

Sixty-ninth  
Legislative Assembly  
of North Dakota

**FIRST ENGROSSMENT  
with Senate 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 create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an  
3 electronic smoking device directory, electronic smoking device manufacturing fee, and  
4 electronic smoking fund; to amend and reenact sections 31-01-16, 54-12-11, and 54-12-30 of  
5 the North Dakota Century Code, relating to compensation and mileage and travel expenses for  
6 witnesses, the salary of the attorney general, and twenty-four seven sobriety program fees; to  
7 provide for a report; and to provide an exemption.

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

9 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds  
10 as may be necessary, are appropriated out of any moneys in the general fund in the state  
11 treasury, not otherwise appropriated, and from other funds derived from special funds and  
12 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney  
13 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
17 New and vacant FTE pool	0	4,988,501	4,988,501
18 Operating expenses	17,579,264	(1,014,920)	16,564,344
19 Prosecution witness fees	0	360,056	360,056
20 Capital assets	606,000	1,391,280	1,997,280
21 Grants	3,903,440	0	3,903,440
22 Human trafficking victims grants	1,110,614	1,341,900	2,452,514

Sixty-ninth  
Legislative Assembly

1	Forensic nurse examiners grants	252,676	1,568	254,244
2	Statewide litigation funding pool	0	5,000,000	5,000,000
3	Litigation fees	127,500	0	127,500
4	Medical examinations	660,000	0	660,000
5	Children's forensic interviews	304,560	0	304,560
6	North Dakota lottery	5,413,453	171,709	5,585,162
7	Arrest and return of fugitives	8,500	0	8,500
8	Gaming commission	7,489	0	7,489
9	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
10	Law enforcement	<u>3,377,659</u>	<u>291,739</u>	<u>3,669,398</u>
11	Total all funds	\$90,939,085	\$23,604,625	\$114,543,710
12	Less other funds	<u>41,914,820</u>	<u>9,888,474</u>	<u>51,803,294</u>
13	Total general fund	\$49,024,265	\$13,716,151	\$62,740,416
14	Full-time equivalent positions	266.00	3.00	269.00

**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>
21 Bureau of criminal investigation equipment	\$161,000	\$0	\$161,000
22 Laboratory equipment and supplies	400,000	554,000	954,000
23 Network switches	32,000	0	32,000
24 Undercover vehicles	0	540,000	540,000
25 Portable handheld radios	0	105,000	105,000
26 Intoxilyzers	0	188,000	188,000
27 Human trafficking victims grants	650,000	0	650,000
28 Statewide litigation funding pool	0	5,000,000	5,000,000
29 Jail management system replacement	650,000	0	650,000
30 Statewide automated victim identification	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>



1 notification system replacement

2 Total \$1,893,000 \$7,887,000 \$9,780,000

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

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

17 **SECTION 5. CONTINGENT FUNDING AND FULL-TIME EQUIVALENT POSITION**  
18 **AUTHORIZATION - GUARDIANSHIP PROGRAMS.** The salaries and wages line item,  
19 operating expenses line item, and capital assets line item in section 1 of this Act include the  
20 sum of \$385,355 from the general fund for one full-time equivalent position for guardianship  
21 programs. The attorney general may spend this funding and fill this position only if Senate Bill  
22 No. 2029 is approved by the sixty-ninth legislative assembly.

23 **SECTION 6. CONTINGENT FUNDING - HUMAN TRAFFICKING VICTIMS GRANTS.** The  
24 human trafficking victims grants line item in section 1 of this Act includes the sum of \$685,000  
25 from the general fund for human trafficking victims grants for exploitation prevention and  
26 awareness education-related expenses. The attorney general may spend this funding only if  
27 Senate Bill No. 2330 is approved by the sixty-ninth legislative assembly.

28 **SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND**  
29 **TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES.** The other  
30 funds line item in section 1 of this Act includes the sum of \$7,466,000 from the strategic  
31 investment and improvements fund, of which \$321,000 is for state crime laboratory equipment

1 and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover  
2 vehicles, \$105,000 is for portable handheld dual-band radios, \$5,000,000 is for the statewide  
3 litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim  
4 identification notification system. The attorney general shall transfer funding from the statewide  
5 litigation funding pool to eligible state agencies for litigation expenses during the biennium  
6 beginning July 1, 2025, and ending June 30, 2027. The attorney general may not use funding  
7 from the statewide litigation funding pool to pay judgments under section 32-12-04.

