

**FIRST ENGROSSMENT
with Conference Committee Amendments**

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
2 general; to provide exemptions; to provide for crime laboratory building project carryover
3 authority; to authorize the use of state property; to provide for budget section reports; to provide
4 legislative intent; to amend and reenact sections 54-12-11 and 54-59-21 of the North Dakota
5 Century Code, relating to the salary of the attorney general and to the criminal justice
6 information sharing system; and to declare an emergency.

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

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

11 Salaries and wages	\$19,549,735
12 Operating expenses	8,483,795
13 Capital assets	5,418,741
14 Grants	5,944,056
15 Litigation fees	50,000
16 State school finance lawsuit	240,000
17 North Dakota lottery	3,899,191
18 Arrest and return of fugitives	10,000
19 Gaming commission	5,039
20 North Dakota children's advocacy center	<u>100,000</u>
21 Total all funds - Base level	\$43,700,557
22 Less estimated income - Base level	<u>24,488,401</u>
23 Total general fund - Base level	\$19,212,156

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

5 Salaries and wages	\$2,901,006
6 Operating expenses	2,112,731
7 Capital assets	(2,849,010)
8 Grants	(1,747,056)
9 State school finance lawsuit	(240,000)
10 North Dakota lottery	31,398
11 Gaming commission	1,102
12 North Dakota children's advocacy center	<u>(100,000)</u>
13 Total all funds - Adjustments/enhancements	\$110,171
14 Less estimated income - Adjustments/enhancements	<u>(5,128,707)</u>
15 Total general fund - Adjustments/enhancements	\$5,238,878

16 **SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the
17 funds as may be necessary, are appropriated out of any moneys in the general fund in the state
18 treasury, not otherwise appropriated, and from special funds derived from federal funds and
19 other income, to the attorney general for the purpose of defraying the expenses of the attorney
20 general, for the biennium beginning July 1, 2007, and ending June 30, 2009, as follows:

21 Salaries and wages	\$22,450,741
22 Operating expenses	10,596,526
23 Capital assets	2,569,731
24 Grants	4,197,000
25 Litigation fees	50,000
26 Arrest and return of fugitives	10,000
27 North Dakota lottery	3,930,589
28 Gaming commission	<u>6,141</u>
29 Total all funds	\$43,810,728
30 Less estimated income	<u>19,359,694</u>
31 Total general fund appropriation	\$24,451,034

1 **SECTION 4. 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 5. 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, 2007, and ending
8 June 30, 2009. All fees collected under this section must be deposited in the attorney general's
9 operating fund.

10 **SECTION 6. 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, 2007, and ending June 30, 2009. All fees collected under this section must be
15 deposited in the attorney general's operating fund.

16 **SECTION 7. ESTIMATED INCOME - RACING PROMOTION FUND.** Notwithstanding
17 section 53-06.2-11, the estimated income line item in section 3 of this Act includes \$60,988
18 from the racing promotion fund for the purpose of defraying the expenses of simulcast racing
19 site audits conducted by the attorney general's office for the biennium beginning July 1, 2007,
20 and ending June 30, 2009.

21 **SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
22 **SIXTY-FIRST LEGISLATIVE ASSEMBLY.** The total general fund appropriation line item in
23 section 3 of this Act includes \$1,442,840 from the general fund for construction of a new crime
24 laboratory which is a one-time funding item. This amount is not a part of the agency's base
25 budget to be used in preparing the 2009-11 executive budget. The attorney general shall
26 report to the appropriations committees of the sixty-first legislative assembly on the use of this
27 one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

28 **SECTION 9. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION**
29 **APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES.** If the attorney general receives
30 federal funding in excess of federal funding amounts appropriated by the sixtieth legislative
31 assembly for the 2007-09 biennium, the attorney general may spend the additional federal

1 funds, subject to emergency commission approval, but may not spend funding appropriated
2 from the general fund or the multijurisdictional task force grant fund for similar purposes for the
3 biennium beginning July 1, 2007, and ending June 30, 2009.

