

**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; and to provide for a report.

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

6 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
 7 as may be necessary, are appropriated out of any moneys in the general fund in the state  
 8 treasury, not otherwise appropriated, and from special funds derived from federal funds and  
 9 other income, to the attorney general for the purpose of defraying the expenses of the attorney  
 10 general, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
13 <del>Salaries and wages</del>	<del>\$41,179,043</del>	<del>\$44,523,842</del>	<del>\$41,179,043</del>
14 <del>Operating expenses</del>	<del>15,977,281</del>	<del>16,124,422</del>	<del>15,977,281</del>
15 <del>Capital assets</del>	<del>2,742,372</del>	<del>3,115,456</del>	<del>2,742,372</del>
16 <del>Grants</del>	<del>2,565,000</del>	<del>4,418,440</del>	<del>2,565,000</del>
17 <del>Litigation fees</del>	<del>150,000</del>	<del>150,000</del>	<del>150,000</del>
18 <del>Intellectual property attorney</del>	<del>426,924</del>	<del>452,436</del>	<del>426,924</del>
19 <del>Medical examinations</del>	<del>660,000</del>	<del>660,000</del>	<del>660,000</del>
20 <del>North Dakota lottery</del>	<del>5,336,797</del>	<del>5,217,256</del>	<del>5,336,797</del>
21 <del>Arrest and return of fugitives</del>	<del>10,000</del>	<del>10,000</del>	<del>10,000</del>
22 <del>Gaming commission</del>	<del>7,490</del>	<del>7,489</del>	<del>7,490</del>
23 <del>Criminal justice information sharing</del>	<del>3,386,645</del>	<del>3,644,893</del>	<del>3,386,645</del>
24 <del>Law enforcement</del>	<del>2,901,608</del>	<del>3,011,833</del>	<del>2,901,608</del>

Sixty-sixth  
Legislative Assembly

1	Total all funds	\$75,343,160	\$81,336,067	\$75,343,160
2	Less estimated income	30,647,320	37,125,241	30,647,320
3	Total general fund	\$44,695,840	\$44,210,826	\$44,695,840
4	Full-time equivalent positions	237.00	237.00	237.00
5			Adjustments or	
6		Base Level	Enhancements	Appropriation
7	Salaries and wages	\$41,179,043	\$3,902,881	\$45,081,924
8	Operating expenses	15,977,281	475,981	16,453,262
9	Capital assets	2,742,372	529,964	3,272,336
10	Grants	2,440,000	1,978,440	4,418,440
11	Litigation fees	150,000	0	150,000
12	Intellectual property attorney	426,924	17,837	444,761
13	Medical examinations	660,000	0	660,000
14	North Dakota lottery	5,336,797	(147,847)	5,188,950
15	Arrest and return of fugitives	10,000	0	10,000
16	Gaming commission	7,490	(1)	7,489
17	Criminal justice information sharing	3,386,645	244,369	3,631,014
18	Law enforcement	2,901,608	78,136	2,979,744
19	Human trafficking victims grants	125,000	1,500,000	1,625,000
20	Forensic nurse examiners grants	0	250,000	250,000
21	Total all funds	\$75,343,160	\$8,829,760	\$84,172,920
22	Less estimated income	30,647,320	7,656,426	38,303,746
23	Total general fund	\$44,695,840	\$1,173,334	\$45,869,174
24	Full-time equivalent positions	237.00	7.00	244.00

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

**SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
29			
30	SAVIN cost share program	\$315,000	\$0
31	Uniform crime reporting rewrite	280,000	0

Sixty-sixth  
Legislative Assembly

1	DOS-based deposit system rewrite	100,000	0
2	Pipeline protest law enforcement support	200,000	0
3	Court-ordered payments	15,872,000	0
4	Sexual assault examiner program grants	150,000	0
5	Additional income	250,000	0
6	SAVIN program enhancements	500,000	0
7	Total all funds	\$17,667,000	\$0
8	Total special funds	17,567,000	0
9	Total general fund	\$100,000	\$0

10 **SECTION 3. TOBACCO SETTLEMENT TRUST FUND - USE.** The estimated income line-  
 11 item in section 1 of this Act includes \$200,000 from the tobacco settlement trust fund which the  
 12 attorney general may use for the purpose of enforcing the master settlement agreement and  
 13 any disputes with the agreement, during the biennium beginning July 1, 2019, and ending  
 14 June 30, 2021.