8 **SECTION 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**

9 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes  
10 \$2,452,514 from the general fund for the purpose of providing grants to organizations involved  
11 in providing prevention and treatment services related to human trafficking victims and related  
12 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. The  
13 attorney general may provide grants for the development and implementation of direct care  
14 emergency or long-term crisis services, residential care, training for law enforcement, support of  
15 advocacy services, and programs promoting positive outcomes for victims. Any organization  
16 that receives a grant under this section shall report to the attorney general and the  
17 appropriations committees of the seventieth legislative assembly on the use of the funds  
18 received and the outcomes of its programs. The attorney general shall report to the legislative  
19 management during the 2025-26 interim on the status and results of the grant program.

20 **SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The  
21 forensic nurse examiners grants line item in section 1 of this Act includes \$254,244 from the  
22 general fund for the purpose of providing forensic nurse examiner program grants for  
23 community-based or hospital-based sexual assault examiner programs and related  
24 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any  
25 organization that receives a grant under this section shall report to the attorney general and the  
26 appropriations committees of the seventieth legislative assembly on the use of the funds  
27 received and the outcomes of its programs. The attorney general shall report to the  
28 appropriations committees of the seventieth legislative assembly on the number of nurses  
29 trained, the number and location of nurses providing services related to sexual assault nurse  
30 examiner programs, and documentation of collaborative efforts to assist victims which includes  
31 nurses, the hospital or clinic, law enforcement, and state's attorneys.



1       **SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME RESOURCES.**

2       The salaries and wages line item, operating expenses line item, and capital assets line item in  
3       section 1 of this Act includes the sum of \$825,000 from the general fund for the purpose of  
4       hiring two full-time equivalent bureau of criminal investigation cybercrime agent positions and  
5       for related equipment and capital asset costs. The personnel hired and resources purchased  
6       pursuant to this section must be dedicated to assisting a police department in a city in  
7       northeastern North Dakota with at least 50,000 residents with the prevention and detection of  
8       cybercrime.

9       **SECTION 11. OTHER FUNDS - ELECTRONIC SMOKING FUND.** The salaries and wages  
10      line item and operating expenses line item in section 1 of this Act include the sum of \$239,716  
11      from the electronic smoking fund for a tobacco compliance auditor position to administer and  
12      enforce the provisions of section 13 of this Act.

13      **SECTION 12. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is  
14      amended and reenacted as follows:

15      **31-01-16. Compensation and mileage and travel expense of witness.**

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

17      4- a.   A sum of twenty-five dollars for each day necessarily in attendance before the  
18           district court or before any other board or tribunal, except municipal court.

19      2- b.   A sum for mileage and travel expense reimbursement equal to the  
20           reimbursement rates provided for state employees in sections 44-08-04 and  
21           54-06-09.

22      2.   In all criminal cases in district court, the attorney general shall pay prosecution witness  
23      fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand  
24      dollars per county per biennium, and the commission on legal counsel for indigents  
25      shall pay witness fees and expenses for witnesses in those cases in which counsel  
26      has been provided by the commission. Prisoners may not be compensated as  
27      witnesses under this section. If a county exceeds the thirty thousand dollar  
28      reimbursement during a biennium, the county may enter an agreement with another  
29      county for the purpose of allowing that county to receive another county's unused  
30      reimbursement funds for that biennium, with the approval of the attorney general.

1       **SECTION 13.** A new chapter to title 51 of the North Dakota Century Code is created and  
2 enacted as follows:

3       **Definition - Electronic smoking device directory - Electronic smoking device**  
4 **manufacturer fee - Electronic smoking fund.**

5       1. The attorney general shall establish and maintain a directory of electronic smoking  
6 devices containing nicotine that may be sold in this state.

7       2. An electronic smoking device must be included in the directory only if the  
8 manufacturer of the electronic smoking device containing nicotine certifies, on a form  
9 prescribed by the attorney general, the following:

10       a. The manufacturer has received a marketing granted order for the electronic  
11 smoking device containing nicotine from the United States food and drug  
12 administration;

13       b. The manufacturer marketed the electronic smoking device containing nicotine in  
14 the United States as of August 8, 2016, and submitted a tobacco product  
15 premarket application to the United States food and drug administration on or  
16 before September 9, 2020, and the application either remains under review or  
17 has received a denial order that has been and remains stayed by the United  
18 States food and drug administration or a court order, rescinded by the United  
19 States food and drug administration, or vacated by a court; or

20       c. The manufacturer can demonstrate the United States food and drug  
21 administration has issued a rule, guidance, or other formal statement that  
22 temporarily exempts the electronic smoking device containing nicotine from  
23 federal premarket tobacco application requirements.

