

**FISCAL NOTE**  
**Requested by Legislative Council**  
**02/10/2021**

Amendment to: SB 2322

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2019-2021 Biennium		2021-2023 Biennium		2023-2025 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>						
<b>Expenditures</b>						
<b>Appropriations</b>						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2019-2021 Biennium	2021-2023 Biennium	2023-2025 Biennium
<b>Counties</b>			
<b>Cities</b>			
<b>School Districts</b>			
<b>Townships</b>			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill provides for reimbursement of reasonable attorneys fees and costs incurred by a state employee in successfully defending a criminal investigation or prosecution involving actions taken as a state employee.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Payments for reasonable attorneys fees and costs incurred by a state employee in successfully defending a criminal investigation or prosecution would come from the Risk Management Fund administered by OMB-Risk Management pursuant to NDCC chap. 32-12.2. Criminal investigations or prosecutions of state employees for actions taken within the scope of employment are infrequent and difficult to predict with any meaningful degree of certainty. This amended bill is not expressly declared retroactive to criminal investigations that were completed before the effective date of the act and therefore it is not definitive whether existing claims of \$48,136 that otherwise fit within the parameters of the bill will be payable.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Payments under this bill will come from the Risk Management Fund administered by OMB-Risk Management pursuant to NDCC chap. 32-12.2.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Claim and defense expenditures under the Risk Management Fund are subject to a continuing appropriation.

**Name:** Tag Anderson

**Agency:** OMB-Risk Management

**Telephone:** 701-328-7580

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