

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 provide an appropriation to the department of human services; to amend and reenact the
 3 new section to chapter 53-06.1, as created by section 1 of House Bill No. 1212, as approved by
 4 the sixty-seventh legislative assembly and section 54-12-11 of the North Dakota Century Code,
 5 relating to the salary of the attorney general and charitable gaming tax revenue distributions; to
 6 provide for a transfer; to provide an exemption; to provide for a statement of legislative intent;
 7 ~~and~~ to provide for a report; to provide for a legislative management study; and to declare an
 8 emergency.

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

10 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
 11 as may be necessary, are appropriated out of any moneys in the general fund in the state
 12 treasury, not otherwise appropriated, and from special funds derived from federal funds and
 13 other income, to the attorney general for the purpose of defraying the expenses of the attorney
 14 general, for the biennium beginning July 1, 2021, and ending June 30, 2023.

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
17 Salaries and wages	\$45,954,981	\$2,827,832	\$48,782,813
18 Operating expenses	15,588,646	87,126	15,675,772
19 Capital assets	804,380	934,841	1,739,221
20 Grants	4,418,440	(755,000)	3,663,440
21 Human trafficking victims grants	1,400,000	(298,166)	1,101,834
22 Forensic nurse examiners grants	250,000	674	250,674
23 Statewide litigation funding pool	0	3,000,000	3,000,000
24 Litigation fees	150,000	(22,500)	127,500

Sixty-seventh
Legislative Assembly

1	Intellectual property attorney	442,085	(442,085)	0
2	Medical examinations	660,000	0	660,000
3	North Dakota lottery	5,191,454	62,077	5,253,531
4	Arrest and return of fugitives	10,000	(1,500)	8,500
5	Gaming commission	7,489	0	7,489
6	Criminal justice information sharing	3,631,121	170,802	3,801,923
7	Law enforcement	2,982,284	(279,299)	2,702,985
8	Total all funds	\$81,490,880	\$5,284,802	\$86,775,682
9	Less estimated income	35,886,284	7,213,762	43,100,046
10	Total general fund	\$45,604,596	(\$1,928,960)	\$43,675,636
11	Full-time equivalent positions	245.00	3.00	248.00
12	Salaries and wages	\$45,954,981	\$4,340,368	\$50,295,349
13	Operating expenses	15,588,646	844,392	16,433,038
14	Capital assets	804,380	934,841	1,739,221
15	Grants	4,418,440	(515,000)	3,903,440
16	Human trafficking victims grants	1,400,000	(298,121)	1,101,879
17	Forensic nurse examiners grants	250,000	691	250,691
18	Statewide litigation funding pool	0	4,650,000	4,650,000
19	Litigation fees	150,000	(22,500)	127,500
20	Intellectual property attorney	442,085	(442,085)	0
21	Medical examinations	660,000	0	660,000
22	North Dakota lottery	5,191,454	63,390	5,254,844
23	Arrest and return of fugitives	10,000	(1,500)	8,500
24	Gaming commission	7,489	0	7,489
25	Criminal justice information sharing	3,631,121	443,847	4,074,968
26	Law enforcement	2,982,284	66,643	3,048,927
27	Total all funds	\$81,490,880	\$10,064,966	\$91,555,846
28	Less estimated income	35,886,284	13,022,844	48,909,128
29	Total general fund	\$45,604,596	(\$2,957,878)	\$42,646,718
30	Full-time equivalent positions	245.00	8.00	253.00

1 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
2 **SIXTY-EIGHTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
3 items approved by the sixty-sixth legislative assembly for the 2019-21 biennium and the
4 one-time funding items included in the appropriation in section 1 of this Act:

