

**FIRST ENGROSSMENT
with Conference Committee Amendments
ENGROSSED SENATE BILL NO. 2003**

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 53-12.1-09 and 54-12-11 of the North Dakota Century Code,
3 relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant
4 fund and the salary of the attorney general; to provide a transfer; to provide an exemption; to
5 provide for a legislative management study; and to declare an emergency.

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

7 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
8 as may be necessary, are appropriated out of any moneys in the general fund in the state
9 treasury, not otherwise appropriated, and from special funds derived from federal funds and
10 other income, to the attorney general for the purpose of defraying the expenses of the attorney
11 general, for the biennium beginning July 1, 2023, and ending June 30, 2025, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
14 Salaries and wages	\$50,832,646	(\$537,204)	\$50,295,442
15 Operating expenses	15,237,498	3,503,607	18,741,105
16 Capital assets	648,055	4,585,572	5,233,627
17 Grants	3,903,440	400,000	4,303,440
18 Human trafficking victims grants	1,101,879	3,525	1,105,404
19 Forensic nurse examiners grants	250,691	791	251,482
20 Statewide litigation funding pool	0	5,000,000	5,000,000
21 Litigation fees	127,500	0	127,500
22 Medical examinations	660,000	0	660,000
23 Children's forensic interviews	0	304,560	304,560
24 North Dakota lottery	5,254,844	61,790	5,316,634

Sixty-eighth
Legislative Assembly

1	Arrest and return of fugitives	8,500	0	8,500
2	Gaming commission	7,489	0	7,489
3	Criminal justice information sharing	4,074,968	412,169	4,487,137
4	Law enforcement	<u>3,048,927</u>	<u>82,770</u>	<u>3,131,697</u>
5	Total all funds	\$85,156,437	\$13,817,580	\$98,974,017
6	Less estimated income	<u>42,509,719</u>	<u>4,836,388</u>	<u>47,346,107</u>
7	Total general fund	\$42,646,718	\$8,981,192	\$51,627,910
8	Full-time equivalent positions	253.00	13.00	266.00

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

10 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
11 items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the
12 one-time funding items included in the appropriation in section 1 of this Act:

13	<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
14	Criminal history improvement system	\$400,000	\$0
15	Automated biometric identification system	300,000	0
16	Charitable gaming technology system	475,000	0
17	Additional income	250,000	0
18	Missing persons database	300,000	0
19	Prosecuting case management system	1,000,000	0
20	Charitable gaming tax information technology costs	50,000	0
21	Capital assets	1,111,706	2,818,877
22	State crime laboratory capital improvements	0	250,000
23	Statewide litigation funding pool	4,650,000	5,000,000
24	Staff operating and equipment costs	0	792,090
25	Inflationary increases	0	156,463
26	Anti-methamphetamine program	0	1,772,038
27	Law enforcement resiliency grants	<u>0</u>	<u>400,000</u>
28	Total all funds	\$8,536,706	\$11,189,468
29	Total other funds	<u>8,536,706</u>	<u>6,582,122</u>
30	Total general fund	\$0	\$4,607,346

1 The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget
2 for the 2025-27 biennium. The attorney general shall report to the appropriations committees of
3 the sixty-ninth legislative assembly on the use of this one-time funding for the biennium
4 beginning July 1, 2023, and ending June 30, 2025.

5 **SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
6 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
7 federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the
8 attorney general for the purposes of defraying the expenses of the office, for the biennium
9 beginning July 1, 2023, and ending June 30, 2025. The attorney general shall notify the office of
10 management and budget and the legislative council of any funding made available pursuant to
11 this section.

12 **SECTION 4. TRANSFER - LOTTERY OPERATING FUND TO GAMING AND EXCISE TAX**
13 **ALLOCATION FUND - STATEWIDE LITIGATION FUNDING POOL.** Notwithstanding sections
14 53-12.1-09 and 53-12.1-10, the attorney general shall transfer \$2,760,000 from the lottery
15 operating fund to the gaming and excise tax allocation fund by June 30, 2023, for the purpose
16 of defraying litigation expenses of the state through the statewide litigation funding pool during
17 the period beginning with the effective date of this Act, and ending June 30, 2025.

18 **SECTION 5. TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE**
19 **AGENCIES - ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND.** The
20 statewide litigation funding pool line item in section 1 of this Act includes \$5,000,000, of which
21 \$1,797,748 is from the general fund and \$3,202,252 is from the gaming and excise tax
22 allocation fund, which the attorney general shall transfer to eligible state agencies for litigation
23 expenses during the biennium beginning July 1, 2023, and ending June 30, 2025. The attorney
24 general may not use funding from the statewide litigation funding pool to pay judgments under
25 section 32-12-04.

26 **SECTION 6. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM -**
27 **CHARITABLE GAMING OPERATING FUND.** The estimated income line item in section 1 of
28 this Act includes \$736,000 from the charitable gaming operating fund for defraying expenses
29 related to the continued development and implementation of the charitable gaming technology
30 system.

