

**SECOND ENGROSSMENT
with Conference Committee Amendments
REENGROSSED 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 31-01-16, 53-12.1-09, and 54-12-11 of the North Dakota
3 Century Code, relating to prosecution witness fees, transfers from the lottery operating fund to
4 the multijurisdictional drug task force grant fund, and the salary of the attorney general; to
5 provide an exemption; to provide a statement of legislative intent; and to provide for a report.

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

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$41,179,043	\$4,775,938	\$45,954,981
15 Operating expenses	15,977,281	411,365	16,388,646
16 Capital assets	2,742,372	429,964	3,172,336
17 Grants	2,440,000	1,978,440	4,418,440
18 Litigation fees	150,000	0	150,000
19 Intellectual property attorney	426,924	15,161	442,085
20 Medical examinations	660,000	0	660,000
21 North Dakota lottery	5,336,797	(145,343)	5,191,454
22 Arrest and return of fugitives	10,000	0	10,000
23 Gaming commission	7,490	(1)	7,489
24 Criminal justice information sharing	3,386,645	244,476	3,631,121

Sixty-sixth
Legislative Assembly

1	Law enforcement	2,901,608	80,676	2,982,284
2	Human trafficking victims grants	125,000	1,275,000	1,400,000
3	Forensic nurse examiners grants	<u>0</u>	<u>250,000</u>	<u>250,000</u>
4	Total all funds	\$75,343,160	\$9,315,676	\$84,658,836
5	Less estimated income	<u>30,647,320</u>	<u>8,206,920</u>	<u>38,854,240</u>
6	Total general fund	\$44,695,840	\$1,108,756	\$45,804,596
7	Full-time equivalent positions	237.00	8.00	245.00

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

9 **SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time

10 funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the
11 one-time funding items included in the appropriation in section 1 of this Act:

12	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
13	SAVIN cost-share program	\$315,000	\$0
14	Uniform crime reporting rewrite	280,000	0
15	DOS-based deposit system rewrite	100,000	0
16	Pipeline protest law enforcement support	200,000	0
17	Court-ordered payments	15,872,000	0
18	Forensic nurse examiner grants	150,000	0
19	Additional income	250,000	0
20	SAVIN program enhancements	500,000	0
21	Criminal history improvement project	0	400,000
22	Capital assets	0	1,851,956
23	Undercover vehicles	0	200,000
24	Finger identification system replacement project	0	316,000
25	Charitable gaming technology system	<u>0</u>	<u>400,000</u>
26	Total all funds	\$17,667,000	\$3,167,956
27	Total other funds	<u>17,567,000</u>	<u>2,967,956</u>
28	Total general fund	\$100,000	\$200,000

29 The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget
30 for the 2021-23 biennium. The attorney general shall report to the appropriations committees of

1 the sixty-seventh legislative assembly on the use of this one-time funding for the biennium
2 beginning July 1, 2019, and ending June 30, 2021.

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

6 **SECTION 4. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **31-01-16. Compensation and mileage and travel expense of witness.**

9 A witness in a civil or criminal case is entitled to receive:

- 10 1. A sum of twenty-five dollars for each day necessarily in attendance before the district
11 court or before any other board or tribunal, except municipal court.
12 2. A sum for mileage and travel expense reimbursement equal to the reimbursement
13 rates provided for state employees in sections 44-08-04 and 54-06-09.

14 In all criminal cases in district court, the attorney general shall pay prosecution witness fees and
15 expenses, in an amount not to exceed twenty-five thousand dollars per county per biennium,
16 and the commission on legal counsel for indigents shall pay witness fees and expenses for
17 witnesses in those cases in which counsel has been provided by the commission. Prisoners
18 may not be compensated as witnesses under this section.

19 **SECTION 5. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
22 **disbursements - Report - Net proceeds.**

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

1 projected operating revenue and expenditures for the subsequent biennium authorized by this
2 section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made
3 only against the fund or money collected from a retailer on the sale of a ticket. A disbursement
4 from the fund must be for the following purposes:

- 5 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning
6 ticket;
- 7 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly
8 offset by cosponsorship funds collected;
- 9 3. Payment of a gaming system or related service expense, retailer record and credit
10 check fees, game group dues, and retailer commissions; and
- 11 4. Transfer of net proceeds:
 - 12 a. Eighty thousand dollars must be transferred to the state treasurer each quarter
13 for deposit in the gambling disorder prevention and treatment fund;
 - 14 b. An amount for the lottery's share of a game's prize reserve pool must be
15 transferred to the multistate lottery association;
 - 16 c. Starting July 1, ~~2007~~2019, ~~one~~two hundred ~~five thousand six hundred twenty-five~~
17 ~~dollars~~ must be transferred to the state treasurer each quarter for deposit in the
18 attorney general multijurisdictional drug task force grant fund; and
 - 19 d. The balance of the net proceeds, less holdback of any reserve funds the director
20 may need for continuing operations, must be transferred to the state treasurer on
21 at least an annual basis for deposit in the state general fund.

