

**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 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; to
7 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>	
15				
16				
17	Salaries and wages	\$45,954,981	\$4,340,368	\$50,295,349
18	Operating expenses	15,588,646	844,392	16,433,038
19	Capital assets	804,380	934,841	1,739,221
20	Grants	4,418,440	(515,000)	3,903,440
21	Human trafficking victims grants	1,400,000	(298,121)	1,101,879
22	Forensic nurse examiners grants	250,000	691	250,691
23	Statewide litigation funding pool	0	4,650,000	4,650,000
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	63,390	5,254,844
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	443,847	4,074,968
7	Law enforcement	<u>2,982,284</u>	<u>66,643</u>	<u>3,048,927</u>
8	Total all funds	\$81,490,880	\$10,064,966	\$91,555,846
9	Less estimated income	<u>35,886,284</u>	<u>13,022,844</u>	<u>48,909,128</u>
10	Total general fund	\$45,604,596	(\$2,957,878)	\$42,646,718
11	Full-time equivalent positions	245.00	8.00	253.00

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:

16	<u>One-Time Funding Description</u>	<u>2019-21</u>	<u>2021-23</u>
17	Criminal history improvement system	\$400,000	\$400,000
18	Capital assets	1,851,956	1,111,706
19	Undercover vehicles	200,000	0
20	Automated biometric identification system	316,000	300,000
21	Charitable gaming technology system	400,000	475,000
22	Statewide litigation funding pool	0	4,650,000
23	Additional income	<u>250,000</u>	<u>0</u>
24	Total all funds	\$3,417,956	\$6,936,706
25	Total other funds	<u>3,217,956</u>	<u>6,936,706</u>
26	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

1 management and budget and the legislative council of any funding made available pursuant to
2 this section.

3 **SECTION 4. APPROPRIATION - 2019-21 BIENNIUM - SEXUAL ASSAULT EVIDENCE**
4 **COLLECTION KIT TRACKING SYSTEM - DRUG ANALYZERS - EXEMPTION - ONE-TIME**

5 **FUNDING.** There is appropriated from federal funds, not otherwise appropriated, the sum of
6 \$355,000, or so much as the sum as may be necessary, to the attorney general, of which
7 \$255,000 is for the development and implementation of a sexual assault evidence collection kit
8 tracking system and \$100,000 is for drug analyzers with federal funding received from the
9 department of transportation, for the period beginning with the effective date of this Act, and
10 ending June 30, 2021. The funding provided under this section is not subject to section
11 54-44.1-11 and any unexpended funds may be continued and are available for the program
12 during the biennium beginning July 1, 2021, and ending June 30, 2023. This funding is
13 considered a one-time funding item.

14 **SECTION 5. TRANSFER - LAWSUIT SETTLEMENT PROCEEDS - OPIOID ADDICTION**
15 **PREVENTION AND TREATMENT PROGRAM - APPROPRIATION - DEPARTMENT OF**

16 **HUMAN SERVICES - ONE-TIME FUNDING - REPORT.** The office of management and budget
17 shall transfer up to \$2,000,000 from opioid-related lawsuit settlement proceeds deposited in the
18 attorney general refund fund to the department of human services which is appropriated to the
19 department of human services for the purpose of defraying the expenses of an opioid addiction
20 prevention and treatment program during the biennium beginning July 1, 2021, and ending
21 June 30, 2023. The department of human services shall consult with the attorney general on the
22 use of funding for the program. The attorney general shall notify the legislative council and
23 office of management and budget of any lawsuit settlement proceeds that become available for
24 transfer to the department of human services for this program. This funding is considered a
25 one-time funding item.

26 **SECTION 6. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER -**
27 **LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING.** The statewide litigation

28 funding pool line item in section 1 of this Act includes \$3,000,000 from the strategic investment
29 and improvements fund, which the attorney general shall transfer to eligible state agencies for
30 litigation expenses during the biennium beginning July 1, 2021, and ending June 30, 2023. This

1 funding is considered a one-time funding item. The attorney general may not use funding from
2 the litigation pool to pay judgments under section 32-12-04.

3 **SECTION 7. ESTIMATED INCOME - EXEMPTION - USE OF GAMING TAX ALLOCATION**

4 **FUND - TRANSFER - LITIGATION POOL TO STATE AGENCIES - ONE-TIME FUNDING.** The
5 statewide litigation funding pool line item in section 1 of this Act includes \$1,650,000 from the
6 gaming tax allocation fund. Notwithstanding section 53-06.1-12, the attorney general shall
7 transfer this funding to eligible state agencies for litigation expenses during the biennium
8 beginning July 1, 2021, and ending June 30, 2023, after the distribution of gaming tax revenue
9 grants provided for in section 17 of this Act. The attorney general may not use funding from the
10 litigation pool to pay judgments under section 32-12-04. This funding is considered a one-time
11 funding item.