1 **SECTION 7. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
2 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
3 \$1,105,404 from the general fund for the purpose of providing grants to organizations involved
4 in providing prevention and treatment services related to human trafficking victims and related
5 administrative costs for the biennium beginning July 1, 2023, and ending June 30, 2025. The
6 attorney general may provide grants for the development and implementation of direct care
7 emergency or long-term crisis services, residential care, training for law enforcement, support of
8 advocacy services, and programs promoting positive outcomes for victims. Any organization
9 that receives a grant under this section shall report to the attorney general and the
10 appropriations committees of the sixty-ninth legislative assembly on the use of the funds
11 received and the outcomes of its program. The attorney general shall report to the legislative
12 management during the 2023-24 interim on the status and results of the grant program.

13 **SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
14 forensic nurse examiners grants line item in section 1 of this Act includes \$251,482 from the
15 general fund for the purpose of providing forensic nurse examiner program grants for
16 community-based or hospital-based sexual assault examiner programs and related
17 administrative costs, for the biennium beginning July 1, 2023, and ending June 30, 2025. Any
18 organization that receives a grant under this section shall report to the attorney general and the
19 appropriations committees of the sixty-ninth legislative assembly on the use of the funds
20 received and the outcomes of its programs. The attorney general shall report to the
21 appropriations committees of the sixty-ninth legislative assembly on the number of nurses
22 trained, the number and location of nurses providing services related to sexual assault nurse
23 examiner programs, and documentation of collaborative efforts to assist victims which includes
24 nurses, the hospital or clinic, law enforcement, and state's attorneys.

25 **SECTION 9. LAW ENFORCEMENT RESILIENCY GRANT PROGRAM - REPORT TO**
26 **SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The grants line item in section 1 of this Act includes
27 \$400,000 from the general fund for the purpose of providing law enforcement resiliency
28 program grants, for the biennium beginning July 1, 2023, and ending June 30, 2025. Funding
29 provided under this Act must be used to defray administrative, therapeutic, training, and
30 outreach-related costs of providing mental health and wellness support services to current and
31 retired correctional and law enforcement personnel. The attorney general shall establish

1 guidelines to award funding under this section. Any organization that receives a grant under this
2 section shall report to the attorney general and the attorney general shall report to the
3 appropriations committees of the sixty-ninth legislative assembly on the use of the funds
4 received and the outcomes of its programs.

5 **SECTION 10. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **53-12.1-09. Operating fund - Continuing appropriation - Authorization of**
8 **disbursements - Report - Net proceeds.**

9 There is established within the state treasury the lottery operating fund into which must be
10 deposited all revenue from the sale of tickets, interest received on money in the fund, and all
11 other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket
12 paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund
13 appropriated by the legislative assembly for administrative and operating costs of the lottery
14 under section 53-12.1-10, all other money in the fund is continuously appropriated for the
15 purposes specified in this section. During each regular session, the attorney general shall
16 present a report to the appropriations committee of each house of the legislative assembly on
17 the actual and estimated operating revenue and expenditures for the current biennium and
18 projected operating revenue and expenditures for the subsequent biennium authorized by this
19 section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made
20 only against the fund or money collected from a retailer on the sale of a ticket. A disbursement
21 from the fund must be for the following purposes:

- 22 1. Payment of a prize as the director deems appropriate to the owner of a valid, winning
23 ticket;
- 24 2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly
25 offset by cosponsorship funds collected;
- 26 3. Payment of a gaming system or related service expense, retailer record and credit
27 check fees, game group dues, and retailer commissions; and
- 28 4. Transfer of net proceeds:
 - 29 a. Eighty thousand dollars must be transferred to the state treasurer each quarter
30 for deposit in the gambling disorder prevention and treatment fund;

- 1 b. An amount for the lottery's share of a game's prize reserve pool must be
2 transferred to the multistate lottery association;
- 3 c. Starting July 1, ~~2019~~2023, two hundred fifty thousand dollars must be transferred
4 to the state treasurer each quarter for deposit in the attorney general
5 multijurisdictional drug task force grant fund; and
- 6 d. The balance of the net proceeds, less holdback of any reserve funds the director
7 may need for continuing operations, must be transferred to the state treasurer on
8 at least an annual basis for deposit in the state general fund.

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

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

12 The annual salary of the attorney general is one hundred ~~sixty-five~~seventy-nine thousand
13 ~~eight~~three hundred ~~forty-five~~twelve dollars through June 30, ~~2022~~2024, and one hundred
14 ~~sixty-nine~~eighty-six thousand ~~one~~four hundred ~~sixty-two~~eighty-four dollars thereafter.

15 **SECTION 12. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
16 requesting a criminal history record check from the bureau of criminal investigation, as a result
17 of legislation enacted by the sixty-eighth legislative assembly, shall pay a reasonable fee
18 established by the attorney general to the attorney general to be deposited in the general fund
19 for the biennium beginning July 1, 2023, and ending June 30, 2025.

