

**HOUSE BILL NO. 1003**

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 section 54-12-11 of the North Dakota Century Code, relating to the salary  
3 of the attorney general; to provide for a transfer; to provide an exemption; to provide for a  
4 statement of legislative intent; 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, 2021, and ending June 30, 2023.

	<u>Governor's</u>		
	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
13 <del>Salaries and wages</del>	<del>\$45,954,981</del>	<del>\$47,922,528</del>	<del>\$45,954,981</del>
14 <del>Operating expenses</del>	<del>15,588,646</del>	<del>16,175,273</del>	<del>15,588,646</del>
15 <del>Capital assets</del>	<del>804,380</del>	<del>1,739,221</del>	<del>804,380</del>
16 <del>Grants</del>	<del>4,418,440</del>	<del>3,663,440</del>	<del>4,418,440</del>
17 <del>Human trafficking victims grants</del>	<del>1,400,000</del>	<del>1,002,356</del>	<del>1,400,000</del>
18 <del>Forensic nurse examiners grants</del>	<del>250,000</del>	<del>213,365</del>	<del>250,000</del>
19 <del>Litigation fees</del>	<del>150,000</del>	<del>127,500</del>	<del>150,000</del>
20 <del>Intellectual property attorney</del>	<del>442,085</del>	<del>11,382</del>	<del>442,085</del>
21 <del>Statewide litigation pool</del>	<del>0</del>	<del>3,000,000</del>	<del>0</del>
22 <del>Medical examinations</del>	<del>660,000</del>	<del>660,000</del>	<del>660,000</del>
23 <del>North Dakota lottery</del>	<del>5,191,454</del>	<del>5,267,490</del>	<del>5,191,454</del>
24 <del>Arrest and return of fugitives</del>	<del>10,000</del>	<del>8,500</del>	<del>10,000</del>

Sixty-seventh  
Legislative Assembly

1	Gaming commission	7,489	7,489	7,489
2	Criminal justice information sharing	3,631,121	3,810,502	3,631,121
3	Law enforcement	2,982,284	2,716,061	2,982,284
4	Total all funds	\$81,490,880	\$86,325,107	\$81,490,880
5	Less estimated income	35,886,284	39,064,406	35,886,284
6	Total general fund	\$45,604,596	\$47,260,701	\$45,604,596
7	Full-time equivalent positions	245.00	248.00	245.00
8			Adjustments or	
9		Base Level	Enhancements	Appropriation
10	Salaries and wages	\$45,954,981	\$2,827,832	\$48,782,813
11	Operating expenses	15,588,646	87,126	15,675,772
12	Capital assets	804,380	934,841	1,739,221
13	Grants	4,418,440	(755,000)	3,663,440
14	Human trafficking victims grants	1,400,000	(298,166)	1,101,834
15	Forensic nurse examiners grants	250,000	674	250,674
16	Statewide litigation funding pool	0	3,000,000	3,000,000
17	Litigation fees	150,000	(22,500)	127,500
18	Intellectual property attorney	442,085	(442,085)	0
19	Medical examinations	660,000	0	660,000
20	North Dakota lottery	5,191,454	62,077	5,253,531
21	Arrest and return of fugitives	10,000	(1,500)	8,500
22	Gaming commission	7,489	0	7,489
23	Criminal justice information sharing	3,631,121	170,802	3,801,923
24	Law enforcement	2,982,284	(279,299)	2,702,985
25	Total all funds	\$81,490,880	\$5,284,802	\$86,775,682
26	Less estimated income	35,886,284	7,213,762	43,100,046
27	Total general fund	\$45,604,596	(\$1,928,960)	\$43,675,636
28	Full-time equivalent positions	245.00	3.00	248.00

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

**SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

1 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the  
2 one-time funding items included in the appropriation in section 1 of this Act:

3	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
4	<del>Criminal history improvement project</del>	<del>\$400,000</del>	<del>\$0</del>
5	<del>Capital assets</del>	<del>1,851,956</del>	<del>0</del>
6	<del>Undercover vehicles</del>	<del>200,000</del>	<del>0</del>
7	<del>Finger identification system replacement project</del>	<del>316,000</del>	<del>0</del>
8	<del>Charitable gaming technology system</del>	<del>400,000</del>	<del>0</del>
9	<del>Additional income</del>	<del>250,000</del>	<del>0</del>
10	<del>Total all funds</del>	<del>\$3,417,956</del>	<del>\$0</del>
11	<del>Total other funds</del>	<del>3,217,956</del>	<del>0</del>
12	<del>Total general fund</del>	<del>\$200,000</del>	<del>\$0</del>
13	<u>Criminal history improvement system</u>	<u>\$400,000</u>	<u>\$400,000</u>
14	<u>Capital assets</u>	<u>1,851,956</u>	<u>1,111,706</u>
15	<u>Undercover vehicles</u>	<u>200,000</u>	<u>0</u>
16	<u>Automated biometric identification system</u>	<u>316,000</u>	<u>300,000</u>
17	<u>Charitable gaming technology system</u>	<u>400,000</u>	<u>475,000</u>
18	<u>Statewide litigation funding pool</u>	<u>0</u>	<u>3,000,000</u>
19	<u>Additional income</u>	<u>250,000</u>	<u>0</u>
20	<u>Total all funds</u>	<u>\$3,417,956</u>	<u>\$5,286,706</u>
21	<u>Total other funds</u>	<u>3,217,956</u>	<u>5,286,706</u>
22	<u>Total general fund</u>	<u>\$200,000</u>	<u>\$0</u>

23 **SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the  
24 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from  
25 federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the  
26 attorney general for the purposes of defraying the expenses of the office, for the biennium  
27 beginning July 1, 2021, and ending June 30, 2023. The attorney general shall notify the office of  
28 management and budget and the legislative council of any funding made available pursuant to  
29 this section.