12 **SECTION 8. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**

13 **CHARITABLE GAMING OPERATING FUND.** The estimated income line item in section 1 of
14 this Act includes \$475,000 from the charitable gaming operating fund for defraying expenses
15 related to the continued development and implementation of the charitable gaming technology
16 system.

17 **SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**

18 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
19 \$1,101,879 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 and related
21 administrative costs for the biennium beginning July 1, 2021, and ending June 30, 2023. The
22 attorney general may provide grants for the development and implementation of direct care
23 emergency or long-term crisis services, residential care, training for law enforcement, support of
24 advocacy services, and programs promoting positive outcomes for victims. Any organization
25 that receives a grant under this section shall report to the attorney general and the
26 appropriations committees of the sixty-eighth legislative assembly on the use of the funds
27 received and the outcomes of its program. The attorney general shall report to the legislative
28 management during the 2021-22 interim on the status and results of the grant program.

29 **SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The

30 forensic nurse examiners grants line item in section 1 of this Act includes \$250,691 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 and related
2 administrative costs, for the biennium beginning July 1, 2021, and ending June 30, 2023. Any
3 organization that receives a grant under this section shall report to the attorney general and the
4 appropriations committees of the sixty-eighth legislative assembly on the use of the funds
5 received and the outcomes of its programs. The attorney general shall report to the
6 appropriations committees of the sixty-eighth legislative assembly on the number of nurses
7 trained, the number and location of nurses providing services related to sexual assault nurse
8 examiner programs, and documentation of collaborative efforts to assist victims which includes
9 nurses, the hospital or clinic, law enforcement, and state's attorneys.

10 **SECTION 11. ESTIMATED INCOME - SALARY EQUITY INCREASES - ATTORNEY**

11 **GENERAL REFUND FUND - REDUCED CIGARETTE IGNITION PROPENSITY AND**

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

19 **SECTION 12. LEGISLATIVE INTENT - ATTORNEY GENERAL - SALARY EQUITY**

20 **INCREASES - INVESTMENT OF LAWSUIT SETTLEMENT PROCEEDS - STATE**

21 **INVESTMENT BOARD.** The attorney general may invest up to \$2,577,624 of funding in the
22 attorney general refund fund, of which \$1,160,896 is derived from January 2021 lawsuit
23 settlement proceeds and \$1,416,728 is derived from March 2021 lawsuit settlement proceeds,
24 and \$251,812 of funding in the Reduced Cigarette Ignition Propensity and Firefighter Protection
25 Act enforcement fund, under the supervision of the state investment board for the period
26 beginning July 1, 2021, and ending June 30, 2025. It is the intent of the sixty-seventh legislative
27 assembly that \$2,577,624 in the attorney general refund fund and any investment earnings on
28 the funding be retained in the attorney general refund fund and \$251,812 in the Reduced
29 Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund and any
30 investment earnings on the funding be retained in the Reduced Cigarette Ignition Propensity
31 and Firefighter Protection Act enforcement fund, for the purpose of providing salary equity

1 increases as provided for in section 11 of this Act and for the cost to continue the salary equity
2 increases during the 2023-25 biennium, subject to legislative appropriations.

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

6 **Charitable gaming operating fund - Attorney general - State treasurer - ~~Continuing~~**
7 **~~appropriation~~ - Allocations - Transfer to the general fund.**

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

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

3 **54-12-11. Salary of attorney general.**

4 The annual salary of the attorney general is one hundred ~~fifty-nine~~sixty-five thousand
5 ~~four~~eight hundred ~~ninety-five~~ dollars through June 30, ~~2020~~2022, and one hundred
6 ~~sixty-three~~sixty-nine thousand ~~three~~one hundred ~~ninety-four~~sixty-two dollars thereafter.

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

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

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

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

23 **SECTION 19. EXEMPTION - REDUCED CIGARETTE IGNITION PROPENSITY AND**
24 **FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND.** Notwithstanding subsection 6 of
25 section 18-13-03, the attorney general may invest \$125,906 from the Reduced Cigarette
26 Ignition Propensity and Firefighter Protection Act enforcement fund, for the purpose of providing
27 salary equity increases to fire marshal office positions during the biennium beginning July 1,
28 2021, and ending June 30, 2023.

29 **SECTION 20. 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.

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

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

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

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

1 **SECTION 25. LEGISLATIVE MANAGEMENT STUDY - STATE GOVERNMENT**

2 **LITIGATION FUNDING.** During the 2021-22 interim, the legislative management shall consider
3 studying the feasibility and desirability of consolidating litigation-related funding in state
4 government. The study must include an analysis of litigation-related funding in state government
5 agency budgets, including the purpose and source of funding for the litigation and any
6 efficiencies that may be gained through the consolidation of the litigation funding into the
7 attorney general's office. The study must include consultation with the attorney general and any
8 agency with litigation-related funding appropriated for the 2021-23 biennium. The legislative
9 management shall report its findings and recommendations, together with any legislation
10 required to implement the recommendations, to the sixty-eighth legislative assembly.

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

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

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

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

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