

PROPOSED AMENDMENTS TO SENATE BILL NO. 2003

Page 1, line 2, replace "an exemption" with "exemptions"

Page 1, line 2, after the second semicolon insert "to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the criminal justice data information sharing system;"

Page 1, line 2, replace "section" with "sections 53-12.1-09,"

Page 1, line 2, after "54-12-11" insert ", and 54-27-25"

Page 1, line 3, after "general" insert ", the lottery operating fund, and the tobacco settlement trust fund; to repeal section 54-59-21 of the North Dakota Century Code, relating to the criminal justice data information sharing system"

Page 1, remove lines 13 through 24

Page 2, replace lines 1 through 4 with:

"Salaries and wages	\$34,806,462	\$5,496,779	\$40,303,241
Accrued leave payments	1,057,247	(1,057,247)	0
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Criminal justice information sharing	0	5,406,219	5,406,219
Law enforcement grants	0	24,815,507	24,815,507
Litigation fees	50,000	0	50,000
Abortion litigation fees	400,000	0	400,000
Medical examinations	660,000	0	660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	<u>7,368</u>	<u>122</u>	<u>7,490</u>
Total all funds	\$72,657,978	\$34,777,198	\$107,435,176
Less estimated income	<u>35,382,450</u>	<u>25,141,193</u>	<u>60,523,643</u>
Total general fund	\$37,275,528	\$9,636,005	\$46,911,533
Full-time equivalent positions	212.50	35.50	248.00"

Page 2, replace lines 10 through 14 with:

"BCI vehicles	\$198,000	\$220,000
BCI surveillance vehicles	0	300,000
Criminal justice information sharing	0	1,250,000
Computerized business projects FTE	<u>178,100</u>	<u>0</u>
Total all funds	\$376,100	\$1,770,000
Total special funds	<u>0</u>	<u>200,000</u>
Total general fund	\$376,100	\$1,570,000"

Page 2, after line 18, insert:

"SECTION 3. APPROPRIATION - 2013-15 BIENNIUM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the attorney

general for up to ten full-time equivalent positions to assist with law enforcement activities in areas impacted by oil development, for the period beginning with the effective date of this Act and ending June 30, 2015."

Page 2, replace lines 23 through 30 with:

"SECTION 5. EXEMPTION - GRANTS TO LAW ENFORCEMENT AGENCIES.

The amount appropriated to the attorney general from the strategic investment and improvements fund for awarding grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual, as contained in section 11 of chapter 471 of the 2013 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general to award grants to law enforcement agencies, for crime-related needs of the attorney general's office, and for development of a uniform law enforcement and custody manual during the biennium beginning July 1, 2015, and ending June 30, 2017.

SECTION 6. LAW ENFORCEMENT GRANTS. The law enforcement grants line item in section 1 of this Act includes \$24,164,271 from the oil and gas impact grant fund, of which \$4,164,271 relates to salaries and wages and equipment for the attorney general for oil-impacted areas and \$20,000,000 in grants is for awarding grants to law enforcement agencies for the biennium beginning July 1, 2015, and ending June 30, 2017. The drug and violent crime policy board of the attorney general, with approval of the board of university and school lands, shall grant funds to law enforcement agencies in oil-impacted counties where crime-related activities have increased or in other counties if the crime-related activities in oil-impacted counties originated in any of those counties. The attorney general may spend up to ten percent of the funding provided for grants under this section for defraying the expenses of additional staffing needs or other needs necessary to accomplish the role of the attorney general's office as an assisting agency in ensuring public safety in the affected areas. The funding provided in this section is considered a one-time funding item. The attorney general shall report to the budget section and to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding, including the impact the grant funding has had on crime-related activities.

SECTION 7. EXEMPTION - LAW ENFORCEMENT GRANTS. The amount appropriated for law enforcement grants in the law enforcement grants line item in section 1 of this Act is not subject to section 54-44.1-11, and any unexpended funds from this line item may be continued into the 2017-19 biennium.

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

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

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to

the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;
2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;
3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and
4. Transfer of net proceeds:
 - a. ~~Fifty~~One hundred thousand dollars must be transferred to the state treasurer each quarter for deposit in the compulsive gambling prevention and treatment fund;
 - b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;
 - c. Starting July 1, 2007, one hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and
 - d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 9. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general may access the system. To be eligible for access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the

offense has not been transferred under section 27-20-34 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.

3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.
 - c. The director of the department of corrections and rehabilitation or the director's designee.
 - d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
 - f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data

information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board."

Page 3, line 4, replace "fifty-three" with "fifty-two"

Page 3, line 5, replace "nine" with "four"

Page 3, line 5, replace "sixteen" with "thirty-six"

Page 3, line 6, replace "sixty" with "fifty-seven"

Page 3, line 6, replace "seventy-two" with "nine"

Page 3, replace line 7 with:

"SECTION 11. AMENDMENT. Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:
 - a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund of which a minimum of eighty percent must be used for tobacco prevention and control.
 - b. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty-five percent of total annual transfers from the tobacco settlement trust fund.
 - c. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east

central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be administered by the executive committee for the purpose of creating and implementing the comprehensive plan. If in any biennium, the tobacco prevention and control trust fund does not have adequate dollars to fund a comprehensive plan, the treasurer shall transfer money from the water development trust fund to the tobacco prevention and control trust fund in an amount equal to the amount determined necessary by the executive committee to fund a comprehensive plan.

