualifying circumstances and conditions determined by the attorney general.
8 There is appropriated as a continuing appropriation out of funds set aside under this
9 subsection so much of the funds as ~~the attorney general determines~~ is necessary to
10 meet the expenditures authorized under this subsection and such funds may be
11 expended for that purpose.

12 **SECTION 9. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL**
13 **FUND - EXEMPTION.** Notwithstanding section 54-12-18, the attorney general may retain the
14 balance in the attorney general refund fund that would otherwise be transferred to the general
15 fund on June 30, 2011.

16 **SECTION 10. PROJECT PLANNING AND IMPLEMENTATION.** The attorney general shall
17 involve the information technology department in the study and planning of the criminal history
18 repository replacement project, for the biennium beginning July 1, 2011, and ending June 30,
19 2013. The attorney general shall include information technology department architects in
20 software development, computer systems, and security and network on the project team
21 responsible for the study and planning of the project and receive approval from the information
22 technology department before proceeding with any study recommendations relating to the
23 project.

24 **SECTION 11. LEGISLATIVE INTENT - EMPLOYEE POSITIONS PAID WITH FEDERAL**
25 **FISCAL STIMULUS FUNDS.** It is the intent of the sixty-second legislative assembly that the
26 attorney general's base budget for the 2013-15 biennium not include funding or full-time
27 equivalent positions for employees paid for with federal fiscal stimulus funds during the 2011-13
28 biennium. The attorney general may request funding for these positions as optional requests in
29 the agency's budget request for the 2013-15 biennium.

30 **SECTION 12. EMERGENCY.** Section 9 of this Act is declared to be an emergency
31 measure.