5	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
6	Criminal history improvement system	\$400,000	\$400,000
7	Capital assets	1,851,956	1,111,706
8	Undercover vehicles	200,000	0
9	Automated biometric identification system	316,000	300,000
10	Charitable gaming technology system	400,000	475,000
11	Statewide litigation funding pool	0	3,000,000
12	Additional income	250,000	0
13	Total all funds	\$3,417,956	\$5,286,706
14	Total other funds	3,217,956	5,286,706
15	Total general fund	\$200,000	\$0
16	<u>Statewide litigation funding pool</u>	<u>0</u>	<u>4,650,000</u>
17	<u>Additional income</u>	<u>250,000</u>	<u>0</u>
18	<u>Total all funds</u>	<u>\$3,417,956</u>	<u>\$6,936,706</u>
19	<u>Total other funds</u>	<u>3,217,956</u>	<u>6,936,706</u>
20	<u>Total general fund</u>	<u>\$200,000</u>	<u>\$0</u>

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

28 **SECTION 4. APPROPRIATION - 2019-21 BIENNIUM - SEXUAL ASSAULT EVIDENCE**
29 **COLLECTION KIT TRACKING SYSTEM - DRUG ANALYZERS - EXEMPTION - ONE-TIME**
30 **FUNDING.** There is appropriated from federal funds, not otherwise appropriated, the sum of
31 \$355,000, or so much as the sum as may be necessary, to the attorney general, of which

1 \$255,000 is for the development and implementation of a sexual assault evidence collection kit
2 tracking system and \$100,000 is for drug analyzers with federal funding received from the
3 department of transportation, for the period beginning with the effective date of this Act, and
4 ending June 30, 2021. The funding provided under this section is not subject to section
5 54-44.1-11 and any unexpended funds may be continued and are available for the program
6 during the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is
7 considered a one-time funding item.

8 **SECTION 5. TRANSFER - LAWSUIT SETTLEMENT PROCEEDS - OPIOID ADDICTION**
9 **PREVENTION AND TREATMENT PROGRAM - APPROPRIATION - DEPARTMENT OF**
10 **HUMAN SERVICES - ONE-TIME FUNDING - REPORT.** The office of management and budget
11 shall transfer up to \$2,000,000 from opioid-related lawsuit settlement proceeds deposited in the
12 attorney general refund fund to the department of human services which is appropriated to the
13 department of human services for the purpose of defraying the expenses of an opioid addiction
14 prevention and treatment program during the biennium beginning July 1, 2021, and ending
15 June 30, 2023. The department of human services shall consult with the attorney general on the
16 use of funding for the program. The attorney general shall notify the legislative council and
17 office of management and budget of any lawsuit settlement proceeds that become available for
18 transfer to the department of human services for this program. This funding is considered a
19 one-time funding item.

20 **SECTION 6. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER -**
21 **LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING.** The statewide litigation
22 funding pool line item in section 1 of this Act includes \$3,000,000 from the strategic investment
23 and improvements fund, which the attorney general shall transfer to eligible state agencies for
24 litigation expenses during the biennium beginning July 1, 2021, and ending June 30, 2023. This
25 funding is considered a one-time funding item. The attorney general may not use funding from
26 the litigation pool to pay judgments under section 32-12-04.

27 **SECTION 7. ESTIMATED INCOME - EXEMPTION - USE OF GAMING TAX ALLOCATION**
28 **FUND - TRANSFER - LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING.** The
29 statewide litigation funding pool line item in section 1 of this Act includes \$1,650,000 from the
30 gaming tax allocation fund. Notwithstanding section 53-06.1-12, the attorney general shall
31 transfer this funding to eligible state agencies for litigation expenses during the biennium

1 beginning July 1, 2021, and ending June 30, 2023, after the distribution of gaming tax revenue
2 grants provided for in section 17 of this Act. The attorney general may not use funding from the
3 litigation pool to pay judgments under section 32-12-04. This funding is considered a one-time
4 funding item.

5 **SECTION 8. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
6 **CHARITABLE GAMING OPERATING FUND.** The estimated income line item in section 1 of
7 this Act includes \$475,000 from the charitable gaming operating fund for defraying expenses
8 related to the continued development and implementation of the charitable gaming technology
9 system.