3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

SECTION 12. REPEAL. Section 54-59-21 of the North Dakota Century Code is repealed.

SECTION 13. EMERGENCY. Sections 3 and section 4 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$34,806,462	\$5,496,779	\$40,303,241
Operating expenses	26,994,056	(1,135,961)	25,858,095
Capital assets	2,165,077	714,110	2,879,187
Grants	2,373,947	(611,288)	1,762,659
Litigation fees	50,000		50,000
Abortion litigation fees	400,000		400,000
Medical examinations	660,000		660,000
North Dakota lottery	4,133,821	1,148,957	5,282,778
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,368	122	7,490
Accrued leave payments	1,057,247	(1,057,247)	
Law enforcement grants		24,815,507	24,815,507
Criminal justice information sharing		5,406,219	5,406,219
Total all funds	\$72,657,978	\$34,777,198	\$107,435,176
Less estimated income	35,382,450	25,141,193	60,523,643
General fund	\$37,275,528	\$9,636,005	\$46,911,533
FTE	212.50	35.50	248.00

Department No. 125 - Attorney General - Detail of Senate Changes

	Adds Funding for Compensation Adjustments¹	Adds Funding for Programmer Analyst²	Adds Funding for New Legal Staff³	Adds Funding for New Gaming Staff⁴	Adds Funding for New Concealed Weapons License Staff⁵	Adds Funding for Oil Impact Law Enforcement Grants⁶
Salaries and wages	\$3,692,660	\$142,278	\$270,339	\$121,845	\$212,918	\$131,847
Operating expenses		31,314	37,040	21,985	48,848	
Capital assets						
Grants						
Litigation fees						
Abortion litigation fees						

Medical examinations						
North Dakota lottery	118,957					
Arrest and return of fugitives						
Gaming commission	122					
Accrued leave payments	(1,057,247)					
Law enforcement grants						24,815,507
Criminal justice information sharing						
Total all funds	\$2,754,492	\$173,592	\$307,379	\$143,830	\$261,766	\$24,947,354
Less estimated income	163,857	31,314	307,379	60,923	261,766	24,456,308
General fund	\$2,590,635	\$142,278	\$0	\$82,907	\$0	\$491,046
FTE	0.00	1.00	2.00	1.00	2.00	19.50

	Transfers and Adds Funding for CJIS⁷	Adds Funding for Medicaid Fraud Unit⁸	Increases Funding for North Dakota Lottery⁹	Adjusts Base Level Funding¹⁰	Adds One-Time Funding¹¹	Total Senate Changes
Salaries and wages		\$724,892		\$200,000		\$5,496,779
Operating expenses		190,502		(1,465,650)		(1,135,961)
Capital assets		20,000		174,110	520,000	714,110
Grants				(611,288)		(611,288)
Litigation fees						
Abortion litigation fees						
Medical examinations						
North Dakota lottery			1,030,000			1,148,957
Arrest and return of fugitives						
Gaming commission						122
Accrued leave payments						(1,057,247)
Law enforcement grants						24,815,507
Criminal justice information sharing	5,406,219					5,406,219
Total all funds	\$5,406,219	\$935,394	\$1,030,000	(\$1,702,828)	\$520,000	\$34,777,198
Less estimated income	886,000	841,855	1,030,000	(3,098,209)	200,000	25,141,193
General fund	\$4,520,219	\$93,539	\$0	\$1,395,381	\$320,000	\$9,636,005
FTE	6.00	4.00	0.00	0.00	0.00	35.50

¹ The following funding is added for base payroll changes, including cost-to-continue 2013-15 biennium salaries and benefit increases and for performance salary adjustments of 2 to 4 percent per year, and increases in monthly health insurance premiums from \$987 to \$1,162:

	General Fund	Other Funds	Total
Base payroll changes	\$251,098	\$17,347	\$268,445
Salary increase - Performance	1,360,255	89,515	1,449,770
Health insurance increase	979,282	56,995	1,036,277
Total	\$2,590,635	\$163,857	\$2,754,492

² Funding is added from the general fund and other funds to continue an FTE programmer analyst position (\$142,278) and related operating expenses (\$31,314) provided by the 2013 Legislative Assembly as one-time funding for the 2013-15 biennium.

³ Funding is added from other funds for two new FTE paralegal positions (\$270,339) and related operating expenses (\$37,040).

⁴ Funding is added from the general fund and other funds for one new FTE gaming staff position (\$121,845) and related operating expenses (\$21,985).

⁵ Funding is added from other funds for two new FTE paralegal concealed licensing positions (\$212,918) and related operating expenses (\$48,848).

