

2025 HOUSE APPROPRIATIONS

HB 1003

DEPARTMENT 125 - ATTORNEY GENERAL 2025-27 BASE-LEVEL BUDGET

Base Budget - Summary

	<u>Base Level</u>
Salaries and wages	\$53,007,980
Operating expenses	17,579,264
Capital assets	606,000
Grants	3,903,440
Human trafficking victims grants	1,110,614
Forensic nurse examiners grants	252,676
Litigation fees	127,500
Medical examinations	660,000
Children's forensic interviews	304,560
North Dakota lottery	5,413,453
Arrest and return of fugitives	8,500
Gaming commission	7,489
Criminal justice information sharing	4,579,950
Law enforcement	<u>3,377,659</u>
Total all funds	\$90,939,085
Less other funds	<u>41,914,820</u>
Total general fund	\$49,024,265
Full-time equivalent (FTE) positions	266.00

Selected Base Budget Information

	General Fund	Other Funds	Total
1. Includes funding for salaries and wages, including \$1,847,162 for temporary salaries and \$932,617 for overtime salaries.	\$31,970,851	\$21,037,129	\$53,007,980
2. Includes funding for operating expenses, primarily related to information technology (IT) contractual services, data processing, communication, and software (\$6.7 million), building and equipment rent (\$2.4 million), professional and operating fees (\$2.2 million), repairs (\$1.5 million), utilities (\$1.2 million), and travel (\$1.1 million).	\$8,394,929	\$9,184,335	\$17,579,264
3. Includes funding for capital assets.	\$606,000	\$0	\$606,000
4. Includes funding for grants, of which \$3.1 million is from federal funds for crime prevention grants, \$27,400 is for federal IT grants, and \$750,000 is from the charitable gaming operating fund for gaming grants to political subdivisions.	\$0	\$3,903,440	\$3,903,440
5. Includes funding for human trafficking victims grants (\$994,864) and related program salaries and operating expenses (\$115,750).	\$1,110,614	\$0	\$1,110,614
6. Includes funding for forensic nurse examiners grants (\$226,333) and related program salaries and operating expenses (\$26,343).	\$252,676	\$0	\$252,676
7. Includes funding for litigation fees.	\$127,500	\$0	\$127,500
8. Includes funding from the insurance regulatory trust fund for medical examinations under North Dakota Century Code Section 12.1-34-07.	\$0	\$660,000	\$660,000
9. Includes funding from the insurance regulatory trust fund for children's forensic interviews under Section 12.1-34-07.	\$0	\$304,560	\$304,560
10. Includes funding for the North Dakota lottery from the lottery operating fund. Pursuant to Section 53-12.1-10, revenue deposited in the fund is available for administrative and operating costs of the lottery, including costs related to employees, supplies, surveys, advertising and marketing, printing, promotion, premium incentive items, a facility, and services provided by another state agency. Section 53-12.1-09 provides in addition to funding appropriated for administrative and operating costs, revenue in the fund is to be transferred to the gambling disorder prevention and treatment fund (\$640,000) and multijurisdictional drug task force grant fund	\$0	\$5,413,453	\$5,413,453

(\$2,000,000). Remaining moneys in the lottery fund are to be transferred to the general fund at the end of each biennium.

11. Includes funding for the arrest and return of fugitives.	\$8,500	\$0	\$8,500
12. Includes funding from the charitable gaming operating fund for the Gaming Commission. Funding for charitable gaming expenses are included in the salaries and wages line item and operating expenses line item.	\$0	\$7,489	\$7,489
13. Includes funding for the criminal justice information sharing system (CJIS), of which \$650,000 is from federal funds and \$471,922 is from the Attorney General refund fund. The funding relates to staff salaries and operating expenses, primarily IT software, contractual services, and data processing. The system is available to criminal justice professionals to search information and establish notifications through a secure website. Information on CJIS includes booking records, concealed weapons licenses, criminal history records, warrant information, driver's license and motor vehicle records, DNA information, Highway Patrol citations, hunting and fishing licenses, missing persons data, sex offender registrations, protection orders, watercraft licenses, and local law enforcement agency records.	\$3,458,028	\$1,121,922	\$4,579,950
14. Includes funding for law enforcement, including \$241,137 from federal funds and \$41,355 from Attorney General refund fund. The funding relates primarily to staff salaries and miscellaneous operating expenses. Additional funding for law enforcement is available in the salaries and wages line item and operating expenses line item.	\$3,095,167	\$282,492	\$3,377,659
15. Includes \$41,914,820 of other funds, of which \$13,556,967 is from federal funds, \$964,560 is from the insurance regulatory trust fund, \$7,128,156 is from the Attorney General refund fund, \$8,829,403 is from the Attorney General operating fund, \$5,413,453 is from the lottery operating fund, \$462,993 is from the North Dakota sobriety program fund, \$2,195 is from the multi-jurisdictional drug task force fund, and \$5,557,093 is from the charitable gaming operating fund.	\$0	\$41,914,820	\$41,914,820

Continuing Appropriations

Merchant code violation fund - Section 6-15-04 - For disbursement of funding to individuals harmed by violations of financial entities' use of merchant codes that track firearm- and ammunition-related purchases. The Legislative Assembly created the merchant code violation fund in House Bill No. 1487 (2023).

Charitable gaming technology fund - Section 53-06.1-12.4 - For contracting for and purchasing equipment and software for a charitable gaming technology system, training employees to operate the system, and maintaining and updating the system. The Legislative Assembly created the charitable gaming technology fund in Senate Bill No. 2281 (2023) and authorized the transfer of \$400,000 from the charitable gaming operating fund to the charitable gaming technology fund.

Lottery operating fund - Section 53-12.1-09 - To pay costs of operating the lottery. For the 2021-23 biennium, the fund had \$49,864,760 of revenue, \$48,661,839 of expenditures of which \$13,000,000 was transferred to the general fund, and a fund balance of \$2,212,639 on June 30, 2023.

Assets forfeiture fund - Section 54-12-14 - To pay costs related to law enforcement activities of the Attorney General's office. For the 2021-23 biennium, the fund had \$646,000 of revenue, \$361,608 of expenditures, and a fund balance of \$638,093 on June 30, 2023.

Refund fund - Section 54-12-18 - To pay costs of the Consumer Protection and Antitrust Division and the Gaming Division. For the 2021-23 biennium, the fund had \$14,111,430 of revenue, \$7,157,911 of expenditures, and a fund balance of \$20,149,959 on June 30, 2023.

Special operations team reimbursement fund - Section 54-12-23 - To reimburse city and county governments that provide special operations team services to rural areas. For the 2021-23 biennium, the fund had \$40,800 of revenue, \$34,952 of expenditures, and a fund balance of \$198,757 on June 30, 2023.

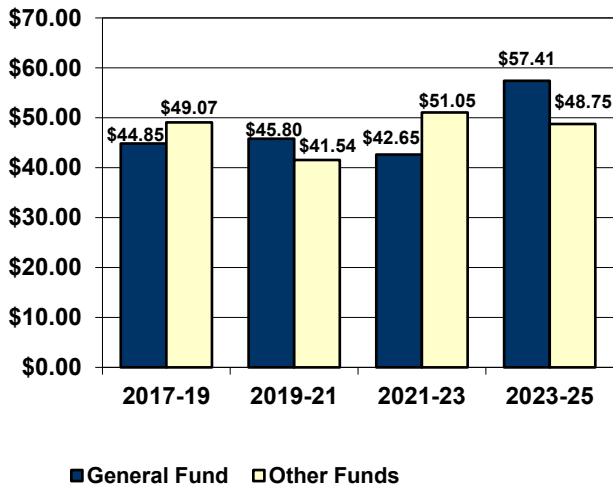
Multijurisdictional drug task force fund - Section 54-12-26 - To provide support for the narcotics enforcement efforts of the state. For the 2021-23 biennium, the fund had \$1,600,000 of revenue, \$2,014,953 of expenditures, and a fund balance of \$337,675 on June 30, 2023.

24/7 sobriety program fund - Section 54-12-29 - To pay costs of administering and operating the 24/7 sobriety program. For the 2021-23 biennium, the fund had \$2,265,037 of revenue, \$2,236,135 of expenditures, and a fund balance of \$1,732,919 on June 30, 2023.

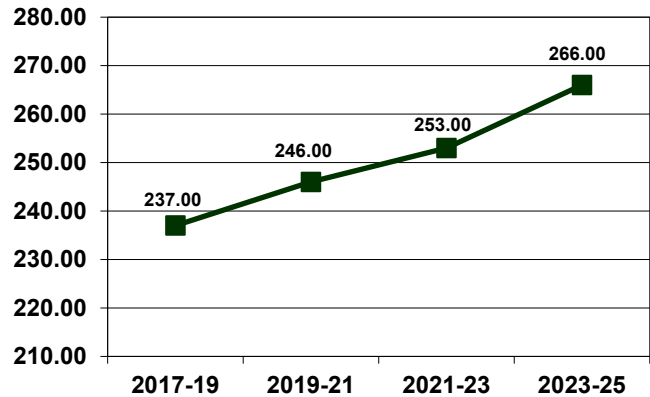
Historical Appropriations Information

Agency Appropriations and FTE Positions

Agency Funding (Millions)



FTE Positions



Ongoing General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25
Ongoing general fund appropriations	\$48,466,861	\$44,695,840	\$45,604,596	\$42,646,718	\$49,024,265
Increase (decrease) from previous biennium	N/A	(\$3,771,021)	\$908,756	(\$2,957,878)	\$6,377,547
Percentage increase (decrease) from previous biennium	N/A	(7.8%)	2.0%	(6.5%)	15.0%
Cumulative percentage increase (decrease) from 2015-17 biennium	N/A	(7.8%)	(5.9%)	(12.0%)	1.2%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2017-19 Biennium

1. Removed 13 FTE undesignated positions (\$130,782)
2. Reduced salaries and wages in anticipation of savings from vacant positions and employee turnover (\$929,297)
3. Changed funding source for 8 FTE positions from the general fund to federal and other funds (\$1,120,322)
4. Reduced funding for CJIS to provide total funding of \$3,391,562 (\$188,741)
5. Reduced funding for law enforcement programs (\$219,348)
6. Added funding to provide grants to organizations involved in providing prevention and treatment services related to human trafficking victims \$125,000

2019-21 Biennium

1. Removed 4 FTE positions, including 1 FTE paralegal position, 1 FTE criminal records specialist II position, 1 FTE assistant attorney general position, and 1 FTE administrative assistant II position (\$641,089)
2. Added 1 FTE forensic scientist position \$224,500
3. Transferred 2 FTE CJIS positions, including \$372,555 of salaries and wages and \$9,388 of operating expenses from the Adjutant General - Department of Emergency Services to the Bureau of Criminal Investigation (BCI). The total amount transferred was \$381,943, including \$111,766 from other funds. \$270,177
4. Added funding for the human trafficking victims grants program to provide total funding of \$1.4 million from the general fund \$1,275,000
5. Added funding for a forensic nurse examiners grant program \$250,000

2021-23 Biennium

1. Added funding for a State Crime Laboratory data scientist position, including \$200,162 for salaries and wages and \$42,570 for operating expenses \$242,732

2. Reduced funding for temporary salaries, including \$146,009 for IT temporary salaries and \$100,000 for agencywide temporary salaries (\$246,009)
3. Adjusted funding for the Gaming Division from the general fund to the charitable gaming operating fund to provide total funding of \$5,926,068 from the charitable gaming operating fund for the Gaming Division, including \$4,125,469 for salaries and wages, \$1,043,110 for operating expenses, \$750,000 for grants to political subdivisions, and \$7,489 for Gaming Commission expenses (\$1,710,042)
4. Adjusted funding for operating expenses, including general fund decreases primarily for IT contractual services and repairs, IT software and supplies, travel, operating fees, rent, and increases from the Attorney General operating fund (\$185,464) and Attorney General refund fund (\$584,373) primarily for IT software, IT supplies, and IT contractual services and repairs (\$1,699,628)
5. Reduced funding for human trafficking victims grants to provide a total of \$1,101,879 from the general fund, including \$1,100,000 for grants and \$1,879 for administration of the program (\$300,000)
6. Added funding for CJIS, for a common statute tables project (\$40,000), CJIS portal upgrades (\$75,000), broker maintenance costs (\$50,000), and law enforcement records and jail management system maintenance (\$217,662) \$382,662
7. Adjusted funding for CJIS IT expenses from the general fund to the Attorney General refund fund to provide total CJIS funding of \$4,074,968, including \$2,952,761 from the general fund, \$650,000 from federal funds, and \$472,207 from the Attorney General refund fund (\$271,889)
8. Adjusted funding from the general fund to the Attorney General refund fund for law enforcement operating expenses, of which \$279,850 related to BCI, \$34,377 related to the State Crime Laboratory, and \$26,133 related to administrative law enforcement operating expenses. Funding in the law enforcement line item totals \$3,048,927, including \$2,475,393 from the general fund, \$229,796 from federal funds, and \$343,738 was from the Attorney General refund fund. (\$340,360)

2023-25 Biennium

1. Adjusted funding for prior biennium State Crime Laboratory staff salary equity increases from the Attorney General refund fund to the general fund \$537,297
2. Added funding for 21 FTE positions, including 4 FTE attorney positions (\$1,189,850), 3 FTE Bureau of Criminal Investigation (BCI) cybercrime positions (\$839,976), 3 FTE BCI criminal investigator positions (\$840,029), 6 FTE State Crime Laboratory positions (\$1,695,822), 2 FTE information technology programmers and analysts (\$504,543), and 3 FTE Medicaid Fraud Control Unit (MFCU) positions (\$242,017 from the general fund and \$613,627 from federal funds) \$5,312,237
3. Transferred the State Fire Marshal's office to the Insurance Commissioner. Of the \$1,275,214 of other funds removed from the Attorney General's budget, \$382,129 was from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund and \$893,085 was from the Attorney General operating fund (\$887,685)
4. Adjusted funding for MFCU salaries and wages and operating expenses by reducing federal funds and increasing funding from the general fund to reflect a change in the federal-state cost-sharing of the program. Previously, the federal government provided funding for 90 percent of the costs of the MFCU program. The new federal funding rate is 75 percent. \$341,747
5. Adjusted funding from the Attorney General refund fund for operating expenses, primarily as a result of settlement proceeds from the JUUL Labs, Inc., lawsuit no longer being available to the Attorney General \$809,381
6. Added funding for various software projects and costs, including software maintenance and subscription costs (\$453,297 from the general fund), the automated biometric identification system and data extraction software (\$384,000 from the general fund and \$144,000 from federal funds), legal case search "Discovery" software (\$100,000 from the general fund), and gaming, licensing, and deposit project operating expenses (\$37,000 from the general fund and \$37,000 from charitable gaming operating fund) \$974,297

One-Time General Fund Appropriations

	2015-17	2017-19	2019-21	2021-23	2023-25
One-time general fund appropriations	\$3,282,824	\$150,000	\$200,000	\$0	\$8,386,346

Major One-Time General Fund Appropriations

2017-19 Biennium

1. Prosecution witness fees \$50,000
2. DOS-based deposit system rewrite \$100,000

2019-21 Biennium

1. Undercover vehicles \$200,000

2021-23 Biennium

None

\$0

2023-25 Biennium

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 1. Staff operating and equipment costs, including \$12,520 for FTE attorney position operating expenses, \$313,017 for FTE BCI cybercrime position operating expenses and capital assets, \$210,942 for FTE BCI criminal investigator position operating expenses and capital assets, \$186,338 for FTE State Crime Laboratory position operating expenses, and \$17,318 for MFCU operating expenses and capital assets | \$740,135 |
| 2. State Crime Laboratory capital improvements | \$250,000 |
| 3. State Crime Laboratory capital assets, including firearms and fingerprint testing equipment, intoxilyzers, and software upgrades | \$886,000 |
| 4. Replacement of 10 undercover BCI vehicles | \$200,000 |
| 5. Statewide litigation funding pool | \$1,797,748 |
| 6. Law enforcement resiliency grant program | \$400,000 |
| 7. Domestic violence forensic medical examination grant program | \$250,000 |
| 8. Back the blue grant program | \$3,500,000 |



**Attorney General
Department No. 125
2025 House Bill No. 1003**

**EXECUTIVE BUDGET RECOMMENDATION
2025-27 BIENNIUM**

Budget Summary

	FTE Positions	General Fund	Other Funds	Total
Executive budget recommendation	272.00	\$67,993,342	\$47,417,159	\$115,410,501
Base level	266.00	49,024,265	41,914,820	90,939,085
Increase (decrease)	6.00	\$18,969,077	\$5,502,339	\$24,471,416
Percentage increase (decrease)	2.3%	38.7%	13.1%	26.9%

NOTE:

More detailed information on the executive budget recommendation is attached as Appendix A.

A copy of the draft appropriations bill reflecting the executive budget recommendation is attached as Appendix B.

Selected Highlights

- Adds \$3,903,440, of which \$2,012,194 is from the general fund and \$1,081,246 is from other funds, for salary increases of up to 4 percent effective July 1, 2025, and 3 percent effective July 1, 2026
- Adds \$1,567,378, of which \$996,927 is from the general fund and \$570,451 is from other funds, for health insurance increase of \$250 per month (15.2 percent), from \$1,643 to \$1,893, per employee
- Adds \$8,859,974, of which \$6,701,991 is from the general fund and \$2,157,983 is from other funds, to replace the 2023-25 biennium new FTE pool (\$4,602,851) and vacant FTE pool (\$4,257,123)
- Adds \$1,380,438, of which \$1,122,961 is from the general fund and \$257,477 is from federal funds, for 6 new FTE positions, including an FTE evidence technician position, an FTE executive staff officer position, an FTE Medicaid fraud control unit attorney position, an FTE cybercrime information processing administrator position, and 2 FTE victim witness advocate positions
- Adjusts \$2,744,134 of funding for salaries (\$1,790,559) and operating expenses (\$953,575) from the Attorney General refund fund to the general fund
- Adds **one-time funding** of \$954,000, of which \$721,000 is from the general fund and \$233,000 is from federal funds, for State Crime Laboratory equipment and supplies
- Adds **one-time funding** of \$682,000 from the general fund for information technology (IT) network switches (\$32,000) and to replace the criminal justice information system jail management system (\$650,000)
- Adds **one-time funding** of \$765,000 from the general fund for the replacement of Bureau of Criminal Investigation (BCI) undercover vehicles (\$660,000) and the purchase of portable handheld dual-band radios (\$105,000)
- Adds **one-time funding** of \$5 million of which \$1 million is from the general fund and \$4 million is from the strategic investment and improvements fund for the statewide litigation funding pool
- Adds **one-time funding** of \$1.5 million from the general fund to replace the statewide automated victim identification notification system

Deficiency Appropriations

The executive budget recommendation includes a deficiency appropriation of \$3.05 million from the general fund for the statewide litigation funding pool (\$3 million) and prosecution witness fees (\$50,000). If approved, this would result in a total of \$8 million authorized for the statewide litigation funding pool and \$145,056 for prosecution witness fees during the 2023-25 biennium.

Significant Audit Findings

The operational audit of the Attorney General conducted by the State Auditor's office for the period ending June 30, 2022, identified one finding related to breath alcohol toxicology results.

The State Auditor reviewed if toxicology results were accurate and utilized proper equipment. The audit revealed 25 of the 726 breath alcohol tests conducted by local law enforcement and tested by the State Crime Laboratory from July 1, 2021, to June 30, 2022, used expired gas canisters, resulting in potentially invalid tests. The State Auditor recommended the State Crime Laboratory ensure expired gas canisters are not used for breath alcohol tests. The Attorney General agreed with the recommendation and stated the State Crime Laboratory has seen a decline in the number of tests run on expired gas canisters since a recent change in leadership of the breath alcohol program.

During the 2020 operational audit of the Attorney General, the State Auditor concluded 34 of 8,925 breath alcohol tests utilized expired or unapproved gas canisters. As a result, in Section 4 of House Bill No. 1003 (2021), the Legislative Assembly appropriated \$100,000 from federal funds to the Attorney General for the replacement of 61 of 119 drug analyzers. The funding was to replace Intoxilyzer 8000 models with Intoxilyzer 9000 models that will prevent unapproved or expired gas canisters from being used.

In the 2022 operational audit report, the State Auditor states the State Crime Laboratory intends to purchase additional Intoxilyzer 9000s to replace the Intoxilyzer 8000s. The software of the Intoxilyzer 9000 will prevent running a test on an expired gas cylinder.

Agency Fees

As reported to the Legislative Management, pursuant to North Dakota Century Code Section 54-35-27, this agency has 42 fees. The agency did not recommend any changes to the fees.

Major Related Legislation

House Bill No. 1037 - This bill appropriates \$750,000 of one-time funding from the general fund to the Attorney General for providing uncrewed aircraft system, autonomous vehicle, or other autonomous technology grants to individuals and entities aiding BCI in conducting missing person searches, crime scene reconstruction, and law enforcement first response operations during the 2025-27 biennium. The bill allows the Attorney General to require grant recipients to provide \$1 of matching funds for every \$4 provided by the state.

House Bill No. 1102 - This bill appropriates \$775,000 from the general fund to the Attorney General for the purpose of hiring 2 FTE BCI cybercrime agent positions and related equipment and capital assets during the 2025-27 biennium. Of the total \$161,000 is considered a one-time funding item for the purchase of equipment.

NOTE:

Please see the Fiscal Impact Report for additional information regarding bills under consideration which contain either a state revenue impact, an appropriation, or a state fiscal impact.



Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Executive Budget			
	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085
2025-27 Ongoing Funding Changes				
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877
Salary increase		2,012,194	1,081,246	3,093,440
Health insurance increase		996,927	570,451	1,567,378
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123
Adds funding for a FTE evidence technician position	1.00	189,393		189,393
Adds funding for a FTE executive staff officer position	1.00	195,434		195,434
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104
Adds funding for FTE victim witness advocate positions	2.00	475,204		475,204
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000
Adds funding for salary equity increases		254,317	37,460	291,777
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886
Reduces funding for bond payments		(330,000)		(330,000)
Total ongoing funding changes	6.00	\$14,301,077	\$1,269,339	\$15,570,416
One-Time Funding Items				
Adds one-time funding for State Crime Laboratory equipment and supplies		\$721,000	\$233,000	\$954,000
Adds funding to replace IT network switches		32,000		32,000
Adds funding to replace BCI undercover vehicles		660,000		660,000
Adds funding for portable handheld dual-band radios		105,000		105,000
Adds funding for the statewide litigation funding pool		1,000,000	4,000,000	5,000,000
Adds funding to replace the criminal justice information system jail management system		650,000		650,000
Adds funding to replace the statewide automated victim identification notification system		1,500,000		1,500,000
Total one-time funding changes	0.00	\$4,668,000	\$4,233,000	\$8,901,000
Total Changes to Base Level Funding	6.00	\$18,969,077	\$5,502,339	\$24,471,416
2025-27 Total Funding	272.00	\$67,993,342	\$47,417,159	\$115,410,501
<i>Federal funds included in other funds</i>			\$15,253,968	

Total ongoing changes - Percentage of base level

2.3%

29.2%

3.0%

17.1%

Total changes - Percentage of base level

2.3%

38.7%

13.1%

26.9%

Other Sections in Attorney General - Budget No. 125

Other Sections in Attorney General - Budget No. 125

Section Description	Executive Budget
FTE position adjustments	Section 3 would allow the Attorney General to increase or decrease authorized FTE positions as needed, subject to the availability of funds.
Attorney General salary	Section 4 would amend Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$193,943 (4 percent) effective July 1, 2025, and \$199,761 (3 percent) effective July 1, 2026.
Exemption - Attorney General refund fund	Section 5 would allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
Transfer - Statewide litigation funding pool to state agencies	Section 6 would identify \$1 million from the general fund and \$4 million from the strategic investment and improvements fund for the statewide litigation funding pool, which the Attorney General shall transfer to eligible state agencies for litigation expenses during the 2025-27 biennium.
Appropriation - Additional federal funds or other funds	Section 7 would appropriate \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Criminal history record checks - Fees	Section 8 would require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
Human trafficking victims grant program - Requirements - Reports	Section 9 would identify \$1,110,614 appropriated from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2025-27 biennium.
Forensic nurse examiners grant program - Reports	Section 10 would identify \$252,676 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2025-27 biennium.
Exemption - Contingent fee arrangement	Section 11 would provide, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
Exemption - Concealed weapon rewrite project	Section 12 would allow the Attorney General to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums for a concealed weapon rewrite project into the 2025-27 biennium.
Exemption - Criminal history improvement project	Section 13 would allow the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.
Exemption - Licensing and deposit system	Section 14 would allow the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit system during the 2023-25 biennium into the 2025-27 biennium.

Other Sections in Attorney General - Budget No. 125

Section Description	Executive Budget
Exemption - Charitable gaming technology system	Section 15 would allow the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.
Exemption - Legal case management system	Section 16 would allow the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.
Exemption - Anti-methamphetamine program	Section 17 would allow the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.
Exemption - Federal State Fiscal Recovery Fund	Section 18 would allow the Attorney General to continue any remaining funding of the \$1 million appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.

Sixty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1003
(Governor's Recommendation)

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an act to provide an appropriation for defraying the expenses of the attorney general; to provide exemptions; to provide a transfer; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$53,007,980	\$15,551,706	\$68,559,686
Operating Expenses	17,579,264	(958,560)	16,620,704
Capital Assets	606,000	1,021,000	1,627,000
Grants	3,903,440	0	3,903,440
Human Trafficking Victims Grants	1,110,614	16,368	1,126,982
Forensic Nurse Examiner Grants	252,676	3,839	256,515
Litigation Fees	127,500	0	127,500
Statewide Litigation Pool	0	5,000,000	5,000,000
Medical Examinations	660,000	0	660,000
North Dakota Lottery	5,413,453	382,704	5,796,157
Arrest and Return of Fugitives	8,500	0	8,500
Gaming Commission	7,489	0	7,489
Criminal Justice Info Sharing	4,579,950	2,860,676	7,440,626
Law Enforcement	3,377,659	593,683	3,971,342
Children's Forensic Interviews	<u>304,560</u>	<u>0</u>	<u>304,560</u>
Total All Funds	\$90,939,085	\$24,471,416	\$115,410,501
Less Estimated Income	<u>41,914,820</u>	<u>5,502,339</u>	<u>47,417,159</u>
Total General Fund	\$49,024,265	\$18,969,077	\$67,993,342
Full-time Equivalent Positions	266.00	6.00	272.00

SECTION 2. ONE-TIME FUNDING – EFFECT ON BASE BUDGET – REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-eighth legislative assembly for the 2023-25 biennium and the 2025-27 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2023-25</u>	<u>2025-27</u>
Equipment for new FTE	\$2,432,765	\$0
Law enforcement resiliency grant	400,000	0
Inflationary increases	156,463	0
Vehicles and radios	102,200	0
Charitable gaming and licensing projects	876,000	0
BCI vehicle replacement	200,000	660,000

COPS anti-meth program	1,772,038	0
Crime lab improvements	250,000	0
Crime lab equipment and supplies	0	954,000
Maintenance and hosting costs	0	682,000
Portable handheld dual band radios	0	105,000
SAVIN replacement project	0	1,500,000
Statewide Litigation Pool	<u>5,000,000</u>	<u>5,000,000</u>
Total All Funds	\$11,189,466	\$8,901,000
Total Special Funds	<u>6,582,122</u>	<u>4,233,000</u>
Total General Fund	\$4,607,344	\$4,668,000

The 2025-27 one-time funding amounts are not a part of the entity's base budget for the 2027-29 biennium. The attorney general shall report to the appropriations committees of the seventieth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2025 and ending June 30, 2027.

SECTION 3. EXEMPTION – FULL-TIME EQUIVALENT POSITION ADJUSTMENTS. Notwithstanding any other provisions of law, the attorney general may increase or decrease authorized full-time equivalent positions as needed, subject to the availability of funds, during the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general shall report to the office of management and budget and legislative council any adjustments made pursuant to this section.

SECTION 4. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~one hundred seventy-nine thousand three hundred twelve~~ one hundred ninety-three thousand nine hundred forty-three dollars through June 30, ~~2024~~2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred ninety-nine thousand seven hundred sixty-one dollars thereafter.

SECTION 5. ATTORNEY GENERAL REFUND TRANSFER TO THE GENERAL FUND - EXEMPTION. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2025.

SECTION 6. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - TRANSFER – LITIGATION POOL TO STATE AGENCIES. The statewide litigation funding pool line item in section 1 of this Act includes \$1,000,000 from the general fund and \$4,000,000 from the strategic investment and improvements fund, which the attorney general shall use for funding litigation expenses incurred by eligible state agencies during the biennium beginning July 1, 2025, and ending June 30, 2027. This funding is considered a one-time funding item. The attorney general may not use funding from the litigation pool to pay judgments under section 32-12-04.

SECTION 7. 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, 2025 and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

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

SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$1,110,614 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims 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 sixty-ninth legislative assembly on the use of the funds received and the outcomes of its program.

SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$252,676 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, 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 sixty-ninth 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 11. EXEMPTION - CONTINGENT FEE ARRANGEMENT. Notwithstanding section 54-12-08.1, the attorney general may contract for legal services compensated by a contingent fee arrangement for ongoing multistate technology litigation during the period beginning with the effective date of this Act and ending June 30, 2027.

SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT. The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19, 2019-21, 2021-23 and 2023-25 bienniums, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the concealed weapon rewrite project, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 13. EXEMPTION – CRIMINAL HISTORY IMPROVEMENT PROJECT. The amount appropriated to the attorney general from the attorney general refund fund for a criminal history improvement project as contained in section 1 of chapter 3 of the 2021 Session Laws and continued into the 2023-25 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the criminal history improvement project, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 14. EXEMPTION – LICENSING AND DEPOSIT SYSTEM. The amount appropriated to the attorney general from the general fund for a licensing and deposit system as contained in sections 1 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the licensing and deposit system, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 15. EXEMPTION – CHARITABLE GAMING TECHNOLOGY SYSTEM. The amount appropriated to the attorney general from the charitable gaming operating fund for a charitable gaming technology system as contained in sections 1 and 6 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the charitable gaming technology system, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 16. EXEMPTION - LEGAL CASE MANAGEMENT SYSTEM. The amount appropriated to the attorney general from other funds for the statewide automated victim information and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim information and notification system, and continued into the 2021-23 and 2023-25 bienniums for the legal case management system, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the legal case management system during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 17. EXEMPTION – ANTI-METHAMPHETAMINE PROGRAM. The amount appropriated to the attorney general from federal funds for an anti-methamphetamine program as contained in sections 1 of chapter 35 of the 2023 Session is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the anti-methamphetamine program, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 18. EXEMPTION – STATE FISCAL RECOVERY FUND. The amount appropriated to the

attorney general from federal funds for state fiscal recovery funding, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general during the biennium beginning July 1, 2025, and ending June 30, 2027.



**Attorney General
Department No. 125
2025 House Bill No. 1003**

**REVISED EXECUTIVE BUDGET RECOMMENDATION
2025-27 BIENNIUM**

Budget Summary

	FTE Positions	General Fund	Other Funds	Total
Burgum budget recommendation	272.00	\$67,993,342	\$47,417,159	\$115,410,501
Revisions - Increase (decrease)	(1.00)	(4,154,748)	3,388,620	(766,128)
Armstrong budget recommendation	271.00	\$63,838,594	\$50,805,779	\$114,644,373
Base level	266.00	49,024,265	41,914,820	90,939,085
Increase (decrease)	5.00	\$14,814,329	\$8,890,959	\$23,705,288
Percentage increase (decrease)	1.9%	30.2%	21.2%	26.1%

NOTE:

More detailed information on the revised executive budget recommendation is attached as an appendix.

Selected Highlights

- Adds **\$2,528,752**, of which **\$1,644,886** is from the general fund and **\$883,866** is from other funds, for salary increases of up to **3 percent** effective July 1, 2025, and 3 percent effective July 1, 2026
- Adds **\$1,561,372**, of which **\$990,921** is from the general fund and \$570,451 is from other funds, for health insurance increase of \$250 per month (15.2 percent), from \$1,643 to \$1,893, per employee
- Adds \$8,859,974, of which \$6,701,991 is from the general fund and \$2,157,983 is from other funds, to replace the 2023-25 biennium new FTE pool (\$4,602,851) and vacant FTE pool (\$4,257,123)
- Adds **\$1,185,004**, of which **\$927,527** is from the general fund and \$257,477 is from federal funds, for **5** new FTE positions, including an FTE evidence technician position, an FTE Medicaid fraud control unit attorney position, an FTE cybercrime information processing administrator position, and 2 FTE victim witness advocate positions
- Adjusts \$2,744,134 of funding for salaries (\$1,790,559) and operating expenses (\$953,575) from the Attorney General refund fund to the general fund
- Adds **one-time funding** of \$954,000, of which **\$400,000** is from the general fund, \$233,000 is from federal funds, and **\$321,000 is from the strategic investment and improvements fund (SIIF)**, for State Crime Laboratory equipment and supplies
- Adds one-time funding of \$682,000 from the general fund for information technology (IT) network switches (\$32,000) and to replace the criminal justice information system jail management system (\$650,000)
- Adds one-time funding of \$765,000 from **SIIF** for the replacement of Bureau of Criminal Investigation (BCI) undercover vehicles (\$660,000) and the purchase of portable handheld dual-band radios (\$105,000)
- Adds one-time funding of \$5 million from **SIIF** for the statewide litigation funding pool
- Adds one-time funding of \$1.5 million from **SIIF** to replace the statewide automated victim identification notification system

Deficiency Appropriations

The executive budget recommendation includes a deficiency appropriation of \$3.05 million from the general fund for the statewide litigation funding pool (\$3 million) and prosecution witness fees (\$50,000). If approved, this would result in a total of \$8 million authorized for the statewide litigation funding pool and \$145,056 for prosecution witness fees during the 2023-25 biennium.

Significant Audit Findings

The operational audit of the Attorney General conducted by the State Auditor's office for the period ending June 30, 2022, identified one finding related to breath alcohol toxicology results.

The State Auditor reviewed if toxicology results were accurate and utilized proper equipment. The audit revealed 25 of the 726 breath alcohol tests conducted by local law enforcement and tested by the State Crime Laboratory

from July 1, 2021, to June 30, 2022, used expired gas canisters, resulting in potentially invalid tests. The State Auditor recommended the State Crime Laboratory ensure expired gas canisters are not used for breath alcohol tests. The Attorney General agreed with the recommendation and stated the State Crime Laboratory has seen a decline in the number of tests run on expired gas canisters since a recent change in leadership of the breath alcohol program.

During the 2020 operational audit of the Attorney General, the State Auditor concluded 34 of 8,925 breath alcohol tests utilized expired or unapproved gas canisters. As a result, in Section 4 of House Bill No. 1003 (2021), the Legislative Assembly appropriated \$100,000 from federal funds to the Attorney General for the replacement of 61 of 119 drug analyzers. The funding was to replace Intoxilyzer 8000 models with Intoxilyzer 9000 models that will prevent unapproved or expired gas canisters from being used.

In the 2022 operational audit report, the State Auditor states the State Crime Laboratory intends to purchase additional Intoxilyzer 9000s to replace the Intoxilyzer 8000s. The software of the Intoxilyzer 9000 will prevent running a test on an expired gas cylinder.

Agency Fees

As reported to the Legislative Management, pursuant to North Dakota Century Code Section 54-35-27, this agency has 42 fees. The agency did not recommend any changes to the fees.

Major Related Legislation

House Bill No. 1037 - This bill appropriates \$750,000 of one-time funding from the general fund to the Attorney General for providing uncrewed aircraft system, autonomous vehicle, or other autonomous technology grants to individuals and entities aiding BCI in conducting missing person searches, crime scene reconstruction, and law enforcement first response operations during the 2025-27 biennium. The bill allows the Attorney General to require grant recipients to provide \$1 of matching funds for every \$4 provided by the state.

House Bill No. 1102 - This bill appropriates \$775,000 from the general fund to the Attorney General for the purpose of hiring 2 FTE BCI cybercrime agent positions and related equipment and capital assets during the 2025-27 biennium. Of the total \$161,000 is considered a one-time funding item for the purchase of equipment.

House Bill No. 1193 - This bill appropriates \$8,450,000 of one-time funding from the general fund to the Attorney General for providing peace officer and correctional officer appreciation grants. State agencies and political subdivisions receiving a grant are required to provide eligible peace officers with a salary bonus of up to \$6,000 each fiscal year.

House Bill No. 1199 - This bill creates a missing indigenous people task force and a missing indigenous people grant fund, authorizes the Attorney General a continuing appropriation from the fund, and provides an appropriation and transfer of \$250,000 from the general fund to the new fund for supporting the efforts of a federally recognized Indian nation, tribe, or band in the state to identify, report, and find missing indigenous people.

House Bill No. 1209 - This bill appropriates \$3.2 million of one-time funding from the general fund to the Attorney General for the purpose of contracting with a consultant to perform a comprehensive assessment of the state's vulnerabilities relating to security threats posed by foreign adversaries. The consultant is required to report its finding to the Attorney General by July 1, 2026, and the Attorney General is required to present the findings to the Legislative Management by September 1, 2026.

House Bill No. 1249 - This bill appropriated \$750,000 of one-time funding from the general fund to the Attorney General for providing autonomous technology grants to individuals or entities that aid BCI in conducting missing person searches, crime scene reconstruction, and law enforcement first response operations. The bill authorizes the Attorney General to require individuals to provide matching funds of \$1 for every \$4 provided by the state.

House Bill No. 1399 - This bill increases the amount counties can request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. The bill authorizes counties that exceed the \$30,000 limit to enter into an agreement with another county for unused reimbursement funds from the Attorney General.

Senate Bill No. 2167 - This bill requires individuals convicted of a felony or misdemeanor to pay a fee of up to \$100 for the cost of digital forensic examinations, establishes an internet crimes investigation fund, and provides the Attorney General a continuing appropriation from the fund.

Senate Bill No. 2194 - This bill requires BCI to accept digital fingerprints for a request for a statewide criminal history record check and appropriates \$5 million from the general fund to the Attorney General for the purpose of obtaining equipment and other costs associated with criminal history record checks.

Senate Bill No. 2205 - This bill increases the quarterly transfers from the charitable gaming operating fund to the gambling prevention and treatment fund to provide for a biennial increase of \$520,000, from \$80,000 to \$600,000.

This results in a \$520,000 decrease in the amount transferred from the charitable gaming operating fund to the general fund at the end of each biennium.

Senate Bill No. 2292 - This bill amends Section 12.1-34-07 to provide the cost of medical screenings and acute forensic medical examinations be paid from the general fund. The 2025-27 biennium base budget for the Attorney General includes \$964,560 from the insurance regulatory trust fund for medical examinations (\$660,000) and children's forensic interviews (\$304,560).

NOTE:

Please see the Fiscal Impact Report for additional information regarding bills under consideration which contain either a state revenue impact, an appropriation, or a state fiscal impact.



Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Armstrong Budget			
	FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085
2025-27 Ongoing Funding Changes				
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877
Salary increase		1,644,886	883,866	2,528,752
Health insurance increase		990,921	570,451	1,561,372
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123
Adds funding for a FTE evidence technician position	1.00	189,393		189,393
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104
Adds funding for FTE victim witness advocate	2.00	475,204		475,204
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000
Adds funding for salary equity increases		254,317	37,460	291,777
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886
Reduces funding for bond payments		(330,000)		(330,000)
Total ongoing funding changes	5.00	\$13,732,329	\$1,071,959	\$14,804,288
One-Time Funding Items				
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	\$554,000	\$954,000
Adds funding to replace IT network switches		32,000		32,000
Adds funding to replace BCI undercover vehicles			660,000	660,000
Adds funding for portable handheld dual-band radios			105,000	105,000
Adds funding for the statewide litigation funding pool			5,000,000	5,000,000
Adds funding to replace the criminal justice information system jail management system		650,000		650,000
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000
Total one-time funding changes	0.00	\$1,082,000	\$7,819,000	\$8,901,000
Total Changes to Base Level Funding	5.00	\$14,814,329	\$8,890,959	\$23,705,288
2025-27 Total Funding	271.00	\$63,838,594	\$50,805,779	\$114,644,373
<i>Federal funds included in other funds</i>			\$15,221,406	

Total ongoing changes - Percentage of base level

1.9%

28.0%

2.6%

16.3%

Total changes - Percentage of base level

1.9%

30.2%

21.2%

26.1%

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB1003
1/13/2025

A Bill for an Act to provide an appropriation for defraying the expenses of the attorney general and to provide for a report.

1:59 p.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives Louser, Martinson, Richter, Sanford, Hanson.

Discussion Topics:

- Budget
- Needs

2:03 p.m. Drew Wrigley, Attorney General presented in favor and submitted testimony #29322.

2:26 p.m. Claire J. Ness, Chief Deputy Attorney General, testified in favor.

2:48 p.m. Deb McDaniel, Gaming Division Director, testified in favor.

3:23 p.m. Amy Boyd-Bolme, Anti-Trafficking Program Manager at Youth Works testified in favor of HB 1003 and submitted testimony #28717.

Additional written testimony:

Jacob Thomsen, Policy Analyst submitted neutral testimony #28678.

3:41 p.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk



Testimony in Support of House Bill 1003

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 13, 2025

Chairman Nathe and honorable members of the Education and Environment Division of the Appropriations Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1003 and respectfully request that you would consider an increase to the appropriation for the Human Trafficking Victims Grants fund.

We strongly believe that victims of human trafficking in our state need as much help as we can possibly give them, and that help could be increased with additional funding. With this additional money, the organizations that benefit from this would be able to increase their efforts with education and outreach to victims, community members, and even law enforcement across our state. Without the education these essential organizations offer, victims can go unnoticed, or not even understand that they are victims themselves.

We believe that an increase to this fund is an increase in effectiveness and a step closer to eradicating the issue of human trafficking in North Dakota. For these reasons, we respectfully request that you consider an increase to the Human Trafficking Victims Grants fund.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action

Testimony in support of HB 1003
House Appropriations Committee
Amy Boyd-Bolme, LMSW
Program Manager, Youthworks

January 13, 2025

Chairman Nathe and Members of the Committee:

My name is Amy Boyd-Bolme; I am the Anti-Trafficking Program Manager at Youthworks. I come before you today to highlight the work that has gone on in North Dakota to fight the trafficking of youth in the last biennium, to provide a summary of how state funds received by Youthworks in the 2023 Legislative Session were utilized, and to urge this committee to recommend a “do pass” on HB 1003, including an increased amount of 500,000 dollars for a total of 1.6 million funds for Human Trafficking. Attached to this summary, you will find supporting budgetary information and statistics on victim services. One of the things I would like to highlight is the number of rural communities in North Dakota where victims were located and services were provided; 32% of North Dakota counties have been served as well as all 8 regions, representing every corner of North Dakota. We have provided services to clients in communities that are so small that I am not naming them, due to the concern of confidentiality. Trafficking victims were served from all five reservations: Mandan-Hidatsa-Arikara, Standing Rock, Spirit Lake, Sisseton-Wahpeton Oyate and Turtle Mountain Band of Chippewa. Youth living in rural, isolated areas, as well as those youth who experience poverty and sexual abuse, are extraordinarily vulnerable to traffickers who use those risk factors to groom and exploit them. It is critical that trafficked youth in these communities have access to support, education and resources. The funds

that Youthworks receives from the Attorney General's budget have been instrumental in ensuring that all of North Dakota's youth victims receive the services and support they need.

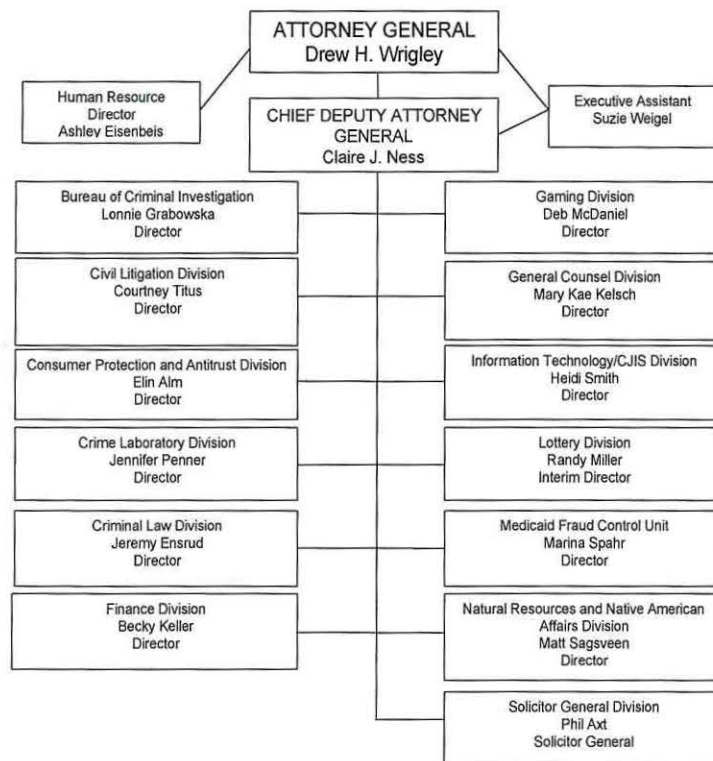
As a non-profit, Youthworks leverages its Attorney General funds as "match" money for federal grants- essentially tripling the impact of state dollars. For some historical perspective, Youthworks has been part of the North Dakota Human Trafficking Task Force (NDHTTF) and the Attorney General's commission since 2015 and has received state funding since 2017. We work closely with the BCI, the NDHTTF, local law enforcement, child welfare, domestic violence agencies, Children's Advocacy Centers, local prosecutors, and numerous other partners to respond to victims as part of a multi-disciplinary team. In the 2021-23 biennium, Youthworks received \$482,823 in state funding to serve youth victims statewide. We were able to use these dollars to leverage \$1,133,333.33 in federal funding. In the last biennium (2023-2025), our state funding was decreased by \$153,854 including funding for travelling to rural communities. This reduction put significant pressure on Youthworks to quickly address the deficit and find ways to maintain services throughout the biennium. We will be unable to sustain covering this deficit in the upcoming biennium and may need to forego federal funding if additional resources are not secured. Youthworks does not want to leave any federal funding on the table. This upcoming year, there will be a grant opportunity to increase Youthwork's federal funding to nearly \$2 million dollars in the biennium. However, this would require a match of \$327,500 state dollars per year. (655,000 for the biennium). Since 2015, Youthworks has had a 100% success rate in obtaining federal funds, having written and received six OVC grants in the last decade. The \$500,00 amended request by the Attorney General would essentially assure the 3:1 match referenced and expand services to the rural areas. With that in mind, I respectfully ask that you approve the increase to the Attorney General's Human Trafficking budget. Thank you.

NORTH DAKOTA OFFICE OF THE ATTORNEY GENERAL

2025-27 BIENNIUM
69TH LEGISLATIVE SESSION

BUDGET PRESENTATION
SUPPLEMENTARY MATERIALS

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
January 2025



BUDGET DEVELOPMENT

Process for developing the 2025-27 budget request:

- ❖ Review of current budget
- ❖ Analysis of evolving responsibilities
- ❖ Division directors' input and meetings
- ❖ Prioritization of needs

OPTIONAL REQUESTS

1. Cost to Continue Salaries

- This will allow the OAG to fund the second year of legislatively authorized annual raises and equity-funded raises as well as employer-paid retirement increases into the 2025-27 biennium.
- OAG raises were based on employee performance metrics.
 - The annual raises averaged 4% and 6% but were allocated based on individual performance.
 - Equity funding was allocated:
 - To attorneys to establish the merit-based pay system; and
 - To other staff whose salaries diverged the most from where they should be based on performance and experience.

OPTIONAL REQUESTS

2(a). Attorney Equity

- Thank you for appropriating the first step in our equity pay initiative in 2023.
 - Our merit-based pay system was initiated successfully.
 - Salaries were increased but remain below many other state agencies and local government entities. For example:
 - Assistant States Attorneys:
 - Can earn \$155,000 (close to \$140,000 in Burleigh County).
 - With 2 years' legal experience can earn \$110,000 or more.
 - With 0 legal experience can earn \$100,000 or more.
 - State court staff attorneys can earn \$109,000 or more with 2 years' experience.
 - Department of Transportation attorney earns more than some of our Division Directors.
 - Recruitment, especially for our Criminal Law and Solicitor General Divisions, is difficult in this competitive market.
- Our proposed package would:
 - Let us continue progress on our merit-based pay system;
 - Significantly improve recruitment and retention; and
 - Reduce turnover costs and loss of legal expertise for the state.

OPTIONAL REQUESTS (con't)

2(b). Staff Equity Package

- Office leadership evaluated the salaries of non-attorney staff paid less than 90% of the midpoints of their HRMS pay grades.
- Division Directors provided input regarding those staff members' performance and experience.
- Our proposed package would allow the office to remedy salaries that diverge the most from where they should be.

OPTIONAL REQUESTS (con't)

3. Funding Source Changes

- Starting in 2019, the Legislative Assembly began funding salary increases for BCI and the Crime Lab through the OAG refund fund. Starting in 2021, the Legislative Assembly funded operating expenses for BCI and IT/CJIS through the refund fund.
- Each session since 2019, the Appropriations Committees have noted the Legislative Assembly eventually will need to change the funding source to a reliable fund for these appropriations.
- These appropriations now equal almost \$2.8 million per biennium, and the refund fund cannot maintain the expenditures.
 - Deposits into the refund fund are inconsistent and not predictable.
 - Large litigation awards that would otherwise be deposited into the refund fund have routinely been appropriated to other agencies.
 - Many settlement dollars in the refund fund are restricted to other uses.

OPTIONAL REQUESTS (con't)

4. IT Systems Replacement, Maintenance, and Rate Increases

- Switch replacement – The switches handle communications between servers and shared storage and are critical pieces of our information systems. The current network switches are so old we can no longer obtain maintenance or support for them.
- Octopus Deploy – This is necessary for us to deploy custom-developed applications. Without it, we cannot deploy updates, fixes, changes, or new systems. This request is for the increase in cost of Octopus Deploy.
- E-Prosecutor System – This is our document management system, and we provide it to 34 State's Attorneys' Offices around the state at no charge. The system also provides an important interface with law enforcement agencies and courts, allowing smooth communications and filings throughout the criminal justice system. The vendor will discontinue the current system (JustWare) in 2025, and E-Prosecutor will be the replacement system. This funding will pay for the increased maintenance and support costs.
- Jail Management System – Similar to the E-Prosecutor System, we provide a jail management system to 7 county jails around the state. The current system (Premier One) will no longer be supported by its vendor in 2027. The funding will allow us to procure a replacement system.
- NDIT Rate Increases – State law requires us to use some NDIT services and connect to some NDIT systems. We have to pay NDIT rates for those services, and the rates increase each biennium. OMB factored in some – but not all – of the increases in Governor Burgum's budget. This funding would make up the difference between the budgeted amount and what the increases are expected to equal.

OPTIONAL REQUESTS (con't)

5. Statewide Automated Victim Information and Notification System (SAVIN) Replacement

- We maintain SAVIN pursuant to N.D.C.C. § 12.1-34-06.
 - SAVIN allows crime victims to register for alerts when their offenders are released, escape, have scheduled court proceedings, have parole reviews, or other status changes.
 - SAVIN is critically important to victims and an important resource for their safety and peace of mind.
 - SAVIN helps criminal justice agencies fulfill their obligations under N.D.C.C. Ch. 12.1-34 and Art. 1, Sec. 25 of the North Dakota Constitution.
- SAVIN is powered by the VINE system. The VINE system was purchased by a credit reporting agency 2 years ago. The new owner does not support the system sufficiently to keep it operating at an appropriate level. Critical problems go unresolved for months, despite the diligent and determined efforts of our staff.
- A new system is required to meet the needs of crime victims and to satisfy the legal requirements of our office and the criminal justice system.

OPTIONAL REQUESTS (con't)

6. Printer and Computer Replacement, Subscription, and Storage

- This request is to fund the increased costs for software and hardware used by multiple divisions of the office including:
 - High-capacity printer for IDs;
 - High-capacity laptops for BCI agents and other laptops for office employees;
 - Servers; and
 - Various software used for day-to-day work.
- Funding for the replacement of servers (on the scheduled rotation of four servers per biennium) is included in our base budget, but the replacement cost increased since the amount in our base budget was calculated. The increase is included in this request.

OPTIONAL REQUESTS (con't)

7. Crime Lab Supplies and Maintenance Agreements

- This request will cover inflationary increases in lab supply costs, costs of new maintenance agreements, and inflationary increases in maintenance agreement costs.
- Costs of consumable lab supplies have risen approximately 15 percent over the past 2 years.
- Maintenance agreements are critical cost-saving and productivity measures for the Crime Lab.
 - One piece of equipment for the Crime Lab may cost \$500,000 or more.
 - A maintenance agreement ensures the vendor will maintain, service, and repair the equipment for a period of years at a set cost.
 - Without the agreement, a vendor will de-prioritize our service requests and charge for travel, parts, labor, and other fees each time a piece of equipment needs service.
 - Each service visit can cost \$1000s.
 - Maintenance agreements reduce down time for the equipment (and staff), prevent backlogs, prolong the life of the equipment, and are by far the most cost-effective way to get service.

OPTIONAL REQUESTS (con't)

8. Crime Lab Equipment

- The Crime Lab needs additional equipment to manage workloads and replace aging equipment, including equipment that is no longer covered under maintenance agreements due to age.
 - 2 Gas Chromatography Mass Spectrometry (GCMS) instruments for Forensic Chemistry
 - 3 water purification units for Toxicology and Latent Prints
 - 4 alternate light sources for DNA
 - 2 thermal cycler units for DNA
 - 2 hydrogen generators for Toxicology
 - 1 temperature monitoring system for the whole Crime Lab

OPTIONAL REQUESTS (con't)

9. Crime Lab Evidence Technician and Quality Assurance (QA) Manager

➤ Evidence Technician

- This FTE intakes evidence from law enforcement officers.
- Currently there is 1 FTE.
 - There were 4 FTEs prior to 2017.
- This is a bottleneck and significant source of frustration for law enforcement around the state.
- There is no backup if the current FTE is out sick or unavailable.

➤ QA Manager

- The Crime Lab has extensive accreditation requirements, inspections, procedure manuals, policies, training systems, and documentation requirements that require a QA Manager.
- Currently there is no FTE for this position.
- QA duties are performed part-time by a DNA analyst.

OPTIONAL REQUESTS (con't)

10. Executive Staff Officer

- The OAG has no communications personnel.
- The volume of internal and external communications is extremely high, and we have a responsibility to respond timely and accurately to the public, legislators, executive branch officials, law enforcement agencies, and others.
- The OAG website contains important legal, public safety, and consumer protection news and information.
- This FTE will:
 - Manage and respond to inquiries and requests, including requests for opinions;
 - Ensure the website is updated timely with critical information;
 - Assist with responses to open records requests; and
 - Coordinate internal communications and office-wide responses to inquiries.

OPTIONAL REQUESTS (con't)

11. Medicaid Fraud Control Unit (MFCU) Attorney

- MFCU is funded 75% with federal funds and 25% with state funds.
- The state investment in a MFCU attorney results in an increase of state funds.
 - With the MFCU Director as the only attorney in the unit until September 2024, MFCU recovered at least \$364,000 this biennium, just through January 2025.
 - In total, for every dollar expended on it, ND MFCU recovered \$3.68 (above the national average).
 - Estimates suggest that, through deterrence, MFCU saves 2-10 times the amount of money recovered.
 - MFCU stops the flow of state money to fraudulent schemes.
- MFCU attorneys protect vulnerable North Dakotans being abused or neglected by fraudulent Medicaid providers.
- MFCU educates and works with providers, such as nursing homes, to improve patient care.
- Each year, many cases referred to MFCU cannot be pursued due to a lack of attorneys.

OPTIONAL REQUESTS (con't)

12. Operating Cost Increases

➤ Inflation and increased workloads, especially for attorneys and BCI agents, resulted in increased needs for the following:

- Rent increases \$89,845
- Expert witness fees \$20,000
- Travel \$10,000
- Fuel for BCI vehicles \$22,000
- Supplies for BCI agents \$63,000

OPTIONAL REQUESTS (con't)

13. Litigation Pool (\$8 million)

- The litigation pool serves a critical function for the state, and the need for litigation funded by the pool will continue to increase.
- Last year the pool had \$5 million, and we received emergency authority to use an additional \$3 million from our operating line.
- The litigation pool covers:
 - Defense of several state statutes;
 - Protection of the state's interests against federal agencies' regulatory overreach, especially regarding:
 - Constitutional limitations on federal power;
 - The state's energy and agriculture industries; and
 - Individual constitutional rights;
 - Litigation costs incurred by several state agencies, boards, and commissions; and
 - Participation in multi-state litigation on behalf of the people of North Dakota.

OPTIONAL REQUESTS (con't)

14. Finance Division Administrative Assistant

- This FTE will assist both the licensing and procurement functions in the Finance Division.
- Licensing demands increased significantly, especially with the increase in e-Tab gaming.
 - OAG licenses many types of alcohol establishments in which e-Tabs are played.
 - Several legislators have asked about turnaround times for these licenses.
 - Turnaround times will be reduced by an Administrative Assistant working part-time for the 2 FTEs in licensing.
- State procurement processes and requirements have become much more complicated and time-consuming and apply to more purchases than in the past.
 - OAG has just 1 FTE to handle procurement for 14 divisions.
 - BCI alone has extremely high procurement needs.
 - The part-time assistance of an Administrative Assistant is a critical need for procurement.

OPTIONAL REQUESTS (con't)

15. BCI Agent Training

- Each year, up to 2 BCI agents may be admitted to the National Forensic Academy (NFA), an intensive, 400-hour training program on crime scene processing and forensic investigation that:
 - Provides unique field experience and classroom instruction by national experts;
 - Improves agents' abilities to collect, identify, preserve, and analyze evidence; and
 - Improves public safety by significantly elevating agents' skillsets.
- BCI's goal is to have 60% of field agents complete NFA training. Currently, 37% have completed it.

OPTIONAL REQUESTS (con't)

16. Employee Reclassification from Paralegal to Attorney

- The Consumer Protection and Antitrust Division (CPAT) has approximately 100 open complaints and dozens of open investigative and legal files at any time.
 - Completion of these files requires significant attorney time.
- CPAT is engaged in many multistate, consumer protection lawsuits against large national or international companies armed with an array of law firms.
 - Many responsibilities in these cases require an attorney.
 - The formulas used to allocate financial compensation in these cases are increasingly based on the number of hours each state puts into the cases. More attorney time results in more money paid to the state.
- Reclassification of this FTE will help CPAT manage its workload and increase North Dakota's ability to participate in – and collect greater financial compensation in – multistate litigation to protect our consumers.

OPTIONAL REQUESTS (con't)

17. Victim Witness Advocates

- Two victim witness advocates (one in Fargo, one in Dickinson) fill temporary positions and provide services throughout the state.
- This request is to make the positions FTEs.
- Victim witness advocates serve a mission-enhancing role in law enforcement by:
 - Notifying and explaining court proceedings to victims and families;
 - Acting as a liaison between victims and law enforcement and other court staff;
 - Participating as an active member of multi-disciplinary teams;
 - Training law enforcement and the general public of victims' needs and concerns; and
 - Participating in child forensic interviews and assist victims, families, and staff when a child is a crime victim.

OPTIONAL REQUESTS (con't)

18. Cyber Crime Administrative Assistant

- The number of cyber crime agents in the field has increased, and the number of cyber crime cases has dramatically grown over several years.
- Cases have become more complex and involve more voluminous reports.
- BCI's information processing section, which produces reports, can no longer maintain acceptable turnaround times, hampering time-sensitive investigations.
 - At any time, there are 150-200 reports waiting for work.
 - This affects BCI agents' ability to present reports to prosecutors for decisions whether to charge sexual offenders, drug traffickers, child pornographers, and other criminals.

OPTIONAL REQUESTS (con't)

19. State and Local Intelligence Center (SLIC) Criminal Investigator (BCI Agent)

➤ SLIC requires a BCI agent to:

- Become a member of the FBI's Joint Terrorism Task Force Initiative, which would allow the agent to access some top secret information regarding foreign actors in the state;
- Support the Cass Clay Threat Assessment Threat Management Team created by Sheriff Jesse Jahner to target dangerous individuals and groups in the eastern part of the state; and
- Conduct intelligence gathering and other activities to support SLIC and work with federal and state law enforcement partners.

OPTIONAL REQUESTS (con't)

20. Tribal Field Agents' Administrative Assistant and Sex Offender Registration Administrative Assistant

- The Legislative Assembly appropriated 3 tribal field agents for BCI in 2023. Those agents rely on the information processing section discussed in Request 18 to produce their reports.
- OAG is responsible for staffing the Sex Offender Risk Assessment Committee and maintaining the sex offender registry.
 - The state has 1800 registered sex offenders with more than 12 new registrants per month on average.
 - Each new registration requires a large volume of exacting work.
 - Each existing registration requires careful maintenance and updates up to 4 times per year.
 - Homeless sex offenders must register every 3 days.
 - BCI processes about 900 registration forms each month.

OPTIONAL REQUESTS (con't)

21. Discovery and Redaction Software

- Software that will facilitate legal discovery and redaction has become an essential tool for attorneys.
- Legal discovery is very resource-intensive, and well-funded litigants with many attorneys try to “drown” state attorneys in documents.
 - Discovery and redaction software evens the playing field by sorting, reviewing, analyzing, and classifying large volumes of documents produced by litigants.
 - The software also saves state resources and makes staff more efficient by allowing attorneys to devote their time to other essential tasks.
- The software also will assist OAG staff in identifying, reviewing, and redacting open records requested from this office.
 - This will reduce our response turnaround times.

OPTIONAL REQUESTS (con't)

22. Portable Handheld Dual Band Radios

- Portable handheld dual band radios for BCI agents need to be updated due to the new state radio system.
- These radios are essential to maintain communications in the field among multijurisdictional team members conducting operations.
 - Without reliable and interoperative communication equipment:
 - Law enforcement officers face considerable safety risks; and
 - Public safety is jeopardized.

OPTIONAL REQUESTS (con't)

23. BCI Undercover Vehicle Replacement

- BCI has a 6-year replacement cycle for undercover vehicles, based on actuarial assessments.
- When possible, federal funds or other funds are used to pay for the vehicles.
- 53 of the vehicles are funded by the general fund.
- The net price of each vehicle after trade-in and with a six-year warranty is \$33,000.

OPTIONAL REQUESTS (con't)

24. PACER/WestLaw/Quickbooks/OSINT Scraping Tool

- The costs for PACER and WestLaw have increased due to inflation.
 - PACER – This is the only way our legal divisions can access federal court filing systems. Without it, OAG can not file and access briefs in federal courts.
 - WestLaw – This is the legal research system for our legal divisions and is necessary for their day-to-day work.
- Quickbooks – This will help the Gaming and Finance Divisions audit charitable gaming organizations' tax returns.
- OSINT Scraping Tool – This will allow BCI to collect and analyze information from overt sources and publicly available information to produce actionable intelligence.

OPTIONAL REQUESTS (con't)

25. Tobacco Tax Settlement Compliance Auditor

- North Dakota generally receives more than \$20 million per year through the multistate Master Settlement Agreement (MSA) with several tobacco manufacturers.
- The MSA requires each state signatory to “diligently enforce” its provisions.
 - The meaning of “diligently enforce” has evolved due to litigation, and states have had to increase their enforcement efforts to stay in compliance with the MSA.
 - Failure to stay in compliance can result in the loss of MSA funds.
 - This FTE could conduct or oversee more frequent audits and inspections to ensure the state meets the courts’ requirements for diligently enforcing the MSA.
- This FTE would not be funded from the general fund.
 - A transfer from the Tobacco Settlement Fund for this FTE would be a prudent investment in the MSA settlement dollars for North Dakota.

OPTIONAL REQUESTS (con't)

26. BCI's Fargo Cyber Office Remodel

- BCI works with other law enforcement agencies in and around Fargo to investigate cyber crimes, including those against children, and the Fargo office serves as a regional center for these investigations.
- These investigations involve digital forensic analysis of seized electronic devices.
- The Fargo office lacks the necessary screened forensic lab space for these investigations.
- This request will allow BCI to use modular work surfaces for up to six forensic labs to meet the demands of the continually expanding number of child exploitation and drug trafficking investigations.

OPTIONAL REQUESTS (con't)

27.3 BCI Tribal Field Agents

- In 2023, the Legislative Assembly appropriated 3 of 6 requested FTEs for BCI agents to start multijurisdictional units near reservations to combat drug trafficking on and around tribal lands.
 - Several appropriators recommended that BCI request the other 3 FTEs this year.
- OAG successfully obtained the appropriate tribal and federal authority to conduct operations on the lands of the Spirit Lake Nation, The Turtle Mountain Band of Chippewa Indians, and the Mandan, Hidatsa, and Arikara Nation. BCI is continuing to work with the Standing Rock Sioux Tribe for the same authorization.
- The 3 FTEs granted in 2023 are actively serving tribal nations, and a new multijurisdictional task force is already established in Rolla to serve the nearby tribal lands.

OPTIONAL REQUESTS (con't)

28. Crime Lab Overtime

- Crime Lab personnel have worked significant overtime hours this biennium to ensure evidence is tested as timely as possible, in preparation for criminal investigations and trials.
- The overtime is funded by a federal grant called the DNA Capacity Enhancement for Backlog Reduction Grant.
- This request is for authority to expend the federal grant funds.

OPTIONAL REQUESTS (con't)

29. Restore 3 Percent Reduction

- In the previous Governor's budget, there was a 3% overall cut in agency funds. This request is to restore those funds.

Thank You

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
1/23/2025

A Bill for an Act to provide an appropriation for defraying the expenses of the attorney general and to provide for a report.

9:03 a.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives Louser, Martinson, Richter, Sanford, Hanson

Discussion Topics:

- Attorney General Budget
- Attorney jobs

9:03 a.m. Adam Mathiak, Senior Fiscal Analyst, ND Legislative Council, provided long sheet #33297.

9:04 a.m. Becky Keller, Finance Director for the Office of the Attorney General, reviewed long sheet #33297.

10:25 a.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk



Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Burgum Budget				Armstrong Budget				Armstrong Budget Compared to Burgum Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		2,012,194	1,081,246	3,093,440		1,644,886	883,866	2,528,752		(\$367,308)	(\$197,380)	(564,688)
Health insurance increase		996,927	570,451	1,567,378		990,921	570,451	1,561,372		(6,006)		(6,006)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adds funding for a FTE evidence technician position	1.00	189,393		189,393	1.00	189,393		189,393				0
Adds funding for a FTE executive staff officer position	1.00	195,434		195,434				0	(1.00)	(195,434)		(195,434)
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104	1.00	177,104		177,104				0
Adds funding for FTE victim witness advocate	2.00	475,204		475,204	2.00	475,204		475,204				0
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases		254,317	37,460	291,777		254,317	37,460	291,777				0
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		1,790,559	(1,790,559)	0				0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		953,575	(953,575)	0				0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Reduces funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Total ongoing funding changes	6.00	\$14,301,077	\$1,269,339	\$15,570,416	5.00	\$13,732,329	\$1,071,959	\$14,804,288	(1.00)	(\$568,748)	(\$197,380)	(\$766,128)
One-Time Funding Items												
Adds one-time funding for State Crime Laboratory equipment and supplies		\$721,000	\$233,000	\$954,000		\$400,000	\$554,000	\$954,000		(\$321,000)	\$321,000	\$0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0
Adds funding to replace BCI undercover vehicles		660,000		660,000			660,000	660,000		(660,000)	660,000	0
Adds funding for portable handheld dual-band radios		105,000		105,000			105,000	105,000		(105,000)	105,000	0
Adds funding for the statewide litigation funding pool		1,000,000	4,000,000	5,000,000			5,000,000	5,000,000		(1,000,000)	1,000,000	0
Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system		1,500,000		1,500,000			1,500,000	1,500,000		(1,500,000)	1,500,000	0
Total one-time funding changes	0.00	\$4,668,000	\$4,233,000	\$8,901,000	0.00	\$1,082,000	\$7,819,000	\$8,901,000	0.00	(\$3,586,000)	\$3,586,000	\$0
Total Changes to Base Level Funding	6.00	\$18,969,077	\$5,502,339	\$24,471,416	5.00	\$14,814,329	\$8,890,959	\$23,705,288	(1.00)	(\$4,154,748)	\$3,388,620	(\$766,128)
2025-27 Total Funding	272.00	\$67,993,342	\$47,417,159	\$115,410,501	271.00	\$63,838,594	\$50,805,779	\$114,644,373	(1.00)	(\$4,154,748)	\$3,388,620	(\$766,128)
<i>Federal funds included in other funds</i>			\$15,253,968					\$15,221,406		(\$32,562)		

<i>Total ongoing changes - Percentage of base level</i>	2.3%	29.2%	3.0%	17.1%	1.9%	28.0%	2.6%	16.3%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	2.3%	38.7%	13.1%	26.9%	1.9%	30.2%	21.2%	26.1%	N/A	N/A	N/A	N/A

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
1/29/2025

Relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

9:02 a.m. Chairman Nathe opened the hearing.

Members Present: Chairman Nathe, Vice Chairman Swiontek, Representatives Hanson, Louser, Martinson, Richter, Sanford.

Discussion Topics:

- Bond terms
- Building costs
- Vacant position funding

9:03 a.m. Levi Kinnischtzke, Senior Fiscal Analyst, Legislative Council, submitted testimony #32601.

9:17 a.m. Claire Ness, Chief Deputy Attorney General, testified in favor and submitted testimony #32598.

9:27 a.m. Becky Keller, Finance Director, Office of Attorney General, continued with testimony #32598.

9:29 a.m. Claire Ness, continued with testimony #32598.

9:50 a.m. Lonnie Grabowska, Director, BCI, continued with testimony #32598.

9:56 a.m. Claire Ness, continued with testimony #32598.

10:03 a.m. Jennifer Penner, Director, ND Crime Laboratory, continued with testimony #32598.

10:06 a.m. Claire Ness, continued with testimony #32598.

10:17 a.m. Amy Boyd, Program Manager, Youthworks, testified in favor #32449.

10:26 a.m. Tisha Scheuer, Executive Director, Central Dakota Forensic Nurse Examiners, testified in favor #32257.

10:36 a.m. Stacy Schaffer, Executive Director, 31 8 Project, testified in favor #32394.

10:45 a.m. Piper Bjornson, human trafficking survivor, testified in favor #32383.

10:54 a.m. Jim Shaw, Supervisory Special Agent, BCI, testified in favor #32232.

11:02 a.m. Analena Lunde, Victim Coordinator, BCI, testified in favor #32249.

Additional written testimony:

Erin Prochnow, CEO, YWCA, submitted testimony in favor #32183.

Coiya Inman, President, Community Violence Intervention Center, submitted testimony #32350.

11:10 a.m. Chairman Nathe closed the hearing.

Steven Riehl, Committee Clerk, by Janae Pinks

HUMAN TRAFFICKING SERVICES AT YWCA CASS CLAY

eliminating racism
empowering women
ywca
cass clay

YWCA Cass Clay offers the largest Emergency Shelter for women and their children escaping domestic violence and homelessness in North Dakota and northwestern Minnesota. We have done so for over 45 years. We also operate a sizable Supportive Housing Program serving 97 households in Fargo and West Fargo, that, after emergency shelter, is the long-term solution for healing, stability, and independence - diminishing the likelihood women will return to abusive situations or homelessness.

YWCA created North Dakota's first dedicated housing units for trafficking victims and their children in 2015. Since opening an emergency shelter in 1978, we have encountered a recurring narrative of partners who groom women romantically, then eventually force or manipulate them into commercial sex. Others are trafficked by family. Some entered the sex trade as their only means for survival.

Decades-deep experience informs YWCA service delivery, and we participate in North Dakota's Human Trafficking Task Force. In a culture where survivors face criminalization and shame, YWCA brings compassion and nonjudgement to women who've been dehumanized and are working to shape new lives.

Since the program was established through collaborative partnerships with other service providers, state support through this grant funding and federal sources through the Office of Victims of Crime of the US Justice Department, YWCA has provided safety and shelter to over 200 survivors of human trafficking in two dedicated units. In this biennium, an estimated 25 survivors will be provided approximately 2,000 nights of safe shelter through a grant from the Attorney General's Office of just under \$100,000.

At YWCA, this funding supports a part time advocate position and the operations of the two dedicated units—which are always full. Referrals for the units come from across North Dakota. An estimated 109 trafficking survivors were served across YWCA programs in 2024. Providing supportive services to human trafficking survivors is different than providing services to domestic violence survivors. **YWCA's Human Trafficking Program has been essential in helping 200+ survivors over the past ten years move forward with their lives and work towards recovering from the trauma of being sold for sex.**

FOR THE FIRST 18 MONTHS OF THE BIENNIUM:

20 individuals in 12 households were served.

91 nights was the average stay.

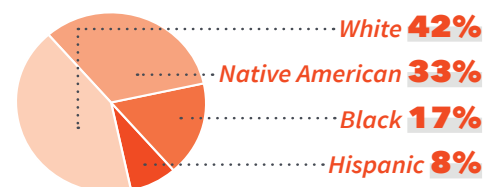
33 was the average age of a trafficking survivor.

25% of women served had children with them.

100% of women served were survivors of sex trafficking.

25% were both sex and labor trafficked.

SURVIVORS BY RACE



% SURVIVORS TRAFFICKED BY



HB1003

House Appropriations – Education and Environment Division

Supervisory Special Agent Jim Shaw

Bureau of Criminal Investigation

My name is Jim Shaw, I am a Supervisory Special Agent at BCI and oversee the Cyber Crime Unit, which consists of four groups: Computer Forensics, Internet Crimes Against Children (ICAC), Human Trafficking (HT), and Victim Services.

In 2020, the Attorney General's Office secured a grant to establish a Law Enforcement-Based Victim Specialist Program within BCI. Recognizing gaps in victim services—particularly from the time of victimization to court proceedings and the lack of resources in rural areas—BCI partnered with the North Dakota Human Trafficking Task Force to bridge those gaps.

This program has been a tremendous asset to BCI and the citizens of North Dakota. Our two victim specialists cover the entire state, ensuring that victims—regardless of location—receive the care and resources they need. Their support not only improves outcomes for victims but also strengthens investigations by embedding a victim-centered approach. Additionally, they play a key role in supporting the well-being of our agents, who are often exposed to traumatic cases. Their involvement in peer support and wellness initiatives helps mitigate the impact of this difficult work, ensuring our agents remain effective and resilient.

Despite having only two specialists to serve the entire state, this program has gained recognition statewide. Prosecutors and outside agencies are increasingly reaching out for assistance, highlighting the growing demand for these services. Additionally, our specialists have been instrumental in raising awareness and expanding training efforts. They have successfully gotten BCI into schools, where they provide critical education on human trafficking, online exploitation, and victim-centered approaches to students, educators, and school resource officers. These trainings help schools recognize warning signs, improve reporting, and create safer environments for children.

HB1003

House Appropriations – Education and Environment Division

Victim Specialist Jill Krone: East/Central Region (Fargo)

Victim Specialist Analena Lunde: West/Central Region (Dickinson)

Bureau of Criminal Investigation

For the record, my name is Analena Lunde, and I serve as the Victim Specialist for the Bureau of Criminal Investigation (BCI), covering the Western Region of North Dakota from my office in Dickinson. I am a Registered Nurse and certified Sexual Assault Nurse Examiner. My colleague, Jill Krone, covers the Eastern Region of the state from her office in Fargo. Jill brings invaluable expertise as a former parole and probation law enforcement officer. Together, we have over 25 years of combined experience in law enforcement, advocacy, and lived experiences, which uniquely qualifies us to provide critical support to victims.

Our work spans numerous divisions and task forces, including the BCI General Investigation Division, the Medicaid Fraud Control Unit (MFCU), the Internet Crimes Against Children (ICAC) Task Force, the Human Trafficking Task Force, and regional narcotics task forces across North Dakota. We also work closely with the Children's Advocacy Centers, sheriff departments, municipal law enforcement agencies, smaller State's Attorney offices without victim coordinators, and the Office of the Attorney General. Additionally, we actively participate as members of several federal multidisciplinary teams and Indigenous Task Forces, where we contribute to the development of best practices for victim services.

A Unique and Comprehensive Approach to Victim Services

As Supervisory Special Agent Jim Shaw mentioned, our Victim Services Unit is a unique extension of the BCI. We work directly alongside agents and law enforcement officers to ensure that victims and their families receive the care and support they need in the aftermath of a crime. We assist victims of all ages impacted by various types of crimes, including:

- **Violent crimes**, such as sexual assault
- **Non-violent crimes**, such as fraud

Our unit employs a holistic, trauma-informed, and victim-centered approach that includes:

- **Victim-Centered Support During Scene Responses:** We are present during search warrants and other law enforcement operations to assist identified victims and their families on scene, prioritizing their immediate needs and ensuring they feel safe and respected during the investigation.
- **Trauma-Informed Communication:** We bridge the gap between law enforcement officers and victims by using trauma-informed techniques to build trust and foster cooperation, ensuring victims are not pressured or overwhelmed.
- **Basic Needs and Crisis Intervention:** We address victims' immediate needs, creating a safe and more comfortable environment during initial interactions. This allows law

enforcement officers to focus on their duties while ensuring the victims' well-being is not overlooked.

- **Advocacy Within the Justice System:** We strengthen prosecution efforts by helping victims find their voice, prepare victim impact statements, and testify when necessary. Our support helps prosecutors build stronger cases by maintaining victim engagement.

Prevention and Training

Our work extends beyond immediate response to include prevention and education. We provide training to law enforcement agencies, Children's Advocacy Centers, schools, and victim service providers on topics such as:

- Human trafficking.
- Cyber safety, including exploitation, grooming, and sextortion.

Recently, we introduced a program called *The Vigilant Parent Initiative*, which educates parents and caregivers about five popular social media and gaming platforms. The program teaches strategies to safeguard devices, protect children online, and foster healthy communication between parents and children.

Support for Fallen Officers and Families Impacted by Officer-Involved Shootings

Our team also provides critical support to law enforcement families during some of their most challenging times, including in cases of officer-involved shootings and the loss of an officer in the line of duty. This work includes:

- **Immediate On-Scene Support:** We respond to assist families and departments immediately following an officer-involved shooting or loss. We provide emotional support, help coordinate logistics, and ensure families feel supported during a time of crisis.
- **Grief and Trauma Support:** For families of fallen officers, we connect them with grief counseling and other resources to help them navigate their loss. We remain a point of contact throughout their healing journey, ensuring they do not feel isolated or forgotten.
- **Department Support:** Recognizing the impact of trauma on entire departments, we offer guidance and resources to law enforcement agencies to address the mental health and well-being of officers who have been involved in or affected by these events.
- **Memorial and Remembrance Coordination:** We assist families and departments with planning and navigating memorial services or events to honor fallen officers, ensuring they feel supported and respected throughout the process.

Our role in these situations is to ensure that both the families and the law enforcement community have the resources and support they need to grieve, heal, and move forward together.