30 **SECTION 4. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER -**  
31 **LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING.** The statewide litigation

1 funding pool line item in section 1 of this Act includes \$3,000,000 from the strategic investment  
2 and improvements fund, which the attorney general shall transfer to eligible state agencies for  
3 litigation expenses during the biennium beginning July 1, 2021, and ending June 30, 2023. This  
4 funding is considered a one-time funding item. The attorney general may not use funding from  
5 the litigation pool to pay judgments under section 32-12-04.

6 **SECTION 5. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**  
7 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes  
8 \$1,101,834 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 and related  
10 administrative costs for the biennium beginning July 1, 2021, and ending June 30, 2023. The  
11 attorney general may provide grants for the development and implementation of direct care  
12 emergency or long-term crisis services, residential care, training for law enforcement, support of  
13 advocacy services, and programs promoting positive outcomes for victims. Any organization  
14 that receives a grant under this section shall report to the attorney general and the  
15 appropriations committees of the sixty-eighth legislative assembly on the use of the funds  
16 received and the outcomes of its program. The attorney general shall report to the legislative  
17 management during the 2021-22 interim on the status and results of the grant program.

18 **SECTION 6. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The  
19 forensic nurse examiners grants line item in section 1 of this Act includes \$250,674 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 and related  
22 administrative costs, for the biennium beginning July 1, 2021, and ending June 30, 2023. Any  
23 organization that receives a grant under this section shall report to the attorney general and the  
24 appropriations committees of the sixty-eighth legislative assembly on the use of the funds  
25 received and the outcomes of its programs. The attorney general shall report to the  
26 appropriations committees of the sixty-eighth legislative assembly on the number of nurses  
27 trained, the number and location of nurses providing services related to sexual assault nurse  
28 examiner programs, and documentation of collaborative efforts to assist victims which includes  
29 nurses, the hospital or clinic, law enforcement, and state's attorneys.

30 **SECTION 7. ESTIMATED INCOME - SALARY EQUITY INCREASES - ATTORNEY**  
31 **GENERAL REFUND FUND.** The estimated income line item in section 1 of this Act includes

1 \$1,133,232 from the attorney general refund fund for the purpose of providing salary equity  
2 increases to employees in the attorney general's office, of which \$1,007,326 is for bureau of  
3 criminal investigation positions and Medicaid fraud control unit positions and \$125,906 is for fire  
4 marshal office positions, for the biennium beginning July 1, 2021, and ending June 30, 2023.

5 **SECTION 8. LEGISLATIVE INTENT - ATTORNEY GENERAL - SALARY EQUITY**  
6 **INCREASES - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE**

7 **INVESTMENT BOARD.** The attorney general may invest up to \$2,266,464 of funding in the  
8 attorney general refund fund, of which \$1,160,896 is derived from January 2021 lawsuit  
9 settlement proceeds, under the supervision of the state investment board for the period  
10 beginning July 1, 2021, and ending June 30, 2025. It is the intent of the sixty-seventh legislative  
11 assembly that \$2,266,464 in the attorney general refund fund and any investment earnings on  
12 the funding be retained in the attorney general refund fund for the purpose of providing salary  
13 equity increases as provided for in section 7 of this Act and for the cost to continue the salary  
14 equity increases during the 2023-25 biennium, subject to legislative appropriations.

15 **SECTION 9. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **54-12-11. Salary of attorney general.**

18 The annual salary of the attorney general is one hundred ~~fifty-nine~~sixty-five thousand  
19 ~~four~~eight hundred ~~nine~~forty-five dollars through June 30, ~~2020~~2022, and one hundred  
20 ~~sixty-three~~sixty-eight thousand three hundred ~~ninety-four~~thirty-three dollars thereafter.

21 **SECTION 10. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity  
22 requesting a criminal history record check from the bureau of criminal investigation, as a result  
23 of legislation enacted by the sixty-seventh legislative assembly, shall pay a reasonable fee  
24 established by the attorney general to the attorney general to be deposited in the state's general  
25 fund for the biennium beginning July 1, 2021, and ending June 30, 2023.

26 **SECTION 11. EXEMPTION - ATTORNEY GENERAL REFUND FUND.** Notwithstanding  
27 section 54-12-18, the attorney general may retain the balance in the attorney general refund  
28 fund which would otherwise be transferred to the general fund on June 30, 2021.

29 **SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount  
30 appropriated to the attorney general from the general fund for a concealed weapon rewrite  
31 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the

1 2017-19 and 2019-21 bienniums, is not subject to the provisions of section 54-44.1-11. Any  
2 unexpended funds from this appropriation are available to the attorney general for the  
3 concealed weapon rewrite project, during the biennium beginning July 1, 2021, and ending  
4 June 30, 2023.