10 **SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
11 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
12 ~~\$1,101,834~~\$1,101,879 from the general fund for the purpose of providing grants to
13 organizations involved in providing prevention and treatment services related to human
14 trafficking victims and related administrative costs for the biennium beginning July 1, 2021, and
15 ending June 30, 2023. The attorney general may provide grants for the development and
16 implementation of direct care emergency or long-term crisis services, residential care, training
17 for law enforcement, support of advocacy services, and programs promoting positive outcomes
18 for victims. Any organization that receives a grant under this section shall report to the attorney
19 general and the appropriations committees of the sixty-eighth legislative assembly on the use of
20 the funds received and the outcomes of its program. The attorney general shall report to the
21 legislative management during the 2021-22 interim on the status and results of the grant
22 program.

23 **SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
24 forensic nurse examiners grants line item in section 1 of this Act includes ~~\$250,674~~\$250,691
25 from the general fund for the purpose of providing forensic nurse examiner program grants for
26 community-based or hospital-based sexual assault examiner programs and related
27 administrative costs, for the biennium beginning July 1, 2021, and ending June 30, 2023. Any
28 organization that receives a grant under this section shall report to the attorney general and the
29 appropriations committees of the sixty-eighth legislative assembly on the use of the funds
30 received and the outcomes of its programs. The attorney general shall report to the
31 appropriations committees of the sixty-eighth legislative assembly on the number of nurses

1 trained, the number and location of nurses providing services related to sexual assault nurse
2 examiner programs, and documentation of collaborative efforts to assist victims which includes
3 nurses, the hospital or clinic, law enforcement, and state's attorneys.

4 **SECTION 11. ESTIMATED INCOME - SALARY EQUITY INCREASES - ATTORNEY**
5 **GENERAL REFUND FUND - REDUCED CIGARETTE IGNITION PROPENSITY AND**

6 **FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND.** The estimated income line item in
7 section 1 of this Act includes ~~\$1,133,232 from the attorney general refund fund~~\$1,374,989 for
8 the purpose of providing salary equity increases to employees in the attorney general's office, of
9 which ~~\$1,007,326 is~~\$1,249,083 is from the attorney general refund fund for bureau of criminal
10 investigation positions and Medicaid fraud control unit positions and \$125,906 is from the
11 Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund for fire
12 marshal office positions, for the biennium beginning July 1, 2021, and ending June 30, 2023.

13 **SECTION 12. LEGISLATIVE INTENT - ATTORNEY GENERAL - SALARY EQUITY**
14 **INCREASES - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE**

15 **INVESTMENT BOARD.** The attorney general may invest up to ~~\$2,266,464~~\$2,577,624 of
16 funding in the attorney general refund fund, of which \$1,160,896 is derived from January 2021
17 lawsuit settlement proceeds and \$1,416,728 is derived from March 2021 lawsuit settlement
18 proceeds, and \$251,812 of funding in the Reduced Cigarette Ignition Propensity and Firefighter
19 Protection Act enforcement fund, under the supervision of the state investment board for the
20 period beginning July 1, 2021, and ending June 30, 2025. It is the intent of the sixty-seventh
21 legislative assembly that ~~\$2,266,464~~\$2,577,624 in the attorney general refund fund and any
22 investment earnings on the funding be retained in the attorney general refund fund and
23 \$251,812 in the Reduced Cigarette Ignition Propensity and Firefighter Protection Act
24 enforcement fund and any investment earnings on the funding be retained in the Reduced
25 Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund, for the purpose of
26 providing salary equity increases as provided for in section 711 of this Act and for the cost to
27 continue the salary equity increases during the 2023-25 biennium, subject to legislative
28 appropriations.