Comprehensive, Long-Term Advocacy

Our work doesn't end at the scene. We provide ongoing support to victims to help them navigate the long-term impacts of the crimes they've endured. This includes:

- **Post-Scene Advocacy:** We maintain contact with survivors to ensure their needs are met beyond the immediate incident. This may involve helping victims reintegrate into society, pursue education or job training, and access resources for long-term healing.
- **Guidance for Law Enforcement:** We assist officers in using trauma-informed, age-appropriate practices that reduce victims' anxiety and increase the likelihood of obtaining accurate and detailed statements.
- **Empowerment and Recovery:** We empower victims to actively participate in their own recovery and legal processes, fostering resilience and long-term healing.

Illustrating the Impact

The impact of our work is best demonstrated through real stories and there are so many. For example :

- **Human Trafficking Survivor:** We recently supported a survivor of human trafficking during a recovery operation. Our immediate presence provided clothing, food, and a safe environment, while follow-up services addressed her mental health and long-term care needs. Months later, she shared how our efforts gave her hope and empowered her to cooperate with law enforcement and pursue a fresh start.
- **Survivor of Sexual Assault:** One victim of a brutal sexual assault was kidnapped, drowned, and strangled multiple times before being left for dead. She was terrified to come forward, fearing she wouldn't be believed. Through our on-scene support and continued guidance during the investigation and prosecution, we connected her with resources and kept her informed about her case. With our support, she found the strength to testify, articulate her experience, and confront her abuser with confidence. Afterward, she expressed her gratitude, saying the trust and support we provided empowered her to reclaim her voice and begin healing.

A Call to Support Our Mission

Our work is proactive, preventative, and life changing. By addressing the immediate and long-term needs of victims, we break cycles of trauma, empower survivors, and foster trust in our justice system. However, our scope of work is extensive, and the demand for our services continues to grow.

I urge you to recognize the critical role the victim specialists play in ensuring justice and healing for those impacted by crime. With your continued support, we can expand our efforts and provide the resources necessary to meet the needs of North Dakota's most vulnerable.

Thank you for your time and consideration. We are happy to answer any questions you may have.



**Tisha Scheuer- Executive Director,
Central Dakota Forensic Nurse Examiners**

**Support HB1003
North Dakota House Appropriations**

January 29, 2025

Chairman Nathe and members of the House Appropriations Committee, my name is Tisha Scheuer, I am the Executive Director for Central Dakota Forensic Nurse Examiners (CDFNE).

I am testifying today in support of HB 1003, which will maintain crucial funding needed for forensic nursing services for victims of violence across our state through the “forensic nurse examiners grants”. Today I want to highlight the work forensic nurses in our state do, the impact this funding has on these services, and highlight why continuing this funding opportunity is essential.

About CDFNE

CDFNE is a North Dakota based non-profit organization providing forensic medical services to children and adult survivors of sexual violence, domestic violence, physical abuse and neglect in western North Dakota. Our organization serves 23 counties, in western North Dakota with our headquarters in Bismarck. Our team of 23 Forensic Nurse Examiners work with a variety of partners including law enforcement, advocacy agencies, social services, children’s advocacy centers, and hospitals as part of local multidisciplinary response teams. These partnerships ensure North Dakota victims receive comprehensive, coordinated care while supporting the investigation and prosecution of crimes.

Ongoing Forensic Nurse Examiner Grant

The forensic nurses in North Dakota are trained to recognize, document, and respond to injuries caused by sexual violence, and strangulation. This includes detailed documentation, precise measurements, swabbing for DNA collection, collection of debris evidence, collection of clothing, individual photograph of injuries, and use of specialized equipment such as colposcopes and alternative light sources—elements that are crucial not only for medical care but also for providing tools for victims seeking justice through legal proceedings. These exams are intricate, sometimes lasting 6-8 hours, as we aim to provide trauma-informed care that makes victims feel safe, seen, and supported. The money that is allocated through this grant process is crucial for maintaining this service for victims. With the money we were awarded, we have been able to provide services to over 484 victims who have experienced sexual violence in the last biennium.

Breaking that number down further, in 2023, across all four locations of CDFNE we served 235 victims. In 2024, we served 249 victims. These victims are of all ages, including babies, small children, adolescents, adults, and the elderly. The primary reason we can provide these services to our patients is the funding we received through the forensic nurse examiners grants. We are deeply grateful for this support and all it has enabled us to do for individuals in communities across western North Dakota.

I would like to briefly share just one example of the 484 victims this funding helped:

Victim Aged 10- This victim presented to the community hospital with her mother who had found her after she had been lured by social media. It was confirmed she had been sexually assaulted. The forensic examination included 13 individual photos of injuries she sustained to her genitalia. This funding enabled us to provide her and her mother with forensic medical services, support, and referrals for resources at the time of her forensic examination.

Next, I'm going to discuss the **Domestic Violence Pilot Program Grant**

During the 2023 Legislative session, this body approved a pilot program to expand access to forensic medical services to include victims of domestic violence, physical abuse, and neglect. Under that pilot program CDFNE expanded services in our Bismarck and Williston regions, which cover ten counties. (Burleigh, Morton, Kidder, Grant, Emmons, Sheridan, Sioux, Williams, McKenzie and Divide).

The work we accomplished under the program included the development of protocols and policies, coordinating with members of our multidisciplinary teams in each region and providing our nurses with additional training. The training completed was the Interpersonal Partner Violence Nurse Examiner (IPVNE) certificate program offered by the International Association of Forensic Nurses. This advanced training enhanced our ability to provide care to victims of violence and reinforced our role as essential members of multidisciplinary response teams—an evidence-based best practice in addressing violence. Research shows that forensic medical exams conducted by trained forensic nurses improve health outcomes for victims and significantly increase prosecution rates for perpetrators. After laying all the groundwork with policy, meetings and training we launched services for victims in February of 2024. The pilot program demonstrated the demand for these expanded services and the capacity of our forensic nurses to meet that need effectively. We were able to provide services to 62 victims in that 10-month period, who experienced domestic violence, child abuse and neglect in 2024.

I would like to briefly share two examples of the victims this pilot program helped:

Victim Age 78 The victim was admitted to the ICU due to severe injuries after being beaten with a club for approximately 10 minutes. The exam included 149 photos documenting physical abuse

injuries, including open wounds on her head that required 14 stitches and a hairline wrist fracture. The victim worked closely with our forensic nursing team and an advocate from the Abused Adult Resource Center (AARC). The pilot program enabled us to also provide follow-up care, including additional examinations to monitor healing and ongoing support through the advocate.

Victim Age 4 The victim presented with confirmed abuse, including kicking and hitting, which resulted in bruising across her body. Our documentation included 89 photos of physical abuse. Further examination revealed that her legs had been submerged in scalding hot water, causing burns. Bruising on her neck and ears were also consistent with strangulation.

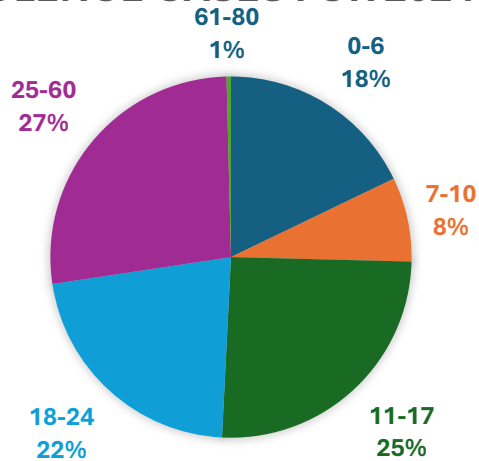
Each of these stories reinforces why it is essential to make sure victims have access to forensic medical services. Without this pilot program these individuals may not have received the compassionate care they needed, and opportunities for justice may have been lost.

On behalf of the victims and forensic nurses across the state, thank you for recognizing the importance of the work we do, and for your continued commitment to the citizens of North Dakota

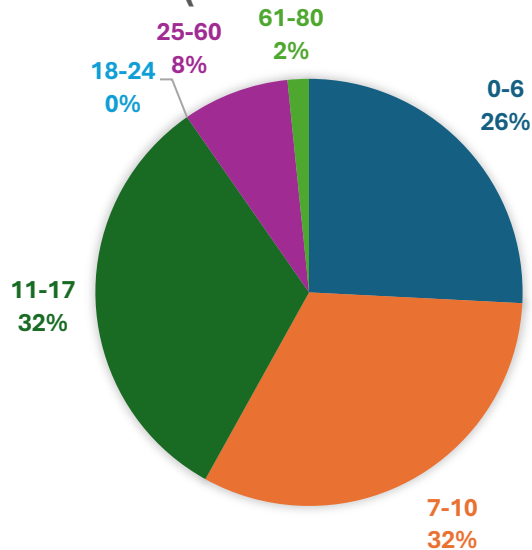
Tisha Scheuer, Executive Director

Central Dakota Forensic Nurse Examiners

**CENTRAL DAKOTA FORENSIC NURSE EXAMINERS
SEXUAL VIOLENCE CASES FOR 2024 TOTAL 252**



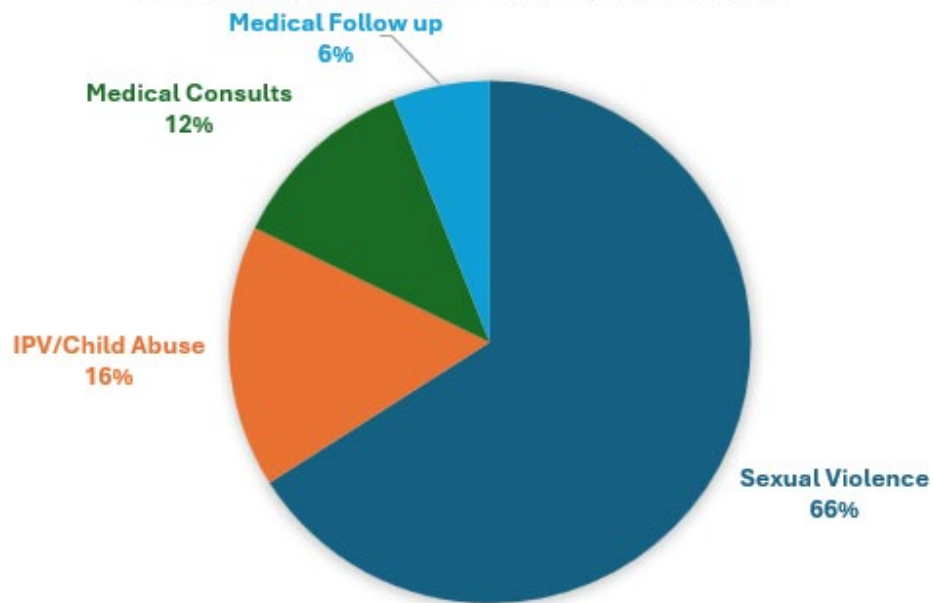
**BISMARCK DV/CHILD PHYSICAL ABUSE AND
NEGLECT
TOTAL 62 (FEB-DECEMBER 2024)**



Please note:

The IPV/Child Abuse numbers are for Feb-December 2024 only

**CENTRAL DAKOTA FORENSIC NURSE EXAMINERS
MEDICAL SERVICES PROVIDED IN 2024**



Please note:

The above graph reflects medical services only and does not reflect the education/training and awareness prevention we provide for western North Dakota



January 28, 2025

Rep. Mike Nathe, Chairman
House Appropriations Education and Environment Division
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

Greetings, Chairman Nathe & Members of the Committee,

On behalf of the 9 human trafficking victims served by our organization as well as 10 others who were able to flee a potential human trafficking situation since the last biennium, I'm writing in support of House Bill 1003.

In our work with partners and clients, this funding supports three key staff members including two advocates and our director of shelter services. Following is a summary of the training impacts as well as survivor benefits of this funding.

TRAINING

Greater Grand Forks Women's Leadership Cooperative

Our human trafficking (HT) funded staff member was part of a 4-person panel providing education on human trafficking for the panel, which was hosted during a 90-minute event on January 2024 in support of Human Trafficking Awareness Month. Joining CVIC representatives on the panel were staff from Project Dignity, YouthWorks, and Real Equitable Solutions. HT funded staff have been afforded the opportunity to attend several trainings because of the North Dakota Human Trafficking Task Force (NDHTTF).

Skills Based Human Trafficking Training

Two human trafficking funded advocates were able to attend a two-day, Skills Based Human Trafficking Training in Bismarck, ND. At this training, advocates, law enforcement and nurses were taught different ways to identify human trafficking victims, how to engage with human trafficking victims, how to intervene in human trafficking, and ways to proactively act in instances where there may be human trafficking.

Because the trainers indicated that schools are one of the biggest places that we can start to prevent human trafficking, one human trafficking-funded advocate has started researching human trafficking information to develop training for local schools, specifically targeting the subject of grooming.

National Labor Trafficking Conference

Two human trafficking funded advocates attended the two-day 2024 National Labor Trafficking Conference online. This training provided multiple avenues for learning about labor trafficking and how to identify and prevent it. This training was useful, as there are not as many training resources available on the topic of labor trafficking.



SURVIVOR BENEFITS

In addition to training through the Eastern Multi-Disciplinary Team (MDT), this grant enabled advocates to provide case management services to clients who experienced human trafficking and/or who were suspected trafficking victims. A majority of the human trafficking clients served were provided with a safe and comfortable room at our confidential shelter.

While at shelter, these clients were assisted with numerous services and resources, including but not limited to emotional support, housing assistance, crisis intervention, safety planning, transportation, employment assistance, and education assistance. Additionally, shelter staff were able to assist a human trafficking survivor that needed safe shelter for her and her service animal.

Additional examples of advocacy services provided include: an advocate responding to a Sexual Assault Response Team call at the local hospital, and advocates communicating with and on behalf of clients with housing professionals. Our human trafficking clients were also provided with resources during their stay, including gas cards, utility payments, phone cards, and bus vouchers. Staff were also able to provide clients with personal care items and clothes that had been donated.

I urge you to pass House Bill 1003 and continue this critical funding to support vulnerable survivors of human trafficking across the state of North Dakota.

Coiya Tompkins Inman

A handwritten signature in cursive script that reads 'Coiya Tompkins Inman'.

President/CEO
Community Violence Intervention Center, Inc.



Piper Bjornsen, Lived-Experience Expert, 31:8 Project

piper_bjornsen@icloud.com

701.955.3464

January 29, 2025

In support of House Bill 1003

Chairman and Members of the Committee,

My name is Piper Bjornsen, and I am here to share my story as a survivor of human trafficking. Reflecting on my journey, I often compare it to *The Oregon Trail*—a historical game that reminds us of the hardships faced while crossing uncharted territory. My story has been a journey filled with challenges, broken paths, and hard-won survival.

From a young age, I was taught to be seen and not heard. I lacked strong female role models, and my childhood was marked by instability and a revolving door of men in my mother's life. This led to physical and sexual abuse at an early age, which shaped my unhealthy perceptions of relationships and love. I sought love and acceptance like anyone would, but with past sexual trauma and undiagnosed PTSD, I turned to drugs to self-medicate. That path eventually led me into the arms of my trafficker in Williston, North Dakota.

When people hear my story, they often ask, "Why didn't you leave?" It's a difficult question to answer. When I entered "the life," which is another term for human trafficking, I didn't even realize what was happening. Traffickers are experts at manipulation, feeding on insecurities, establishing trust, and saying all the right things. At the time, I felt indebted to him and wanted to please him. It was a dangerous situation, but I survived.

Years later, while serving a prison sentence in North Dakota for crimes stemming from my trafficking situation, I was visited by investigators from the Bureau of Criminal Investigation (BCI) and Homeland Security. They asked questions about my trafficker, whom I had thought of as my boyfriend. Over time, they helped me see the reality of my situation. I became part of a five-year investigation into his crimes and learned I was just one of many victims. When I was released from prison, I testified against him in federal court. He was sentenced to 20 years for trafficking around 30 people in North Dakota and across the nation.

After escaping that life, I faced significant challenges. I had no valid ID, no birth certificate, no credible work history, and no support network. Living in a small, isolated farm town far from Bismarck, I struggled to process what had happened to me. That's when 31:8 Project found me and changed the course of my life.

31:8 Project began regular Zoom meetings with me and helped create a plan to relocate to Bismarck. Finding housing as a felon was incredibly difficult, but they helped me navigate this challenge with funding through the AG's Human Trafficking Grant to pay my deposit

and moving costs. Once I arrived in Bismarck, they provided transportation to food pantries, connected me with donors who helped furnish my apartment, and assisted with building a resume and securing letters of recommendation. With their help, I found a job and transportation to and from work.

Through 31:8 Project, I was also paired with a mentor and joined their bi-weekly support group, which helped me develop skills in money management, coping, and nutrition. They connected me with opportunities to educate others about trafficking, including speaking at conferences like the Bakken Human Trafficking Summit. I've worked alongside BCI, Homeland Security, and other organizations to share my story and help prevent trafficking.

However, life wasn't without its setbacks. Two years ago, I became seriously ill. My history of IV drug use, particularly during my trafficking experience, left me vulnerable to infections. I developed sepsis, and the infection spread to my brain. I had no family nearby, so Stacy from 31:8 Project became my emergency contact. During this time, I had to establish an Advance Directive, and I was terrified. The love and support I received from 31:8 Project during my four-month hospital stay was like nothing I had ever experienced. They also assisted me with paying bills using victim support funds from the AG's Human Trafficking Grant.

Today, I am proud to say I am in a stable place. I have a steady job, secure housing, healthy relationships, and the opportunity to serve as a Lived Experience Expert, educating others about the realities of trafficking. The funds provided to 31:8 Project have been instrumental in my recovery, helping me cover critical medical, living, and other necessary expenses to rebuild my life.

I am just one of many survivors whose lives have been transformed by 31:8 Project. Their support gave me stability, independence, and hope for the future. Thank you for your time and for considering the impact that this funding has on lives like mine. I am happy to answer any questions you may have.



Stacy Schaffer ~ Executive Director, 31:8 Project
318project.org
schaffer@318project.org
701.321.1061

January 29, 2025

Chairman and Members of the Committee,

My name is Stacy Schaffer, Executive Director of 31:8 Project, and I'm supporting HB 1003. Thank you for the opportunity to share information about 31:8 Project and the important work we are doing to combat human trafficking. Founded in 2015, **31:8 Project is a nonprofit organization located in Bismarck dedicated to raising awareness about human trafficking throughout North Dakota (ND).** Our organization is unique in that we focus solely on providing services to adult victims of human trafficking and sexual exploitation. The funding we have received through the Attorney General's Human Trafficking Grant has a direct impact on the following program areas:

- **Demand Reduction Program (ND Century Code 12.1-29-07):** A major challenge in addressing human trafficking in North Dakota is the persistent demand for hiring others to engage in sexual activity. In an attempt to create long-term solutions to change the underlying systems that allow sex trafficking to occur, **the 2015 Legislative session voted in favor of creating the Demand Reduction Program (DRP), a comprehensive intermediate sentencing, diversion, and education option for offenders charged with or convicted of solicitation of sexual acts with individuals over 18 years of age. Managed by 31:8 Project, this is the only state program that focuses on reducing the demand for prostitution.** The DRP educates offenders on the risks and impacts of sex trafficking, providing tools to improve relationships that may have influenced their decisions. By fostering healthier relationships and communities in North Dakota, the program aims to reduce recidivism and increase awareness of trafficking's effects. **Since its inception, 33 offending participants (ages 20-67) have successfully completed the program.**
- **Providing Education:** In 2024, 31:8 Project delivered **166 trainings and presentations** (a 40% increase from 2023) to individuals of all ages, including school-based programs, law enforcement, healthcare, service providers and general public. This education includes human trafficking, sexual exploitation, and online safety.
- **Survivor Mentorship Program:** This program, launched in 2021, supports adult survivors of human trafficking over the age of 18. During the first year of the program, 31:8 Project worked with 10 survivors of human trafficking. **Since 2024, this number increased to 62 sex and labor trafficking survivors - 85% of these individuals were trafficked in North Dakota.** The ages of individuals served are 18-62 with 60% from urban communities and 40% rural.

31:8 Project receives the majority of its funding through private donations along with state and regional grants. This past biennium, we received a grant from the Attorney General's Office to assist us in the work highlighted above. However, these duties are performed by just one full-time and three part-time employees. Due to the significant increase in needed services, we are anticipating hiring an additional employee plus increasing hours for our three current part-time employees. With that being said, we are in support of an increase to the Attorney General's human trafficking budget.

Through 31:8 Project's efforts, we have been able to reduce demand, empower survivors, and educate communities, ensuring North Dakota remains steadfast in the prevention of human trafficking. As I conclude, you will hear from Piper Bjornsen, a lived-experience expert, that works closely with 31:8 Project. She will be sharing more regarding the impact of this grant. Thank you, and I stand for questions.

January 29, 2025

HB 1003

North Dakota House Appropriations Committee

Testimony from Amy Boyd, Anti-Trafficking Program Manager, Youthworks

Chairman Nathe and Members of the Committee:

My name is Amy Boyd-Bolme; I am the Anti-Trafficking Program Manager for Youthworks; a non-profit agency that serves youth, ages eleven to twenty-four. I have come before you again in support of House bill 1003.

I am here to reiterate the needs of trafficked youth in North Dakota and to ask for an increase in Human Trafficking funds from the AG's budget.

Youthworks relies on the funds from the AG's office as match money for federal grants. For the past three legislative sessions, we have successfully used these funds to triple the impact of the funds from the state. Without this match, the services that Youthworks provides would be severely decreased. This upcoming year, Youthworks has the potential to increase its federal funding to nearly \$1 million dollars annually. However, this would require a match of \$327,500 state dollars per year. (655,000 for the biennium). With the current level of funding in the AG's budget at 1.1 million, Youthworks is requesting an increase of 500,000 so that services can be further expanded into rural areas.

The services that Youthworks provides includes trauma therapy, emotional support, and advocacy. In the last biennium, 147 youth were served, 3,196 nights of shelter or transitional housing were provided, 400 hours of clinical services were delivered as well as 1,800 hours of crisis intervention.

I will let Karlee Liddle, our HT Specialist, speak more in depth about what those services look like with the clients that she serves. She is truly a 'boots on the ground' worker who works with trafficked youth in both urban and rural communities, responding to crisis calls in the middle of the night as well as providing support to youth during investigations into their trafficker.

Again, I come before you today in support of HB 1003 and to urge you to increase the Human Trafficking funds in the Attorney General's budget.



Drew H. Wrigley
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
www.attorneygeneral.nd.gov
(701) 328-2210

HOUSE APPROPRIATIONS COMMITTEE
EDUCATION AND ENVIRONMENT DIVISION
JANUARY 29, 2025

Chairman Nathe and members of the Committee:

In your last work session on our appropriations bill, you asked our office for several pieces of information. We have gathered the information and included it here. The relevant Division Directors in our office will present the information in person on January 29 and will answer any questions you may have.

1. How much funding has the Medicaid Fraud Control Unit brought in?

Since its inception in August 2019 through October 2024, the Medicaid Fraud Control Unit has recovered approximately \$2.85 million and has collected \$886,487. These funds are returned to ND DHHS, which administers the Medicaid program. Using a formula that determines the amount of federal match dollars North Dakota received for the funds, ND DHHS then calculates the amount that must be paid back to the federal government. ND DHHS retains the rest.

2. What is the bond term for current crime lab, and what was the cost of the building?

The 2007 legislative assembly provided a total of \$4,923,562 for constructing a new crime lab. The funding consisted of \$3,280,722 in bond proceeds from the 2005-07 bond issue which were intended for an addition to the old crime lab building. However, the Office of Attorney General chose not to construct the addition. The remaining funds, which were used for the new lab, included \$1,442,840 from the general fund and \$200,000 from other funds. The building was completed in October 2008.

3. Which FTE have been vacant over 18 months?

- a. Forensic scientist
- b. Paralegal
- c. Criminal Law Division Attorney – This position has been difficult to fill due to competing salary pressures from State's Attorneys' offices and the U.S. Attorney's office.
- d. Consumer Protection and Antitrust Attorney – This position was recently reclassified from a paralegal to an attorney, and we are seeking authority from you to fill this FTE with an attorney
- e. HIDTA Attorney

4. What are the salaries of all state government attorneys?

See the attached spreadsheet.

5. Why does it take as much time as it does to get an Attorney General opinion?

This is an area where we have an opportunity to improve. We have filled new positions in our General Counsel Division, which is responsible for managing almost all opinions, and our Division Director, Mary Kae Kelsch has worked hard to ensure the new attorneys are trained on state government practice and their areas of specialization. Improving turnaround times for open records/open meetings opinions and legal opinions is high on our list of priorities.

See the attached testimony of Mary Kae Kelsch. She is available to discuss this issue and answer questions.

6. What are the results from hiring BCI agents for the tribal areas?

Our new BCI agents who are serving tribal areas have been incredibly productive. In addition to the various types of onboarding and training they have completed, they have been actively assisting the federal Bureau of Indian Affairs, tribal law enforcement, and other local law enforcement to combat narcotics trafficking in North Dakota and assist with other investigations. They have had many successful seizures of narcotics, including fentanyl, methamphetamine, and marijuana. They also are providing narcotics education to tribal casino employees and performing other outreach activities.

BCI Director Lonnie Grabowska has collected statistics and other information on the work these agents are performing and will provide more detail.

7. What are the increased IT costs for maintenance? Provide information about the jail management system and SAVIN.

Annette Klein and Joe Schell from our IT/CJIS Division have provided the attached documents about these issues and are available to provide information and answer questions.

Maintenance increases:

- a. NDIT increased the monthly fees they charge us for items such as circuits to each location, various licensing costs such as for Office 365 and Adobe, and their monthly Technology Fee.
- b. Software license increases fall into two categories. The first are perpetual licenses where we pay a yearly maintenance contract for ongoing support and important updates to the software. The second are subscription-based licenses where we pay a yearly fee to continue using the product. Costs are increasing for both.

- c. In particular, the maintenance increases for the E-Prosecutor System will increase. Our office uses a document management system called JustWare, which also provides an interface to law enforcement agencies and courts. We offer this free of charge to State's Attorneys' Offices, and 34 of them use the system. This year, the vendor will no longer support JustWare, and we are replacing it with the vendor's new system, E-Prosecutor. As with all software, the maintenance costs for E-Prosecutor will be higher than the maintenance costs for the older software.

Jail management system:

The jail management system is part of the interconnected information system we offer to courts and local government entities free of charge. This larger system as a whole is designed to let jails, prosecutors, courts, victims, and victim advocates create, store, and – as appropriate – exchange records and information easily and reliably. Making the component systems function successfully for users requires complex work on our end. Each component system and each interface between systems is complicated and requires maintenance. But the end result is a much more efficient means of managing information.

The vendor of the current jail management system (Premier One) will no longer support that system in 2027. We need to purchase and install a replacement system that will have maintenance and update support from the vendor.

SAVIN:

SAVIN is the Statewide Automated Victim Information Notification System. We provide this system pursuant to N.D.C.C. 12.1-34-06, and it helps criminal justice agencies such as jails comply with requirements under Marsy's Law and N.D.C.C. Ch. 12.1-34. If a victim chooses to register in the system, SAVIN will notify the victim when their offender is released from custody, escapes, has scheduled court proceedings or parole reviews, or has other status changes.

About 2 years ago, the VINE system, which powers SAVIN, was purchased by a credit reporting agency. The new owner does not sufficiently support the system to keep it operating at an appropriate level. Critical problems go unresolved for lengthy periods of time, and the system must be replaced to satisfy the needs of victims, our office, and the criminal justice system.

8. Crime Lab – how has investment in ballistics and fingerprint disciplines paid off?

Re-establishing units in an accredited forensic crime lab is an exhaustive and time-consuming process. Even so, our Crime Lab successfully established a new, authorized latent fingerprint testing unit and will very soon have a newly authorized firearms testing unit. A tremendous amount of work has gone into these accomplishments.

See the attached testimony of Crime Lab Director Jennifer Penner. She is available to address this issue and answer questions.

9. Would we rather have new or vacant FTE or equity funding?

10. How much money is MFCU "leaving on the table" by not being able to take on more cases?

It is challenging to estimate how much money MFCU "leaves on the table" by being unable to investigate more cases within its authority. Each case is unique, and most are very complex. So the potential recovery in a case is hard to predict without an investigation. A person who defrauds Medicaid not only has to pay back the fraudulently gained funds but also can be subject to fines and penalties for each fraudulent claim. Depending on the facts and the defendant's ability to pay, each case can result in a wide range of recovery amounts.

To try to answer this question, we can look at some cases MFCU is handling or has handled. In one case, a provider was charged with felonies related to fraudulently billing Medicaid approximately \$50,000. In another, MFCU settled a case for approximately \$500,000. Other cases can be much smaller. One recent referrals seems to have involved possible billing fraud in the amount of approximately \$5000.

There are other, non-financial benefits to the state from adding an attorney FTE to MFCU as well. Deterrence, halting ongoing fraud and patient abuse, and quicker resolutions of cases are some of those benefits.

See the attached testimony of MFCU Director, Marina Spahr, for more information. She is available to address this issue and answer questions.

11. Set up a time for a tour of the Crime Lab.

12. OAG staff are present to answer questions.

- a. Finance
- b. General Counsel Division
- c. BCI, including Witness Victim Advocates
- d. MFCU
- e. Crime Lab
- f. IT/CJIS

If there is anyone else from our office you'd like to talk with, we would be happy to arrange that.

13. As requested, the following individuals also are present for questions.

- a. Human Trafficking grantees
- b. Forensic Nurse Examiner grantees

Agency	Position Title	Comp Rate
10100 Governor's Office	General Counsel	\$12,500.00
16000 Legislative Council	Director	\$22,123.00
16000 Legislative Council	Legal Division Director	\$16,855.00
16000 Legislative Council	Assist Legal Division Director	\$11,250.00
16000 Legislative Council	Code Revisor	\$10,835.00
16000 Legislative Council	Counsel	\$9,425.00
16000 Legislative Council	Counsel	\$9,057.00
16000 Legislative Council	Counsel	\$8,792.00
16000 Legislative Council	Counsel	\$7,500.00
16000 Legislative Council	Counsel	\$7,333.00
48500 Workforce Safety & Insurance	General Counsel	\$14,933.88
48500 Workforce Safety & Insurance	Attorney	\$10,268.49
48500 Workforce Safety & Insurance	Attorney	\$6,982.93
53000 Corrections & Rehab	Attorney III	\$12,677.60
12500 Attorney General	Attorney General	\$15,540.38
12500 Attorney General	Chief Deputy Attorney General	\$14,295.00
12500 Attorney General	Assistant Attorney General	\$13,268.00
12500 Attorney General	Assistant Attorney General	\$11,748.00
12500 Attorney General	Assistant Attorney General	\$11,283.00
12500 Attorney General	Assistant Attorney General	\$11,269.00
12500 Attorney General	Assistant Attorney General	\$11,250.00
12500 Attorney General	Assistant Attorney General	\$10,879.00
12500 Attorney General	Assistant Attorney General	\$10,681.00
12500 Attorney General	Assistant Attorney General	\$10,227.00
12500 Attorney General	Assistant Attorney General	\$9,967.00
12500 Attorney General	Assistant Attorney General	\$9,944.00
12500 Attorney General	Assistant Attorney General	\$9,646.00
12500 Attorney General	Assistant Attorney General	\$9,625.00
12500 Attorney General	Assistant Attorney General	\$9,583.33
12500 Attorney General	Assistant Attorney General	\$9,166.66
12500 Attorney General	Assistant Attorney General	\$9,100.00
12500 Attorney General	Assistant Attorney General	\$8,939.00
12500 Attorney General	Assistant Attorney General	\$8,857.00

12500 Attorney General	Assistant Attorney General	\$8,750.00
12500 Attorney General	Assistant Attorney General	\$8,750.00
12500 Attorney General	Assistant Attorney General	\$8,750.00
12500 Attorney General	Assistant Attorney General	\$8,493.00
12500 Attorney General	Assistant Attorney General	\$8,060.00
12500 Attorney General	Assistant Attorney General	\$7,973.00
12500 Attorney General	Assistant Attorney General	\$7,800.00
12500 Attorney General	Assistant Attorney General	\$7,800.00
12500 Attorney General	Assistant Attorney General	\$7,666.66
12500 Attorney General	Assistant Attorney General	\$7,666.66
12500 Attorney General	Assistant Attorney General	\$7,540.00
12500 Attorney General	Assistant Attorney General	\$7,367.00
12500 Attorney General	Assistant Attorney General	\$7,020.00
12500 Attorney General	Assistant Attorney General	\$6,916.00
12500 Attorney General	Assistant Attorney General	\$6,833.00
12500 Attorney General	Assistant Attorney General	\$6,750.00
12500 Attorney General	Assistant Attorney General	\$6,750.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$12,580.00
18000 State Judiciary	DISCIPLINARY COUNSEL	\$12,086.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$11,149.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$10,283.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$10,283.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$9,878.00
18000 State Judiciary	ASSISTANT DISCIPLINARY COUNSEL	\$9,857.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00

18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
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18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
12700 State Tax Commissioner	Attorney III	\$10,972.00
12700 State Tax Commissioner	Attorney III	\$8,750.00
12700 State Tax Commissioner	Attorney I	\$7,780.00
18800 Legal Counsel for Indigents	Attorney III	\$11,012.67
18800 Legal Counsel for Indigents	Attorney III	\$10,535.38
18800 Legal Counsel for Indigents	Attorney III	\$10,435.98
18800 Legal Counsel for Indigents	Attorney III	\$9,895.45
18800 Legal Counsel for Indigents	Attorney III	\$9,103.50
18800 Legal Counsel for Indigents	Attorney III	\$9,066.69
18800 Legal Counsel for Indigents	Attorney II	\$8,907.96
18800 Legal Counsel for Indigents	Attorney II	\$8,423.28
18800 Legal Counsel for Indigents	Attorney II	\$8,404.40
18800 Legal Counsel for Indigents	Attorney II	\$8,205.29
18800 Legal Counsel for Indigents	Attorney II	\$8,205.29
18800 Legal Counsel for Indigents	Attorney II	\$8,047.49
18800 Legal Counsel for Indigents	Attorney II	\$7,214.16
18800 Legal Counsel for Indigents	Attorney II	\$7,068.60
18800 Legal Counsel for Indigents	Attorney I	\$6,519.08
19500 Ethics Commission	Attorney II	\$8,840.00
22600 ND Department of Trust Lands	Assistant Attorney General	\$9,660.00
32500 ND Health and Human Services	Lead Attorney	\$10,356.00

32500 ND Health and Human Services	Attorney	\$10,200.00
32500 ND Health and Human Services	Attorney II	\$9,400.00
32500 ND Health and Human Services	Attorney II	\$9,400.00
32500 ND Health and Human Services	Lead Attorney	\$9,312.00
32500 ND Health and Human Services	SS - Attorney II	\$9,200.00
32500 ND Health and Human Services	Attorney	\$9,100.00
32500 ND Health and Human Services	Attorney	\$9,100.00
32500 ND Health and Human Services	Attorney II	\$9,100.00
32500 ND Health and Human Services	Lead Attorney	\$8,654.00
32500 ND Health and Human Services	Lead Attorney	\$8,424.00
32500 ND Health and Human Services	Lead Attorney	\$8,320.00
32500 ND Health and Human Services	Lead Attorney	\$8,076.00
32500 ND Health and Human Services	Lead Attorney	\$8,076.00
32500 ND Health and Human Services	Attorney	\$7,863.00
32500 ND Health and Human Services	Attorney	\$6,903.00
32500 ND Health and Human Services	Attorney	\$6,864.00
32500 ND Health and Human Services	Attorney	\$6,760.00
32500 ND Health and Human Services	Attorney	\$6,733.00
32500 ND Health and Human Services	Attorney	\$6,599.00
32500 ND Health and Human Services	Attorney	\$6,595.00
32500 ND Health and Human Services	Attorney	\$6,550.00
32500 ND Health and Human Services	Attorney	\$6,500.00
32500 ND Health and Human Services	Attorney	\$47.86
36000 Protection and Advocacy	Attorney III	\$8,587.30
36000 Protection and Advocacy	Attorney II	\$7,319.87
36000 Protection and Advocacy	Attorney II	\$7,200.00
40100 Insurance Department	Attorney Insurance Dept	\$8,358.18
40100 Insurance Department	Attorney Insurance Dept	\$8,208.93
40100 Insurance Department	Attorney Insurance Dept	\$8,066.23
40100 Insurance Department	Attorney Insurance Dept	\$7,971.60
40800 Public Service Commission	Attorney III	\$11,373.00
40800 Public Service Commission	Attorney II	\$8,261.00
41400 Securites Department	Attorney	\$9,783.00
60200 Department of Agriculture	Attorney II	\$11,186.00
80100 Department of Transportation	General Counsel	\$11,774.00
80100 Department of Transportation	Staff Attorney	\$9,769.00

HOUSE APPROPRIATIONS COMMITTEE
EDUCATION AND ENVIRONMENT DIVISION
JANUARY 29, 2025
TESTIMONY OF JENNIFER PENNER
OFFICE OF ATTORNEY GENERAL-CRIME LABORATORY

Mr. Chairman, members of the Committee,

I am Jennifer Penner, Director of the Crime Laboratory for the Office of Attorney General. I am here today to provide you with an update on the progress made with bringing the Latent Prints and Firearms units back to the crime laboratory.

The crime lab has hired three of the four total examiner positions in the Firearms and Latent Prints units and these examiners are currently working at the laboratory. Unfortunately, the lab has experienced a few setbacks with filling the final examiner position in the Firearms unit. The position was offered to two different individuals but ultimately was not filled. The position had to repost several times and is currently being advertised again and will hopefully be filled in the near future.

All of the required equipment has been purchased for both the Firearms and Latent Print units. The technical leaders for both of these units have spent the past year writing numerous policies and procedures for their sections as well as completing the validations of each procedure and piece of equipment prior to their use in casework as required by the laboratory's accreditation. The technical leader of the Latent Prints unit has been authorized for casework and the laboratory is now accepting submissions of Latent Print cases from agencies. The Firearms technical leader is still finalizing the last few procedures and will be authorized for casework soon. Submissions of Firearm evidence from law enforcement agencies will be allowed shortly after. Until the trainee positions within each of these units has completed their training program, the crime lab has established an MOU with the South Dakota forensic laboratory for peer review of the Latent Print unit technical leader's cases, and the lab is in the process of finalizing an MOU agreement with the Montana forensic laboratory for peer review of the Firearm unit technical leader's cases.



Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Armstrong Budget				House Version				House Compared to Armstrong Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877				\$0		(\$1,020,488)	(\$664,389)	(\$1,684,877)
Salary increase		1,644,886	883,866	2,528,752				0		(1,644,886)	(883,866)	(2,528,752)
Health insurance increase		990,921	570,451	1,561,372				0		(990,921)	(570,451)	(1,561,372)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		\$4,066,038	\$536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool				0				0				0
Adjusts funding for the 2025-27 vacant FTE pool				0		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)
Adds funding for a FTE evidence technician position	1.00	189,393		189,393				0	(1.00)	(189,393)		(189,393)
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303				0	(1.00)	(85,826)	(257,477)	(343,303)
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104				0	(1.00)	(177,104)		(177,104)
Adds funding for FTE victim witness advocate	2.00	475,204		475,204				0	(2.00)	(475,204)		(475,204)
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000				0			(30,000)	(30,000)
Adds funding for salary equity increases		254,317	37,460	291,777				0		(254,317)	(37,460)	(291,777)
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0				0		(1,790,559)	1,790,559	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0				0		(953,575)	953,575	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)				0		1,531,995	806,359	2,338,354
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000				0		(192,000)		(192,000)
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886				0		(1,118,060)	(20,826)	(1,138,886)
Reduces funding for bond payments		(330,000)		(330,000)				0		330,000		330,000
Total ongoing funding changes	5.00	\$13,732,329	\$1,071,959	\$14,804,288	0.00	\$5,665,059	\$1,602,025	\$7,267,084	(5.00)	(\$8,067,270)	\$530,066	(\$7,537,204)
One-Time Funding Items												
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	\$554,000	\$954,000				\$0		(\$400,000)	(\$554,000)	(\$954,000)
Adds funding to replace IT network switches		32,000		32,000				0		(32,000)		(32,000)
Adds funding to replace BCI undercover vehicles			660,000	660,000				0			(660,000)	(660,000)
Adds funding for portable handheld dual-band radios			105,000	105,000				0			(105,000)	(105,000)
Adds funding for the statewide litigation funding pool			5,000,000	5,000,000				0			(5,000,000)	(5,000,000)
Adds funding to replace the criminal justice information system jail management system		650,000		650,000				0		(650,000)		(650,000)
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000				0			(1,500,000)	(1,500,000)
Total one-time funding changes	0.00	\$1,082,000	\$7,819,000	\$8,901,000	0.00	\$0	\$0	\$0	0.00	(\$1,082,000)	(\$7,819,000)	(\$8,901,000)

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
1/31/2025

Relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

9:05 a.m. Chairman Nathe opened the meeting.

Members Present: Chairman Nathe, Vice Chairman Swiontek, Representatives Hanson, Louser, Martinson, Richter, Sanford

Discussion Topics:

- Health Insurance
- FTE pool
- Fraud Control Unit
- Refund funding

9:07 a.m. Levi Kinnischtze, Senior Fiscal Analyst, Legislative Council, stood for questions and submitted testimony #33705.

9:46 a.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk by Janae Pinks

Legislative Council

Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Armstrong Budget				House Version				House Compared to Armstrong Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		1,644,886	883,866	2,528,752		1,618,067	883,866	2,501,933		(\$26,819)		(26,819)
Health insurance increase		990,921	570,451	1,561,372		966,901	570,451	1,537,352		(24,020)		(24,020)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool				0		(7,342)	(22,026)	(29,368)		(7,342)	(\$22,026)	(29,368)
Adjusts funding for the 2025-27 vacant FTE pool				0		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)
Adds funding for a FTE evidence technician position	1.00	189,393		189,393				0	(1.00)	(189,393)		(189,393)
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104				0	(1.00)	(177,104)		(177,104)
Adds funding for FTE victim witness advocate	2.00	475,204		475,204				0	(2.00)	(475,204)		(475,204)
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases		254,317	37,460	291,777		254,317	37,460	291,777				0
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		1,790,559	(1,790,559)	0				0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		953,575	(953,575)	0				0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Adds funding for tobacco settlement enforcement				0			239,716	239,716			239,716	239,716
Removes funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Total ongoing funding changes	5.00	\$13,732,329	\$1,071,959	\$14,804,288	1.00	\$11,795,515	\$733,691	\$12,529,206	(4.00)	(\$1,936,814)	(\$338,268)	(\$2,275,082)
One-Time Funding Items												
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	\$554,000	\$954,000		\$400,000	\$554,000	\$954,000				\$0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0
Adds funding to replace BCI undercover vehicles			660,000	660,000			540,000	540,000			(\$120,000)	(120,000)
Adds funding for portable handheld dual-band radios			105,000	105,000			105,000	105,000				0
Adds federal funding for intoxilyzers				0			188,000	188,000			188,000	188,000
Adds funding for a retired law enforcement dogs program				0		110,000		110,000		\$110,000		110,000
Adds funding for human trafficking victim grants				0		650,000		650,000		650,000		650,000
Adds funding for the statewide litigation funding pool			5,000,000	5,000,000			8,000,000	8,000,000			3,000,000	3,000,000

Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000			1,500,000	1,500,000				0
Total one-time funding changes	0.00	\$1,082,000	\$7,819,000	\$8,901,000	0.00	\$1,842,000	\$10,887,000	\$12,729,000	0.00	\$760,000	\$3,068,000	\$3,828,000
Total Changes to Base Level Funding	5.00	\$14,814,329	\$8,890,959	\$23,705,288	1.00	\$13,637,515	\$11,620,691	\$25,258,206	(4.00)	(\$1,176,814)	\$2,729,732	\$1,552,918
2025-27 Total Funding	271.00	\$63,838,594	\$50,805,779	\$114,644,373	267.00	\$62,661,780	\$53,535,511	\$116,197,291	(4.00)	(\$1,176,814)	\$2,729,732	\$1,552,918
<i>Federal funds included in other funds</i>			\$15,221,406			\$15,296,865				\$75,459		
<i>Total ongoing changes - Percentage of base level</i>	1.9%	28.0%	2.6%	16.3%	0.4%	24.1%	1.8%	13.8%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	1.9%	30.2%	21.2%	26.1%	0.4%	27.8%	27.7%	27.8%	N/A	N/A	N/A	N/A

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version
New and vacant FTE pool line item		Section 3 provides the Attorney General cannot spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to the salaries and wages line item.
Appropriation - Additional federal funds or other funds		Section 4 appropriates \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Transfer - Statewide litigation funding pool to state agencies - SIIF		Section 5 identifies \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.
Human trafficking victims grant program - Requirements - Reports		Section 6 identifies \$1,110,614 appropriated from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2025-27 biennium.
Forensic nurse examiners grant program - Reports		Section 7 identifies \$252,676 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2025-27 biennium.
Retired law enforcement dogs program		Section 8 identifies \$110,000 appropriated from the general fund is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
Other funds - Tobacco settlement trust fund		Section 9 identifies \$239,716 appropriated from the tobacco settlement trust fund for the purpose of enforcing the master settlement agreement and any related disputes.

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version	
Amendment - Attorney General salary		Section 10 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	
Amendment - Tobacco settlement trust fund		Section 11 amends Section 54-27-25 to allow the Attorney General to use funding in the tobacco settlement trust fund for enforcing the master settlement agreement and any disputes with the agreement.	
Criminal history record checks - Fees		Section 12 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	
Exemption - Contingent fee arrangement		Section 13 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	
Exemption - Attorney General refund fund		Section 14 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	
Exemption - Legal case management system		Subsection 1 of Section 15 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	
Exemption - Criminal history improvement project		Subsection 2 of Section 15 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	
Exemption - Federal State Fiscal Recovery Fund		Subsection 3 of Section 15 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	
Exemption - Charitable gaming technology system		Subsection 4 of Section 15 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Licensing and deposit system		Subsection 5 of Section 15 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit system during the 2023-25 biennium into the 2025-27 biennium.	

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version	
Exemption - Anti-methamphetamine program		Subsection 6 of Section 15 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
2/3/2025

Relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

2:40 p.m. Chairman Nathe opened the meeting.

Members Present: Chairman Nathe, Vice Chairman Swiontek, Representatives Hanson, Louser, Martinson, Richter, Sanford

Discussion Topics:

- Executive staff position
- One time funding
- Gaming revenue

2:40 p.m. Chairman Nathe reviewed updated long sheet, testimony #33968.

2:45 p.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk by Janae Pinks

February 3, 2025

Legislative Council

Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Armstrong Budget				House Version				House Compared to Armstrong Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		1,644,886	883,866	2,528,752		1,618,067	883,866	2,501,933		(\$26,819)		(26,819)
Health insurance increase		990,921	570,451	1,561,372		966,901	570,451	1,537,352		(24,020)		(24,020)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool				0		(61,940)	(41,813)	(103,753)		(61,940)	(\$41,813)	(103,753)
Adjusts funding for the 2025-27 vacant FTE pool				0		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)
Adds funding for a FTE evidence technician position	1.00	189,393		189,393	1.00	189,393		189,393				0
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104				0	(1.00)	(177,104)		(177,104)
Adds funding for FTE victim witness advocate	2.00	475,204		475,204	1.00	237,602		237,602	(1.00)	(237,602)		(237,602)
Adds funding for a FTE executive staff officer position				0	1.00	195,432		195,432	1.00	195,432		195,432
Adds funding for a FTE tobacco compliance auditor position				0	1.00		239,716	239,716	1.00		239,716	239,716
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases		254,317	37,460	291,777		254,317	37,460	291,777				0
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		1,790,559	(1,790,559)	0				0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		953,575	(953,575)	0				0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Removes funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Total ongoing funding changes	5.00	\$13,732,329	\$1,071,959	\$14,804,288	5.00	\$12,363,344	\$713,904	\$13,077,248	0.00	(\$1,368,985)	(\$358,055)	(\$1,727,040)
One-Time Funding Items												
Adds funding from gaming funds for operating expenses				\$0			\$2,000,000	\$2,000,000			\$2,000,000	\$2,000,000
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	\$554,000	954,000		\$400,000	554,000	954,000				0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0
Adds funding to replace BCI undercover vehicles			660,000	660,000			540,000	540,000			(120,000)	(120,000)
Adds funding for portable handheld dual-band radios			105,000	105,000			105,000	105,000				0
Adds federal funding for intoxilyzers				0			188,000	188,000			188,000	188,000

Adds funding for a retired law enforcement dogs program				0		110,000		110,000		\$110,000		110,000
Adds funding for human trafficking victim grants				0		650,000		650,000		650,000		650,000
Adds funding for the statewide litigation funding pool			5,000,000	5,000,000			8,000,000	8,000,000			3,000,000	3,000,000
Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000			1,500,000	1,500,000				0
Total one-time funding changes	0.00	\$1,082,000	\$7,819,000	\$8,901,000	0.00	\$1,842,000	\$12,887,000	\$14,729,000	0.00	\$760,000	\$5,068,000	\$5,828,000
Total Changes to Base Level Funding	5.00	\$14,814,329	\$8,890,959	\$23,705,288	5.00	\$14,205,344	\$13,600,904	\$27,806,248	0.00	(\$608,985)	\$4,709,945	\$4,100,960
2025-27 Total Funding	271.00	\$63,838,594	\$50,805,779	\$114,644,373	271.00	\$63,229,609	\$55,515,724	\$118,745,333	0.00	(\$608,985)	\$4,709,945	\$4,100,960
Federal funds included in other funds				\$15,221,406				\$15,296,865				\$75,459
Total ongoing changes - Percentage of base level	1.9%	28.0%	2.6%	16.3%	1.9%	25.2%	1.7%	14.4%	N/A	N/A	N/A	N/A
Total changes - Percentage of base level	1.9%	30.2%	21.2%	26.1%	1.9%	29.0%	32.4%	30.6%	N/A	N/A	N/A	N/A

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version
New and vacant FTE pool line item		Section 3 provides the Attorney General cannot spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to the salaries and wages line item.
Appropriation - Additional federal funds or other funds		Section 4 appropriates \$250,000 from federal or other funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Transfer - Charitable gaming operating fund to attorney general operating fund		Section 5 transfers \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item.
Transfer - Statewide litigation funding pool to state agencies - SIIF		Section 6 identifies \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.
Human trafficking victims grant program - Requirements - Reports		Section 7 identifies \$1,760,614 appropriated from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the 2025-27 biennium.
Forensic nurse examiners grant program - Reports		Section 8 identifies \$252,676 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the 2025-27 biennium.

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version
Retired law enforcement dogs program		Section 9 identifies \$110,000 appropriated from the general fund is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
Other funds - Tobacco settlement trust fund		Section 10 identifies \$239,716 appropriated from the tobacco settlement trust fund for the purpose of enforcing the master settlement agreement and any related disputes.
Amendment - Attorney General salary		Section 11 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.
Amendment - Tobacco settlement trust fund		Section 12 amends Section 54-27-25 to allow the Attorney General to use funding in the tobacco settlement trust fund for enforcing the master settlement agreement and any disputes with the agreement.
Criminal history record checks - Fees		Section 13 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
Exemption - Contingent fee arrangement		Section 14 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
Exemption - Attorney General refund fund		Section 15 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
Exemption - Legal case management system		Subsection 1 of Section 16 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.
Exemption - Criminal history improvement project		Subsection 2 of Section 16 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.
Exemption - Federal State Fiscal Recovery Fund		Subsection 3 of Section 16 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version	
Exemption - Charitable gaming technology system		Subsection 4 of Section 16 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Licensing and deposit system		Subsection 5 of Section 16 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Anti-methamphetamine program		Subsection 6 of Section 16 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
2/5/2025

A Bill for an Act to provide an appropriation for defraying the expenses of the attorney general and to provide for a report.

9:10 a.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives Louser, Martinson, Richter, Sanford and Hanson

Discussion Topics:

- Statement of purpose
- Amendment

9:15 a.m. Nathe reviewed proposed amendment LC# 25.0147.01004, #35296.

9:26 a.m. Representative Swiontek moved to adopt amendment LC# 25.0147.01004, #35296.

9: 26 a.m. Representative Martinson seconded the motion.

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	A
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y

9:26 a.m. Motion passed 6-0-1.

9:27 a.m. Representative Martinson moved a Do Pass as Amended

9:27 a.m. Representative Sanford seconded the motion.

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	A
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	Y

Motion Passed 6-0-1.

Chairman Nathe will carry the bill.

9:33 a.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk

25.0147.01004
Title.
Fiscal No. 2

Prepared by the Legislative Council
staff for House Appropriations -
Education and Environment Division
Committee

February 4, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 ~~and to amend and reenact sections 54-12-11 and 54-27-25 of the North Dakota Century Code.~~
3 ~~relating to the salary of the attorney general and uses of the tobacco settlement trust fund;~~ to
4 provide for a report; ~~to provide for a transfer; to provide an exemption; and to declare an~~
5 ~~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 other funds derived from special funds and
10 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
11 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>
13			
14	Salaries and wages	\$53,007,980	\$0
15	Operating expenses	17,579,264	0
16	Capital assets	606,000	0
17	Grants	3,903,440	0
18	Human trafficking victims grants	1,110,614	0
19	Forensic nurse examiners grants	252,676	0

Sixty-ninth
Legislative Assembly

1	Litigation fees	127,500	0	127,500
2	Medical examinations	660,000	0	660,000
3	Children's forensic interviews	304,560	0	304,560
4	North Dakota lottery	5,413,453	0	5,413,453
5	Arrest and return of fugitives	8,500	0	8,500
6	Gaming commission	7,489	0	7,489
7	Criminal justice information sharing	4,579,950	0	4,579,950
8	Law enforcement	3,377,659	0	3,377,659
9	Total all funds	\$90,939,085	\$0	\$90,939,085
10	Less other funds	41,914,820	0	41,914,820
11	Total general fund	\$49,024,265	\$0	\$49,024,265
12	Full-time equivalent positions	266.00	0.00	266.00
13	Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
14	New and vacant FTE pool	0	4,455,869	4,455,869
15	Operating expenses	17,579,264	924,250	18,503,514
16	Prosecution witness fees	0	95,056	95,056
17	Capital assets	606,000	1,089,000	1,695,000
18	Grants	3,903,440	110,000	4,013,440
19	Human trafficking victims grants	1,110,614	656,900	1,767,514
20	Forensic nurse examiners grants	252,676	1,568	254,244
21	Statewide litigation funding pool	0	8,000,000	8,000,000
22	Litigation fees	127,500	0	127,500
23	Medical examinations	660,000	0	660,000
24	Children's forensic interviews	304,560	0	304,560
25	North Dakota lottery	5,413,453	167,152	5,580,605
26	Arrest and return of fugitives	8,500	0	8,500
27	Gaming commission	7,489	0	7,489
28	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
29	Law enforcement	3,377,659	289,999	3,667,658
30	Total all funds	\$90,939,085	\$27,349,335	\$118,288,420
31	Less other funds	41,914,820	13,563,444	55,478,264

1	<u>Total general fund</u>	<u>\$49,024,265</u>	<u>\$13,785,891</u>	<u>\$62,810,156</u>
2	<u>Full-time equivalent positions</u>	<u>266.00</u>	<u>4.00</u>	<u>270.00</u>

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

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

8	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
9	Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
10	Laboratory equipment and supplies	400,000	554,000	954,000
11	Network switches	32,000	0	32,000
12	Undercover vehicles	0	540,000	540,000
13	Portable handheld radios	0	105,000	105,000
14	Intoxilyzers	0	188,000	188,000
15	Retired law enforcement dogs program	110,000	0	110,000
16	Human trafficking victims grants	650,000	0	650,000
17	Statewide litigation funding pool	0	8,000,000	8,000,000
18	Jail management system replacement	650,000	0	650,000
19	Statewide automated victim identification	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
20	notification system replacement			
21	Total	\$1,842,000	\$12,887,000	\$14,729,000

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

28 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
29 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
30 federal or special funds, the sum of \$250,000, or so much of the sum as may be necessary, to
31 the attorney general for the purposes of defraying the expenses of the office, for the biennium

beginning July 1, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY

GENERAL OPERATING FUND. Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND

TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of \$10,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, \$8,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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

~~\$1,110,614~~ \$1,767,514 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

1 legislative management during the 2025-26 interim on the status and results of the grant
2 program.

3 **SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
4 forensic nurse examiners grants line item in section 1 of this Act includes ~~\$252,676~~\$254,244
5 from the general fund for the purpose of providing forensic nurse examiner program grants for
6 community-based or hospital-based sexual assault examiner programs and related
7 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any
8 organization that receives a grant under this section shall report to the attorney general and the
9 appropriations committees of the seventieth legislative assembly on the use of the funds
10 received and the outcomes of its programs. The attorney general shall report to the
11 appropriations committees of the seventieth legislative assembly on the number of nurses
12 trained, the number and location of nurses providing services related to sexual assault nurse
13 examiner programs, and documentation of collaborative efforts to assist victims which includes
14 nurses, the hospital or clinic, law enforcement, and state's attorneys.

15 **SECTION 9. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**
16 The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement
17 dogs program, which the attorney general shall create to assist local and state law enforcement
18 dogs that are retired by reason of age or medical condition. The attorney general shall
19 reimburse the handler of a law enforcement dog if the handler is authorized to retain possession
20 of a retired law enforcement dog in a private setting at the handler's home and if the handler
21 submits itemized receipts each quarter for medical bills of the law enforcement dog.
22 Reimbursements made under the program may not exceed \$2,000 per retired law enforcement
23 dog per fiscal year. The attorney general shall adopt any rules necessary to implement this
24 section.

25 **SECTION 10. OTHER FUNDS - TOBACCO SETTLEMENT TRUST FUND.** The salaries
26 and wages line item and operating expenses line item in section 1 of this Act include the sum of
27 \$239,716 from the tobacco settlement trust fund for a tobacco compliance auditor position to
28 enforce the master settlement agreement and any disputes with the agreement.

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

54-12-11. Salary of attorney general.

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

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

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

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

SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES. Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-eighth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the general fund, for the biennium beginning July 1, 2025, and ending June 30, 2027.

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

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

SECTION 16. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.
2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

SECTION 17. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool		4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514
Prosecution witness fees		95,056	95,056
Capital assets	606,000	1,089,000	1,695,000
Grants	3,903,440	110,000	4,013,440
Litigation fees	127,500		127,500
Human trafficking victims grants	1,110,614	656,900	1,767,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool		8,000,000	8,000,000
Medical examinations	660,000		660,000
Children's forensic interviews	304,560		304,560
North Dakota Lottery	5,413,453	167,152	5,580,605
Arrest and return of fugitives	8,500		8,500
Gaming Commission	7,489		7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	3,377,659	289,999	3,667,658
Additional income		250,000	250,000
Total all funds	\$90,939,085	\$27,599,335	\$118,538,420
Less estimated income	41,914,820	13,813,444	55,728,264
General fund	\$49,024,265	\$13,785,891	\$62,810,156
FTE	266.00	4.00	270.00

Department 125 - Attorney General - Detail of House Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for FTE Positions ³	Adds Funding to Replace 2023-25 new and Vacant FTE Pool ⁴	Transfers Funding for 2025-27 New and Vacant FTE Pool ⁵	Adjusts Funding from Other Funds to the General Fund ⁶
Salaries and wages	\$1,460,327	\$3,643,138	\$851,254	\$8,411,787	(\$5,556,432)	
New and vacant FTE pool					4,455,869	
Operating expenses			146,590			
Prosecution witness fees						
Capital assets						
Grants						
Litigation fees						
Human trafficking victims grants	685	6,980		7,814	(8,579)	
Forensic nurse examiners grants	162	1,677		1,788	(2,059)	
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	54,627	150,725		150,552	(190,746)	
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	26,982	78,293		76,802	(100,432)	
Law enforcement	142,094	209,311		211,231	(272,637)	
Additional income						
Total all funds	\$1,684,877	\$4,090,124	\$997,844	\$8,859,974	(\$1,675,016)	\$0
Less estimated income	664,389	1,454,317	527,193	2,157,983	(597,771)	(2,744,134)
General fund	\$1,020,488	\$2,635,807	\$470,651	\$6,701,991	(\$1,077,245)	\$2,744,134
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Adjusts Base Level Funding ⁷	Adds Funding from Gaming Tax Revenues ⁸	Adds One- Time Funding for Operating and Capital Assets ⁹	Adds One- Time Funding for a Retired Law Enforcement Dogs Program ¹⁰	Adds One- Time Funding for Human Trafficking Victims Grants ¹¹	Adds One- Time Funding for the Statewide Litigation Funding Pool ¹²
Salaries and wages						
New and vacant FTE pool						
Operating expenses	(\$1,622,340)	\$2,000,000	\$400,000			
Prosecution witness fees	95,056					
Capital assets	(330,000)		1,419,000			
Grants				\$110,000		
Litigation fees						
Human trafficking victims grants					\$650,000	
Forensic nurse examiners grants						
Statewide litigation funding pool						\$8,000,000
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	1,994					
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	517,822					
Law enforcement						
Additional income						
Total all funds	(\$1,337,468)	\$2,000,000	\$1,819,000	\$110,000	\$650,000	\$8,000,000
Less estimated income	(785,533)	2,000,000	1,387,000	0	0	8,000,000
General fund	(\$551,935)	\$0	\$432,000	\$110,000	\$650,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for CJIS IT Replacement Projects ¹³	Adds One- Time Funding for Additional Income ¹⁴	Total House Changes
Salaries and wages			\$8,810,074
New and vacant FTE pool			4,455,869
Operating expenses			924,250
Prosecution witness fees			95,056
Capital assets			1,089,000
Grants			110,000
Litigation fees			
Human trafficking victims grants			656,900
Forensic nurse examiners grants			1,568
Statewide litigation funding pool			8,000,000
Medical examinations			
Children's forensic interviews			
North Dakota Lottery			167,152
Arrest and return of fugitives			
Gaming Commission			
Criminal justice information sharing	\$2,150,000		2,749,467
Law enforcement			289,999
Additional income		\$250,000	250,000
Total all funds	\$2,150,000	\$250,000	\$27,599,335
Less estimated income	1,500,000	250,000	13,813,444
General fund	\$650,000	\$0	\$13,785,891
FTE	0.00	0.00	4.00

¹ Funding is added for cost to continue 2023-25 biennium salary increases.

² The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,644,886	\$883,866	\$2,528,752
Health insurance increase	<u>990,921</u>	<u>570,451</u>	<u>1,561,372</u>
Total	\$2,635,807	\$1,454,317	\$4,090,124

³ The following FTE positions and related salaries and wages and operating expenses are added as follows:

	FTE Positions	General Fund	Other Funds	Total
State Crime Laboratory evidence technician	1.00	\$189,393	\$0	\$189,393
Medicaid Fraud Control Unit attorney	1.00	85,826	257,477	343,303
Executive staff officer	1.00	195,432	0	195,432
Tobacco compliance auditor	1.00	0	239,716	239,716
Reclassification of a paralegal position to an attorney position	<u>0.00</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
Total	4.00	\$470,651	\$527,193	\$997,844

⁴ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
New FTE positions	\$4,066,038	\$536,813	\$4,602,851
Vacant FTE positions	<u>2,635,953</u>	<u>1,621,170</u>	<u>4,257,123</u>
Total	\$6,701,991	\$2,157,983	\$8,859,974

⁵ Funding of \$6,347,160 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$4,650,517 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$403,125)	(\$418,128)	(\$821,253)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$3,859,562)	(\$2,271,323)	(\$6,130,885)
Funding pool line item	<u>2,782,317</u>	<u>1,673,552</u>	<u>4,455,869</u>
Net savings	(\$1,077,245)	(\$597,771)	(\$1,675,016)

⁶ Funding of \$2,744,134 is transferred from the Attorney General refund fund to the general fund, including \$1,790,559 for prior biennium salary equity increases and \$953,575 for operating expenses.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Reduces funding for operating expenses	(\$1,531,995)	(\$806,359)	(\$2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance	192,000	0	192,000
Adds funding for software hosting and maintenance and other information technology costs	1,118,060	20,826	1,138,886
Transfers \$95,056 from the general fund for prosecution witness fees from the operating expenses line item to a new line item	0	0	0
Removes funding for bond payments related to the State Crime Laboratory	<u>(330,000)</u>	<u>0</u>	<u>(330,000)</u>
Total	(\$551,935)	(\$785,533)	(\$1,337,468)

⁸ Funding of \$2,000,000 is added for operating expenses. A section is added to the bill to provide for a transfer of \$2,000,000 from the charitable gaming operating fund to the Attorney General operating fund rather than being transferred to the general fund at the end of the 2023-25 biennium. An emergency clause is added to provide for the transfer before the end of the 2023-25 biennium.

⁹ One-time funding of \$1,819,000 is added for operating expenses and capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory equipment and supplies, including \$233,000 from federal funds and \$321,000 from the strategic investment and improvements fund (SIIF)	\$400,000	\$554,000	\$954,000
Information technology network switches	32,000	0	32,000
Bureau of Criminal Investigation (BCI) undercover vehicles (SIIF)	0	540,000	540,000
Portable handheld dual-band radios (SIIF)	0	105,000	105,000
Intoxilyzers (federal funds)	0	188,000	188,000
Total	\$432,000	\$1,387,000	\$1,819,000

¹⁰ One-time funding of \$110,000 is added from the general fund for a retired law enforcement dogs program. A section is added to the bill to provide for program requirements.

¹¹ One-time funding of \$650,000 is added from the general fund for human trafficking victims grants to provide a total of \$1.77 million from the general fund.

¹² One-time funding of \$8 million is added from SIIF for the statewide litigation funding pool.

¹³ One-time funding of \$2,150,000 is added for criminal justice information sharing information technology projects, including \$650,000 from the general fund to replace the jail management system and \$1,500,000 from SIIF to replace the statewide automated victim identification notification (SAVIN) system.

¹⁴ One-time funding of \$250,000 is added from federal funds or special funds received during the 2025-27 biennium, the same amount provided for since the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

- Adds a section regarding the use of funding in the new and vacant FTE pool line item.
- Adds a section to appropriate one-time funding of \$250,000 from federal or special funds to the Attorney General that is in excess of the amount appropriated in Section 1.
- Adds a section to transfer \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses, including litigation expenses, and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item. This section will result in a \$2,000,000 reduction in general fund revenue.
- Adds a section to identify \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dualband radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 202527 biennium.
- Amends a section regarding the amount of funding appropriated in Section 1 for human trafficking victims grants.
- Amends a section regarding the amount of funding appropriated in Section 1 for forensic nurse examiner grants.
- Adds a section to identify \$110,000 appropriated from the general fund in Section 1 is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
- Adds a section to identify \$239,716 appropriated from the tobacco settlement trust fund for the purpose of enforcing the master settlement agreement and any related disputes.
- Adds a section to amend North Dakota Century Code Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.
- Adds a section to amend Section 54-27-25 to allow the Attorney General to use funding in the tobacco settlement trust fund for enforcing the master settlement agreement and any disputes with the agreement.
- Adds a section to require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
- Adds a section authorizing an exemption providing, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to

ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.

- Adds a section authorizing an exemption to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
- Adds a section authorizing 6 exemptions to allow the Attorney General to continue any remaining funding from prior biennium appropriations for the legal case management system, criminal history improvement project, federal State Fiscal Recovery Fund projects, charitable gaming technology system, licensing and deposit system, and anti-methamphetamine program, into the 2025-27 biennium.

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
2/10/2025

A Bill for an act to provide an appropriation for defraying the expenses of the attorney general and to provide for a report.

10:16 a.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Vice Chairman Swiontek, Representatives Louser, Martinson, Richter, Sanford and Hanson

Members absent: Representative Sanford

Discussion Topics:

- Tobacco

10:16 a.m. Representative Martinson moved to bring back HB 1003 for reconsideration.

10:17 a.m. Representative Swiontek seconded.

10:17 a.m. Roll call vote

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	A

Motion passed 6-0-1

10:18 a.m. Representative Nathe reviewed testimony #36761.

10:20 a.m. Becky Keller, Finance Director, reviewed proposed amendment, #36660, LC#25.0147.01005.

10:26 a.m. Representative Martinson moved to adopt the amendment

10:26 a.m. Representative Swiontek seconded.

10:26 a.m. Roll call vote

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	A

Motion carried 6-0-1

10:27 a.m. Representative Martinson moved to pass HB 1003 as amended.

10:27 a.m. Representative Richter seconded.

10:27 a.m. Roll call vote

Representatives	Vote
Representative Mike Nathe	Y
Representative Steve Swiontek	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative David Richter	Y
Representative Mark Sanford	A

Motion carried 6-0-1

Representative Nathe will carry the bill.

Additional written testimony:

Levi Kinnischtzke, Fiscal Analyst, Legislative Council, submitted neutral testimony #36660, #36760, and #36761.

10:32 a.m. Chairman Nathe closed the meeting.

Steven Riehl, Committee Clerk

25.0147.01005
Title.
Fiscal No. 3

Prepared by the Legislative Council
staff for House Appropriations -
Education and Environment Division
Committee

February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 and to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to
3 an electronic smoking device directory, electronic smoking device manufacturing fee, and
4 electronic smoking fund; to amend and reenact section 54-12-11 of the North Dakota Century
5 Code, relating to the salary of the attorney general; to provide for a report; to provide for a
6 transfer; to provide an exemption; and to declare an emergency.

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	\$0	\$53,007,980
16 Operating expenses	17,579,264	0	17,579,264
17 Capital assets	606,000	0	606,000
18 Grants	3,903,440	0	3,903,440
19 Human trafficking victims grants	1,110,614	0	1,110,614

Sixty-ninth
Legislative Assembly

1	Forensic nurse examiners grants	252,676	0	252,676
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	0	5,413,453
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	0	4,579,950
9	Law enforcement	3,377,659	0	3,377,659
10	Total all funds	\$90,939,085	\$0	\$90,939,085
11	Less other funds	41,914,820	0	41,914,820
12	Total general fund	\$49,024,265	\$0	\$49,024,265
13	Full-time equivalent positions	266.00	0.00	266.00
14	Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
15	New and vacant FTE pool	0	4,455,869	4,455,869
16	Operating expenses	17,579,264	924,250	18,503,514
17	Prosecution witness fees	0	95,056	95,056
18	Capital assets	606,000	1,089,000	1,695,000
19	Grants	3,903,440	110,000	4,013,440
20	Human trafficking victims grants	1,110,614	656,900	1,767,514
21	Forensic nurse examiners grants	252,676	1,568	254,244
22	Statewide litigation funding pool	0	8,000,000	8,000,000
23	Litigation fees	127,500	0	127,500
24	Medical examinations	660,000	0	660,000
25	Children's forensic interviews	304,560	0	304,560
26	North Dakota lottery	5,413,453	167,152	5,580,605
27	Arrest and return of fugitives	8,500	0	8,500
28	Gaming commission	7,489	0	7,489
29	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
30	Law enforcement	3,377,659	289,999	3,667,658
31	Total all funds	\$90,939,085	\$27,349,335	\$118,288,420

1	Less other funds	41,914,820	13,563,444	55,478,264
2	Total general fund	\$49,024,265	\$13,785,891	\$62,810,156
3	Full-time equivalent positions	266.00	4.00	270.00

4 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
5 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding
6 items included in the appropriation in section 1 of this Act which are not included in the entity's
7 base budget for the 2027-29 biennium and which the entity shall report to the appropriations
8 committees of the seventieth legislative assembly regarding the use of this funding:

9	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
10	Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
11	Laboratory equipment and supplies	400,000	554,000	954,000
12	Network switches	32,000	0	32,000
13	Undercover vehicles	0	540,000	540,000
14	Portable handheld radios	0	105,000	105,000
15	Intoxilyzers	0	188,000	188,000
16	Retired law enforcement dogs program	110,000	0	110,000
17	Human trafficking victims grants	650,000	0	650,000
18	Statewide litigation funding pool	0	8,000,000	8,000,000
19	Jail management system replacement	650,000	0	650,000
20	Statewide automated victim identification	0	1,500,000	1,500,000
21	notification system replacement			
22	Total	\$1,842,000	\$12,887,000	\$14,729,000

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

29 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
30 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
31 federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND. Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of \$10,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, \$8,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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 ~~\$1,110,614~~ \$1,767,514 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 ~~\$252,676~~\$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. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT. The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement dogs program, which the attorney general shall create to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.

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

SECTION 11. A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

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

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

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

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

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

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

3. Each certification form must be accompanied by a fee of five hundred dollars for each
electronic smoking device containing nicotine that is listed on the form. Revenue from
the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of
fees collected pursuant to subsection 3 and all moneys transferred to the fund by the
legislative assembly. Moneys in the fund may be spent by the attorney general for the
administration and enforcement of this chapter, subject to legislative appropriations.

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

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

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

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

54-12-11. Salary of attorney general.

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

SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES. Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-eighth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the general fund, for the biennium beginning July 1, 2025, and ending June 30, 2027.

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

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

SECTION 16. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.
2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

SECTION 17. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

Bill No. 1003

Fiscal No. 3

25.0147.01005s

02/05/2025

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool		4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514
Prosecution witness fees		95,056	95,056
Capital assets	606,000	1,089,000	1,695,000
Grants	3,903,440	110,000	4,013,440
Litigation fees	127,500		127,500
Human trafficking victims grants	1,110,614	656,900	1,767,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool		8,000,000	8,000,000
Medical examinations	660,000		660,000
Children's forensic interviews	304,560		304,560
North Dakota Lottery	5,413,453	167,152	5,580,605
Arrest and return of fugitives	8,500		8,500
Gaming Commission	7,489		7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	3,377,659	289,999	3,667,658
Additional income		250,000	250,000
Total all funds	\$90,939,085	\$27,599,335	\$118,538,420
Less estimated income	41,914,820	13,813,444	55,728,264
General fund	\$49,024,265	\$13,785,891	\$62,810,156
FTE	266.00	4.00	270.00

Department 125 - Attorney General - Detail of House Changes

	Adds Funding for the Cost to Continue Salaries¹	Adds Funding for Salary and Benefit Increases²	Adds Funding for FTE Positions³	Adds Funding to Replace 2023-25 new and Vacant FTE Pool⁴	Transfers Funding for 2025-27 New and Vacant FTE Pool⁵	Adjusts Funding from Other Funds to the General Fund⁶
Salaries and wages	\$1,460,327	\$3,643,138	\$851,254	\$8,411,787	(\$5,556,432)	
New and vacant FTE pool					4,455,869	
Operating expenses			146,590			
Prosecution witness fees						
Capital assets						
Grants						
Litigation fees						
Human trafficking victims grants	685	6,980		7,814	(8,579)	
Forensic nurse examiners grants	162	1,677		1,788	(2,059)	
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	54,627	150,725		150,552	(190,746)	
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	26,982	78,293		76,802	(100,432)	
Law enforcement	142,094	209,311		211,231	(272,637)	
Additional income						
Total all funds	\$1,684,877	\$4,090,124	\$997,844	\$8,859,974	(\$1,675,016)	\$0
Less estimated income	664,389	1,454,317	527,193	2,157,983	(597,771)	(2,744,134)
General fund	\$1,020,488	\$2,635,807	\$470,651	\$6,701,991	(\$1,077,245)	\$2,744,134
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Adjusts Base Level Funding ⁷	Adds Funding from Gaming Tax Revenues ⁸	Adds One- Time Funding for Operating and Capital Assets ⁹	Adds One- Time Funding for a Retired Law Enforcement Dogs Program ¹⁰	Adds One- Time Funding for Human Trafficking Victims Grants ¹¹	Adds One- Time Funding for the Statewide Litigation Funding Pool ¹²
Salaries and wages						
New and vacant FTE pool						
Operating expenses	(\$1,622,340)	\$2,000,000	\$400,000			
Prosecution witness fees	95,056					
Capital assets	(330,000)		1,419,000			
Grants				\$110,000		
Litigation fees						
Human trafficking victims grants					\$650,000	
Forensic nurse examiners grants						
Statewide litigation funding pool						\$8,000,000
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	1,994					
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	517,822					
Law enforcement						
Additional income						
Total all funds	(\$1,337,468)	\$2,000,000	\$1,819,000	\$110,000	\$650,000	\$8,000,000
Less estimated income	(785,533)	2,000,000	1,387,000	0	0	8,000,000
General fund	(\$551,935)	\$0	\$432,000	\$110,000	\$650,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for CJIS IT Replacement Projects ¹³	Adds One- Time Funding for Additional Income ¹⁴	Total House Changes
Salaries and wages			\$8,810,074
New and vacant FTE pool			4,455,869
Operating expenses			924,250
Prosecution witness fees			95,056
Capital assets			1,089,000
Grants			110,000
Litigation fees			
Human trafficking victims grants			656,900
Forensic nurse examiners grants			1,568
Statewide litigation funding pool			8,000,000
Medical examinations			
Children's forensic interviews			
North Dakota Lottery			167,152
Arrest and return of fugitives			
Gaming Commission			
Criminal justice information sharing	\$2,150,000		2,749,467
Law enforcement			289,999
Additional income		\$250,000	250,000
Total all funds	\$2,150,000	\$250,000	\$27,599,335
Less estimated income	1,500,000	250,000	13,813,444
General fund	\$650,000	\$0	\$13,785,891
FTE	0.00	0.00	4.00

¹ Funding is added for cost to continue 2023-25 biennium salary increases.

² The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,644,886	\$883,866	\$2,528,752
Health insurance increase	<u>990,921</u>	<u>570,451</u>	<u>1,561,372</u>
Total	\$2,635,807	\$1,454,317	\$4,090,124

³ The following FTE positions and related salaries and wages and operating expenses are added as follows:

	FTE Positions	General Fund	Other Funds	Total
State Crime Laboratory evidence technician	1.00	\$189,393	\$0	\$189,393
Medicaid Fraud Control Unit attorney	1.00	85,826	257,477	343,303
Executive staff officer	1.00	195,432	0	195,432
Tobacco compliance auditor	1.00	0	239,716	239,716
Reclassification of a paralegal position to an attorney position	<u>0.00</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
Total	4.00	\$470,651	\$527,193	\$1,235,446

⁴ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
New FTE positions	\$4,066,038	\$536,813	\$4,602,851
Vacant FTE positions	<u>2,635,953</u>	<u>1,621,170</u>	<u>4,257,123</u>
Total	\$6,701,991	\$2,157,983	\$8,859,974

⁵ Funding of \$6,347,160 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$4,650,517 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$403,125)	(\$418,128)	(\$821,253)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$3,859,562)	(\$2,271,323)	(\$6,130,885)
Funding pool line item	<u>2,782,317</u>	<u>1,673,552</u>	<u>4,455,869</u>
Net savings	(\$1,077,245)	(\$597,771)	(\$1,675,016)

⁶ Funding of \$2,744,134 is transferred from the Attorney General refund fund to the general fund, including \$1,790,559 for prior biennium salary equity increases and \$953,575 for operating expenses.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Reduces funding for operating expenses	(\$1,531,995)	(\$806,359)	(\$2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance	192,000	0	192,000
Adds funding for software hosting and maintenance and other information technology costs	1,118,060	20,826	1,138,886
Transfers \$95,056 from the general fund for prosecution witness fees from the operating expenses line item to a new line item	0	0	0
Removes funding for bond payments related to the State Crime Laboratory	<u>(330,000)</u>	<u>0</u>	<u>(330,000)</u>
Total	(\$551,935)	(\$785,533)	(\$1,337,468)

⁸ Funding of \$2,000,000 is added for operating expenses. A section is added to the bill to provide for a transfer of \$2,000,000 from the charitable gaming operating fund to the Attorney General operating fund rather than being transferred to the general fund at the end of the 2023-25 biennium. An emergency clause is added to provide for the transfer before the end of the 2023-25 biennium.