24       3. Each certification form must be accompanied by a fee of two thousand dollars for each  
25 electronic smoking device containing nicotine that is listed on the form. A manufacturer  
26 of electronic smoking devices containing nicotine must submit an annual renewal fee  
27 of five hundred dollars to the attorney general. Revenue from the fees must be  
28 deposited in the electronic smoking fund.

29       4. There is created in the state treasury the electronic smoking fund. The fund consists of  
30 fees collected pursuant to subsection 3 and all moneys transferred to the fund by the



1 legislative assembly. Moneys in the fund may be spent by the attorney general for the  
2 administration and enforcement of this chapter, subject to legislative appropriations.

3 5. Beginning January 1, 2026, only electronic smoking devices containing nicotine  
4 included in the directory may be sold in this state.

5 6. The attorney general shall promulgate rules necessary to administer and enforce this  
6 chapter. The rules must provide for at least two annual unannounced compliance  
7 checks of retailers, distributors, and wholesalers that sell electronic smoking devices  
8 containing nicotine.

9 7. As used in this section, "electronic smoking device" means any electronic product that  
10 delivers nicotine to the individual inhaling from the device, including an electronic  
11 cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and  
12 includes any component, part, or accessory of such product, including a consumable  
13 product that contains nicotine and is intended to be used with an electronic smoking  
14 device, whether or not sold separately. The term does not include drugs, devices, or  
15 combination products approved for sale by the United States food and drug  
16 administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

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

19 **54-12-11. Salary of attorney general.**

20 The annual salary of the attorney general is ~~one hundred seventy-nine thousand three-~~  
21 ~~hundred twelve~~one hundred ninety-two thousand seventy-nine dollars through June 30,  
22 ~~2024~~2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~one hundred  
23 ninety-seven thousand eight hundred forty-one dollars thereafter.

24 **SECTION 15. AMENDMENT.** Section 54-12-30 of the North Dakota Century Code is  
25 amended and reenacted as follows:

26 **54-12-30. Twenty-four seven sobriety program fees.**

27 A criminal justice agency may collect program fees from offenders participating in the  
28 twenty-four seven sobriety program, including fees for twice per day breath alcohol testing,  
29 urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol  
30 monitoring devices, and remote electronic alcohol monitoring daily fees. A district court judge or  
31 judicial referee may not waive program fees for offenders participating in the twenty-four seven

1 sobriety program. The criminal justice agency shall pay all program fees into the general fund of  
2 the governing body. The fees may only be applied to twenty-four seven sobriety program  
3 support services, equipment maintenance and replacement, and compliance with the program.  
4 The governing body shall pay any daily fees collected for remote electronic alcohol monitoring  
5 to the twenty-four seven sobriety program fund.

6 **SECTION 16. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity  
7 requesting a criminal history record check from the bureau of criminal investigation, as a result  
8 of legislation enacted by the sixty-ninth legislative assembly, shall pay a reasonable fee  
9 established by the attorney general to the attorney general to be deposited in the general fund,  
10 for the biennium beginning July 1, 2025, and ending June 30, 2027.

11 **SECTION 17. EXEMPTION - CONTINGENT FEE ARRANGEMENT.** Notwithstanding  
12 section 54-12-08.1, the attorney general may contract for legal services compensated by a  
13 contingent fee arrangement for ongoing multistate technology litigation during the biennium  
14 beginning July 1, 2025, and ending June 30, 2027.

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

18 **SECTION 19. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following  
19 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into  
20 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 21 1. The amount appropriated to the attorney general from other funds for the statewide  
22 automated victim identification and notification system as contained in sections 1  
23 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for  
24 the statewide automated victim identification and notification system, and continued  
25 into the 2021-23 biennium and 2023-25 biennium for the legal case management  
26 system in section 17 of chapter 35 of the 2023 Session Laws.
- 27 2. The sum of \$400,000 appropriated from the attorney general refund fund for the  
28 criminal history improvement project in section 1 of chapter 3 of the 2021 Session  
29 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023  
30 Session Laws.



- 1        3.    The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the  
2            replacement of the prosecuting case management system in subsection 20 of  
3            section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into  
4            the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
- 5        4.    The sum of \$736,000 appropriated from the charitable gaming operating fund for the  
6            charitable gaming technology system in section 1 of chapter 35 of the 2023 Session  
7            Laws.
- 8        5.    The sum of \$177,000 appropriated from the general fund for a licensing and deposit  
9            software system in section 1 of chapter 35 of the 2023 Session Laws.
- 10       6.    The sum of \$1,772,038 appropriated from federal funds for the justice community  
11           oriented policing services anti-methamphetamine program in section 1 of chapter 35 of  
12           the 2023 Session Laws.

13       **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of  
14       \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide  
15       litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative  
16       assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended  
17       funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.