29 **SECTION 13. AMENDMENT.** The new section to chapter 53-06.1 of the North Dakota
30 Century Code, as created by section 1 of House Bill No. 1212, as approved by the sixty-seventh
31 legislative assembly, is amended and reenacted as follows:

1 **Charitable gaming operating fund - Attorney general - State treasurer--Continuing-**
2 **appropriation - Allocations - Transfer to the general fund.**

- 3 1. There is created in the state treasury the charitable gaming operating fund. The fund
4 consists of all gaming taxes, monetary fines, and interest and penalties collected
5 under this chapter.
- 6 2. Excluding moneys in the charitable gaming operating fund appropriated by the
7 legislative assembly for administrative and operating costs associated with charitable
8 gaming, ~~all other~~ the attorney general shall allocate remaining moneys in the charitable
9 gaming operating fund ~~are appropriated to the attorney general~~ on a ~~continuing basis-~~
10 ~~for~~ quarterly allocations basis as follows:
- 11 a. Ten thousand dollars to the gambling disorder prevention and treatment fund.
- 12 b. ~~Five~~ Subject to legislative appropriations, five percent of the total moneys
13 deposited in the charitable gaming operating fund to cities and counties in
14 proportion to the taxes collected under section 53-06.1-12 from licensed
15 organizations conducting games within each city, for sites within city limits, or
16 within each county, for sites outside city limits. If a city or county allocation is less
17 than two hundred dollars, that city or county is not entitled to receive a payment
18 for the quarter and the undistributed amount must be included in the total amount
19 to be distributed to other cities and counties for the quarter.
- 20 3. On or before June thirtieth of each odd-numbered year, the attorney general shall
21 certify to the state treasurer the amount of accumulated funds in the charitable gaming
22 operating fund which exceed the amount appropriated by the legislative assembly for
23 administrative and operating costs associated with charitable gaming for the
24 subsequent biennium. The state treasurer shall transfer the certified amount from the
25 charitable gaming operating fund to the general fund prior to the end of each
26 biennium.

27 **SECTION 14. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is
28 amended and reenacted as follows:

29 **54-12-11. Salary of attorney general.**

30 The annual salary of the attorney general is one hundred ~~fifty-nine~~ sixty-five thousand
31 ~~four~~ eight hundred ~~ninety-five~~ dollars through June 30, ~~2020~~ 2022, and one hundred

1 | ~~sixty-three~~sixty-eight~~sixty-nine~~ thousand ~~three~~one hundred ninety-four ~~thirty-three~~sixty-two
2 | dollars thereafter.

3 | **SECTION 15. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
4 | requesting a criminal history record check from the bureau of criminal investigation, as a result
5 | of legislation enacted by the sixty-seventh legislative assembly, shall pay a reasonable fee
6 | established by the attorney general to the attorney general to be deposited in the state's general
7 | fund for the biennium beginning July 1, 2021, and ending June 30, 2023.

8 | **SECTION 16. EXEMPTION - CONTINGENT FEE ARRANGEMENT.** Notwithstanding
9 | section 54-12-08.1, the attorney general may contract for legal services compensated by a
10 | contingent fee arrangement for ongoing multistate technology litigation during the period
11 | beginning with the effective date of this Act and ending June 30, 2023.

12 | **SECTION 17. EXEMPTION - GAMING TAX REVENUE GRANTS.** Notwithstanding section
13 | 53-06.1-12, the attorney general may distribute gaming tax revenue grants to cities and
14 | counties relating to the seventh and eighth quarters of the 2019-21 biennium through
15 | October 31, 2021.

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

19 | **SECTION 19. EXEMPTION - REDUCED CIGARETTE IGNITION PROPENSITY AND**
20 | **FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND.** Notwithstanding subsection 6 of
21 | section 18-13-03, the attorney general may invest \$125,906 from the Reduced Cigarette
22 | Ignition Propensity and Firefighter Protection Act enforcement fund, for the purpose of providing
23 | salary equity increases to fire marshal office positions during the biennium beginning July 1,
24 | 2021, and ending June 30, 2023.