⁹ One-time funding of \$1,819,000 is added for operating expenses and capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory equipment and supplies, including \$233,000 from federal funds and \$321,000 from the strategic investment and improvements fund (SIIF)	\$400,000	\$554,000	\$954,000
Information technology network switches	32,000	0	32,000
Bureau of Criminal Investigation (BCI) undercover vehicles (SIIF)	0	540,000	540,000
Portable handheld dual-band radios (SIIF)	0	105,000	105,000
Intoxilyzers (federal funds)	0	188,000	188,000
Total	\$432,000	\$1,387,000	\$1,819,000

¹⁰ One-time funding of \$110,000 is added from the general fund for a retired law enforcement dogs program. A section is added to the bill to provide for program requirements.

¹¹ One-time funding of \$650,000 is added from the general fund for human trafficking victims grants to provide a total of \$1.77 million from the general fund.

¹² One-time funding of \$8 million is added from SIIF for the statewide litigation funding pool.

¹³ One-time funding of \$2,150,000 is added for criminal justice information sharing information technology projects, including \$650,000 from the general fund to replace the jail management system and \$1,500,000 from SIIF to replace the statewide automated victim identification notification (SAVIN) system.

¹⁴ One-time funding of \$250,000 is added from federal funds or special funds received during the 2025-27 biennium, the same amount provided for since the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

- Adds a section regarding the use of funding in the new and vacant FTE pool line item.
- Adds a section to appropriate one-time funding of \$250,000 from federal or special funds to the Attorney General that is in excess of the amount appropriated in Section 1.
- Adds a section to transfer \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses, including litigation expenses, and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item. This section will result in a \$2,000,000 reduction in general fund revenue.
- Adds a section to identify \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dualband radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 202527 biennium.
- Amends a section regarding the amount of funding appropriated in Section 1 for human trafficking victims grants.
- Amends a section regarding the amount of funding appropriated in Section 1 for forensic nurse examiner grants.
- Adds a section to identify \$110,000 appropriated from the general fund in Section 1 is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
- Adds a section to identify \$239,716 appropriated from the electronic smoking fund for the purpose of enforcing the master settlement agreement and any related disputes.
- Adds a section to to create a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.
- Adds a section to amend North Dakota Century Code Section 54-12-11 to increase the salary of the

Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.

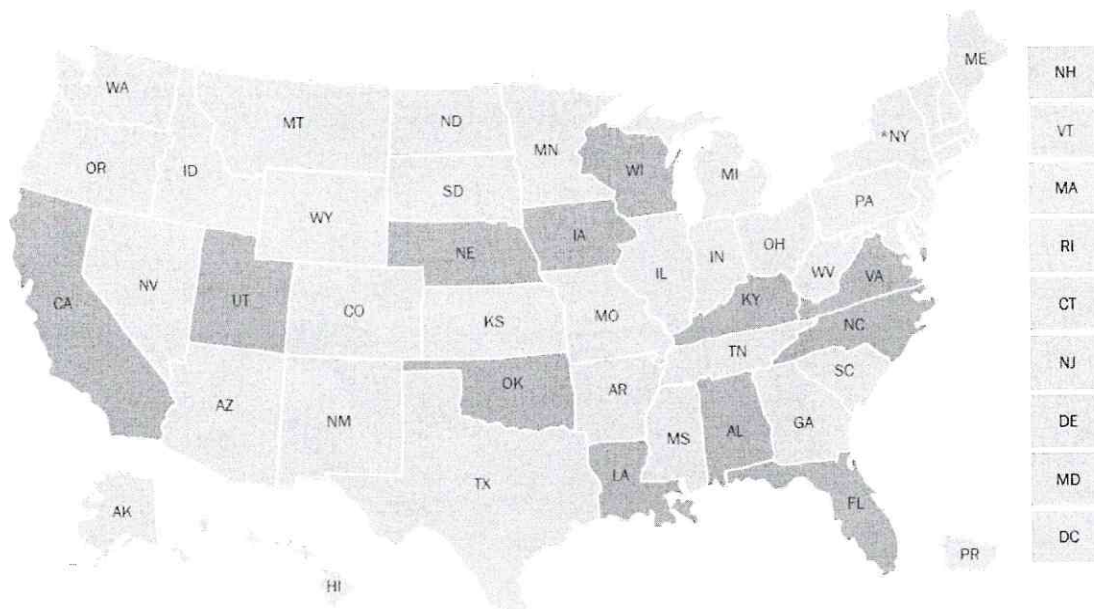
- Adds a section to require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
- Adds a section authorizing an exemption providing, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
- Adds a section authorizing an exemption to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
- Adds a section authorizing 6 exemptions to allow the Attorney General to continue any remaining funding from prior biennium appropriations for the legal case management system, criminal history improvement project, federal State Fiscal Recovery Fund projects, charitable gaming technology system, licensing and deposit system, and anti-methamphetamine program, into the 2025-27 biennium.

This amendment will authorize the Attorney General to charge a fee to any manufacturer who is selling a vape product. The fee will be \$500 per product. This models the Tobacco Product Manufacturer Certification, or the cigarette registry. The tobacco manufacturers are on board with this and believe this is a best practice for enforcement. The fee will pay for the FTE that it will require to administer this registry and that person will also be assisting with the MSA enforcement. The Attorney General agrees to this as they have had BCI go undercover in the vape shops and have found some very troubling results of materials not being what they are advertised as.

This is a good step forward as the market is being flooded by vape products that are made in China and coming into this country as contraband to be sold illicitly. These are the common fruity flavors that you see that are being marketed to kids. Currently vape products are to be approved by the FDA to be sold, and unfortunately the feds are not regulating this. This amendment would allow for North Dakota to have it's own registry and provide an ability to enforce.

The retail stores will not be impacted by this. This is a fee purely at the manufacturer level and is a really good step towards stopping the flow of profits going to the Chinese Tobacco Monopoly.

State E-vapor and Alternative Nicotine Product Directory and Enforcement Laws (as of Oct. 31, 2024)



2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1003
2/13/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to provide for a report.

11:03 a.m. Chairman Vigesaa opened the meeting.

Members Present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Murphy, Nathe, Nelson, O'Brien, Pyle, Sanford, Stemen, Wagner

Representatives absent: Monson, Richter, Swiontek

Discussion Topics:

- Crime Lab in North Dakota
- Providing Bonds
- Prosecution

11:03 a.m. Representative Nathe introduced the Amendment LC #25.0147.01005, #37631.

11:30 p.m. Representative Nathe moved Amendment LC #25.0147.01005.

11:32 a.m. Representative O'Brien seconded the motion.

11:32 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	A
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y

Representative David Richter	A
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	A
Representative Scott Wagner	Y

11:32 a.m. Motion Passed 20-0-3.

11:33 a.m. Representative Nathe moved to further amend LC #25.0147.01006, #37625.

11:33 a.m. Representative Stemen seconded the motion.

11:34 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	A
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	A
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	A
Representative Scott Wagner	Y

11:34 a.m. Motion passed 20-0-3.

11:35 a.m. Representative Nathe moved a Do Pass as Amended.

11:35 a.m. Representative O'Brien seconded the motion.

11:35 a.m. Roll Call Vote

Representatives	Vote
Representative Don Vigesaa	Y

Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glenn Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	A
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	Y
Representative David Richter	A
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	A
Representative Scott Wagner	Y

11:35 a.m. Motion passed 20-0-3.

11:35 a.m. Representative Nathe will carry the Bill.

11:36 a.m. Chairman Vigesaa adjourned the meeting.

Krystal Eberle for Sierra Schartz, Committee Clerk

February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HD
9.02/13/25
page 1 of 9

HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general;
~~and to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to~~
~~an electronic smoking device directory, electronic smoking device manufacturing fee, and~~
~~electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North~~
~~Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses~~
~~and the salary of the attorney general; to provide for a report; to provide for a transfer; to~~
~~provide an exemption; and to declare an emergency.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds
as may be necessary, are appropriated out of any moneys in the general fund in the state
treasury, not otherwise appropriated, and from other funds derived from special funds and
federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
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>
Salaries and wages	\$53,007,980	\$0	\$53,007,980
Operating expenses	17,579,264	0	17,579,264
Capital assets	606,000	0	606,000
Grants	3,903,440	0	3,903,440
Human trafficking victims grants	1,110,614	0	1,110,614

Sixty-ninth
Legislative Assembly

2 of 9

1	Forensic nurse examiners grants	252,676	0	252,676
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	0	5,413,453
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	0	4,579,950
9	Law enforcement	3,377,659	0	3,377,659
10	Total all funds	\$90,939,085	\$0	\$90,939,085
11	Less other funds	41,914,820	0	41,914,820
12	Total general fund	\$49,024,265	\$0	\$49,024,265
13	Full time equivalent positions	266.00	0.00	266.00
14	Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
15	New and vacant FTE pool	0	4,455,869	4,455,869
16	Operating expenses	17,579,264	924,250	18,503,514
17	Prosecution witness fees	0	360,056	360,056
18	Capital assets	606,000	1,089,000	1,695,000
19	Grants	3,903,440	110,000	4,013,440
20	Human trafficking victims grants	1,110,614	656,900	1,767,514
21	Forensic nurse examiners grants	252,676	1,568	254,244
22	Statewide litigation funding pool	0	8,000,000	8,000,000
23	Litigation fees	127,500	0	127,500
24	Medical examinations	660,000	0	660,000
25	Children's forensic interviews	304,560	0	304,560
26	North Dakota lottery	5,413,453	167,152	5,580,605
27	Arrest and return of fugitives	8,500	0	8,500
28	Gaming commission	7,489	0	7,489
29	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
30	Law enforcement	3,377,659	289,999	3,667,658
31	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420

1	<u>Less other funds</u>	41,914,820	13,563,444	55,478,264
2	<u>Total general fund</u>	\$49,024,265	\$14,050,891	\$63,075,156
3	<u>Full-time equivalent positions</u>	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification	0	1,500,000	1,500,000
notification system replacement			
Total	\$1,842,000	\$12,887,000	\$14,729,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

attorney general may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -

REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this

Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM. Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of \$10,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, \$8,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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 ~~\$1,110,614~~ \$1,767,514 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

1 **SECTION 11. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **31-01-16. Compensation and mileage and travel expense of witness.**

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

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

7 2. b. A sum for mileage and travel expense reimbursement equal to the
8 reimbursement rates provided for state employees in sections 44-08-04 and
9 54-06-09.

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

19 **SECTION 12.** A new chapter to title 51 of the North Dakota Century Code is created and
20 enacted as follows:

21 **Definition - Electronic smoking device directory - Electronic smoking device**
22 **manufacturer fee - Electronic smoking fund.**

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

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

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

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

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

3. Each certification form must be accompanied by a fee of five hundred dollars for each electronic smoking device containing nicotine that is listed on the form. Revenue from the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.

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

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

7. As used in this section, "electronic smoking device" means any electronic product that delivers nicotine to the individual inhaling from the device, including an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and includes any component, part, or accessory of such product, including a consumable product that contains nicotine and is intended to be used with an electronic smoking device, whether or not sold separately. The term does not include drugs, devices, or

combination products approved for sale by the United States food and drug
administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

SECTION 13. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.

2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

SECTION 18. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

**REPORT OF STANDING COMMITTEE
HB 1003**

Appropriations Committee (Rep. Vigesaa, Chairman) recommends **AMENDMENTS** ([25.0147.01006](#)) and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

25.0147.01006
Title.
Fiscal No. 4

Prepared by the Legislative Council
staff for Representative Nathe

February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 ~~and to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to~~
3 ~~an electronic smoking device directory, electronic smoking device manufacturing fee, and~~
4 ~~electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North~~
5 ~~Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses~~
6 ~~and the salary of the attorney general; to provide for a report; to provide for a transfer; to~~
7 ~~provide an exemption; and to declare an emergency.~~

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:

	Base Level	Adjustments or Enhancements	Appropriation
16 Salaries and wages	\$53,007,980	\$0	\$53,007,980
17 Operating expenses	17,579,264	0	17,579,264
18 Capital assets	606,000	0	606,000
19 Grants	3,903,440	0	3,903,440
20 Human trafficking victims grants	1,110,614	0	1,110,614

Sixty-ninth
Legislative Assembly

1	Forensic nurse examiners grants	252,676	0	252,676
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	0	5,413,453
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	0	4,579,950
9	Law enforcement	3,377,659	0	3,377,659
10	Total all funds	\$90,939,085	\$0	\$90,939,085
11	Less other funds	41,914,820	0	41,914,820
12	Total general fund	\$49,024,265	\$0	\$49,024,265
13	Full-time equivalent positions	266.00	0.00	266.00
14	Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
15	New and vacant FTE pool	0	4,455,869	4,455,869
16	Operating expenses	17,579,264	924,250	18,503,514
17	Prosecution witness fees	0	360,056	360,056
18	Capital assets	606,000	1,089,000	1,695,000
19	Grants	3,903,440	110,000	4,013,440
20	Human trafficking victims grants	1,110,614	656,900	1,767,514
21	Forensic nurse examiners grants	252,676	1,568	254,244
22	Statewide litigation funding pool	0	8,000,000	8,000,000
23	Litigation fees	127,500	0	127,500
24	Medical examinations	660,000	0	660,000
25	Children's forensic interviews	304,560	0	304,560
26	North Dakota lottery	5,413,453	167,152	5,580,605
27	Arrest and return of fugitives	8,500	0	8,500
28	Gaming commission	7,489	0	7,489
29	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
30	Law enforcement	3,377,659	289,999	3,667,658
31	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420

1	Less other funds	41,914,820	13,563,444	55,478,264
2	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
3	Full-time equivalent positions	266.00	4.00	270.00

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

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

9	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
10	Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
11	Laboratory equipment and supplies	400,000	554,000	954,000
12	Network switches	32,000	0	32,000
13	Undercover vehicles	0	540,000	540,000
14	Portable handheld radios	0	105,000	105,000
15	Intoxilyzers	0	188,000	188,000
16	Retired law enforcement dogs program	110,000	0	110,000
17	Human trafficking victims grants	650,000	0	650,000
18	Statewide litigation funding pool	0	8,000,000	8,000,000
19	Jail management system replacement	650,000	0	650,000
20	Statewide automated victim identification	0	1,500,000	1,500,000
21	notification system replacement			
22	Total	\$1,842,000	\$12,887,000	\$14,729,000

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

29 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -**

30 **REPORT.** In addition to the amounts appropriated to the attorney general in section 1 of this
31 Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM. Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of \$10,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, \$8,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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 ~~\$1,110,614~~ \$1,767,514 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

1 general and the appropriations committees of the seventieth legislative assembly on the use of
2 the funds received and the outcomes of its programs. The attorney general shall report to the
3 legislative management during the 2025-26 interim on the status and results of the grant
4 program.

5 **SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
6 forensic nurse examiners grants line item in section 1 of this Act includes ~~\$252,676~~\$254,244
7 from the general fund for the purpose of providing forensic nurse examiner program grants for
8 community-based or hospital-based sexual assault examiner programs and related
9 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any
10 organization that receives a grant under this section shall report to the attorney general and the
11 appropriations committees of the seventieth legislative assembly on the use of the funds
12 received and the outcomes of its programs. The attorney general shall report to the
13 appropriations committees of the seventieth legislative assembly on the number of nurses
14 trained, the number and location of nurses providing services related to sexual assault nurse
15 examiner programs, and documentation of collaborative efforts to assist victims which includes
16 nurses, the hospital or clinic, law enforcement, and state's attorneys.

17 **SECTION 9. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**
18 The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement
19 dogs program, which the attorney general shall create to assist local and state law enforcement
20 dogs that are retired by reason of age or medical condition. The attorney general shall
21 reimburse the handler of a law enforcement dog if the handler is authorized to retain possession
22 of a retired law enforcement dog in a private setting at the handler's home and if the handler
23 submits itemized receipts each quarter for medical bills of the law enforcement dog.
24 Reimbursements made under the program may not exceed \$2,000 per retired law enforcement
25 dog per fiscal year. The attorney general shall adopt any rules necessary to implement this
26 section.

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

1 **SECTION 11. AMENDMENT.** Section 31-01-16 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **31-01-16. Compensation and mileage and travel expense of witness.**

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

5 ~~1.~~ a. A sum of twenty-five dollars for each day necessarily in attendance before the
6 district court or before any other board or tribunal, except municipal court.

7 ~~2.~~ b. A sum for mileage and travel expense reimbursement equal to the
8 reimbursement rates provided for state employees in sections 44-08-04 and
9 54-06-09.

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

19 **SECTION 12.** A new chapter to title 51 of the North Dakota Century Code is created and
20 enacted as follows:

21 **Definition - Electronic smoking device directory - Electronic smoking device**
22 **manufacturer fee - Electronic smoking fund.**

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

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

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

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

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

3. Each certification form must be accompanied by a fee of five hundred dollars for each electronic smoking device containing nicotine that is listed on the form. Revenue from the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.

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

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

7. As used in this section, "electronic smoking device" means any electronic product that delivers nicotine to the individual inhaling from the device, including an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and includes any component, part, or accessory of such product, including a consumable product that contains nicotine and is intended to be used with an electronic smoking device, whether or not sold separately. The term does not include drugs, devices, or

combination products approved for sale by the United States food and drug
administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

SECTION 13. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.

2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

SECTION 18. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool		4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514
Prosecution witness fees		360,056	360,056
Capital assets	606,000	1,089,000	1,695,000
Grants	3,903,440	110,000	4,013,440
Litigation fees	127,500		127,500
Human trafficking victims grants	1,110,614	656,900	1,767,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool		8,000,000	8,000,000
Medical examinations	660,000		660,000
Children's forensic interviews	304,560		304,560
North Dakota Lottery	5,413,453	167,152	5,580,605
Arrest and return of fugitives	8,500		8,500
Gaming Commission	7,489		7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	3,377,659	289,999	3,667,658
Additional income		250,000	250,000
Total all funds	\$90,939,085	\$27,864,335	\$118,803,420
Less estimated income	41,914,820	13,813,444	55,728,264
General fund	\$49,024,265	\$14,050,891	\$63,075,156
FTE	266.00	4.00	270.00

Department 125 - Attorney General - Detail of House Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for FTE Positions ³	Adds Funding to Replace 2023-25 new and Vacant FTE Pool ⁴	Transfers Funding for 2025-27 New and Vacant FTE Pool ⁵	Adjusts Funding from Other Funds to the General Fund ⁶
Salaries and wages	\$1,460,327	\$3,643,138	\$851,254	\$8,411,787	(\$5,556,432)	
New and vacant FTE pool					4,455,869	
Operating expenses			146,590			
Prosecution witness fees						
Capital assets						
Grants						
Litigation fees						
Human trafficking victims grants	685	6,980		7,814	(8,579)	
Forensic nurse examiners grants	162	1,677		1,788	(2,059)	
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	54,627	150,725		150,552	(190,746)	
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	26,982	78,293		76,802	(100,432)	
Law enforcement	142,094	209,311		211,231	(272,637)	
Additional income						
Total all funds	\$1,684,877	\$4,090,124	\$997,844	\$8,859,974	(\$1,675,016)	\$0
Less estimated income	664,389	1,454,317	527,193	2,157,983	(597,771)	(2,744,134)
General fund	\$1,020,488	\$2,635,807	\$470,651	\$6,701,991	(\$1,077,245)	\$2,744,134
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Adjusts Base Level Funding ⁷	Adds Funding for Prosecution Witness Fees ⁸	Adds Funding from Gaming Tax Revenues ⁹	Adds One- Time Funding for Operating and Capital Assets ¹⁰	Adds One- Time Funding for a Retired Law Enforcement Dogs Program ¹¹	Adds One- Time Funding for Human Trafficking Victims Grants ¹²
Salaries and wages						
New and vacant FTE pool						
Operating expenses	(\$1,622,340)		\$2,000,000	\$400,000		
Prosecution witness fees	95,056	\$265,000				
Capital assets	(330,000)			1,419,000		
Grants					\$110,000	
Litigation fees						
Human trafficking victims grants						\$650,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	1,994					
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	517,822					
Law enforcement						
Additional income						
Total all funds	(\$1,337,468)	\$265,000	\$2,000,000	\$1,819,000	\$110,000	\$650,000
Less estimated income	(785,533)	0	2,000,000	1,387,000	0	0
General fund	(\$551,935)	\$265,000	\$0	\$432,000	\$110,000	\$650,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for the Statewide Litigation Funding Pool ¹³	Adds One- Time Funding for CJIS IT Replacement Projects ¹⁴	Adds One- Time Funding for Additional Income ¹⁵	Total House Changes
Salaries and wages				\$8,810,074
New and vacant FTE pool				4,455,869
Operating expenses				924,250
Prosecution witness fees				360,056
Capital assets				1,089,000
Grants				110,000
Litigation fees				
Human trafficking victims grants				656,900
Forensic nurse examiners grants				1,568
Statewide litigation funding pool	\$8,000,000			8,000,000
Medical examinations				
Children's forensic interviews				
North Dakota Lottery				167,152
Arrest and return of fugitives				
Gaming Commission				
Criminal justice information sharing		\$2,150,000		2,749,467
Law enforcement				289,999
Additional income			\$250,000	250,000
Total all funds	\$8,000,000	\$2,150,000	\$250,000	\$27,864,335
Less estimated income	8,000,000	1,500,000	250,000	13,813,444
General fund	\$0	\$650,000	\$0	\$14,050,891
FTE	0.00	0.00	0.00	4.00

¹ Funding is added for cost to continue 2023-25 biennium salary increases.

² The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,644,886	\$883,866	\$2,528,752
Health insurance increase	<u>990,921</u>	<u>570,451</u>	<u>1,561,372</u>
Total	\$2,635,807	\$1,454,317	\$4,090,124

³ The following FTE positions and related salaries and wages and operating expenses are added as follows:

	FTE Positions	General Fund	Other Funds	Total
State Crime Laboratory evidence technician	1.00	\$189,393	\$0	\$189,393
Medicaid Fraud Control Unit attorney	1.00	85,826	257,477	343,303
Executive staff officer	1.00	195,432	0	195,432
Tobacco compliance auditor	1.00	0	239,716	239,716
Reclassification of a paralegal position to an attorney position	<u>0.00</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
Total	4.00	\$470,651	\$527,193	\$997,844

⁴ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
New FTE positions	\$4,066,038	\$536,813	\$4,602,851
Vacant FTE positions	<u>2,635,953</u>	<u>1,621,170</u>	<u>4,257,123</u>
Total	\$6,701,991	\$2,157,983	\$8,859,974

⁵ Funding of \$6,130,885 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$4,455,869 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$403,125)	(\$418,128)	(\$821,253)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$3,859,562)	(\$2,271,323)	(\$6,130,885)
Funding pool line item	<u>2,782,317</u>	<u>1,673,552</u>	<u>4,455,869</u>
Net savings	(\$1,077,245)	(\$597,771)	(\$1,675,016)

⁶ Funding of \$2,744,134 is transferred from the Attorney General refund fund to the general fund, including \$1,790,559 for prior biennium salary equity increases and \$953,575 for operating expenses.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Reduces funding for operating expenses	(\$1,531,995)	(\$806,359)	(\$2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance	192,000	0	192,000
Adds funding for software hosting and maintenance and other information technology costs	1,118,060	20,826	1,138,886
Transfers \$95,056 from the general fund for prosecution witness fees from the operating expenses line item to a new line item	0	0	0
Removes funding for bond payments related to the State Crime Laboratory	<u>(330,000)</u>	<u>0</u>	<u>(330,000)</u>
Total	(\$551,935)	(\$785,533)	(\$1,337,468)

⁸ Funding of \$265,000 is added from the general fund for prosecution witness fees to provide a total of \$360,056 from the general fund.

⁹ Funding of \$2 million is added for operating expenses. A section is added to the bill to provide for a transfer of \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than being transferred to the general fund at the end of the 2023-25 biennium. An emergency clause is added to provide for the transfer before the end of the 2023-25 biennium.

¹⁰ One-time funding of \$1,819,000 is added for operating expenses and capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory equipment and supplies, including \$233,000 from federal funds and \$321,000 from the strategic investment and improvements fund (SIIF)	\$400,000	\$554,000	\$954,000
Information technology network switches	32,000	0	32,000
Bureau of Criminal Investigation (BCI) undercover vehicles (SIIF)	0	540,000	540,000
Portable handheld dual-band radios (SIIF)	0	105,000	105,000
Intoxilyzers (federal funds)	0	<u>188,000</u>	<u>188,000</u>
Total	\$432,000	\$1,387,000	\$1,819,000

¹¹ One-time funding of \$110,000 is added from the general fund for a retired law enforcement dogs program. A section is added to the bill to provide for program requirements.

¹² One-time funding of \$650,000 is added from the general fund for human trafficking victims grants to provide a total of \$1.77 million from the general fund.

¹³ One-time funding of \$8 million is added from SIIF for the statewide litigation funding pool.

¹⁴ One-time funding of \$2,150,000 is added for criminal justice information sharing information technology projects, including \$650,000 from the general fund to replace the jail management system and \$1,500,000 from SIIF to replace the statewide automated victim identification notification (SAVIN) system.

¹⁵ One-time funding of \$250,000 is added from federal funds or special funds received during the 2025-27 biennium, the same amount provided for since the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

1. Adds a section regarding the use of funding in the new and vacant FTE pool line item.
2. Adds a section to appropriate one-time funding of \$250,000 from federal or special funds to the Attorney General that is in excess of the amount appropriated in Section 1.
3. Adds a section to transfer \$2 million of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses, including litigation expenses, and identifies \$2 million appropriated in Section 1 in the operating expenses line item. This section will result in a \$2 million reduction in general fund revenue.
4. Adds a section to identify \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.
5. Amends a section regarding the amount of funding appropriated in Section 1 for human trafficking victims grants.
6. Amends a section regarding the amount of funding appropriated in Section 1 for forensic nurse examiner grants.
7. Adds a section to identify \$110,000 appropriated from the general fund in Section 1 is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
8. Adds a section to identify \$239,716 appropriated from the electronic smoking fund for the purpose of enforcing the master settlement agreement and any related disputes.
9. Adds a section to amend Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.
10. Adds a section to create a new chapter to Title 51 to require the Attorney General to establish and maintain a

directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.

11. Adds a section to amend North Dakota Century Code Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.
12. Adds a section to require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
13. Adds a section authorizing an exemption providing, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
14. Adds a section authorizing an exemption to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
15. Adds a section authorizing 6 exemptions to allow the Attorney General to continue any remaining funding from prior biennium appropriations for the legal case management system, criminal history improvement project, federal State Fiscal Recovery Fund projects, charitable gaming technology system, licensing and deposit system, and anti-methamphetamine program, into the 2025-27 biennium.

25.0147.01005
Title.
Fiscal No. 3

Prepared by the Legislative Council
staff for House Appropriations -
Education and Environment Division
Committee

February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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 and to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to
3 an electronic smoking device directory, electronic smoking device manufacturing fee, and
4 electronic smoking fund; to amend and reenact section 54-12-11 of the North Dakota Century
5 Code, relating to the salary of the attorney general; to provide for a report; to provide for a
6 transfer; to provide an exemption; and to declare an emergency.

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	\$0	\$53,007,980
16 Operating expenses	17,579,264	0	17,579,264
17 Capital assets	606,000	0	606,000
18 Grants	3,903,440	0	3,903,440
19 Human trafficking victims grants	1,110,614	0	1,110,614

Sixty-ninth
Legislative Assembly

1	Forensic nurse examiners grants	252,676	0	252,676
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	0	5,413,453
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	0	4,579,950
9	Law enforcement	3,377,659	0	3,377,659
10	Total all funds	\$90,939,085	\$0	\$90,939,085
11	Less other funds	41,914,820	0	41,914,820
12	Total general fund	\$49,024,265	\$0	\$49,024,265
13	Full-time equivalent positions	266.00	0.00	266.00
14	Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
15	New and vacant FTE pool	0	4,455,869	4,455,869
16	Operating expenses	17,579,264	924,250	18,503,514
17	Prosecution witness fees	0	95,056	95,056
18	Capital assets	606,000	1,089,000	1,695,000
19	Grants	3,903,440	110,000	4,013,440
20	Human trafficking victims grants	1,110,614	656,900	1,767,514
21	Forensic nurse examiners grants	252,676	1,568	254,244
22	Statewide litigation funding pool	0	8,000,000	8,000,000
23	Litigation fees	127,500	0	127,500
24	Medical examinations	660,000	0	660,000
25	Children's forensic interviews	304,560	0	304,560
26	North Dakota lottery	5,413,453	167,152	5,580,605
27	Arrest and return of fugitives	8,500	0	8,500
28	Gaming commission	7,489	0	7,489
29	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
30	Law enforcement	3,377,659	289,999	3,667,658
31	Total all funds	\$90,939,085	\$27,349,335	\$118,288,420

1	Less other funds	41,914,820	13,563,444	55,478,264
2	Total general fund	\$49,024,265	\$13,785,891	\$62,810,156
3	Full-time equivalent positions	266.00	4.00	270.00

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

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

9	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
10	Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
11	Laboratory equipment and supplies	400,000	554,000	954,000
12	Network switches	32,000	0	32,000
13	Undercover vehicles	0	540,000	540,000
14	Portable handheld radios	0	105,000	105,000
15	Intoxilyzers	0	188,000	188,000
16	Retired law enforcement dogs program	110,000	0	110,000
17	Human trafficking victims grants	650,000	0	650,000
18	Statewide litigation funding pool	0	8,000,000	8,000,000
19	Jail management system replacement	650,000	0	650,000
20	Statewide automated victim identification	0	1,500,000	1,500,000
21	notification system replacement			
22	Total	\$1,842,000	\$12,887,000	\$14,729,000

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

29 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the
30 amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from
31 federal or special funds, the sum of \$250,000, or so much of the sum as may be necessary, to

1 the attorney general for the purposes of defraying the expenses of the office, for the biennium
2 beginning July 1, 2025, and ending June 30, 2027. The attorney general shall notify the office of
3 management and budget and the legislative council of any funding made available pursuant to
4 this section.

5 **SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY**
6 **GENERAL OPERATING FUND.** Notwithstanding section 53-06.1-11.2, the office of
7 management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to
8 the attorney general operating fund by June 30, 2025, for the purpose of defraying operating
9 and litigation expenses of the state during the period beginning with the effective date of this
10 Act, and ending June 30, 2027.

11 **SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND**
12 **TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES.** The other
13 funds line item in section 1 of this Act includes the sum of \$10,466,000 from the strategic
14 investment and improvements fund, of which \$321,000 is for state crime laboratory equipment
15 and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover
16 vehicles, \$105,000 is for portable handheld dual-band radios, \$8,000,000 is for the statewide
17 litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim
18 identification notification system. The attorney general shall transfer funding from the statewide
19 litigation funding pool to eligible state agencies for litigation expenses during the biennium
20 beginning July 1, 2025, and ending June 30, 2027. The attorney general may not use funding
21 from the statewide litigation funding pool to pay judgments under section 32-12-04.

22 **SECTION 7. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -**
23 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
24 ~~\$1,110,614~~ \$1,767,514 from the general fund for the purpose of providing grants to
25 organizations involved in providing prevention and treatment services related to human
26 trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and
27 ending June 30, 2027. The attorney general may provide grants for the development and
28 implementation of direct care emergency or long-term crisis services, residential care, training
29 for law enforcement, support of advocacy services, and programs promoting positive outcomes
30 for victims. Any organization that receives a grant under this section shall report to the attorney
31 general and the appropriations committees of the seventieth legislative assembly on the use of

1 the funds received and the outcomes of its programs. The attorney general shall report to the
2 legislative management during the 2025-26 interim on the status and results of the grant
3 program.

4 **SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The
5 forensic nurse examiners grants line item in section 1 of this Act includes ~~\$252,676~~\$254,244
6 from the general fund for the purpose of providing forensic nurse examiner program grants for
7 community-based or hospital-based sexual assault examiner programs and related
8 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any
9 organization that receives a grant under this section shall report to the attorney general and the
10 appropriations committees of the seventieth legislative assembly on the use of the funds
11 received and the outcomes of its programs. The attorney general shall report to the
12 appropriations committees of the seventieth legislative assembly on the number of nurses
13 trained, the number and location of nurses providing services related to sexual assault nurse
14 examiner programs, and documentation of collaborative efforts to assist victims which includes
15 nurses, the hospital or clinic, law enforcement, and state's attorneys.

16 **SECTION 9. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**
17 The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement
18 dogs program, which the attorney general shall create to assist local and state law enforcement
19 dogs that are retired by reason of age or medical condition. The attorney general shall
20 reimburse the handler of a law enforcement dog if the handler is authorized to retain possession
21 of a retired law enforcement dog in a private setting at the handler's home and if the handler
22 submits itemized receipts each quarter for medical bills of the law enforcement dog.
23 Reimbursements made under the program may not exceed \$2,000 per retired law enforcement
24 dog per fiscal year. The attorney general shall adopt any rules necessary to implement this
25 section.

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

30 **SECTION 11.** A new chapter to title 51 of the North Dakota Century Code is created and
31 enacted as follows:

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

1. The attorney general shall establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in this state.
2. An electronic smoking device must be included in the directory only if the manufacturer of the electronic smoking device containing nicotine certifies, on a form prescribed by the attorney general, the following:
 - a. The manufacturer has received a marketing granted order for the electronic smoking device containing nicotine from the United States food and drug administration;
 - b. The manufacturer marketed the electronic smoking device containing nicotine in the United States as of August 8, 2016, and submitted a tobacco product premarket application to the United States food and drug administration on or before September 9, 2020, and the application either remains under review or has received a denial order that has been and remains stayed by the United States food and drug administration or a court order, rescinded by the United States food and drug administration, or vacated by a court; or
 - c. The manufacturer can demonstrate the United States food and drug administration has issued a rule, guidance, or other formal statement that temporarily exempts the electronic smoking device containing nicotine from federal premarket tobacco application requirements.
3. Each certification form must be accompanied by a fee of five hundred dollars for each electronic smoking device containing nicotine that is listed on the form. Revenue from the fees must be deposited in the electronic smoking fund.
4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.
5. Beginning January 1, 2026, only electronic smoking devices containing nicotine included in the directory may be sold in this state.

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

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

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

15 **54-12-11. Salary of attorney general.**

16 The annual salary of the attorney general is ~~one hundred seventy-nine thousand three~~
17 ~~hundred twelve~~ one hundred ninety-two thousand seventy-nine dollars through June 30,
18 2024~~2026~~, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred
19 ninety-seven thousand eight hundred forty-one dollars thereafter.

20 **SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity
21 requesting a criminal history record check from the bureau of criminal investigation, as a result
22 of legislation enacted by the sixty-eighth legislative assembly, shall pay a reasonable fee
23 established by the attorney general to the attorney general to be deposited in the general fund,
24 for the biennium beginning July 1, 2025, and ending June 30, 2027.

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

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

1 **SECTION 16. EXEMPTION - UNEXPENDED APPROPRIATIONS.** The following
2 appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into
3 the biennium beginning July 1, 2025, and ending June 30, 2027:

- 4 1. The amount appropriated to the attorney general from other funds for the statewide
5 automated victim identification and notification system as contained in sections 1
6 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for
7 the statewide automated victim identification and notification system, and continued
8 into the 2021-23 biennium and 2023-25 biennium for the legal case management
9 system in section 17 of chapter 35 of the 2023 Session Laws.
- 10 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
11 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
12 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
13 Session Laws.
- 14 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
15 replacement of the prosecuting case management system in subsection 20 of
16 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
17 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
- 18 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
19 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
20 Laws.
- 21 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
22 software system in section 1 of chapter 35 of the 2023 Session Laws.
- 23 6. The sum of \$1,772,038 appropriated from federal funds for the justice community
24 oriented policing services anti-methamphetamine program in section 1 of chapter 35 of
25 the 2023 Session Laws.

26 **SECTION 17. EMERGENCY.** Section 5 of this Act is declared to be an emergency
27 measure.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - House Action**

	Base Budget	House Changes	House Version
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool		4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514
Prosecution witness fees		95,056	95,056
Capital assets	606,000	1,089,000	1,695,000
Grants	3,903,440	110,000	4,013,440
Litigation fees	127,500		127,500
Human trafficking victims grants	1,110,614	656,900	1,767,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool		8,000,000	8,000,000
Medical examinations	660,000		660,000
Children's forensic interviews	304,560		304,560
North Dakota Lottery	5,413,453	167,152	5,580,605
Arrest and return of fugitives	8,500		8,500
Gaming Commission	7,489		7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	3,377,659	289,999	3,667,658
Additional income		250,000	250,000
Total all funds	\$90,939,085	\$27,599,335	\$118,538,420
Less estimated income	41,914,820	13,813,444	55,728,264
General fund	\$49,024,265	\$13,785,891	\$62,810,156
FTE	266.00	4.00	270.00

Department 125 - Attorney General - Detail of House Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for FTE Positions ³	Adds Funding to Replace 2023-25 new and Vacant FTE Pool ⁴	Transfers Funding for 2025-27 New and Vacant FTE Pool ⁵	Adjusts Funding from Other Funds to the General Fund ⁶
Salaries and wages	\$1,460,327	\$3,643,138	\$851,254	\$8,411,787	(\$5,556,432)	
New and vacant FTE pool					4,455,869	
Operating expenses			146,590			
Prosecution witness fees						
Capital assets						
Grants						
Litigation fees						
Human trafficking victims grants	685	6,980		7,814	(8,579)	
Forensic nurse examiners grants	162	1,677		1,788	(2,059)	
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	54,627	150,725		150,552	(190,746)	
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	26,982	78,293		76,802	(100,432)	
Law enforcement	142,094	209,311		211,231	(272,637)	
Additional income						
Total all funds	\$1,684,877	\$4,090,124	\$997,844	\$8,859,974	(\$1,675,016)	\$0
Less estimated income	664,389	1,454,317	527,193	2,157,983	(597,771)	(2,744,134)
General fund	\$1,020,488	\$2,635,807	\$470,651	\$6,701,991	(\$1,077,245)	\$2,744,134
FTE	0.00	0.00	4.00	0.00	0.00	0.00

	Adjusts Base Level Funding ⁷	Adds Funding from Gaming Tax Revenues ⁸	Adds One- Time Funding for Operating and Capital Assets ⁹	Adds One- Time Funding for a Retired Law Enforcement Dogs Program ¹⁰	Adds One- Time Funding for Human Trafficking Victims Grants ¹¹	Adds One- Time Funding for the Statewide Litigation Funding Pool ¹²
Salaries and wages						
New and vacant FTE pool						
Operating expenses	(\$1,622,340)	\$2,000,000	\$400,000			
Prosecution witness fees	95,056					
Capital assets	(330,000)		1,419,000			
Grants				\$110,000		
Litigation fees						
Human trafficking victims grants					\$650,000	
Forensic nurse examiners grants						
Statewide litigation funding pool						\$8,000,000
Medical examinations						
Children's forensic interviews						
North Dakota Lottery	1,994					
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing	517,822					
Law enforcement Additional income						
Total all funds	(\$1,337,468)	\$2,000,000	\$1,819,000	\$110,000	\$650,000	\$8,000,000
Less estimated income	(785,533)	2,000,000	1,387,000	0	0	8,000,000
General fund	(\$551,935)	\$0	\$432,000	\$110,000	\$650,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for CJIS IT Replacement Projects ¹³	Adds One- Time Funding for Additional Income ¹⁴	Total House Changes
Salaries and wages			\$8,810,074
New and vacant FTE pool			4,455,869
Operating expenses			924,250
Prosecution witness fees			95,056
Capital assets			1,089,000
Grants			110,000
Litigation fees			
Human trafficking victims grants			656,900
Forensic nurse examiners grants			1,568
Statewide litigation funding pool			8,000,000
Medical examinations			
Children's forensic interviews			
North Dakota Lottery			167,152
Arrest and return of fugitives			
Gaming Commission			
Criminal justice information sharing	\$2,150,000		2,749,467
Law enforcement Additional income		\$250,000	289,999
Total all funds	\$2,150,000	\$250,000	\$27,599,335
Less estimated income	1,500,000	250,000	13,813,444
General fund	\$650,000	\$0	\$13,785,891
FTE	0.00	0.00	4.00

¹ Funding is added for cost to continue 2023-25 biennium salary increases.