22 **SECTION 6. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-12-11. Salary of attorney general.**

25 The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred~~
26 ~~thirty-six dollars through June 30, 2016~~one hundred fifty-nine thousand four hundred nine
27 dollars through June 30, 2020, and ~~one hundred fifty-seven thousand nine dollars~~one hundred
28 sixty-three thousand three hundred ninety-four dollars thereafter.

29 **SECTION 7. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
30 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
31 federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the

1 attorney general for the purposes of defraying the expenses of the office, for the biennium
2 beginning July 1, 2019, and ending June 30, 2021. The attorney general shall notify the office of
3 management and budget and the legislative council of any funding made available pursuant to
4 this section.

5 **SECTION 8. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
6 requesting a criminal history record check from the bureau of criminal investigation, as a result
7 of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee
8 established by the attorney general to the attorney general to be deposited in the state's general
9 fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

10 **SECTION 9. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**
11 **NOTIFICATION PROGRAM.** The \$815,000 from other funds appropriated to the attorney
12 general for the statewide automated victim information and notification system as contained in
13 sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of
14 section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney
15 general for the statewide automated victim information and notification program, during the
16 biennium beginning July 1, 2019, and ending June 30, 2021.

17 **SECTION 10. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
18 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
19 \$1,400,000 from the general fund for the purpose of providing grants to organizations involved
20 in providing prevention and treatment services related to human trafficking victims for the
21 biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide
22 grants for the development and implementation of direct care emergency or long-term crisis
23 services, residential care, training for law enforcement, support of advocacy services, and
24 programs promoting positive outcomes for victims. Any organization that receives a grant under
25 this section shall report to the attorney general and the appropriations committees of the
26 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
27 program. The attorney general shall report to the legislative management during the 2019-20
28 interim on the status and results of the grant program.

29 **SECTION 11. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
30 forensic nurse examiners grants line item in section 1 of this Act includes \$250,000 from the
31 general fund for the purpose of providing forensic nurse examiner program grants for

1 community-based or hospital-based sexual assault examiner programs, for the biennium
2 beginning July 1, 2019, and ending June 30, 2021. Any organization that receives a grant under
3 this section shall report to the attorney general and the appropriations committees of the
4 sixty-seventh legislative assembly on the use of the funds received and the outcomes of its
5 programs. The attorney general shall report to the appropriations committees of the
6 sixty-seventh legislative assembly on the number of nurses trained, the number and location of
7 nurses providing services related to sexual assault nurse examiner programs, and
8 documentation of collaborative efforts to assist victims which includes nurses, the hospital or
9 clinic, law enforcement, and state's attorneys.

10 **SECTION 12. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
11 **EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of
12 this Act includes \$400,000 from the attorney general operating fund for the purpose of
13 purchasing equipment and software for a charitable gaming technology system.

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

18 **SECTION 13. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
19 appropriated to the attorney general from the general fund for a concealed weapon rewrite
20 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the
21 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds
22 from this appropriation are available to the attorney general for the concealed weapon rewrite
23 project, during the biennium beginning July 1, 2019, and ending June 30, 2021.

24 **SECTION 14. LEGISLATIVE INTENT - ATTORNEY SALARY EQUITY INCREASES -**
25 **ATTORNEY GENERAL REFUND FUND.** It is the intent of the sixty-sixth legislative assembly
26 that the attorney general use up to \$425,000 from moneys deposited in the attorney general
27 refund fund relating to an April 2019 lawsuit settlement of \$1,215,561 and investment earnings
28 on the settlement amount for providing salary equity increases to attorney positions in the
29 attorney general's office for the biennium beginning July 1, 2019, and ending June 30, 2021. It
30 is further the intent of the legislative assembly that the remaining settlement proceeds and
31 investment earnings on the remaining proceeds be retained in the attorney general refund fund

1 and be used for the cost to continue the salary equity increases provided during the 2019-21
2 biennium during the 2021-23 and 2023-25 bienniums, subject to legislative appropriations.

3 **SECTION 15. ATTORNEY GENERAL - INVESTMENT OF LAWSUIT SETTLEMENT**

4 **PROCEEDS - STATE INVESTMENT BOARD.** The attorney general may invest up to
5 \$1,215,561 of lawsuit settlement proceeds received by the attorney general and deposited in
6 the attorney general refund fund during the biennium beginning July 1, 2017, and ending
7 June 30, 2019, under the supervision of the state investment board for the period beginning
8 July 1, 2019, and ending June 30, 2025.