⁶ The funding shown below is added for oil impact law enforcement grants. The other funds include \$24,164,271 from the oil and gas impact grant fund.

Purpose	FTE	General Fund	Other Funds	Total
New criminal investigators	5.00		\$1,388,830	\$1,388,830
New intelligence analysts	3.00		480,946	480,946
New BCI agents	4.00	\$270,336	495,555	765,891
New victim advocate	1.00		189,580	189,580
New assistant Attorney General	1.00		302,136	302,136
New assistant Attorney General	1.00		198,619	198,619
New administrative assistants	2.00		264,380	264,380
New grants administrator	1.00		132,190	132,190
New forensic scientist	1.00		165,554	165,554
New attorney	0.50		165,264	165,264
Oil impact law enforcement grants			20,000,000	20,000,000
Operating and other costs			673,254	673,254
Salary increase - Performance			220,710	220,710
Total	19.50	\$270,336	\$24,677,018	\$24,947,354

⁷ The criminal justice information sharing (CJIS) system and funding is transferred from the Information Technology Department (ITD) to the Attorney General and adds for enhancements to the CJIS system as follows:

Criminal Justice Information Sharing	FTE	General Fund	Other Funds	Total
Transfer CJIS system from ITD	5.00	\$2,400,219	\$946,000	\$3,346,219
Transfer one-time CJIS system from ITD		1,000,000		1,000,000
New business analyst position and contracting expenses				0
Ongoing	1.00	250,000		250,000
One-time		250,000		250,000
Law enforcement records management system		230,000		230,000
States' Attorney records system		330,000		330,000
Total	6.00	\$4,460,219	\$946,000	\$5,406,219

⁸ Funding for a Medicaid fraud unit is added as shown below. For the first 3 years, 90 percent of the funding will be provided from federal funds and 10 percent from the general fund. After 3 years, 75 percent of the funding will be provided from federal funds and 25 percent from the general fund.

	FTE	General Fund	Other Funds	Total
New attorney, auditor, investigator, and administrative assistant	4.00	\$72,489	\$652,403	\$724,892
Operating expenses		19,050	171,452	190,502
Capital assets		2,000	18,000	20,000
Total	4.00	\$93,539	\$841,855	\$935,394

⁹ Funding is increased from \$4,252,778 to \$5,282,778 for North Dakota Lottery for the following:

	General Fund	Other Funds	Total
New Monopoly game		\$226,200	\$226,200
Increase funding for public notices		88,800	88,800
New player's club program		715,000	715,000
Total	\$0	\$1,030,000	\$1,030,000

¹⁰ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Tobacco enforcement		\$200,000	\$200,000
Information technology contractual service and repairs		800,000	800,000
BCI, State Crime Laboratory applications		1,604,000	1,604,000
Building feasibility study		30,000	30,000
Information technology software and supplies	\$262,332		262,332
Federal funds changes		(782,479)	(782,479)
Various operating expenses adjustments	1,133,418	(4,786,532)	(3,653,114)
Removal of 2013-15 biennium capital assets funding	(369)	(163,198)	(163,567)
Total	\$1,395,381	(\$3,098,209)	(\$1,702,828)

¹¹ Funding is added for the following one-time capital purchases:

One-Time Funding	General Fund	Other Funds	Total
Ten undercover vehicles	\$220,000		\$220,000
Three surveillance vehicles	100,000	\$200,000	300,000
Total	\$320,000	\$200,000	\$520,000

This amendment also:

- Adds a section to appropriate \$1,000,000 from the general fund to the Attorney General for the 2013-15 biennium for early funding to hire up to 10 FTE positions.
- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated to the Attorney General for grants to law enforcement agencies for the 2013-15 biennium to allow the funds to be continued into the 2015-17 biennium.
- Designates that of the law enforcement grants line item in Section 1 of the bill, \$24,164,271 is from the oil and gas impact grant fund, of which \$20,000,000 is to be used for awarding grants to law enforcement agencies in oil-impacted counties, up to 10 percent of the funds can be used for administrative purposes, and \$4,164,271 is related to salaries and wages and equipment for the Attorney General for oil-impacted areas.
- Provides an exemption from Section 54-44.1-11 for the amount appropriated in the law enforcement grants line in Section 1 of the bill to allow the grant funds to be continued into the 2017-19 biennium.
- Amends Section 53-12.1-09 to increase the transfer of net proceeds of the lottery to the compulsive gambling prevention and treatment fund from \$50,000 each quarter to \$100,000 each quarter.
- Creates a new section to Chapter 54-12 to transfer the CJIS system from ITD to the Attorney General.
- Amends Section 5 of the bill to provide 3 percent annual salary increases for the Attorney General during the 2015-17 biennium.
- Amends Section 54-27-25 to allow the principal and interest of the tobacco settlement trust fund to be appropriated to the Attorney General for the purpose of enforcing the master settlement agreement and any disputes with the agreement.
- Repeals Section 54-59-21 relating to the CJIS system in ITD.