² The following funding is added for 2025-27 biennium salary adjustments of 3 percent on July 1, 2025, and 3 percent on July 1, 2026, and increases in health insurance premiums from \$1,643 to \$1,893 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,644,886	\$883,866	\$2,528,752
Health insurance increase	<u>990,921</u>	<u>570,451</u>	<u>1,561,372</u>
Total	\$2,635,807	\$1,454,317	\$4,090,124

³ The following FTE positions and related salaries and wages and operating expenses are added as follows:

	FTE Positions	General Fund	Other Funds	Total
State Crime Laboratory evidence technician	1.00	\$189,393	\$0	\$189,393
Medicaid Fraud Control Unit attorney	1.00	85,826	257,477	343,303
Executive staff officer	1.00	195,432	0	195,432
Tobacco compliance auditor	1.00	0	239,716	239,716
Reclassification of a paralegal position to an attorney position	<u>0.00</u>	<u>0</u>	<u>30,000</u>	<u>30,000</u>
Total	4.00	\$470,651	\$527,193	\$1,235,446

⁴ Funding is added to replace 2023-25 biennium new and vacant FTE pool funding as follows:

	General Fund	Other Funds	Total
New FTE positions	\$4,066,038	\$536,813	\$4,602,851
Vacant FTE positions	<u>2,635,953</u>	<u>1,621,170</u>	<u>4,257,123</u>
Total	\$6,701,991	\$2,157,983	\$8,859,974

⁵ Funding of \$6,347,160 for new FTE positions and estimated savings from vacant FTE positions is removed and funding of \$4,650,517 is added for a 2025-27 new and vacant FTE pool line item as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$403,125)	(\$418,128)	(\$821,253)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$3,859,562)	(\$2,271,323)	(\$6,130,885)
Funding pool line item	<u>2,782,317</u>	<u>1,673,552</u>	<u>4,455,869</u>
Net savings	(\$1,077,245)	(\$597,771)	(\$1,675,016)

⁶ Funding of \$2,744,134 is transferred from the Attorney General refund fund to the general fund, including \$1,790,559 for prior biennium salary equity increases and \$953,575 for operating expenses.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Reduces funding for operating expenses	(\$1,531,995)	(\$806,359)	(\$2,338,354)
Adds funding for State Crime Laboratory equipment and maintenance	192,000	0	192,000
Adds funding for software hosting and maintenance and other information technology costs	1,118,060	20,826	1,138,886
Transfers \$95,056 from the general fund for prosecution witness fees from the operating expenses line item to a new line item	0	0	0
Removes funding for bond payments related to the State Crime Laboratory	<u>(330,000)</u>	<u>0</u>	<u>(330,000)</u>
Total	(\$551,935)	(\$785,533)	(\$1,337,468)

⁸ Funding of \$2,000,000 is added for operating expenses. A section is added to the bill to provide for a transfer of \$2,000,000 from the charitable gaming operating fund to the Attorney General operating fund rather than being transferred to the general fund at the end of the 2023-25 biennium. An emergency clause is added to provide for the transfer before the end of the 2023-25 biennium.

⁹ One-time funding of \$1,819,000 is added for operating expenses and capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory equipment and supplies, including \$233,000 from federal funds and \$321,000 from the strategic investment and improvements fund (SIIF)	\$400,000	\$554,000	\$954,000
Information technology network switches	32,000	0	32,000
Bureau of Criminal Investigation (BCI) undercover vehicles (SIIF)	0	540,000	540,000
Portable handheld dual-band radios (SIIF)	0	105,000	105,000
Intoxilyzers (federal funds)	0	188,000	188,000
Total	\$432,000	\$1,387,000	\$1,819,000

¹⁰ One-time funding of \$110,000 is added from the general fund for a retired law enforcement dogs program. A section is added to the bill to provide for program requirements.

¹¹ One-time funding of \$650,000 is added from the general fund for human trafficking victims grants to provide a total of \$1.77 million from the general fund.

¹² One-time funding of \$8 million is added from SIIF for the statewide litigation funding pool.

¹³ One-time funding of \$2,150,000 is added for criminal justice information sharing information technology projects, including \$650,000 from the general fund to replace the jail management system and \$1,500,000 from SIIF to replace the statewide automated victim identification notification (SAVIN) system.

¹⁴ One-time funding of \$250,000 is added from federal funds or special funds received during the 2025-27 biennium, the same amount provided for since the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

House Bill No. 1003 - Other Changes - House Action

This amendment also:

- Adds a section regarding the use of funding in the new and vacant FTE pool line item.
- Adds a section to appropriate one-time funding of \$250,000 from federal or special funds to the Attorney General that is in excess of the amount appropriated in Section 1.
- Adds a section to transfer \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses, including litigation expenses, and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item. This section will result in a \$2,000,000 reduction in general fund revenue.
- Adds a section to identify \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dualband radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 202527 biennium.
- Amends a section regarding the amount of funding appropriated in Section 1 for human trafficking victims grants.
- Amends a section regarding the amount of funding appropriated in Section 1 for forensic nurse examiner grants.
- Adds a section to identify \$110,000 appropriated from the general fund in Section 1 is for the purpose of establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.
- Adds a section to identify \$239,716 appropriated from the electronic smoking fund for the purpose of enforcing the master settlement agreement and any related disputes.
- Adds a section to create a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.
- Adds a section to amend North Dakota Century Code Section 54-12-11 to increase the salary of the

Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.

- Adds a section to require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.
- Adds a section authorizing an exemption providing, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.
- Adds a section authorizing an exemption to allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.
- Adds a section authorizing 6 exemptions to allow the Attorney General to continue any remaining funding from prior biennium appropriations for the legal case management system, criminal history improvement project, federal State Fiscal Recovery Fund projects, charitable gaming technology system, licensing and deposit system, and anti-methamphetamine program, into the 2025-27 biennium.

2025 SENATE APPROPRIATIONS

HB 1003

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1003
3/12/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

8:31 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Merit-based pay systems
- Bureau of Criminal Investigation (BCI) - Tribal synergy
- Cyber-crime specialist agents
- Cost benefits of Assistant Attorneys General
- New crime lab accomplishments
- Importance of salary/benefit package in search for new staff hires
- Criminal evidence analysis responsibilities accomplished in-house
- Optional budget requests
- E-Prosecutor System, discovery and redaction software
- SAVIN - victim notification system
- Printer, computer replacement, software needs
- Crime lab needs
- Communications / public safety
- Medicaid fraud control unit (MFCU) attorney
- Operating cost increases
- Litigation pool / protection of state's interests against federal overreach
- Agent training requirements
- Reclassification of paralegal to attorney
- New employee needs: victim and witness advocate and cyber-crime administrative assistant, and other
- Portable radios, under-cover vehicle replacement
- Specialized legal software
- Tobacco settlement compliance officer
- BCI needs regarding human trafficking and illegal drug distribution
- Other bills affecting HB 1003
- Guardians and conservators
- Crime lab overtime

- Fentanyl and Narcan - overdoses and death rates
- Sex trafficking mitigation and education
- Surviving human trafficking
- youthworks antitrafficking services
- risk factors for becoming trafficked
- Public school curriculum availability; secondary trauma
- E-cigarette market

8:32 a.m. Levi Kinnischtzke, LC Senior Fiscal Analyst, distributed budget information, testimony #41002, related bills, and #41003, the long-sheet.

8:32 a.m. Claire Ness, Chief Deputy ND Attorney General, testified in favor and submitted testimony #40956, #41120, #41121, #41122.

9:09 a.m. Senators Dwyer and Sickler requested additional information about litigation costs for both in-house and contract attorneys.

9:30 a.m. Lonnie Grabowska, Director, ND Bureau of Criminal Investigation, testified and submitted testimony #40728.

9:40 a.m. Claire Ness resumed testimony in favor.

9:44 a.m. Lonnie Grabowska responded to a question about fentanyl and Narcan.

9:49 a.m. Stacey Schaffer, Executive Director of 31:8 Project, testified in favor and submitted testimony #40654.

9:53 a.m. Piper Bjornsen, Lived-experience Expert, 31:8 Project, testified in favor and submitted testimony #40660.

10:00 a.m. Stacey Schaffer responded to a question.

10:00 a.m. Amy Boyd, Program Manager, Youthworks, testified in favor and submitted testimony #40888 and testimony #40969.

10:13 a.m. Alex Kelsch, lobbyist for Vapor Technology Association, introduced Patrick Berry and distributed testimony #40905 for Mr. Berry.

10:14 a.m. Patrick Berry, representative of Vapor Technology Association, testified online in opposition to section 12 of HB 1003 and submitted testimony #40905.

Additional written testimony:

Donnell Preskey, ND Association of Counties, submitted testimony #40334 in favor on behalf of the ND Sheriffs and Deputies Association.

Shayla Davila, Owner, Holistic Herbalists Haven, and Lived Experience Expert, submitted testimony #40336 in favor.

Jacob Thomsen, Policy Analyst, ND Family Alliance Legislative Action, submitted testimony #40584 in favor.

Jim Shaw, Supervisory Special Agent, ND Bureau of Criminal Investigation (BCI) and overseer of the Cyber Crime Unit, submitted testimony #40725 in favor.

Analena Lunde, Victim Specialist, ND BCI, submitted testimony #40726 in favor.

10:22 a.m. Chairman Wanzek closed the hearing.

Carol Thompson, Committee Clerk

Testimony prepared for:
Senate Appropriations – Government Operations
Donnell Preskey, NDACo
February 11, 2025



Re: HB 1003 – Electronic Smoking Device Directory

Chair Wanzek and committee members, the North Dakota Sheriff's & Deputies Association (NDSDA) strongly supports the passage of the Electronic Smoking Device Directory contained in Appropriations bill HB 1003.

The Electronic Smoking Device Directory included in HB 1003 will bring transparency, compliance and accountability to the currently chaotic market for electronic smoking devices, also commonly referred to as vapor products. North Dakota Sheriffs are concerned about the influx of illicit vapor products into our state as direct, imminent and present danger to our citizens and especially our youth.

The current vapor market is in a state of disarray, with illicit products, primarily coming from China, overtaking legal and regulated products. The CDC has stated that *more than half* of the vapor market is made up of disposable vapor products, and these are almost entirely illicit. These illicit vapor products are designed and targeted to appeal to our youth. They come in shiny packaging, with fruit and candy flavors, which are all banned under Federal Law and some illicit vapor products even come with video game screens attached to them. Furthermore, most of the products these companies ship to the U.S. are prohibited from being sold within China.

The FDA has been unable to bring the vapor market into compliance. In 2020, the FDA banned the sale of all flavored cartridge-based vapor products but excluded disposable vapor products. The FDA also requires all new tobacco products, including vapor products, to go through the Product Marketing Authorization (PMTA) process to determine whether they can legally remain on the market. To date, the FDA denied 99% of the nearly 26 million PMTA applications it has received and has only authorized 34 vapor products and devices. While some applications are still pending or working their way through court challenges, this likely means that most vapor products offered in North Dakota are currently illicit under Federal law and should be illicit under state law.

All these illicit products are smuggled into the country by deliberately evading U.S. Customs and Border Control. As a result, illicit products that ignore FDA rules and guidelines continue to flood into our state unabated. Right now, we have no way of knowing what products are legal, and what ones are not.

State lawmakers have an opportunity to enact legislation that cleans up the illicit electronic smoking device or vapor market by requiring the state to maintain a list, or directory, of legal, compliant electronic smoking devices. This proposed legislation would require the Attorney General to promulgate rules to enforce this legislation, including at least two unannounced compliance checks.

This is not a novel concept for our state, already the North Dakota Attorney General publishes an up-to-date directory of certified cigarette products. This bill would require the AG to publish the same type of list for electronic smoking devices. Twelve other states have already enacted similar legislation, and the results are very promising. Louisiana for example, one of the first states to implement a comprehensive directory, saw illicit products completely disappear from its regulated market.

In conclusion, NDSDA urges the state legislature to pass this commonsense law to implement a electronic smoking device directory.

Testimony Neutral for HB 1003
Senate Appropriations Committee
Shayla Davila: Owner of Holistic Herbalists Haven
Lived Experience Expert
www.holisticherbalistshaven.com
March 12, 2025

Chairmen and members of this committee,

Good morning chairman and members of this committee. My name is Shayla Davila, and I am a survivor of human trafficking. Thank you for allowing me to share my truth today regarding this bill.

I want to be clear—I am not neutral on the need for funding for survivors. Survivors absolutely need support, resources, and services. Where my neutrality lies is with the Office that will be responsible for distributing and overseeing these funds.

A little about me—I was a young mother when I was trafficked. My children were used as leverage to force me into situations I did not want to be in. I was treated as nothing more than a sex object, brutalized regularly, and forced to witness unimaginable violence against other women. There were moments when I truly believed I would not survive. By some miracle, I escaped my trafficker. But let me be clear—escape is not the end of a survivor's suffering.

For years, I struggled to rebuild my life. Criminal charges stemming from my trafficking experience made it nearly impossible to find housing or a decent job. And even beyond those logistical barriers, I have had to live every single day with PTSD, with fear, and with the deep, painful feeling that I would never be enough. Trauma doesn't just fade—it affects every relationship, every opportunity, and every part of life moving forward.

I started to find hope when I connected with the North Dakota Human Trafficking Task Force. The trauma-informed individuals who worked there at the time made a life-changing impact on me. They understood survivors, supported us, and truly prioritized our well-being. But those people—the ones who made a difference—are no longer there. They have been replaced by BCI agents.

From a survivor's perspective, and from anyone who understands victim services, this is a serious problem. Many trafficking survivors have had deeply traumatic experiences with law enforcement. If BCI had been in charge when I first connected with the task force, I would have run the other way. The shift in leadership has not only deprioritized victim-centered approaches, but it has actively led to the revictimization of survivors.

I have voiced these concerns to the Attorney General's Office multiple times. I have made every attempt to be heard. And yet, I have never received so much as a call back. That, in itself, speaks volumes. It is one thing to sit here and say all the right things in order to receive funding, but it is another thing entirely to truly stand by survivors and walk the walk.

If this state is truly committed to supporting trafficking victims, then I urge you to listen to survivors. Hear our concerns. Appoint an entity to manage these funds that has proven—through action, not just words—that they truly care about survivors. That is the only

way to ensure this funding is used in a way that genuinely helps those who need it most.

Thank you for your time.



Testimony in Support of House Bill 1003

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
March 12, 2025

Chairman Wanzek and honorable members of the Government Operations Division of the Appropriations Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1003 and respectfully request that you would approve the increase to the appropriation for the Human Trafficking Victims Grants fund.

We strongly believe that victims of human trafficking in our state need as much help as we can possibly give them, and that help could be increased with additional funding. With this additional money, the organizations that benefit from this would be able to increase their efforts with education and outreach to victims, community members, and even law enforcement across our state. Without the education these essential organizations offer, victims can go unnoticed, or not even understand that they are victims themselves.

We believe that an increase to this fund is an increase in effectiveness and a step closer to eradicating the issue of human trafficking in North Dakota. For these reasons, we respectfully request that you approve the increase to the Human Trafficking Victims Grants fund.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action



Stacy Schaffer ~ Executive Director, 31:8 Project
318project.org
schaffer@318project.org
701.321.1061

March 12, 2025

Chairman and Members of the Committee,

My name is Stacy Schaffer, Executive Director of 31:8 Project, and I'm supporting HB 1003. Thank you for the opportunity to share information about 31:8 Project and the important work we are doing to combat human trafficking. Founded in 2015, **31:8 Project is a nonprofit organization located in Bismarck dedicated to raising awareness about human trafficking throughout North Dakota (ND).** Our organization is unique in that we focus solely on providing services to adult victims of human trafficking and sexual exploitation. The funding we have received through the Attorney General's Human Trafficking Grant has a direct impact on the following program areas:

- **Demand Reduction Program (ND Century Code 12.1-29-07):** A major challenge in addressing human trafficking in North Dakota is the persistent demand for hiring others to engage in sexual activity. In an attempt to create long-term solutions to change the underlying systems that allow sex trafficking to occur, **the 2015 Legislative session voted in favor of creating the Demand Reduction Program (DRP), a comprehensive intermediate sentencing, diversion, and education option for offenders charged with or convicted of solicitation of sexual acts with individuals over 18 years of age. Managed by 31:8 Project, this is the only state program that focuses on reducing the demand for prostitution.** The DRP educates offenders on the risks and impacts of sex trafficking, providing tools to improve relationships that may have influenced their decisions. By fostering healthier relationships and communities in North Dakota, the program aims to reduce recidivism and increase awareness of trafficking's effects. **Since its inception, 33 offending participants (ages 20-67) have successfully completed the program.**
- **Providing Education:** In 2024, 31:8 Project delivered **166 trainings and presentations** (a 40% increase from 2023) to individuals of all ages, including school-based programs, law enforcement, healthcare, service providers and general public. This education includes human trafficking, sexual exploitation, and online safety.
- **Survivor Mentorship Program:** This program, launched in 2021, supports adult survivors of human trafficking over the age of 18. During the first year of the program, 31:8 Project worked with 10 survivors of human trafficking. **Since 2024, this number increased to 62 sex and labor trafficking survivors - 85% of these individuals were trafficked in North Dakota.** The ages of individuals served are 18-62 with 60% from urban communities and 40% rural.

31:8 Project receives the majority of its funding through private donations along with state and regional grants. This past biennium, we received a grant from the Attorney General's Office to assist us in the work highlighted above. However, these duties are performed by just one full-time and three part-time employees. Due to the significant increase in needed services, we are anticipating hiring an additional employee plus increasing hours for our three current part-time employees. With that being said, we are in support of an increase to the Attorney General's human trafficking budget.

Through 31:8 Project's efforts, we have been able to reduce demand, empower survivors, and educate communities, ensuring North Dakota remains steadfast in the prevention of human trafficking. As I conclude, you will hear from Piper Bjornsen, a lived-experience expert, that works closely with 31:8 Project. She will be sharing more regarding the impact of this grant. Thank you, and I stand for questions.



Piper Bjornsen, Lived-Experience Expert, 31:8 Project
piper_bjornsen@icloud.com
701.955.3464

March 12, 2025

In support of House Bill 1003

Chairman and Members of the Committee,

My name is Piper Bjornsen, and I am here to share my story as a survivor of human trafficking. Reflecting on my journey, I often compare it to *The Oregon Trail*—a historical game that reminds us of the hardships faced while crossing uncharted territory. My story has been a journey filled with challenges, broken paths, and hard-won survival.

From a young age, I was taught to be seen and not heard. I lacked strong female role models, and my childhood was marked by instability and a revolving door of men in my mother's life. This led to physical and sexual abuse at an early age, which shaped my unhealthy perceptions of relationships and love. I sought love and acceptance like anyone would, but with past sexual trauma and undiagnosed PTSD, I turned to drugs to self-medicate. That path eventually led me into the arms of my trafficker in Williston, North Dakota.

When people hear my story, they often ask, "Why didn't you leave?" It's a difficult question to answer. When I entered "the life," which is another term for human trafficking, I didn't even realize what was happening. Traffickers are experts at manipulation, feeding on insecurities, establishing trust, and saying all the right things. At the time, I felt indebted to him and wanted to please him. It was a dangerous situation, but I survived.

Years later, while serving a prison sentence in North Dakota for crimes stemming from my trafficking situation, I was visited by investigators from the Bureau of Criminal Investigation (BCI) and Homeland Security. They asked questions about my trafficker, whom I had thought of as my boyfriend. Over time, they helped me see the reality of my situation. I became part of a five-year investigation into his crimes and learned I was just one of many victims. When I was released from prison, I testified against him in federal court. He was sentenced to 20 years for trafficking around 30 people in North Dakota and across the nation.

After escaping that life, I faced significant challenges. I had no valid ID, no birth certificate, no credible work history, and no support network. Living in a small, isolated farm town far from Bismarck, I struggled to process what had happened to me. That's when 31:8 Project found me and changed the course of my life.

31:8 Project began regular Zoom meetings with me and helped create a plan to relocate to Bismarck. Finding housing as a felon was incredibly difficult, but they helped me navigate

this challenge with funding through the AG's Human Trafficking Grant to pay my deposit and moving costs. Once I arrived in Bismarck, they provided transportation to food pantries, connected me with donors who helped furnish my apartment, and assisted with building a resume and securing letters of recommendation. With their help, I found a job and transportation to and from work.

Through 31:8 Project, I was also paired with a mentor and joined their bi-weekly support group, which helped me develop skills in money management, coping, and nutrition. They connected me with opportunities to educate others about trafficking, including speaking at conferences like the Bakken Human Trafficking Summit. I've worked alongside BCI, Homeland Security, and other organizations to share my story and help prevent trafficking.

However, life wasn't without its setbacks. Two years ago, I became seriously ill. My history of IV drug use, particularly during my trafficking experience, left me vulnerable to infections. I developed sepsis, and the infection spread to my brain. I had no family nearby, so Stacy from 31:8 Project became my emergency contact. During this time, I had to establish an Advance Directive, and I was terrified. The love and support I received from 31:8 Project during my four-month hospital stay was like nothing I had ever experienced. They also assisted me with paying bills using victim support funds from the AG's Human Trafficking Grant.

Today, I am proud to say I am in a stable place. I have a steady job, secure housing, healthy relationships, and the opportunity to serve as a Lived Experience Expert, educating others about the realities of trafficking. The funds provided to 31:8 Project have been instrumental in my recovery, helping me cover critical medical, living, and other necessary expenses to rebuild my life.

I am just one of many survivors whose lives have been transformed by 31:8 Project. Their support gave me stability, independence, and hope for the future. Thank you for your time and for considering the impact that this funding has on lives like mine. I am happy to answer any questions you may have.

**SENATE APPROPRIATIONS COMMITTEE
GOVERNMENT OPERATIONS DIVISION
MARCH 12, 2025
TESTIMONY OF JIM SHAW
BUREAU OF CRIMINAL INVESTIGATION
HOUSE BILL 1003**

Chairman Wanzek and Members of the Senate Appropriations Committee Government Operations Division, my name is Jim Shaw and I am a Supervisory Special Agent for the Bureau of Criminal Investigation and oversee the Cyber Crime Unit, which consists of four groups: Computer Forensics, Internet Crimes Against Children (ICAC), Human Trafficking (HT), and Victim Services. I am submitting my testimony in support of HB1003.

In 2020, the Attorney General's Office secured a grant to establish a Law Enforcement-Based Victim Specialist Program within BCI. Recognizing gaps in victim services—particularly from the time of victimization to court proceedings and the lack of resources in rural areas—BCI partnered with the North Dakota Human Trafficking Task Force to bridge those gaps.

This program has been a tremendous asset to BCI and the citizens of North Dakota. Our two victim specialists cover the entire state, ensuring that victims—regardless of location—receive the care and resources they need. Their support not only improves outcomes for victims but also strengthens investigations by embedding a victim-centered approach. Additionally, they play a key role in supporting the well-being of our agents, who are often exposed to traumatic cases. Their involvement in peer support and wellness initiatives helps mitigate the impact of this difficult work, ensuring our agents remain effective and resilient.

Despite having only two specialists to serve the entire state, this program has gained recognition statewide. Prosecutors and outside agencies are increasingly reaching out for assistance, highlighting the growing demand for these services. Additionally, our specialists have been instrumental in raising awareness and expanding training efforts. They have successfully gotten BCI into schools, where they provide critical education on human trafficking, online exploitation, and victim-centered approaches to students, educators, and school resource officers. These trainings help schools recognize warning signs, improve reporting, and create safer environments for children.

**SENATE APPROPRIATIONS COMMITTEE
GOVERNMENT OPERATIONS DIVISION
MARCH 12, 2025
TESTIMONY OF ANALENA LUNDE
BUREAU OF CRIMINAL INVESTIGATION
HOUSE BILL 1003**

Chairman Wanzek and Members of the Senate Appropriations Committee Government Operations Division, my name is Analena Lundé, and I serve as the Victim Specialist for the Bureau of Criminal Investigation (BCI), covering the Western Region of North Dakota from my office in Dickinson. I submit my testimony in support of HB1003. I am a Registered Nurse and certified Sexual Assault Nurse Examiner. My colleague, Jill Krone, covers the Eastern Region of the state from her office in Fargo. Jill brings invaluable expertise as a former parole and probation law enforcement officer. Together, we have over 25 years of combined experience in law enforcement, advocacy, and lived experiences, which uniquely qualifies us to provide critical support to victims.

Our work spans numerous divisions and task forces, including the BCI General Investigation Division, the Medicaid Fraud Control Unit (MFCU), the Internet Crimes Against Children (ICAC) Task Force, the Human Trafficking Task Force, and regional narcotics task forces across North Dakota. We also work closely with the Children's Advocacy Centers, sheriff departments, municipal law enforcement agencies, smaller State's Attorney offices without victim coordinators, and the Office of the Attorney General. Additionally, we actively participate as members of several federal multidisciplinary teams and Indigenous Task Forces, where we contribute to the development of best practices for victim services.

A Unique and Comprehensive Approach to Victim Services

Our Victim Services Unit is a unique extension of the BCI. We work directly alongside agents and law enforcement officers to ensure that victims and their families receive the care and support they need in the aftermath of a crime. We assist victims of all ages impacted by various types of crimes, including:

- Violent crimes, such as sexual assault
- Non-violent crimes, such as fraud

Our unit employs a holistic, trauma-informed, and victim-centered approach that includes:

- Victim-Centered Support During Scene Responses: We are present during search warrants and other law enforcement operations to assist identified victims and their families on scene,

prioritizing their immediate needs and ensuring they feel safe and respected during the investigation.

- **Trauma-Informed Communication:** We bridge the gap between law enforcement officers and victims by using trauma-informed techniques to build trust and foster cooperation, ensuring victims are not pressured or overwhelmed.
- **Basic Needs and Crisis Intervention:** We address victims' immediate needs, creating a safe and more comfortable environment during initial interactions. This allows law enforcement officers to focus on their duties while ensuring the victims' well-being is not overlooked.
- **Advocacy Within the Justice System:** We strengthen prosecution efforts by helping victims find their voice, prepare victim impact statements, and testify when necessary. Our support helps prosecutors build stronger cases by maintaining victim engagement.

Prevention and Training

Our work extends beyond immediate response to include prevention and education. We provide training to law enforcement agencies, Children's Advocacy Centers, schools, and victim service providers on topics such as:

- Human trafficking.
- Cyber safety, including exploitation, grooming, and sextortion.

Recently, we introduced a program called The Vigilant Parent Initiative, which educates parents and caregivers about five popular social media and gaming platforms. The program teaches strategies to safeguard devices, protect children online, and foster healthy communication between parents and children.

Support for Fallen Officers and Families Impacted by Officer-Involved Shootings

Our team also provides critical support to law enforcement families during some of their most challenging times, including in cases of officer-involved shootings and the loss of an officer in the line of duty. This work includes:

- **Immediate On-Scene Support:** We respond to assist families and departments immediately following an officer-involved shooting or loss. We provide emotional support, help coordinate logistics, and ensure families feel supported during a time of crisis.

- Grief and Trauma Support: For families of fallen officers, we connect them with grief counseling and other resources to help them navigate their loss. We remain a point of contact throughout their healing journey, ensuring they do not feel isolated or forgotten.
- Department Support: Recognizing the impact of trauma on entire departments, we offer guidance and resources to law enforcement agencies to address the mental health and well-being of officers who have been involved in or affected by these events.
- Memorial and Remembrance Coordination: We assist families and departments with planning and navigating memorial services or events to honor fallen officers, ensuring they feel supported and respected throughout the process.

Our role in these situations is to ensure that both the families and the law enforcement community have the resources and support they need to grieve, heal, and move forward together.

Comprehensive, Long-Term Advocacy

Our work doesn't end at the scene. We provide ongoing support to victims to help them navigate the long-term impacts of the crimes they've endured. This includes:

- Post-Scene Advocacy: We maintain contact with survivors to ensure their needs are met beyond the immediate incident. This may involve helping victims reintegrate into society, pursue education or job training, and access resources for long-term healing.
- Guidance for Law Enforcement: We assist officers in using trauma-informed, age-appropriate practices that reduce victims' anxiety and increase the likelihood of obtaining accurate and detailed statements.
- Empowerment and Recovery: We empower victims to actively participate in their own recovery and legal processes, fostering resilience and long-term healing.

Illustrating the Impact

The impact of our work is best demonstrated through real stories and there are so many. For example :

- Human Trafficking Survivor: We recently supported a survivor of human trafficking during a recovery operation. Our immediate presence provided clothing, food, and a safe environment, while follow-up services addressed her mental health and long-term care needs. Months later, she shared how our efforts gave her hope and empowered her to cooperate with law enforcement and pursue a fresh start.

- Survivor of Sexual Assault: One victim of a brutal sexual assault was kidnapped, drowned, and strangled multiple times before being left for dead. She was terrified to come forward, fearing she wouldn't be believed. Through our on-scene support and continued guidance during the investigation and prosecution, we connected her with resources and kept her informed about her case. With our support, she found the strength to testify, articulate her experience, and confront her abuser with confidence. Afterward, she expressed her gratitude, saying the trust and support we provided empowered her to reclaim her voice and begin healing.

A Call to Support Our Mission

Our work is proactive, preventative, and life changing. By addressing the immediate and long-term needs of victims, we break cycles of trauma, empower survivors, and foster trust in our justice system.

However, our scope of work is extensive, and the demand for our services continues to grow.

I urge you to recognize the critical role the victim specialists play in ensuring justice and healing for those impacted by crime. With your continued support, we can expand our efforts and provide the resources necessary to meet the needs of North Dakota's most vulnerable.

Thank you for your time and consideration.

**SENATE APPROPRIATIONS COMMITTEE
GOVERNMENT OPERATIONS DIVISION
MARCH 12, 2025
TESTIMONY OF LONNIE GRABOWSKA
BUREAU OF CRIMINAL INVESTIGATION
HOUSE BILL 1003**

Chairman Wanzek and Members of the Senate Appropriations Committee Government Operations Division, my name is Lonnie Grabowska and I am the Director of the Bureau of Criminal Investigation submitting testimony in support of HB1003.

Introduction

In 2023, during the 68th North Dakota Legislative Assembly, the Office of Attorney General requested funding for six new Full Time Equivalent (FTE) North Dakota Bureau of Criminal Investigation criminal investigator positions intended to specialize in narcotics trafficking investigations on North Dakota Indian reservations. Under SB 2003, the Office of Attorney General was ultimately granted funding for three of the requested six FTE positions. The three Full Time Equivalent (FTE) positions were assigned to Fort Berthold Indian Reservation, Turtle Mountain Indian Reservation, and Standing Rock Indian Reservation. The three positions were filled in 2023 and 2024.

All three agents have completed a rigorous training course and certification exam presented by the United States Department of Justice (USDOJ) in order to obtain a Special Law Enforcement Commission (SLEC) through the United States Department of Interior, Bureau of Indians Affairs (BIA). According to USDOJ, SLEC agents are a “force multiplier” because they are permitted to exercise tribal, state, and federal jurisdiction during investigations of major crimes occurring in Indian Country.

The SLEC designation federally deputized each of the three agents and allows the agents to exercise the necessary jurisdiction within the boundaries of each federally recognized tribe in North Dakota that has entered into a Memorandum of Understanding (MOU) with the NDBCI. The SLEC agent jurisdiction allows law enforcement to overcome obstacles commonly presented when non-tribal law enforcement assists with the investigation of crime on tribal lands. In addition, these agents work on narcotics trafficking investigations outside reservation boundaries that identify a nexus to trafficking occurring on the reservation.

The majority of the cases worked on by these agents have pending criminal proceedings or ongoing investigations, therefore, limited details regarding specific cases can be shared at this time.

Mandan Hidatsa Arikara Nation (MHA Nation)

Special Agent (S/A) Breanna Leingang transferred to this position from another unit within NDBCI on May 1, 2024. Also known as the Three Affiliated Tribes (TAT), the Fort Berthold Indian Reservation (FBIR) extends across nearly one million acres and over six counties. MHA Nation operates its own tribal law enforcement, including a specialized Division of Drug Enforcement (DDE). S/A Leingang primarily partners with the MHA DDE to combat the trafficking of narcotics onto the FBIR from outside sources. The most common sources of narcotics into FBIR are offenders from out-of-state. S/A Leingang's SLEC designation has allowed federal jurisdiction to be introduced into numerous investigations. As of March 11, 2025, S/A Leingang has led or assisted in 28 investigations related to narcotics trafficking on FBIR. S/A Leingang has developed a strong working relationship with tribal law enforcement by mutually sharing intelligence, discussing operational planning, participating in tribal law enforcement-initiated enforcement operations, and resource sharing.

Case examples:

S/A Leingang assisted MHA DDE with service of a search warrant at a known narcotics trafficker's residence in New Town, North Dakota. Law enforcement located and arrested two individuals for a variety of narcotics-related offenses, including Possession with Intent to Deliver Fentanyl. Through investigation, it was determined the suspects were trafficking illicit fentanyl pills from the Minot, North Dakota, area to FBIR.

S/A Leingang assisted tribal law enforcement with an investigation involving threats of violence being made against a juvenile student resulting in tribal schools being closed to protect student safety. Through the obtaining of search warrants and further investigation with tribal and county law enforcement, the suspect was referred for criminal adjudication.

In February 2025, S/A Leingang assisted with a large, 2-day undercover narcotics operation on FBIR, resulting in six controlled buys, 13 arrests, and the seizure of fentanyl pills, methamphetamine, and cocaine.

S/A Leingang continues to collaborate with tribal law enforcement to conduct narcotics investigations with the most recent request to S/A Leingang resulting in an ongoing, multi-state investigation.

Turtle Mountain Band of Chippewa Indians

Special Agent (S/A) Matthew Schimetz was hired into this position in 2023 and began his duties in October 2023. Turtle Mountain Indian Reservation (TMIR) is centered around the City of Belcourt, North Dakota. In 2022, the Turtle Mountain Band of Chippewa Indians (TMBCI) established its own Division of Drug Enforcement to combat narcotics trafficking on TMIR. S/A Schimetz partnered with TMBCI DDE agents and worked toward developing a new, multi-jurisdictional investigative unit. In January 2025, the Northland Narcotics Task Force (NLNTF) was established and S/A Schimetz was selected as its Coordinator. Since its inception only two months ago, the NLNTF has conducted five controlled buys of narcotics. The most common sources of narcotics into TMIR are offenders from out-of-state. S/A Schimetz has worked on at least 15 cases resulting in felony-level arrests, including narcotics trafficking from out-of-state, as well as an incident involving a 14-year-old juvenile who was suspected of being potentially trafficked by a registered sex offender. S/A Schimetz continues to regularly share intelligence with tribal law enforcement and coordinate enforcement operations.

Case examples:

In February 2024, S/A Schimetz and Drug Enforcement Administration (DEA) agents conducted a joint investigation into a suspect from the Detroit, Michigan, area, suspected of trafficking illicit fentanyl pills onto the TMIR. As a result of the investigation, law enforcement seized over 14,000 illicit fentanyl pills. S/A Schimetz and other law enforcement served additional search warrants at residences within TMIR and located juveniles residing in deplorable conditions. The individuals responsible were charged with drug and child neglect offenses and were recently indicted in federal court.

In September 2024, S/A Schimetz assisted tribal law enforcement with an emergency situation involving a 14-year-old juvenile who was suspected of being potentially trafficked by a registered sex offender. The juvenile was located by law enforcement and the registered sex offender was arrested.

In October 2024, S/A Schimetz assisted tribal law enforcement with an investigation resulting from a traffic stop on the TMIR. The investigation yielded 945 illicit fentanyl pills determined to be sourced from Detroit, Michigan.

Standing Rock Sioux Tribe

Special Agent (S/A) Michael Wood was hired into this position in 2023 and began his duties in October 2023. Standing Rock Indian Reservation (SRIR) extends across the southern border of North Dakota and into South Dakota. SRIR is the fifth largest Indian reservation in the United States, covering over 2.3 million acres.

Standing Rock Sioux Tribe (SRST) operates its own tribal law enforcement. S/A Wood has assisted the Sioux County Sheriff's Office on several investigations directly impacting victims on SRIR. The most common sources of narcotics into SRIR are offenders from out-of-state, often funneling through the Bismarck, North Dakota, area. Since beginning in his role, S/A Wood has provided training and presentations to tribal members on several occasions. S/A Wood has initiated or assisted on at least ten investigations in which narcotics trafficking was identified as occurring on SRIR or involved the distribution of narcotics intended to be trafficked on SRIR. NDBCI does not currently have an MOU in place with SRST.

Case examples:

S/A Wood and BIA agents conducted a joint investigation which resulted in the seizure of over 2,600 illicit fentanyl pills, a loaded firearm, and 109 grams of methamphetamine, and 1.9 grams of fentanyl powder. The suspect was confirmed to have distributed narcotics on the SRIR.

S/A Wood has partnered with S/A Leingang on several narcotics investigations involving the FBIR which resulted in criminal charges. S/A Wood assisted with a large, 2-day undercover operation on FBIR, resulting in six controlled buys of narcotics and 13 arrests.

On several occasions, S/A Wood has provided training to Prairie Knights Casino employees and Standing Rock High School students and faculty on the topics of narcotics and cybercrime. S/A Wood continues communication with SRST council members and law enforcement regarding a potential MOU between SRST and NDBCI.

Rogstad, Michael - STechClerk7 - SAPPGO

From: Dwyer, Mike A.
Sent: Tuesday, March 25, 2025 10:51 AM
To: Rogstad, Michael - STechClerk7 - SAPPGO
Subject: FW: GF cyber agents
Attachments: NDBCI-ICAC Regions Proposed.png

From: Grabowska, Lonnie <lgrabowska@nd.gov>
Sent: Monday, March 24, 2025 5:23 PM
To: Sickler, Jonathan <jlsickler@ndlegis.gov>; Dwyer, Mike A. <mdwyer@ndlegis.gov>
Cc: Keller, Becky J. <bekeller@nd.gov>
Subject: GF cyber agents

Senator Sickler and Senator Dwyer,

Please find below a brief overview of the fiscal planning for the (2) cyber crime agents requested in (HB 1102) for the Grand Forks area.

Total State Appropriated Costs for two Agents for biennium: \$825,000

\$500,000 FTE for two agents
\$161,000 One-time equipment costs
\$44,000 Cost of forensic software
\$30,000 Ongoing operating expenses
\$90,000 Cost for cell phone unlocking devices

Total Grand Forks Costs to add two Agents for biennium: \$148,000 plus office and computer lab space

\$12,000 Office furniture
\$64,000 Computers and forensic equipment
\$60,000 Training and travel costs
\$12,000 Internet and firewall
Computer lab space and renovations for agents (unknown fiscal impact to the City of Grand Forks)

This shows a very supportive front from the City of Grand Forks and “skin in the game.”