20 **SECTION 13. EXEMPTION - CONTINGENT FEE ARRANGEMENT.** Notwithstanding
21 section 54-12-08.1, the attorney general may contract for legal services compensated by a
22 contingent fee arrangement for ongoing multistate technology litigation during the biennium
23 beginning July 1, 2023, and ending June 30, 2025.

24 **SECTION 14. EXEMPTION - GAMING TAX REVENUE GRANTS.** Notwithstanding section
25 53-06.1-12, the attorney general may distribute gaming tax revenue grants to cities and
26 counties relating to the seventh and eighth quarters of the 2021-23 biennium through
27 October 31, 2023.

28 **SECTION 15. EXEMPTION - ATTORNEY GENERAL REFUND FUND.** Notwithstanding
29 section 54-12-18, the attorney general may retain the balance in the attorney general refund
30 fund which would otherwise be transferred to the general fund on June 30, 2023.

1 **SECTION 16. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount
2 appropriated to the attorney general from the general fund for a concealed weapon rewrite
3 project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the
4 2017-19, 2019-21, and 2021-23 bienniums, is not subject to the provisions of section
5 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general
6 for the concealed weapon rewrite project, during the biennium beginning July 1, 2023, and
7 ending June 30, 2025.

8 **SECTION 17. EXEMPTION - LEGAL CASE MANAGEMENT SYSTEM.** The amount
9 appropriated to the attorney general from other funds for the statewide automated victim
10 information and notification system as contained in sections 1 and 8 of chapter 3 of the 2017
11 Session Laws, continued into the 2019-21 biennium for the statewide automated victim
12 information and notification system, and continued into the 2021-23 biennium for the legal case
13 management system, is not subject to the provisions of section 54-44.1-11. Any unexpended
14 funds from this appropriation are available to the attorney general for the legal case
15 management system during the biennium beginning July 1, 2023, and ending June 30, 2025.

16 **SECTION 18. EXEMPTION - CRIMINAL HISTORY IMPROVEMENT PROJECT.** The
17 amount of \$400,000 appropriated from the attorney general refund fund in the operating
18 expenses line item for the criminal history improvement project in section 1 of chapter 3 of the
19 2021 Session Laws is not subject to section 54-44.1-11 and is available for the project during
20 the biennium beginning July 1, 2023, and ending June 30, 2025.

21 **SECTION 19. EXEMPTION - AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM.** The
22 amount of \$300,000 appropriated from federal funds to upgrade the automated biometric
23 identification system during the 2021-23 biennium in section 1 of chapter 3 of the 2021 Session
24 Laws is not subject to section 54-44.1-11 and is available for the system during the biennium
25 beginning July 1, 2023, and ending June 30, 2025.

26 **SECTION 20. EXEMPTION - COVID-19 FUNDS - JUSTICE ASSISTANCE GRANTS.** The
27 amount of \$2,082,871 appropriated from federal funds derived from COVID-19 funds for justice
28 assistance grants during the 2019-21 biennium in section 1 of chapter 27 and continued into the
29 2021-23 biennium in section 2 of chapter 27 of the 2021 Session Laws is not subject to section
30 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and
31 ending June 30, 2025.

1 **SECTION 21. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND.** The amount
2 of \$1,000,000 appropriated from federal funds derived from the state fiscal recovery fund for the
3 replacement of the prosecuting case management system in subsection 20 of section 1 of
4 chapter 550 of the 2021 Special Session Session Laws is not subject to section 54-44.1-11 and
5 is available for the program during the biennium beginning July 1, 2023, and ending June 30,
6 2025.

7 **SECTION 22. LEGISLATIVE MANAGEMENT STUDY - STATE CRIME LABORATORY.**
8 During the 2023-24 interim, the legislative management shall study the services and needs of
9 the North Dakota state crime laboratory, including staffing and equipment needs; the need for
10 forensic scientists with training in firearms and fingerprint analysis; the feasibility and desirability
11 of remodeling current state crime laboratory facilities, acquiring other vacant laboratory facilities
12 in the state, and operating additional state crime laboratory facilities in the state; services the
13 state crime laboratory should have the capability of providing to support law enforcement
14 entities in the state; and whether the state crime laboratory should be administratively separate
15 from the bureau of criminal investigation. The legislative management shall report its findings
16 and recommendations, together with any legislation required to implement the
17 recommendations, to the sixty-ninth legislative assembly.

18 **SECTION 23. ATTORNEY COST-SAVINGS - REPORT TO SIXTY-NINTH LEGISLATIVE**
19 **ASSEMBLY.** The attorney general shall report to the appropriations committees of the
20 sixty-ninth legislative assembly regarding any cost-savings realized by hiring full-time equivalent
21 attorney positions instead of contracting for third-party legal counsel during the 2023-25
22 biennium.

23 **SECTION 24. EMERGENCY.** The \$250,000 appropriated from the general fund in the
24 capital assets line item in section 1 for state crime laboratory capital improvements and
25 sections 4 and 14 of this Act are declared to be an emergency measure.