25 | **SECTION 20. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
26 | appropriated to the attorney general from the general fund for a concealed weapon rewrite
27 | project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the
28 | 2017-19 and 2019-21 bienniums, is not subject to the provisions of section 54-44.1-11. Any
29 | unexpended funds from this appropriation are available to the attorney general for the
30 | concealed weapon rewrite project, during the biennium beginning July 1, 2021, and ending
31 | June 30, 2023.

1 **SECTION 21. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND**
2 **NOTIFICATION PROGRAM.** The amount appropriated to the attorney general from other funds
3 for the statewide automated victim information and notification system as contained in
4 sections 1 and 8 of chapter 3 of the 2017 Session Laws and continued into the 2019-21
5 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this
6 appropriation are available to the attorney general for the legal case management system
7 during the biennium beginning July 1, 2021, and ending June 30, 2023.

8 **SECTION 22. EXEMPTION - INFORMATION TECHNOLOGY EQUIPMENT.** The amount
9 appropriated to the attorney general from the general fund for the purchase of information
10 technology equipment as contained in section 1 of chapter 28 of the 2019 Session Laws, is not
11 subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation
12 are available to the attorney general for the purchase of information technology equipment,
13 during the biennium beginning July 1, 2021, and ending June 30, 2023.

14 **SECTION 23. LEGISLATIVE INTENT - GAMING DIVISION.** It is the intent of the
15 sixty-seventh legislative assembly that the expenses of the attorney general's gaming division
16 be paid from gaming tax revenues.

17 **SECTION 24. LEGISLATIVE MANAGEMENT STUDY - STATE GOVERNMENT**
18 **ATTORNEYS.** During the 2021-22 interim, the legislative management shall consider studying
19 the feasibility and desirability of consolidating attorney and legal-related positions in state
20 government. The study must include an analysis of the number of attorney and legal-related
21 positions in state government, the agency to which the positions are assigned, the type of work
22 performed by the positions, and any efficiencies that may be gained through the consolidation of
23 these positions into the attorney general's office. The study must include consultation with the
24 attorney general and any agency with attorney and legal-related positions in state government
25 for the 2021-23 biennium. The legislative management shall report its findings and
26 recommendations, together with any legislation required to implement the recommendations, to
27 the sixty-eighth legislative assembly.

28 **SECTION 25. LEGISLATIVE MANAGEMENT STUDY - STATE GOVERNMENT**
29 **LITIGATION FUNDING.** During the 2021-22 interim, the legislative management shall consider
30 studying the feasibility and desirability of consolidating litigation-related funding in state
31 government. The study must include an analysis of litigation-related funding in state government

1 agency budgets, including the purpose and source of funding for the litigation and any
2 efficiencies that may be gained through the consolidation of the litigation funding into the
3 attorney general's office. The study must include consultation with the attorney general and any
4 agency with litigation-related funding appropriated for the 2021-23 biennium. The legislative
5 management shall report its findings and recommendations, together with any legislation
6 required to implement the recommendations, to the sixty-eighth legislative assembly.

7 **SECTION 26. LEGISLATIVE MANAGEMENT STUDY - CHARITABLE GAMING LAWS.**

8 During the 2021-22 interim, the legislative management shall consider studying laws regarding
9 the state's charitable gaming taxation and use of net proceeds for eligible organizations. The
10 legislative management shall report its findings and recommendations, together with any
11 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

12 **SECTION 27. LEGISLATIVE MANAGEMENT STUDY - GAMING ADDICTION AND**

13 **SUPPORT.** During the 2021-22 interim, the legislative management shall consider studying the
14 economic and societal impacts of gambling addiction in the state. The study must include a
15 review of the trend of gambling addiction since the expansion of electronic pull tab gambling in
16 the state, state funding provided for gambling addiction and disorder prevention and treatment,
17 and support programs for individuals and families affected by gambling addiction. The
18 legislative management shall report its findings and recommendations, together with any
19 legislation required to implement the recommendations, to the sixty-eighth legislative assembly.

20 **SECTION 28. EMERGENCY.** Sections 4 and 16 of this Act are declared to be an
21 emergency measure.