Thank you both,

Lonnie

Director Lonnie Grabowska
Bureau of Criminal Investigation
P.O. Box 1054



Bismarck, ND 58502-1054

701-328-5530 - office
701-220-7025 - cell

NORTH DAKOTA

BUREAU OF CRIMINAL INVESTIGATION

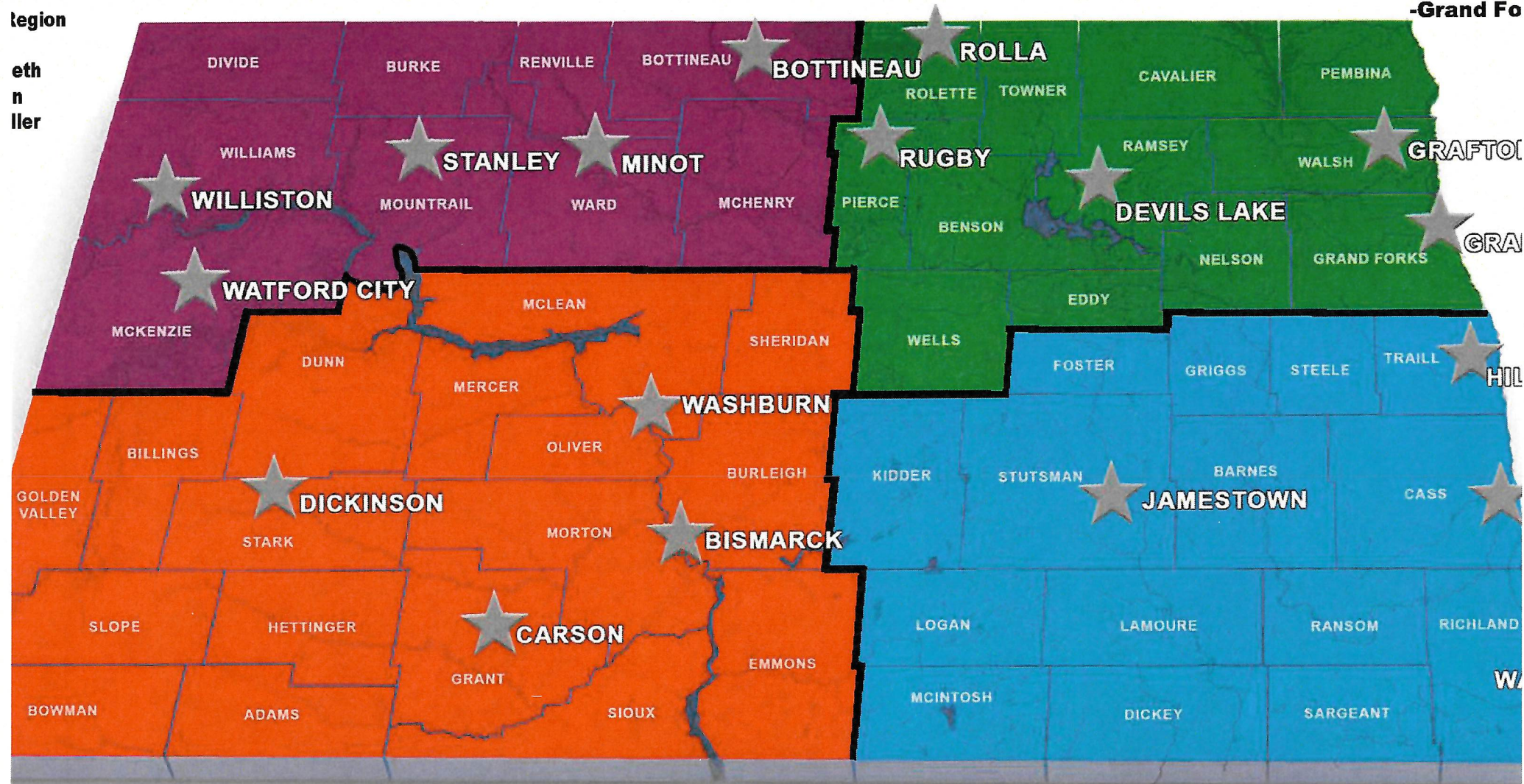
Crime Unit Agents

Cyber Crime Unit

Region

-Grand Forks

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Crime Unit Agents

Cyber Crime Unit Agents

Black Region

-Fargo Region

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Director Lonnie Grabowska - Unit 400

C/A Steve Harstad - Unit 401

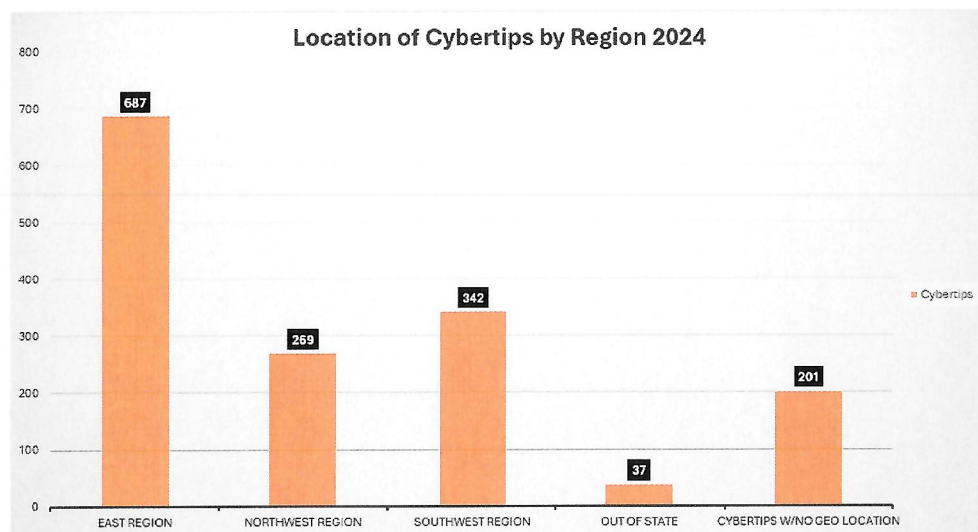
Supervisory Special Agent - Jim Shaw - Cyber Crime Unit

S/A Smith
S/A Solberg
S/A Hanson

The NDBCI Cybercrime Unit is dedicated to protecting the citizens of North Dakota through specialized expertise in computer forensics, child exploitation investigations, and trafficking-related cases. The unit currently operates three Cyber Offices located in Fargo, Bismarck, and Minot, with three highly trained Cyber Agents assigned to each location.

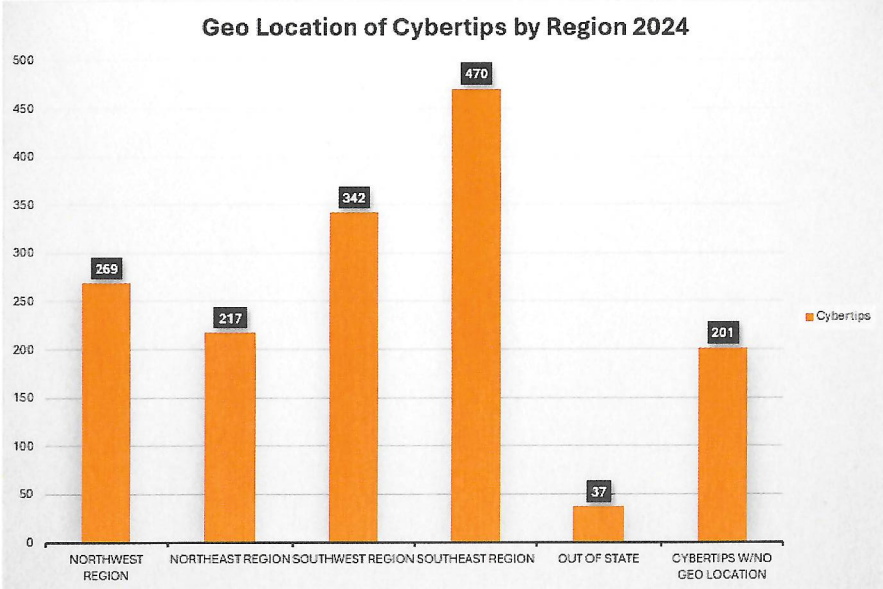
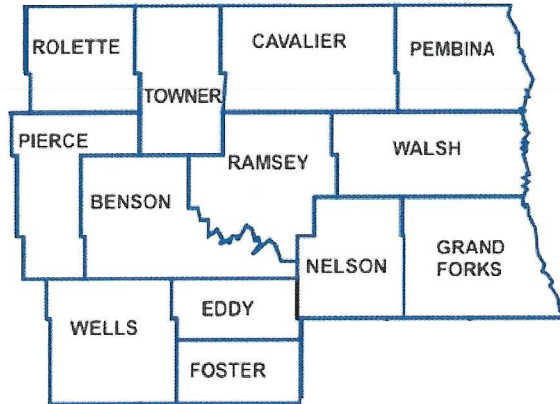
Each Cyber Agent brings advanced technical expertise to their role, including certifications in cutting-edge forensic tools such as Cellebrite, GrayKey, Griffeye, and Axiom. These tools enable the agents to recover, analyze, and preserve digital evidence crucial to investigating crimes. In addition, agents undergo continuous training to stay ahead of emerging cyber threats, ensuring the highest level of service and technical capability for the citizens they serve.

In 2023 and 2024, the Cybercrime Unit investigated over 1,500 child exploitation cases annually and conducted more than 2,000 forensic examinations involving approximately 420 terabytes of data. These efforts are vital in safeguarding vulnerable populations and ensuring justice for victims.

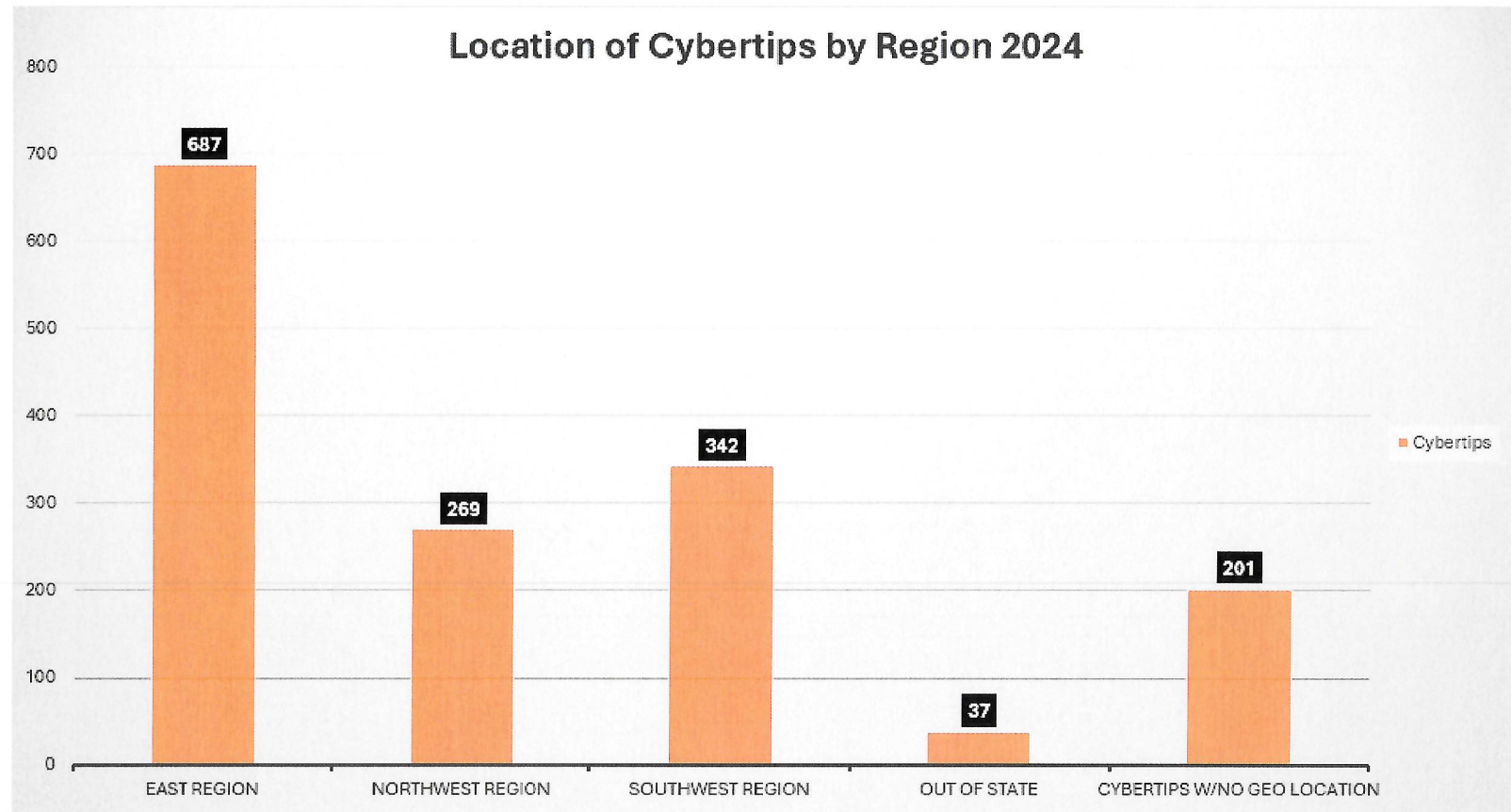


Currently, the Fargo Cyber Office supports the Grand Forks area and 26 counties, serving a population of approximately 393,000 citizens. In comparison, the Bismarck and Minot Cyber Offices serve populations of 201,699 and 184,128, respectively. This disproportionate coverage places a heavier workload on the Fargo office, potentially impacting response times and the availability of resources for the citizens of northeastern North Dakota.

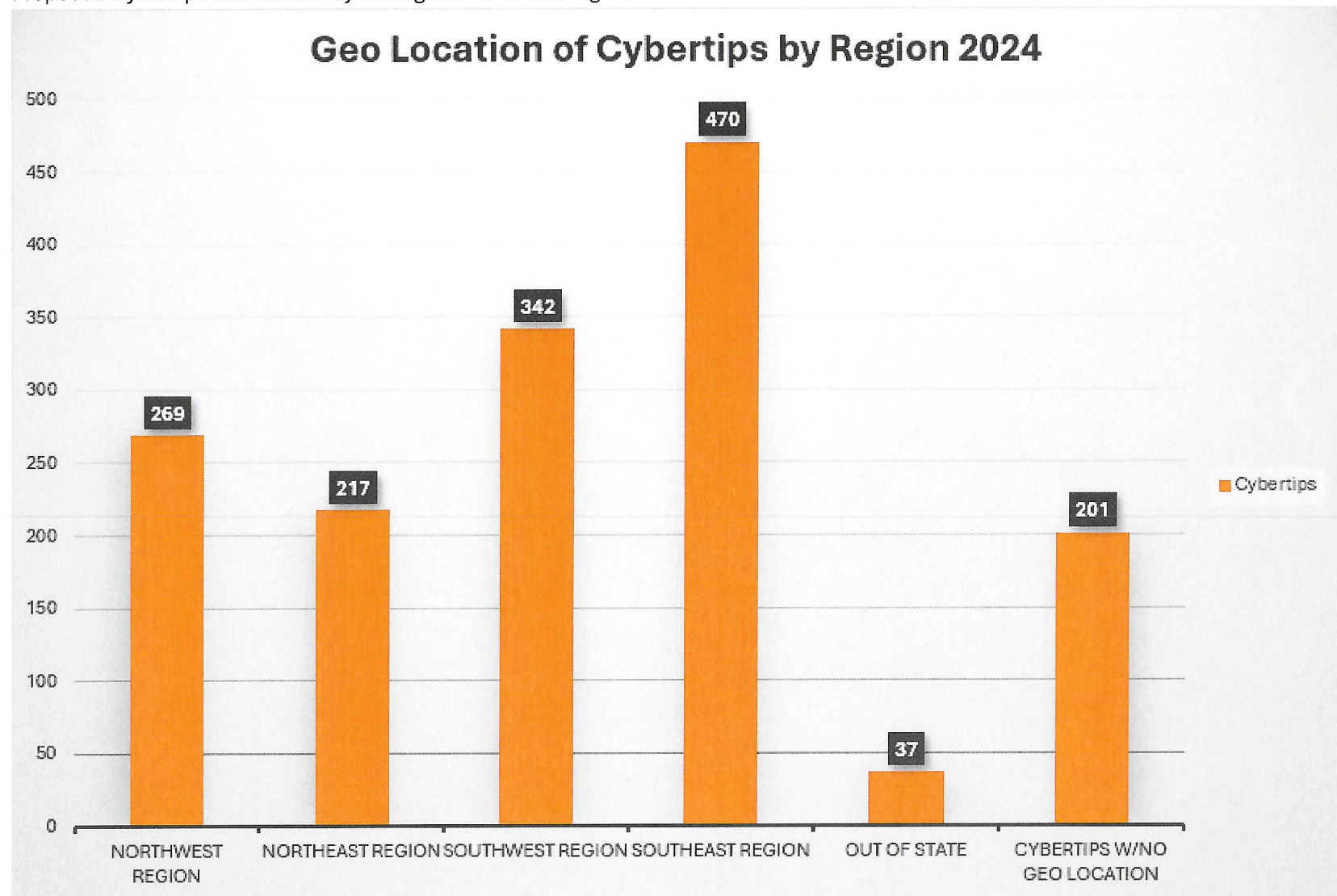
By establishing a dedicated Cyber Office in the Grand Forks region, we can ensure more equitable service delivery across the state. This addition would alleviate the caseload in Fargo, enhance investigative capabilities in the northeast, and provide faster, more localized support for victims and law enforcement partners. With the expertise of highly trained Cyber Agents, a Grand Forks Cyber Office would further strengthen the ability of the Cybercrime Unit to combat exploitation and cybercrime effectively. As the graphs below illustrate, this strategic expansion would create a more balanced distribution of resources, ensuring that every citizen receives the highest standard of service and protection.



Current CyberTips received by region:



Proposed CyberTips distribution by adding the Northeast region:



March 12, 2025

HB 1003

North Dakota House Appropriations Committee

Testimony from Amy Boyd, Anti-Trafficking Program Manager, Youthworks

Chairman Wanzek and Members of the Committee:

My name is Amy Boyd; I am the Anti-Trafficking Program Manager for Youthworks; a non-profit agency that serves youth, ages twelve to twenty-four. I have come before you today in support of House bill 1003.

Attached to this summary, you will find supporting budgetary information and statistics on victim services. One of the things I would like to highlight is the number of rural communities in North Dakota where victims were located and services were provided; 32% of North Dakota counties have been served as well as all 8 regions, representing every corner of North Dakota. (including nearly every one of your districts). We have provided services to clients in communities that are so small that I am not naming them, due to the concern of confidentiality. Trafficking victims were served from all five reservations: Mandan-Hidatsa-Arikara, Standing Rock, Spirit Lake, Sisseton-Wahpeton Oyate and Turtle Mountain Band of Chippewa. Youth living in rural, isolated areas, as well as those youth who experience poverty and sexual abuse, are extraordinarily vulnerable to traffickers who use those risk factors to groom and exploit

them. It is critical that trafficked youth in these rural communities have access to support, education and resources.

Youthworks has been part of Anti-Trafficking efforts in North Dakota since 2015, and has received both state and federal funds to provide services to victims since 2017. The funds that Youthworks receives from the Attorney General's budget are critical to ensuring that all of North Dakota's youth victims of human trafficking receive the care and support they deserve. As a non-profit, we leverage our Attorney General funds as "match" money for federal grants- essentially tripling the impact of state dollars.

For every \$1 North Dakota invests, Youthworks receives \$3 in federal funding to support youth victims of human trafficking. This biennium Youthworks has the opportunity to bring in \$1,570,000 in federal money to support youth victims. This level of federal funding requires \$525,000 in match funding. (or 262,500 per year). We do not want to leave federal funding on the table.

The combination of state funds used as match and federal funds ensures that victims have access to a comprehensive human trafficking service model, regardless of where they live, including in rural areas of the state. These funds allow for the anti-trafficking efforts of eight professionals across the state who provide support, therapy, mentorship, and shelter to youth victims of trafficking. Currently, Youthworks has anti-trafficking program personnel in Minot, Dickinson, Bismarck and Fargo who travel to surrounding rural areas to provide services to victims in their communities. Our staff are part of an on call rotation 24 hours a day, 7 days a

week to ensure that these victims are being responded to in a victim-centered manner.

Since July 1, 2023, Youthworks served 147 suspected or confirmed victims of human trafficking. Most youth were victims of sex trafficking (75% sex, 17% sex and labor, and 8% labor). The majority of youth were also survivors of other crime, with child sexual abuse, child abuse/neglect, and family violence being the most common. Of the youth victims served at Youthworks, 48 were also experiencing homelessness. Youthworks provided these youth with additional housing support, including 3,196 nights of housing. If it were not for the housing dollars that Youthworks receives, those trafficked youth would be at the mercy of their traffickers, as most trafficking victims, once they leave their trafficker, are homeless.

Other services that Youthworks provides include trauma therapy, emotional support, and advocacy. In the last biennium, nearly 400 hours of clinical services were provided as well as 1,800 hours of crisis intervention.

The dollars that we received from the Attorney General's budget has allowed us to walk alongside these youth as they work to recover from their trafficking experience and to support them as they cooperate with Law Enforcement investigations during their trafficker's prosecution.

I ask today that you approve the proposed budget in HB 1003 so that we can continue the important work we're doing for these North Dakota youth.

Testimony In Opposition to Section 12 of Engrossed HB 1003

Submitted by Patrick Berry of the Vapor Technology Association

March 12, 2025

Chairman Wanzek and members of the Senate Appropriations Government Operations committee, for the record my name is Patrick Berry, and I am appearing before you as a representative of the Vapor Technology Association. I am submitting this testimony through our VTA lobbyists, Alexander Kelsch and Todd D. Kranda, attorneys with the Kelsch Ruff Kranda Nagle & Ludwig Law Firm in Mandan.

The Vapor Technology Association is the leading national trade organization representing manufacturers, wholesalers, distributors, small business owners, and entrepreneurs who have developed innovative and quality vapor products. Our members employ thousands of people around the country and in the State of North Dakota. Any ban or limitation on access to vapor products directly jeopardizes the businesses that North Dakota taxpayers have built and are still building, not to mention the consumers who are reliant upon vapor products as an alternative to combustible cigarettes.

HB 1003 section 12 forces the adoption, ratification, and enforcement of a failed federal Food and Drug Administration (FDA) regulatory scheme, declared illegal by courts, and uses state resources to shut down North Dakota small businesses. The purpose and the implementation of this bill would remove all competition from the electronic cigarette marketplace.

HB 1003 section 12 relies on the Premarket Tobacco Product Application (PMTA) process to achieve its objectives. The PMTA process applies to tobacco products created after February 15, 2009, and is not applied to cigarettes. A recent review of FDA marketing orders found that in the last five years, while the FDA has approved only a handful of e-cigarettes in tobacco flavor only, it has at the same time accelerated the introduction of 1,213 new combustible tobacco products including 892 combustible cigarette products into the U.S. market. Simply put, the current PMTA process protects big tobacco by creating a de facto ban on e-cigarettes while leaving menthol and other combustible cigarettes in the marketplace.

In addition, federal courts have raised concerns and struck down the existing PMTA process. The 5th Circuit Court of Appeals *En Banc* in *Wages & White Lion Investments LLC v. FDA* ruled that the PMTA process is broken, and that the FDA has unlawfully used it to ban all flavored vaping products. The court held that the FDA's actions were "arbitrary and capricious" and sent manufacturers on a "wild goose chase". It further elaborated that the FDA changed the PMTA requirements *after* applications were submitted and "did not give manufacturers fair notice of the rules." Finally, the 5th Circuit called out the FDA's administrative failing stating:

“No principle is more important than how the Fourth Branch of Government treats the American people.”¹ A ruling on similar grounds was held by the 11th Circuit Court of Appeals in 2022.² The FDA’s actions related to the PMTA process are now before the Supreme Court. Oral arguments were heard in *Wages & White Lion LLC v. FDA* on December 2, 2024. The entire premise of HB 1003 section 12, the PMTA process, is currently being heard by the U.S. Supreme Court.

Further, the effects of removing flavored electronic cigarettes from the marketplace are devastating for public health. Per the CDC, 1 in 7 U.S. adults still smoke cigarettes and 480,000 die from cigarettes while another 8 million suffer from smoking-related illnesses *every year*. Cigarette smoking costs the United States \$225 million in direct health care costs annually. Research has found that states and localities that remove flavored e-cigarettes from the market have suffered from increased cigarette sales. To be specific, “ENDS flavor restrictions [lead] to an additional 15 cigarettes sold for every 1 less 0.7mL ENDS pod sold.”³ To put a finer point on the issue, “71% of the increase in cigarette sales associated with ENDS flavor restrictions comes from tobacco-flavored cigarettes.”⁴ Clearly, while increasing smoking will benefit those selling traditional cigarettes, it will hurt North Dakota consumers and businesses.

In conclusion, House Bill 1003 section 12 imposes a confusing and complicated registration scheme that is dependent on court cases that may change from week to week. It makes North Dakota the enforcement arm of the federal government requiring the State to monitor all federal court orders and regulations and update its registry daily to ensure products comply.

Accordingly, VTA respectfully asks that you remove section 12, the PMTA registry process provision from HB 1003. Thank you for the opportunity to provide this information. I would be happy to try to answer any questions.

¹ *Wages & White Lion Investments LLC v. FDA*, No. 21-60800 (5th Cir., *en banc*, 2024).

² *Bidi Vapor LLC v. U.S. FDA*, No. 21-13340 (11th Cir. 2022)

³ Friedman, E-cigarette Flavor Restrictions’ Effects on Tobacco Product Sales, 2023.

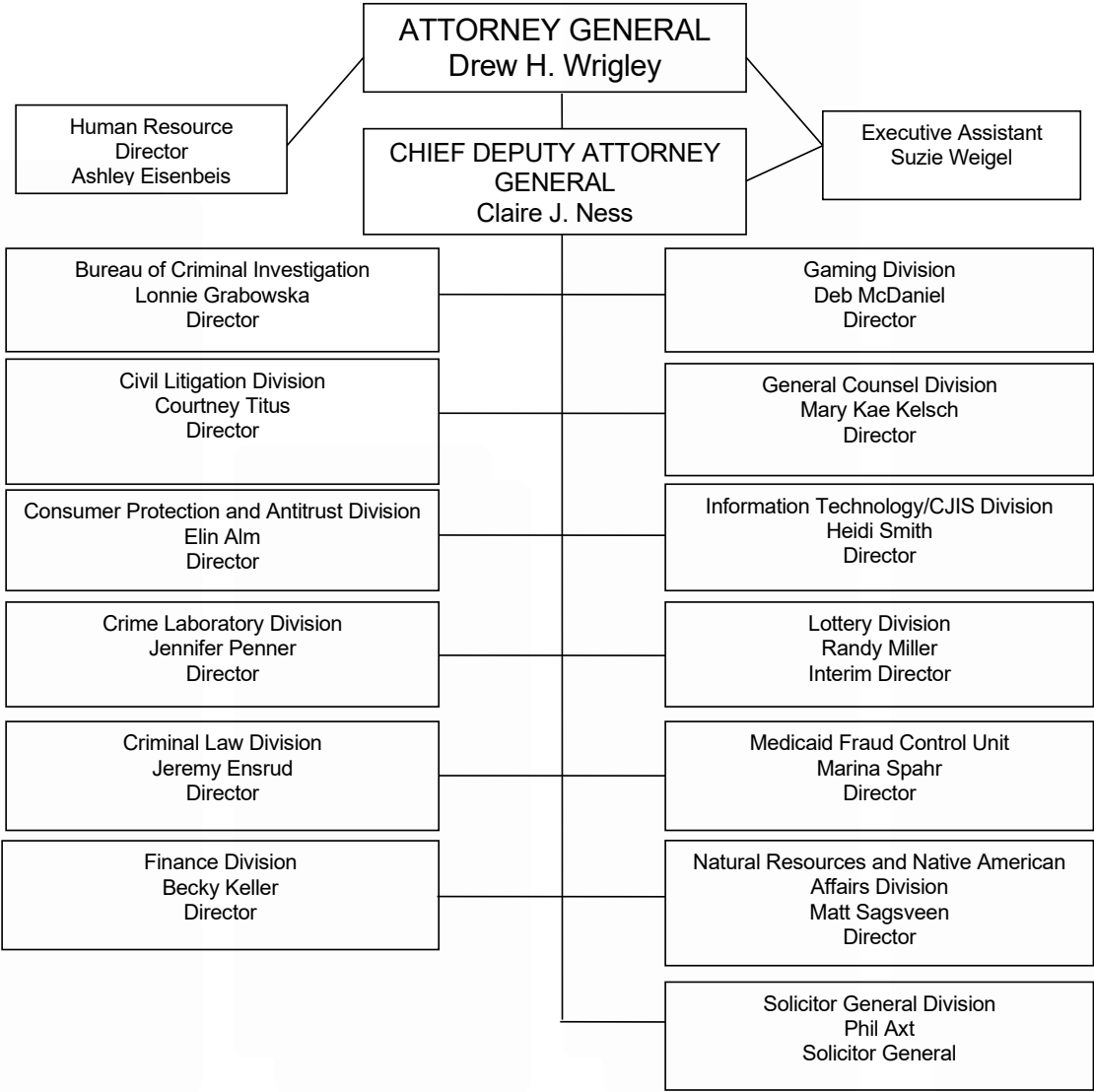
⁴ Friedman, E-cigarette Flavor Restrictions’ Effects on Tobacco Product Sales, 2023.

NORTH DAKOTA OFFICE OF THE ATTORNEY GENERAL

2025-27 BIENNIUM
69TH LEGISLATIVE SESSION

BUDGET PRESENTATION
SUPPLEMENTARY MATERIALS

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
March 2025



BUDGET DEVELOPMENT

Process for developing the 2025-27 budget request:

- ❖ Review of current budget
- ❖ Analysis of evolving responsibilities
- ❖ Division directors' input and meetings
- ❖ Prioritization of needs

OPTIONAL REQUESTS

1. Cost to Continue Salaries

- This will allow the OAG to fund the second year of legislatively authorized annual raises and equity-funded raises as well as employer-paid retirement increases into the 2025-27 biennium.
- OAG raises were based on employee performance metrics.
 - The annual raises averaged 4% and 6% but were allocated based on individual performance.
 - Equity funding was allocated:
 - To attorneys to establish the merit-based pay system; and
 - To other staff whose salaries diverged the most from where they should be based on performance and experience.

OPTIONAL REQUESTS

2(a). Attorney Equity

Thank you for appropriating the first step in our equity pay initiative in 2023.

- Our merit-based pay system was initiated successfully.
- Salaries, especially for newer attorneys, were increased but remain below many other public entities.
- For example:
 - Assistant States Attorneys:
 - Can earn \$155,000.
 - With 2 years' legal experience can earn \$110,000 or more.
 - With 0 legal experience can earn \$100,000 or more.
 - State court staff attorneys can earn \$109,000 or more with 2 years' experience and up to \$150,000.
 - DOCR, DOT, and other state agency attorneys earn more than several of our Division Directors.
- Recruitment, especially for our Criminal Law and Solicitor General Divisions, is difficult in this competitive market.

Our proposed package would:

- Let us continue progress on our merit-based pay system;
- Improve recruitment and retention; and
- Reduce turnover costs and loss of legal expertise for the state.

OPTIONAL REQUESTS (con't)

2(b). Staff Equity Package

- Office leadership evaluated the salaries of non-attorney staff paid less than 90% of the midpoints of their HRMS pay grades.
- Division Directors provided input regarding those staff members' performance and experience.
- Our proposed package would allow the office to remedy salaries that diverge the most from where they should be.

OPTIONAL REQUESTS (con't)

3. Funding Source Changes

- Starting in 2019, the Legislative Assembly began funding salary increases for BCI and the Crime Lab through the OAG refund fund. Starting in 2021, the Legislative Assembly funded operating expenses for BCI and IT/CJIS through the refund fund.
- Each session since 2019, the Appropriations Committees have noted the Legislative Assembly eventually will need to change the funding source to a reliable fund for these appropriations.
- These appropriations now equal almost \$2.8 million per biennium, and the refund fund cannot maintain the expenditures.
 - Deposits into the refund fund are inconsistent and not predictable.
 - Large litigation awards that would otherwise be deposited into the refund fund have routinely been appropriated to other agencies.
 - Many settlement dollars in the refund fund are restricted to other uses.

OPTIONAL REQUESTS (con't)

4. IT Systems Replacement, Maintenance, and Rate Increases

- Switch replacement – The switches handle communications between servers and shared storage and are critical pieces of our information systems. The current network switches are so old we can no longer obtain maintenance or support for them.
- Octopus Deploy – This is necessary for us to deploy custom-developed applications. Without it, we cannot deploy updates, fixes, changes, or new systems. This request is for the increase in cost of Octopus Deploy.
- E-Prosecutor System – This is our document management system, and we provide it to 34 State's Attorneys' Offices around the state at no charge. The system also provides an important interface with law enforcement agencies and courts, allowing smooth communications and filings throughout the criminal justice system. The vendor will discontinue the current system (JustWare) in 2025, and E-Prosecutor will be the replacement system. This funding will pay for the increased maintenance and support costs.
- Jail Management System – Similar to the E-Prosecutor System, we provide a jail management system to 7 county jails around the state. The current system (Premier One) will no longer be supported by its vendor in 2027. The funding will allow us to procure a replacement system.
- NDIT Rate Increases – State law requires us to use some NDIT services and connect to some NDIT systems. We have to pay NDIT rates for those services, and the rates increase each biennium. OMB factored in some – but not all – of the increases in Governor Burgum's budget. This funding would make up the difference between the budgeted amount and what the increases are expected to equal.

OPTIONAL REQUESTS (con't)

5. Statewide Automated Victim Information and Notification System (SAVIN) Replacement

- We maintain SAVIN pursuant to N.D.C.C. § 12.1-34-06.
 - SAVIN allows crime victims to register for alerts when their offenders are released, escape, have scheduled court proceedings, have parole reviews, or other status changes.
 - SAVIN is critically important to victims and an important resource for their safety and peace of mind.
 - SAVIN helps criminal justice agencies fulfill their obligations under N.D.C.C. Ch. 12.1-34 and Art. 1, Sec. 25 of the North Dakota Constitution.
- SAVIN is powered by the VINE system. The VINE system was purchased by a credit reporting agency 2 years ago. The new owner does not support the system sufficiently to keep it operating at an appropriate level. Critical problems go unresolved for months, despite the diligent and determined efforts of our staff.
- A new system is required to meet the needs of crime victims and to satisfy the legal requirements of our office and the criminal justice system.

OPTIONAL REQUESTS (con't)

6. Printer and Computer Replacement, Subscription, and Storage

- This request is to fund the increased costs for software and hardware used by multiple divisions of the office including:
 - High-capacity printer for IDs;
 - High-capacity laptops for BCI agents and other laptops for office employees;
 - Servers; and
 - Various software used for day-to-day work.
- Funding for the replacement of servers (on the scheduled rotation of four servers per biennium) is included in our base budget, but the replacement cost increased since the amount in our base budget was calculated. The increase is included in this request.

OPTIONAL REQUESTS (con't)

7. Crime Lab Supplies and Maintenance Agreements

- This request will cover inflationary increases in lab supply costs, costs of new maintenance agreements, and inflationary increases in maintenance agreement costs.
- Costs of consumable lab supplies have risen approximately 15 percent over the past 2 years.
- Maintenance agreements are critical cost-saving and productivity measures for the Crime Lab.
 - One piece of equipment for the Crime Lab may cost \$500,000 or more.
 - A maintenance agreement ensures the vendor will maintain, service, and repair the equipment for a period of years at a set cost.
 - Without the agreement, a vendor will de-prioritize our service requests and charge for travel, parts, labor, and other fees each time a piece of equipment needs service.
 - Each service visit can cost \$1000s.
 - Maintenance agreements reduce down time for the equipment (and staff), prevent backlogs, prolong the life of the equipment, and are by far the most cost-effective way to get service.

OPTIONAL REQUESTS (con't)

8. Crime Lab Equipment

- The Crime Lab needs additional equipment to manage workloads and replace aging equipment, including equipment that is no longer covered under maintenance agreements due to age.
 - 2 Gas Chromatography Mass Spectrometry (GCMS) instruments for Forensic Chemistry
 - 3 water purification units for Toxicology and Latent Prints
 - 4 alternate light sources for DNA
 - 2 thermal cycler units for DNA
 - 2 hydrogen generators for Toxicology
 - 1 temperature monitoring system for the whole Crime Lab

OPTIONAL REQUESTS (con't)

9. Crime Lab Evidence Technician and Quality Assurance (QA) Manager

➤ Evidence Technician

- This FTE intakes evidence from law enforcement officers.
- Currently there is 1 FTE.
 - There were 4 FTEs prior to 2017.
- This is a bottleneck and significant source of frustration for law enforcement around the state.
- There is no backup if the current FTE is out sick or unavailable.

➤ QA Manager

- The Crime Lab has extensive accreditation requirements, inspections, procedure manuals, policies, training systems, and documentation requirements that require a QA Manager.
- Currently there is no FTE for this position.
- QA duties are performed part-time by a DNA analyst.

OPTIONAL REQUESTS (con't)

10. Executive Staff Officer

- The OAG has no communications personnel.
- The volume of internal and external communications is extremely high, and we have a responsibility to respond timely and accurately to the public, legislators, executive branch officials, law enforcement agencies, and others.
- The OAG website contains important legal, public safety, and consumer protection news and information.
- This FTE will:
 - Manage and respond to inquiries and requests, including requests for opinions;
 - Ensure the website is updated timely with critical information;
 - Assist with responses to open records requests; and
 - Coordinate internal communications and office-wide responses to inquiries.

OPTIONAL REQUESTS (con't)

11. Medicaid Fraud Control Unit (MFCU) Attorney

- MFCU is funded 75% with federal funds and 25% with state funds.
- The state investment in a MFCU attorney results in an increase of state funds.
 - With the MFCU Director as the only attorney in the unit until September 2024, MFCU recovered at least \$364,000 this biennium, just through January 2025.
 - In total, for every dollar expended on it, ND MFCU recovered \$3.68 (above the national average).
 - Estimates suggest that, through deterrence, MFCU saves 2-10 times the amount of money recovered.
 - MFCU stops the flow of state money to fraudulent schemes.
- MFCU attorneys protect vulnerable North Dakotans being abused or neglected by fraudulent Medicaid providers.
- MFCU educates and works with providers, such as nursing homes, to improve patient care.
- Each year, many cases referred to MFCU cannot be pursued due to a lack of attorneys.

OPTIONAL REQUESTS (con't)

12. Operating Cost Increases

➤ Inflation and increased workloads, especially for attorneys and BCI agents, resulted in increased needs for the following:

• Rent increases	\$89,845
• Expert witness fees	\$20,000
• Travel	\$10,000
• Fuel for BCI vehicles	\$22,000
• Supplies for BCI agents	\$63,000

OPTIONAL REQUESTS (con't)

13. Litigation Pool (\$8 million)

- The litigation pool serves a critical function for the state, and the need for litigation funded by the pool will continue to increase.
- Last year the pool had \$5 million, and we received emergency authority to use an additional \$3 million from our operating line.
- The litigation pool covers:
 - Defense of several state statutes;
 - Protection of the state's interests against federal agencies' regulatory overreach, especially regarding:
 - Constitutional limitations on federal power;
 - The state's energy and agriculture industries; and
 - Individual constitutional rights;
 - Litigation costs incurred by several state agencies, boards, and commissions; and
 - Participation in multi-state litigation on behalf of the people of North Dakota.