15	One-Time Funding Description	2017-19	2019-21
16	SAVIN cost-share program	\$315,000	\$0
17	Uniform crime reporting rewrite	280,000	0
18	DOS-based deposit system rewrite	100,000	0
19	Pipeline protest law enforcement support	200,000	0
20	Court-ordered payments	15,872,000	0
21	Forensic nurse examiner grants	150,000	0
22	Additional income	250,000	0
23	SAVIN program enhancements	500,000	0
24	Criminal history improvement project	0	400,000
25	Capital assets	0	1,851,956
26	Undercover vehicles	0	300,000
27	Finger identification system replacement project	0	316,000
28	Charitable gaming technology system	0	400,000
29	Total all funds	\$17,667,000	\$3,267,956
30	Total other funds	17,567,000	2,967,956
31	Total general fund	\$100,000	\$300,000

1 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget  
2 for the 2021-23 biennium. The attorney general shall report to the appropriations committees of  
3 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium  
4 beginning July 1, 2019, and ending June 30, 2021.

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

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

10 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**  
11 **disbursements - Report - Net proceeds.**

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

- 25 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning  
26 ticket;
- 27 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly  
28 offset by cosponsorship funds collected;
- 29 3. Payment of a gaming system or related service expense, retailer record and credit  
30 check fees, game group dues, and retailer commissions; and
- 31 4. Transfer of net proceeds:

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

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

13 **54-12-11. Salary of attorney general.**

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

18 **SECTION 6. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the  
19 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from  
20 federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the  
21 attorney general for the purposes of defraying the expenses of the office, for the biennium  
22 beginning July 1, 2019, and ending June 30, 2021. The attorney general shall notify the office of  
23 management and budget and the legislative council of any funding made available pursuant to  
24 this section.

25 **SECTION 7. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity  
26 requesting a criminal history record check from the bureau of criminal investigation, as a result  
27 of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee  
28 established by the attorney general to the attorney general to be deposited in the state's general  
29 fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

30 **SECTION 8. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**  
31 **NOTIFICATION PROGRAM.** The \$815,000 from the general fund appropriated to the attorney

1 general for the statewide automated victim information and notification system as contained in  
2 sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of  
3 section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney  
4 general for the statewide automated victim information and notification program, during the  
5 biennium beginning July 1, 2019, and ending June 30, 2021.

6 **SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**  
7 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes  
8 \$1,625,000 from the general fund for the purpose of providing grants to organizations involved  
9 in providing prevention and treatment services related to human trafficking victims for the  
10 biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide  
11 grants for the development and implementation of direct care emergency or long-term crisis  
12 services, residential care, training for law enforcement, support of advocacy services, and  
13 programs promoting positive outcomes for victims. 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 program. The attorney general shall report to the legislative management during the 2019-20  
17 interim on the status and results of the grant program.

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

30 **SECTION 11. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**  
31 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of

1 this Act includes \$400,000 from the attorney general operating fund for the purpose of  
2 purchasing equipment and software for a charitable gaming technology system.

3 Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit  
4 in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney  
5 general shall deposit \$400,000 into the attorney general operating fund during the biennium  
6 beginning July 1, 2019, and ending June 30, 2021.

7 **SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount  
8 appropriated to the attorney general from the general fund for a concealed weapon rewrite  
9 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the  
10 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds  
11 from this appropriation are available to the attorney general for the concealed weapon rewrite  
12 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.