

Sixty-ninth
Legislative Assembly
of North Dakota

**FIRST ENGROSSMENT
with Conference Committee Amendments
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 sections 31-01-16, 54-12-11, 54-12-30, and 54-27-25 of the North Dakota
3 Century Code, relating to compensation and mileage and travel expenses for witnesses, the
4 salary of the attorney general, twenty-four seven sobriety program fees, and the tobacco
5 settlement trust fund; to provide for a report; to provide for a transfer; and to provide an
6 exemption.

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

8 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
9 as may be necessary, are appropriated out of any moneys in the general fund in the state
10 treasury, not otherwise appropriated, and from other funds derived from special funds and
11 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
12 general, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

		Adjustments or	
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
15 Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
16 New and vacant FTE pool	0	5,140,711	5,140,711
17 Operating expenses	17,579,264	(988,610)	16,590,654
18 Prosecution witness fees	0	360,056	360,056
19 Capital assets	606,000	1,391,280	1,997,280
20 Grants	3,903,440	0	3,903,440
21 Human trafficking victims grants	1,110,614	1,341,900	2,452,514
22 Forensic nurse examiners grants	252,676	1,568	254,244

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1	Statewide litigation funding pool	0	5,000,000	5,000,000
2	Litigation fees	127,500	0	127,500
3	Medical examinations	660,000	0	660,000
4	Children's forensic interviews	304,560	0	304,560
5	North Dakota lottery	5,413,453	171,709	5,585,162
6	Arrest and return of fugitives	8,500	0	8,500
7	Gaming commission	7,489	0	7,489
8	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
9	Law enforcement	<u>3,377,659</u>	<u>291,739</u>	<u>3,669,398</u>
10	Total all funds	\$90,939,085	\$23,783,145	\$114,722,230
11	Less other funds	<u>41,914,820</u>	<u>9,888,474</u>	<u>51,803,294</u>
12	Total general fund	\$49,024,265	\$13,894,671	\$62,918,936
13	Full-time equivalent positions	266.00	4.00	270.00

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

SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Bureau of criminal investigation equipment	\$161,000	\$0	\$161,000
Laboratory equipment and supplies	400,000	554,000	954,000
Network switches	32,000	0	32,000
Undercover vehicles	0	540,000	540,000
Portable handheld radios	0	105,000	105,000
Intoxilyzers	0	188,000	188,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	5,000,000	5,000,000
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
notification system replacement			
Total	\$1,893,000	\$7,887,000	\$9,780,000

1 **SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST.** The
2 attorney general may not spend funds appropriated in the new and vacant FTE pool line item in
3 section 1 of this Act, but may request the office of management and budget to transfer funds
4 from the new and vacant FTE pool line item to the salaries and wages line item and other line
5 items with salaries and wages in accordance with the guidelines and reporting provisions
6 included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

7 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -**
8 **REPORT.** In addition to the amounts appropriated to the attorney general in section 1 of this
9 Act, there is appropriated from federal or special funds, the sum of \$250,000, or so much of the
10 sum as may be necessary, to the attorney general for the purposes of defraying the expenses of
11 the office, for the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney
12 general shall notify the office of management and budget and the legislative council of any
13 funding made available pursuant to this section. The funding provided in this section is
14 considered a one-time funding item.

15 **SECTION 5. OTHER FUNDS - TRANSFER - COMMUNITY HEALTH TRUST FUND TO**
16 **ATTORNEY GENERAL OPERATING FUND.** The other funds line item in section 1 of this Act
17 includes the sum of \$239,716 from the community health trust fund which the office of
18 management and budget shall transfer to the attorney general operating fund for defraying
19 expenses related to the enforcement of the master settlement agreement and consent
20 agreement and any disputes with the agreement during the biennium beginning July 1, 2025,
21 and ending June 30, 2027.

22 **SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND**
23 **TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES.** The other
24 funds line item in section 1 of this Act includes the sum of \$7,466,000 from the strategic
25 investment and improvements fund, of which \$321,000 is for state crime laboratory equipment
26 and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover
27 vehicles, \$105,000 is for portable handheld dual-band radios, \$5,000,000 is for the statewide
28 litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim
29 identification notification system. The attorney general shall transfer funding from the statewide
30 litigation funding pool to eligible state agencies for litigation expenses during the biennium

beginning July 1, 2025, and ending June 30, 2027. The attorney general may not use funding from the statewide litigation funding pool to pay judgments under section 32-12-04.

SECTION 7. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -

REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$2,452,514 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the seventieth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the legislative management during the 2025-26 interim on the status and results of the grant program.

SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$254,244 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the seventieth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the seventieth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

SECTION 9. BUREAU OF CRIMINAL INVESTIGATION CYBER CRIME RESOURCES.

The salaries and wages line item, operating expenses line item, and capital assets line item in section 1 of this Act includes the sum of \$825,000 from the general fund for the purpose of hiring two full-time equivalent bureau of criminal investigation cyber crime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased

1 pursuant to this section must be dedicated to assisting a police department in a city in
2 northeastern North Dakota with at least 50,000 residents with the prevention and detection of
3 cyber crime.