4 **SECTION 10. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS -**

5 **BACKGROUND CHECKS.** It is the intent of the sixtieth legislative assembly that of the five
6 new full-time equivalent positions authorized for the attorney general's office to assist with
7 conducting background checks, the attorney general may fill the positions only as necessary to
8 meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

9 **SECTION 11. SOBRIETY PROGRAM PILOT PROJECT.** The attorney general may
10 establish a pilot sobriety program in one or more judicial districts of the state during the
11 biennium beginning July 1, 2007, and ending June 30, 2009. The sobriety program involves
12 coordination among state, county, and municipal agencies for the purpose of implementing
13 procedures as alternatives to incarceration, including sobriety testing twice per day seven days
14 per week or continuous monitoring, for offenders charged with, or convicted of, driving under
15 the influence of alcohol or controlled substances or other offenses involving alcohol or
16 controlled substances. The attorney general, in cooperation with law enforcement, the
17 judiciary, the department of corrections and rehabilitation, and the department of transportation
18 traffic safety division, may develop guidelines, policies, and procedures for the administration of
19 the pilot sobriety program and to test offenders to enforce compliance with the sobriety
20 program, including urine testing and electronic monitoring, and to establish user fees, all of
21 which are not subject to chapter 28-32. There is created the North Dakota sobriety program
22 fund. The fund consists of moneys received from grants from the United States, agencies of
23 this state, private grants, gifts, or donations, and user fees. The funds are appropriated as a
24 continuing appropriation to the attorney general for expenses necessary for the administration
25 and operation of the sobriety program, including training and travel costs, equipment, and
26 supplies for the biennium beginning July 1, 2007, and ending June 30, 2009.

27 **SECTION 12. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY.**

28 The attorney general is authorized to construct a new crime laboratory building on property
29 owned by the state of North Dakota near the existing facility housing the crime laboratory. The
30 attorney general, if necessary to allow for construction of the new crime laboratory, may move
31 the state department of health's storage building located on the site. The attorney general, to

1 the extent possible, shall locate the building to minimize the effect on the operations of the
2 water commission in the area.

3 **SECTION 13. BUILDING PROJECT - BUDGET SECTION REPORTS.** The attorney
4 general shall provide periodic reports to the budget section on the status of the construction of
5 a new crime laboratory during the 2007-08 interim.

6 **SECTION 14. LEGISLATIVE INTENT - CRIME LABORATORY - SPACE PLAN.** It is
7 the intent of the sixtieth legislative assembly that the facility management division of the office
8 of management and budget develop a plan for the use of space that becomes available in the
9 existing crime laboratory when the new crime laboratory is completed for the biennium
10 beginning July 1, 2007, and ending June 30, 2009.

11 **SECTION 15. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE**
12 **GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may
13 retain the balance in the attorney general refund fund that would otherwise be transferred to the
14 general fund on June 30, 2007.

15 **SECTION 16. EXEMPTION.** Of the funds appropriated in the capital assets line item
16 for the attorney general crime laboratory building project in section 1 of chapter 51 of the 2005
17 Session Laws, \$3,280,722 is not subject to section 54-44.1-11 and any unexpended funds from
18 this line item are available for construction costs during the biennium beginning July 1, 2007,
19 and ending June 30, 2009.

20 **SECTION 17. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **54-12-11. Salary of attorney general.** The annual salary of the attorney general is
23 ~~seventy-seven~~ eighty-three thousand ~~six~~ nine hundred ~~fifty-five~~ ninety-one dollars through
24 June 30, ~~2006~~ 2008, and ~~eighty~~ eighty-seven thousand ~~seven~~ three hundred ~~sixty-one~~ fifty-one
25 dollars thereafter.

26 **SECTION 18. AMENDMENT.** Section 54-59-21 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **54-59-21. Criminal justice information sharing board - Membership - Duties and**
29 **powers - Director.**

30 1. The criminal justice information sharing board consists of the chief justice of the
31 supreme court or the chief justice's designee, the attorney general or the attorney

1 general's designee, and the chief information officer of the state. The chief
2 information officer is chairman of the board.

3 2. The board may appoint and employ a director who serves at the pleasure of and
4 under the direct supervision of the board. The information technology department
5 shall provide staff support to the board. The board or director may acquire support
6 staff and employ personnel who are under the direct supervision of the director
7 and the board.

8 3. The board shall set policy relating to the collection, storage, and sharing of criminal
9 justice information and the systems necessary to perform those functions. The
10 board shall provide operational oversight for criminal justice information sharing
11 activities and shall approve and provide oversight of criminal justice information
12 sharing budgets. The board may appoint an executive committee and an advisory
13 committee that would serve in an advisory capacity to the board.

14 4. The director may contract with the bureau of criminal investigation for the
15 processing of federal fingerprint identification.

16 **SECTION 19. EMERGENCY.** The amount of \$16,515 included in the salaries and
17 wages line item and \$77,885 included in the operating expenses line item in section 3 of this
18 Act relating to costs of conducting 2005-07 biennium background checks and section 15 of this
19 Act are declared to be an emergency measure.