

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED 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.

		Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>	
11				
12				
13	Salaries and wages	\$45,954,981	\$2,827,832	\$48,782,813
14	Operating expenses	15,588,646	87,126	15,675,772
15	Capital assets	804,380	934,841	1,739,221
16	Grants	4,418,440	(755,000)	3,663,440
17	Human trafficking victims grants	1,400,000	(298,166)	1,101,834
18	Forensic nurse examiners grants	250,000	674	250,674
19	Statewide litigation funding pool	0	3,000,000	3,000,000
20	Litigation fees	150,000	(22,500)	127,500
21	Intellectual property attorney	442,085	(442,085)	0
22	Medical examinations	660,000	0	660,000
23	North Dakota lottery	5,191,454	62,077	5,253,531
24	Arrest and return of fugitives	10,000	(1,500)	8,500

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1	Gaming commission	7,489	0	7,489
2	Criminal justice information sharing	3,631,121	170,802	3,801,923
3	Law enforcement	<u>2,982,284</u>	<u>(279,299)</u>	<u>2,702,985</u>
4	Total all funds	\$81,490,880	\$5,284,802	\$86,775,682
5	Less estimated income	<u>35,886,284</u>	<u>7,213,762</u>	<u>43,100,046</u>
6	Total general fund	\$45,604,596	(\$1,928,960)	\$43,675,636
7	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 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

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

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORT. In addition to the

amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2021, and ending June 30, 2023. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 4. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER -

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 ~~forty-nine~~sixty-five thousand
19 ~~four~~eight hundred ~~ninety-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

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- 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.