4 **SECTION 10. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **31-01-16. Compensation and mileage and travel expense of witness.**

7 1. A witness in a civil or criminal case is entitled to receive:

8 4- a. A sum of twenty-five dollars for each day necessarily in attendance before the
9 district court or before any other board or tribunal, except municipal court.

10 2- b. A sum for mileage and travel expense reimbursement equal to the
11 reimbursement rates provided for state employees in sections 44-08-04 and
12 54-06-09.

13 2. In all criminal cases in district court, the attorney general shall pay prosecution witness
14 fees and expenses, in an amount not to exceed ~~twenty-five thousand~~thirty thousand
15 dollars per county per biennium, and the commission on legal counsel for indigents
16 shall pay witness fees and expenses for witnesses in those cases in which counsel
17 has been provided by the commission. Prisoners may not be compensated as
18 witnesses under this section. If a county exceeds the thirty thousand dollar
19 reimbursement during a biennium, the county may enter an agreement with another
20 county to allow the county to receive another county's unused reimbursement funds
21 for that biennium, with the approval of the attorney general.

22 **SECTION 11. 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 seventy-nine thousand three-~~
26 ~~hundred twelve~~one hundred ninety-two thousand seventy-nine dollars through June 30,
27 ~~2024~~2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~one hundred
28 ninety-seven thousand eight hundred forty-one dollars thereafter.

29 **SECTION 12. AMENDMENT.** Section 54-12-30 of the North Dakota Century Code is
30 amended and reenacted as follows:

1 **54-12-30. Twenty-four seven sobriety program fees.**

2 A criminal justice agency may collect program fees from offenders participating in the
3 twenty-four seven sobriety program, including fees for twice per day breath alcohol testing,
4 urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol
5 monitoring devices, and remote electronic alcohol monitoring daily fees. A district court judge or
6 judicial referee may not waive program fees for offenders participating in the twenty-four seven
7 sobriety program. The criminal justice agency shall pay all program fees into the general fund of
8 the governing body. The fees may only be applied to twenty-four seven sobriety program
9 support services, equipment maintenance and replacement, and compliance with the program.
10 The governing body shall pay any daily fees collected for remote electronic alcohol monitoring
11 to the twenty-four seven sobriety program fund.

12 **SECTION 13. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.**

15 There is created in the state treasury a tobacco settlement trust fund. The fund consists of
16 the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master
17 settlement agreement and consent agreement adopted by the east central judicial district court
18 in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel.
19 Heidi Heitkamp v. Philip Morris, Inc. Moneys received by the state under subsection IX(c)(1)
20 must be deposited in the fund. Moneys in the fund must be transferred within thirty days of
21 receipt by the state to a community health trust fund. Moneys in the fund may be appropriated
22 for community-based public health programs and other public health programs, including
23 programs with emphasis on preventing or reducing tobacco usage in this state, and for the
24 enforcement of the master settlement agreement and consent agreement and any disputes with
25 the agreement.

26 **SECTION 14. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
27 requesting a criminal history record check from the bureau of criminal investigation, as a result
28 of legislation enacted by the sixty-ninth legislative assembly, shall pay a reasonable fee
29 established by the attorney general to the attorney general to be deposited in the general fund,
30 for the biennium beginning July 1, 2025, and ending June 30, 2027.

1 **SECTION 15. EXEMPTION - CONTINGENT FEE ARRANGEMENT.** Notwithstanding
2 section 54-12-08.1, the attorney general may contract for legal services compensated by a
3 contingent fee arrangement for ongoing multistate technology litigation during the biennium
4 beginning July 1, 2025, and ending June 30, 2027.

5 **SECTION 16. EXEMPTION - ATTORNEY GENERAL REFUND FUND.** Notwithstanding
6 section 54-12-18, the attorney general may retain the balance in the attorney general refund
7 fund which would otherwise be transferred to the general fund on June 30, 2025.

8 **SECTION 17. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
9 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
10 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 11 1. The amount appropriated to the attorney general from other funds for the statewide
12 automated victim identification and notification system as contained in sections 1
13 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for
14 the statewide automated victim identification and notification system, and continued
15 into the 2021-23 biennium and 2023-25 biennium for the legal case management
16 system in section 17 of chapter 35 of the 2023 Session Laws.
- 17 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
18 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
19 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
20 Session Laws.
- 21 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
22 replacement of the prosecuting case management system in subsection 20 of
23 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
24 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
- 25 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
26 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
27 Laws.
- 28 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
29 software system in section 1 of chapter 35 of the 2023 Session Laws.

- 1 6. The sum of \$1,772,038 appropriated from federal funds for the justice community
2 oriented policing services anti-methamphetamine program in section 1 of chapter 35 of
3 the 2023 Session Laws.

4 **SECTION 18. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
5 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
6 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
7 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
8 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.