OPTIONAL REQUESTS (con't)

14. Finance Division Administrative Assistant

- This FTE will assist both the licensing and procurement functions in the Finance Division.
- Licensing demands increased significantly, especially with the increase in e-Tab gaming.
 - OAG licenses many types of alcohol establishments in which e-Tabs are played.
 - Several legislators have asked about turnaround times for these licenses.
 - Turnaround times will be reduced by an Administrative Assistant working part-time for the 2 FTEs in licensing.
- State procurement processes and requirements have become much more complicated and time-consuming and apply to more purchases than in the past.
 - OAG has just 1 FTE to handle procurement for 14 divisions.
 - BCI alone has extremely high procurement needs.
 - The part-time assistance of an Administrative Assistant is a critical need for procurement.

OPTIONAL REQUESTS (con't)

15. BCI Agent Training

- Each year, up to 2 BCI agents may be admitted to the National Forensic Academy (NFA), an intensive, 400-hour training program on crime scene processing and forensic investigation that:
 - Provides unique field experience and classroom instruction by national experts;
 - Improves agents' abilities to collect, identify, preserve, and analyze evidence; and
 - Improves public safety by significantly elevating agents' skillsets.
- BCI's goal is to have 60% of field agents complete NFA training. Currently, 37% have completed it.

OPTIONAL REQUESTS (con't)

16. Employee Reclassification from Paralegal to Attorney

- The Consumer Protection and Antitrust Division (CPAT) has approximately 100 open complaints and dozens of open investigative and legal files at any time.
 - Completion of these files requires significant attorney time.
- CPAT is engaged in many multistate, consumer protection lawsuits against large national or international companies armed with an array of law firms.
 - Many responsibilities in these cases require an attorney.
 - The formulas used to allocate financial compensation in these cases are increasingly based on the number of hours each state puts into the cases. More attorney time results in more money paid to the state.
- Reclassification of this FTE will help CPAT manage its workload and increase North Dakota's ability to participate in – and collect greater financial compensation in – multistate litigation to protect our consumers.

OPTIONAL REQUESTS (con't)

17. Victim Witness Advocates

- Two victim witness advocates (one in Fargo, one in Dickinson) fill temporary positions and provide services throughout the state.
- This request is to make the positions FTEs.
- Victim witness advocates serve a mission-enhancing role in law enforcement by:
 - Notifying and explaining court proceedings to victims and families;
 - Acting as a liaison between victims and law enforcement and other court staff;
 - Participating as an active member of multi-disciplinary teams;
 - Training law enforcement and the general public of victims' needs and concerns; and
 - Participating in child forensic interviews and assist victims, families, and staff when a child is a crime victim.

OPTIONAL REQUESTS (con't)

18. Cyber Crime Administrative Assistant

- The number of cyber crime agents in the field has increased, and the number of cyber crime cases has dramatically grown over several years.
- Cases have become more complex and involve more voluminous reports.
- BCI's information processing section, which produces reports, can no longer maintain acceptable turnaround times, hampering time-sensitive investigations.
 - At any time, there are 150-200 reports waiting for work.
 - This affects BCI agents' ability to present reports to prosecutors for decisions whether to charge sexual offenders, drug traffickers, child pornographers, and other criminals.

OPTIONAL REQUESTS (con't)

19. State and Local Intelligence Center (SLIC) Criminal Investigator (BCI Agent)

➤ SLIC requires a BCI agent to:

- Become a member of the FBI's Joint Terrorism Task Force Initiative, which would allow the agent to access some top secret information regarding foreign actors in the state;
- Support the Cass Clay Threat Assessment Threat Management Team created by Sheriff Jesse Jahner to target dangerous individuals and groups in the eastern part of the state; and
- Conduct intelligence gathering and other activities to support SLIC and work with federal and state law enforcement partners.

OPTIONAL REQUESTS (con't)

20. Tribal Field Agents' Administrative Assistant and Sex Offender Registration Administrative Assistant

- The Legislative Assembly appropriated 3 tribal field agents for BCI in 2023. Those agents rely on the information processing section discussed in Request 18 to produce their reports.
- OAG is responsible for staffing the Sex Offender Risk Assessment Committee and maintaining the sex offender registry.
 - The state has 1800 registered sex offenders with more than 12 new registrants per month on average.
 - Each new registration requires a large volume of exacting work.
 - Each existing registration requires careful maintenance and updates up to 4 times per year.
 - Homeless sex offenders must register every 3 days.
 - BCI processes about 900 registration forms each month.

OPTIONAL REQUESTS (con't)

21. Discovery and Redaction Software

- Software that will facilitate legal discovery and redaction has become an essential tool for attorneys.
- Legal discovery is very resource-intensive, and well-funded litigants with many attorneys try to “drown” state attorneys in documents.
 - Discovery and redaction software evens the playing field by sorting, reviewing, analyzing, and classifying large volumes of documents produced by litigants.
 - The software also saves state resources and makes staff more efficient by allowing attorneys to devote their time to other essential tasks.
- The software also will assist OAG staff in identifying, reviewing, and redacting open records requested from this office.
 - This will reduce our response turnaround times.

OPTIONAL REQUESTS (con't)

22. Portable Handheld Dual Band Radios

- Portable handheld dual band radios for BCI agents need to be updated due to the new state radio system.
- These radios are essential to maintain communications in the field among multijurisdictional team members conducting operations.
 - Without reliable and interoperative communication equipment:
 - Law enforcement officers face considerable safety risks; and
 - Public safety is jeopardized.

OPTIONAL REQUESTS (con't)

23. BCI Undercover Vehicle Replacement

- BCI has a 6-year replacement cycle for undercover vehicles, based on actuarial assessments.
- When possible, federal funds or other funds are used to pay for the vehicles.
- 53 of the vehicles are funded by the general fund.
- The net price of each vehicle after trade-in and with a six-year warranty is \$33,000.

OPTIONAL REQUESTS (con't)

24. PACER/WestLaw/Quickbooks/OSINT Scraping Tool

- The costs for PACER and WestLaw have increased due to inflation.
 - PACER – This is the only way our legal divisions can access federal court filing systems. Without it, OAG can not file and access briefs in federal courts.
 - WestLaw – This is the legal research system for our legal divisions and is necessary for their day-to-day work.
- Quickbooks – This will help the Gaming and Finance Divisions audit charitable gaming organizations' tax returns.
- OSINT Scraping Tool – This will allow BCI to collect and analyze information from overt sources and publicly available information to produce actionable intelligence.

OPTIONAL REQUESTS (con't)

25. Tobacco Tax Settlement Compliance Auditor

- North Dakota generally receives more than \$20 million per year through the multistate Master Settlement Agreement (MSA) with several tobacco manufacturers.
- The MSA requires each state signatory to “diligently enforce” its provisions.
 - The meaning of “diligently enforce” has evolved due to litigation, and states have had to increase their enforcement efforts to stay in compliance with the MSA.
 - Failure to stay in compliance can result in the loss of MSA funds.
 - This FTE could conduct or oversee more frequent audits and inspections to ensure the state meets the courts’ requirements for diligently enforcing the MSA.
- This FTE would not be funded from the general fund.
 - The bill has a provision for this to be paid by the fee from the electronic smoking device manufacturers, but the fee needs to be increased to cover the cost.
 - Alternatively, a transfer from the Tobacco Settlement Fund for this FTE to supplement the fees would be a prudent investment in the MSA settlement dollars for North Dakota.

OPTIONAL REQUESTS (con't)

26. BCI's Fargo Cyber Office Remodel

- BCI works with other law enforcement agencies in and around Fargo to investigate cyber crimes, including those against children, and the Fargo office serves as a regional center for these investigations.
- These investigations involve digital forensic analysis of seized electronic devices.
- The Fargo office lacks the necessary screened forensic lab space for these investigations.
- This request will allow BCI to use modular work surfaces for up to six forensic labs to meet the demands of the continually expanding number of child exploitation and drug trafficking investigations.

OPTIONAL REQUESTS (con't)

27. 3 BCI Tribal Field Agents

- In 2023, the Legislative Assembly appropriated 3 of 6 requested FTEs for BCI agents to start multijurisdictional units near reservations to combat drug trafficking on and around tribal lands.
 - Several appropriators recommended that BCI request the other 3 FTEs this year.
- OAG successfully obtained the appropriate tribal and federal authority to conduct operations on the lands of the Spirit Lake Nation, The Turtle Mountain Band of Chippewa Indians, and the Mandan, Hidatsa, and Arikara Nation. BCI is continuing to work with the Standing Rock Sioux Tribe for the same authorization.
- The 3 FTEs granted in 2023 are actively serving tribal nations, and a new multijurisdictional task force is already established in Rolla to serve the nearby tribal lands.

OPTIONAL REQUESTS (con't)

28. Crime Lab Overtime

- Crime Lab personnel have worked significant overtime hours this biennium to ensure evidence is tested as timely as possible, in preparation for criminal investigations and trials.
- The overtime is funded by a federal grant called the DNA Capacity Enhancement for Backlog Reduction Grant.
- This request is for authority to expend the federal grant funds.

OPTIONAL REQUESTS (con't)

29. Restore 3 Percent Reduction

- In the previous Governor's budget, there was a 3% overall cut in agency funds. This request is to restore those funds.

OTHER BILLS WITH UNACCOUNTED FISCAL IMPACTS

Reengrossed SB 2029 – estimated \$1.9 million not funded / no FTEs

- OAG serves as legal counsel to new Office of Guardianship in any investigation or proceeding;
- OAG defends any Office of Guardianship employee or member of the Board
- BCI has primary responsibility to investigate criminal cases related to guardianship or conservatorship in ND
- 4 BCI agents and 1 prosecutor are needed but were taken out of the policy bill
- Appropriations indicated FTEs should be put into OAG's budget instead

Engrossed SB 2292 – appropriation for sexual assault survivor services removed

- Funding source change for sexual assault survivor services
 - Forensic medical exams and children's forensic interviews
- Historically have been funded from insurance reserve fund
- Funds are appropriated to OAG to distribute reimbursements to exam/interview providers
- This bill changes the source to the general fund but removes the appropriation to OAG

Several other bills that increase OAG duties with no new funding or FTEs

Thank You

<i>Youthworks' 2025-2027 Anti-Trafficking Budget</i>	
Expense Category	Biennium Cost
Personnel to serve youth statewide, including Human Trafficking Specialists, Therapists, and mentors	\$ 1,246,440.00
Travel to serve victims in their home communities	\$ 50,000.00
Current Continuum of Housing, including emergency shelter, Transitional Housing, and Rental Support	\$ 130,000.00
Additional Housing Support to address unmet housing needs	\$ 270,227.00
Indirect costs and additional expenses not covered by state funding	\$ 270,000.00
<i>Federal Funding</i>	\$ 1,966,667.00
<i>Match Funding Required</i>	\$ 655,000.00 (Biennium)

youthworks

ANTI-TRAFFICKING SERVICES

Youthworks has provided services and support to runaway, homeless, sex-trafficked, street youth (RHTSY) since 1986. Nearly a decade ago, Youthworks received its first funding for trafficking-specific services. Currently, Youthworks is the only agency in North Dakota providing in-person anti-trafficking services to youth throughout the state.

In the 2021-23 biennium, Youthworks received \$482,823 in state funding to serve youth victims statewide. We were able to use these dollars to leverage federal funding.

In 2023-25 biennium, this funding was decreased by \$153,834, including funding for travelling to rural communities. This reduction put significant pressure on Youthworks to quickly address the deficit and find ways to maintain services throughout the biennium. We will be unable to sustain covering this deficit in the upcoming biennium and may be forced to forgo federal funding if additional resources are not secured. Youthworks doesn't want to leave federal funding on the table.

For every \$1 North Dakota invests, Youthworks receives \$3 in federal funding to support youth victims of human trafficking. This biennium Youthworks has the opportunity to bring in \$1,966,667 in federal money to support youth victims, requiring \$655,000 in match funding.

By continuing to invest in Youthworks, the state strengthens its ability to combat human trafficking while ensuring that every dollar yields exponential impact. Together, we can address this urgent issue, protect vulnerable youth, and create pathways to healing and independence for survivors across North Dakota.

**"I'm not a victim, I'm a survivor.
I used to have a victim mentality
but not anymore."**

18-MONTH SNAPSHOT:

147 youth received anti-trafficking support and services from Youthworks

3,196 nights of transitional housing were provided to survivors

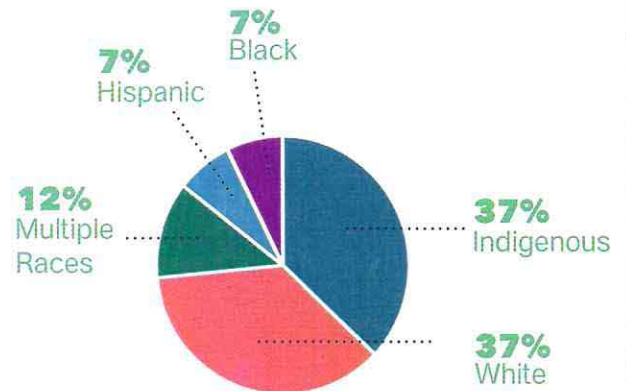
17.1 was the average age a youth began receiving anti-trafficking services

35% of North Dakota's counties had youth victims identified

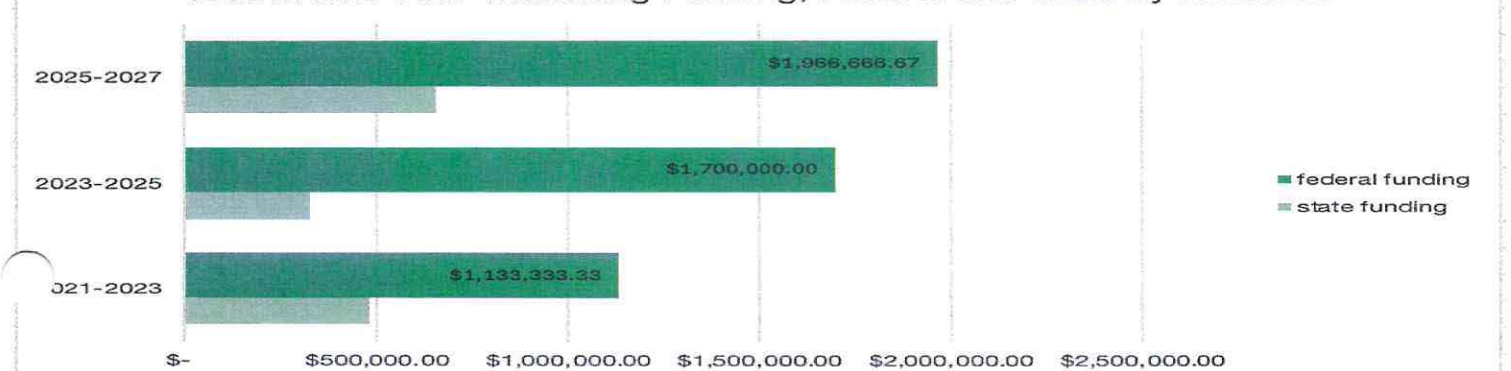
92% of youth served were survivors of sex trafficking

17% were both sex and labor trafficked

RACIAL DEMOGRAPHICS OF YOUTH SERVED



Youthworks' Anti-Trafficking Funding, Federal and State by biennium



3-12-25 HB1003

North Dakota Legislative Council

Prepared for the Senate Appropriations Committee
March 12, 2025

MAJOR RELATED LEGISLATION AFFECTING THE ATTORNEY GENERAL AS OF CROSSOVER

This memorandum provides information on major related legislation affecting the Attorney General as of Crossover:

House Bill No. 1024 - This bill provides a \$3,050,000 general fund deficiency appropriation to the Attorney General for the 2023-25 biennium, of which \$3,000,000 is for the statewide litigation funding pool and \$50,000 is for prosecution witness fees.

House Bill No. 1193 - This bill appropriates one-time funding of \$3.5 million from the general fund to the Attorney General for a peace officer and correctional officer appreciation grant program. Of the total, \$750,000 must be granted to city and county law enforcement agencies employing 10 or fewer employees working in a law enforcement capacity. Funding must be used for providing hiring and retention bonuses to new and current law enforcement and correctional officers and providing tuition and fee payments on behalf of law enforcement trainees. The funding is the same as provided for the back the blue grants program during the 2023-25 biennium.

House Bill No. 1199 - This bill creates a missing indigenous people task force and a missing indigenous people grant fund, authorizes the Attorney General a continuing appropriation from the fund, and provides an appropriation and transfer of \$250,000 from the general fund to the new fund for supporting efforts of a federally recognized Indian nation, tribe, or band in the state to identify, report, and find missing indigenous people.

House Bill No. 1525 - This bill replaces the current five-member Gaming Commission with a nine-member Gaming Commission to oversee gaming activities in the state and appropriates \$25,000 of one-time funding from the general fund to the Attorney General for defraying the costs of operations of the Gaming Commission.

Senate Bill No. 2167 - This bill requires individuals convicted of a felony or misdemeanor to pay a fee of up to \$100 for the cost of digital forensic examinations, establishes an internet crimes investigation fund, and provides the Attorney General a continuing appropriation from the fund.

Senate Bill No. 2205 - This bill increases the quarterly transfers from the charitable gaming operating fund to the gambling prevention and treatment fund to provide for a biennial increase of \$520,000, from \$80,000 to \$600,000. This will result in a \$520,000 decrease in the amount transferred from the charitable gaming operating fund to the general fund at the end of each biennium.

Senate Bill No. 2209 - This bill appropriates \$200,000 of ongoing funding from the general fund to the Attorney General for the domestic violence forensic medical examination program for community-based or hospital-based domestic violence examiner programs and related administrative costs.

Senate Bill No. 2292 - This bill amends Section 12.1-34-07 to provide the cost of medical screenings and acute forensic medical examinations be paid from the general fund. The 2025-27 biennium base budget for the Attorney General includes \$964,560 from the insurance regulatory trust fund for medical examinations (\$660,000) and children's forensic interviews (\$304,560). The House did not change the funding source for these programs in House Bill No. 1003 (2025).

Legislative Council

Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	Armstrong Budget				House Version				House Compared to Armstrong Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		1,644,886	883,866	2,528,752		1,644,886	883,866	2,528,752				0
Health insurance increase		990,921	570,451	1,561,372		990,921	570,451	1,561,372				0
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool				0		(40,313)	(41,813)	(82,126)		(\$40,313)	(\$41,813)	(82,126)
Adjusts funding for the 2025-27 vacant FTE pool				0		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)
Adds funding for a FTE evidence technician position	1.00	189,393		189,393	1.00	189,393		189,393				0
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE cybercrime information processing administrator position	1.00	177,104		177,104				0	(1.00)	(177,104)		(177,104)
Adds funding for FTE victim witness advocate	2.00	475,204		475,204				0	(2.00)	(475,204)		(475,204)
Adds funding for a FTE executive staff officer position				0	1.00	195,432		195,432	1.00	195,432		195,432
Adds funding for a FTE tobacco compliance auditor position				0	1.00		239,716	239,716	1.00		239,716	239,716
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases		254,317	37,460	291,777				0		(254,317)	(37,460)	(291,777)
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		1,790,559	(1,790,559)	0				0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		953,575	(953,575)	0				0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Transfers \$95,056 for prosecution witness fees from operating to a new line item				0				0				0
Adds funding for prosecution witness fees for increased county reimbursements				0		265,000		265,000		265,000		265,000
Removes funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Total ongoing funding changes	5.00	\$13,732,329	\$1,071,959	\$14,804,288	4.00	\$12,208,891	\$676,444	\$12,885,335	(1.00)	(\$1,523,438)	(\$395,515)	(\$1,918,953)
One-Time Funding Items												
Adds funding from gaming funds for operating and litigation expenses				\$0			\$2,000,000	\$2,000,000			\$2,000,000	\$2,000,000
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	\$554,000	954,000		\$400,000	554,000	954,000				0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0

Adds funding to replace BCI undercover vehicles			660,000	660,000			540,000	540,000			(120,000)	(120,000)
Adds funding for portable handheld dual-band radios			105,000	105,000			105,000	105,000				0
Adds federal funding for intoxilyzers				0			188,000	188,000			188,000	188,000
Adds funding for a retired law enforcement dogs program				0		110,000		110,000		\$110,000		110,000
Adds funding for human trafficking victims grants				0		650,000		650,000		650,000		650,000
Adds funding for the statewide litigation funding pool			5,000,000	5,000,000			8,000,000	8,000,000			3,000,000	3,000,000
Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000			1,500,000	1,500,000				0
Adds funding for additional income from federal or special funds				0			250,000	250,000			250,000	250,000
Total one-time funding changes	0.00	\$1,082,000	\$7,819,000	\$8,901,000	0.00	\$1,842,000	\$13,137,000	\$14,979,000	0.00	\$760,000	\$5,318,000	\$6,078,000
Total Changes to Base Level Funding	5.00	\$14,814,329	\$8,890,959	\$23,705,288	4.00	\$14,050,891	\$13,813,444	\$27,864,335	(1.00)	(\$763,438)	\$4,922,485	\$4,159,047
2025-27 Total Funding	271.00	\$63,838,594	\$50,805,779	\$114,644,373	270.00	\$63,075,156	\$55,728,264	\$118,803,420	(1.00)	(\$763,438)	\$4,922,485	\$4,159,047

<i>Federal funds included in other funds</i>			\$15,221,406			\$15,530,090				\$308,684		
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<i>Total ongoing changes - Percentage of base level</i>	1.9%	28.0%	2.6%	16.3%	1.5%	24.9%	1.6%	14.2%	N/A	N/A	N/A	N/A
<i>Total changes - Percentage of base level</i>	1.9%	30.2%	21.2%	26.1%	1.5%	28.7%	33.0%	30.6%	N/A	N/A	N/A	N/A

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version
New and vacant FTE pool line item		Section 3 provides the Attorney General cannot spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to the salaries and wages line item.
Appropriation - Additional federal funds or special funds		Section 4 appropriates \$250,000 from federal or special funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Transfer - Charitable gaming operating fund to attorney general operating fund		Section 5 transfers \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item.
Transfer - Statewide litigation funding pool to state agencies - SIIF		Section 6 identifies \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version	
Human trafficking victims grant program - Requirements - Reports		Section 7 identifies \$1,767,514 appropriated 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 administrative expenses, for the 2025-27 biennium.	
Forensic nurse examiners grant program - Reports		Section 8 identifies \$254,244 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, and administrative expenses, for the 2025-27 biennium.	
Retired law enforcement dogs program		Section 9 identifies \$110,000 appropriated from the general fund is for establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.	
Other funds - Electronic smoking fund		Section 10 identifies \$239,716 appropriated from the electronic smoking fund for enforcing the master settlement agreement and any related disputes.	
Amendment - Prosecution witness fees		Section 11 amends Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.	
Amendment - Electronic smoking device directory - Electronic smoking device manufacturer fee - Electronic smoking fund		Section 12 creates a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.	
Amendment - Attorney General salary		Section 13 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	
Criminal history record checks - Fees		Section 14 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	
Exemption - Contingent fee arrangement		Section 15 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	
Exemption - Attorney General refund fund		Section 16 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	

Other Sections in Attorney General - Budget No. 125

Section Description	Armstrong Budget	House Version	
Exemption - Legal case management system		Subsection 1 of Section 17 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	
Exemption - Criminal history improvement project		Subsection 2 of Section 17 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	
Exemption - Federal State Fiscal Recovery Fund		Subsection 3 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	
Exemption - Charitable gaming technology system		Subsection 4 of Section 17 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Licensing and deposit system		Subsection 5 of Section 17 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit software system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Anti-methamphetamine program		Subsection 6 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	
Emergency		Section 18 declares section 5 an emergency.	

Clare Ness
3-12-25
HB 1003

2025-27 BUDGET

Office of Attorney General
State of North Dakota

Drew H. Wrigley
Attorney General

**For the Government Operations
Division of the Senate
Appropriations Committee**

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INTRODUCTION

Office of Attorney General

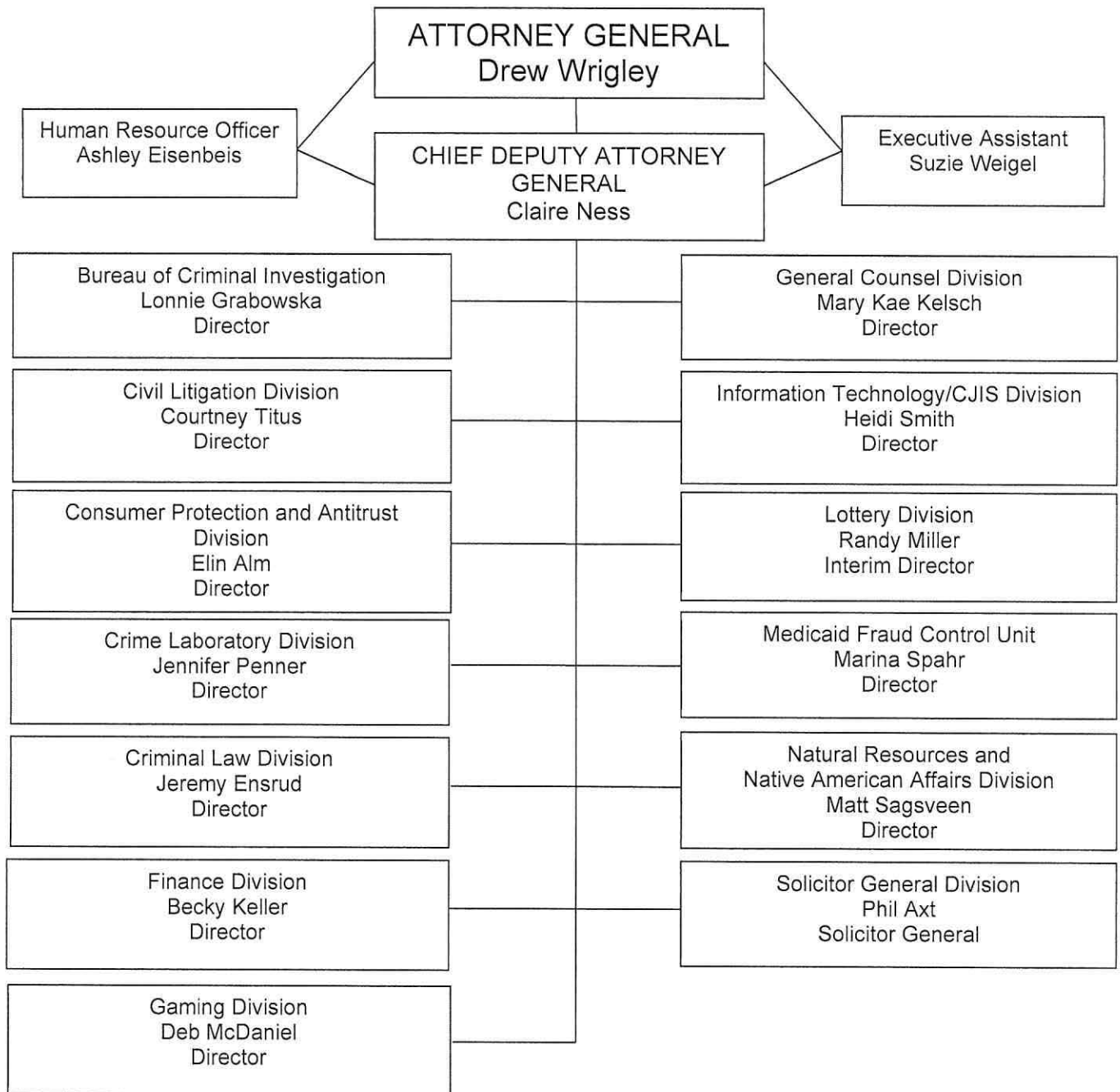
The Office of Attorney General protects and defends the interests of the citizens of North Dakota by executing the responsibilities charged to the Attorney General by the North Dakota Constitution, state statutes and administrative rules, state and federal case law, and common law. The Attorney General is the chief legal counsel for the State of North Dakota and provides legal representation to all parts of state government, including the Governor and other elected officials, the Legislative Assembly, and all state departments, agencies, boards, and commissions. The Attorney General also defends the constitutionality of state statutes passed by the Legislative Assembly and signed by the Governor.

In addition, the Attorney General has authority to act on behalf of the state in areas including criminal investigations; arrests and law enforcement; sex offender risk assessment and registrations; Medicaid fraud control; criminal evidence examination and testimony; consumer protection and antitrust enforcement; and the administration, regulation, and enforcement of charitable gaming and lottery activity.

The office consists of 14 divisions:

- Administration
- Bureau of Criminal Investigation (BCI)
- Civil Litigation
- Consumer Protection and Antitrust (CPAT)
- Crime Laboratory
- Criminal Law
- Finance
- Gaming
- General Counsel
- Information Technology (IT) and Criminal Justice Information Sharing (CJIS)
- Lottery
- Medicaid Fraud Control Unit (MFCU)
- Natural Resources and Native American Affairs, and
- Solicitor General

NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
January 2025



CURRENT AND FUTURE CRITICAL ISSUES

RECRUITMENT, RETENTION, AND SALARIES

The Attorney General's office continues to struggle with structurally engrained salary equity issues. As a result, the office is at significant disadvantage for recruitment and retention of qualified staff across several divisions. The legal divisions and IT/CJIS, in particular, struggle to fill and maintain positions because the salaries the office can offer are not competitive with other state or local government agencies' salaries and salaries offered by nongovernment entities. Legal cases are becoming more complicated and, coupled with increased workloads and demand for services in these divisions, existing staff are feeling the strain. For many years, the Attorney General's office has been forced to secure millions of dollars to hire outside counsel to meet the legal needs of the state. Several nonlawyer positions also have been historically underpaid, and this Office is seeking equity funding for staff who fall below 90 percent of the midpoint their paygrade, provided they are not new to the paygrade and are demonstrating good performance.

In its 2023-25 budget request, the office has requested salary equity funding and several FTE positions to address these issues. The Legislative Assembly graciously appropriated equity funds for legal positions, allowing the office to implement a merit-based pay structure for attorneys. Not only did this provide additional salary funding for attorneys whose salaries were significantly below what they should have earned based on their experience and skills, it also provided attorneys in the office – for the first time in decades – an opportunity for career advancement. To encourage retention and continue to reward merit, the office is seeking additional equity for attorneys.

Moreover, this investment by the Legislative Assembly in legal salaries has been a smart investment of state resources. For non-MFCU attorneys, the cost per year per attorney was \$200,410. The net savings per year per non-MFCU attorney was \$359,000 - \$1,535,690. For a full biennium, this will amount to \$2,154,000 - \$9,214,140, in state savings for the 3 non-MFCU attorneys.

The savings for the MFCU attorney FTE granted by the Legislative Assembly in 2023 are harder to quantify but likely more significant. As 75 percent of the costs of that FTE being paid by federal funds, the state investment in the FTE for a biennium is \$40,570. Due to the difficulty of recruiting a specialized attorney for MFCU, the attorney was hired in the fall of 2024. However, with only one attorney, who also was the Unit Director and responsible for many more duties, MFCU recovered at least \$364,000 so far this biennium. Having a second attorney has made MFCU even more efficient and able to handle and finalize more cases. This is expected to significantly increase MFCU's ability to recover Medicaid funds that have been obtained fraudulently, deter Medicaid fraud, and stop ongoing Medicaid fraud.

Employees in the IT/CJIS division have some of the most marketable skill sets in state government and are widely recruited by other state agencies and the private sector, both of which can offer higher salaries. IT/CJIS staff work with sensitive and confidential law enforcement information and provide services to the criminal justice system throughout the state. For obvious reasons, they need to work on

site in office locations despite other types of IT positions offering work-from-home or remote work opportunities. ND ITD and Legislative Council are two state agencies able to pay significantly higher IT salaries than the AG office, leading to inefficient turnover and down time. To compete for and retain talented employees, the Office needs to address the salary inequities that exist in this division.

CRIME LABORATORY INTAKE AND SPACE

During meetings with law enforcement officers around the state, many of them expressed concerns about the difficulty of delivering evidence to the Crime Laboratory. The laboratory currently has only one Evidence Technician who can intake evidence. When multiple agencies from around the state deliver evidence for testing at the same time, the inability to have multiple intake personnel is a problematic bottleneck. The office is seeking an FTE for an additional Evidence Technician to correct this issue.

In 2023, many legislators recognized the Crime Laboratory is extremely tight on space. The Legislative Assembly provided funding for additional cubicles, which were installed in the receptionist area, and for an architect study to identify the space needs of the Crime Laboratory. The legislatively directed study was completed, and the architects presented their study process and final report to the interim Government Services Committee in September 2024.

The report identified options for providing the critical space needed for Crime Lab employees to continue serving law enforcement agencies through North Dakota. The current lab was built for 16 employees and has 19,508 square feet. There are now 31 Crime Lab employees, and the study architects calculated they require 52,000 square feet or more to accommodate current and future state needs.

STATUS OF AUDIT FINDINGS

During the operational audit of the office for the period ending June 30, 2022, the State Auditor's office identified one finding relating to the use of expired or unapproved gas standards canisters for breath alcohol toxicology results. The office has begun the replacement of Intoxilyzer 8000s with Intoxilyzer 9000s. The 9000s are capable of preventing operators from performing tests with expired gas standard canisters. Through September 2024, the Office has purchased ninety-one 9000s. The Office anticipates the 9000s will be fully validated and operational within the next year.

STATUS OF 2023-25 BIENNIUM ONE-TIME APPROPRIATIONS

BCI, Crime Laboratory, and Gaming Division inflationary increases

These funds have been allocated and will be spent throughout the biennium. The office has requested inflationary increases in the 2025-27 budget request on an ongoing basis.

Staff operating and equipment costs

These funds have been spent on office equipment and furniture, software licenses, firearms, body armor, and computer equipment for staff.

Statewide Litigation Funding Pool

The 2023 legislative assembly provided \$5 million for the pool. In September 2024, the office estimated only \$971,000 would be remaining in the fund for the remainder of the biennium. The Budget Section approved an Emergency Commission request in September to transfer \$3.0 million from the office's operating line to the Litigation Pool line in case additional funds were needed. Through February 2025, \$4.6 million has been spent from the litigation pool.

Anti-methamphetamine Grant (CAMP)

Of the \$2.0 million CAMP grant award, \$622,466 was spent in the 2021-23 biennium. Through February 2025, an additional \$506,686 has been spent leaving \$870,848 for the remainder of the 2023-25 biennium. Some procurements are in process and expected to be completed before the end of the biennium. It is anticipated the office will request carryover authority for any unspent appropriation.

Crime Laboratory Capital Improvements

The office has spent \$224,496.48 of the \$250,000 appropriation throughout ~~the biennium~~ February 2025. As noted in the previous section, the money was expended on a legislative mandated architect study of the Crime Laboratory space and cubicles for Crime Laboratory staff. The contracted architect firm presented on the study and the final study report to the interim Government Services committee in September 2024.

Crime Laboratory Capital Assets

Of the \$2.2 million dollar appropriation for crime lab capital assets, \$1.6 million has been spent through February 2025. The office anticipates spending the remaining funds throughout the remainder of the biennium.

Gaming, Licensing, and Deposit Software

Of the \$876,000 appropriation, \$349,591 has been spent through February 2025. Further work will be completed throughout the remainder of the biennium. It is anticipated the office will request carryover authority for any unspent appropriation.

Gaming and CPAT vehicles

The vehicles have been purchased.

Undercover Vehicles

Through December 2024, seven of the ten undercover vehicles have been purchased. The remaining three vehicles will be purchased by the end of the 2023-25 biennium.

Law Enforcement Resiliency Grant

These funds have been allocated.

Domestic Violence Forensic Medical Examination Grant

These funds have been allocated.

Back the Blue Grant

These funds have been allocated.

Law Enforcement Staffing Grant

These funds have been allocated.

2025-27 BIENNIUM ONE-TIME APPROPRIATION REQUESTS

Switch Replacement - \$32,000

The existing network switches were purchased in May of 2017 (7 years old) and only support 10 GB connections. The IT division no longer has maintenance and support on those switches. It's critical to get these updated with current technology and get them under maintenance again so that the division can get support and updates from the vendor. These switches handle the communication between our servers and shared storage. **The House provided this funding.**

Jail Management System Replacement - \$650,000

ND CJIS provides a jail management system for seven county jails in ND. The current jail management system is the Premier One system. This system will not be supported by Motorola upon the contract expiring in 2027. This funding will replace the jail management system for those county jails. **The House provided this funding.**

Statewide Automated Victim Information and Notification System (SAVIN) Replacement - \$1,500,000

The ND Statewide Automated Victim Information and Notification system (SAVIN) is currently powered by the VINE system owned by Equifax. Equifax acquired the company known as Appriss approximately two years ago. The current company's culture and support of the SAVIN system is insufficient to the point that it places victims of crime at risk. The system very often provides information to victims late or inaccurately, or information is missed completely. The time it takes to address the problems reported to Equifax is often months or, for multiple issues, even years. The company has changed its mission of trying to provide timely, accurate information to victims to, instead, collecting as much data as possible to help support the other products they own and sell. Due to the inaccuracies of the system, victims and criminal justice personnel question the validity and accuracy of the system. **The House provided this funding. The office is requesting an emergency clause to begin the project as soon as possible.**

ID Printer - \$6,000

This amount reflects the increase in cost to purchase a new ID printer that is currently on the replacement schedule. **The House did not provide this funding.**

Statewide Litigation Pool - \$8,000,000

The litigation pool pays for litigation costs incurred by state agencies, boards, and commissions as needed; litigation to defend statutes passed by the legislative assembly; litigation on behalf of North Dakota against unlawful federal government overreach, litigation related to DAPL; and other litigation costs. This request will require \$8 million from gaming tax funds or a transfer of \$8 million from the strategic investment and improvements fund. **The House provided this funding from the strategic investment and improvements fund.**

Crime Lab Equipment - \$554,000

This funding will be used to purchase additional instruments and replace instruments that are outdated and/or no longer covered under service contracts due to their age. **The House provided this funding, replacing the general fund with the strategic investment and improvement fund.**

- 2 Gas Chromatography/Mass spectrometry instruments for the Forensic Chemistry unit - \$150,000 each (\$300,000 total) – General Funds
- 3 water purification units for the Toxicology unit and Latent Print unit- \$7,000 each (\$21,000 total) – General Funds
- 4 Alternate Light Sources for DNA unit - \$12,000 each (\$48,000 total) – Federal Funds
- 2 Thermal cycler units for DNA unit - \$20,000 each (\$40,000 total) – Federal Funds
- 2 Hydrogen generators for the Toxicology unit - \$50,000 each (\$100,000 total) – Federal Funds
- 1 Temperature monitoring system for the entire laboratory - \$45,000– Federal Funds

New Agent FTE Equipment, Vehicles and Radios - \$335,540

This request will provide computer equipment, protective equipment, weapons, radios, and vehicles for four new BCI agents. **The House did not provide this funding.**

Undercover Vehicle replacement - \$540,000

This request includes funding from the general fund to replace 20 undercover agent vehicles. These vehicles are on a rotation schedule whereby one-third of the fleet is replaced each biennium. **The House provided this funding from the strategic investment and improvements fund.**

Portable Handheld Radios - \$105,000

This request includes funding from the general fund to purchase 15 portable dual band radios to allow for communications with other entities, particularly in areas with little or no service for other types of communication. **The House provided this funding from the strategic investment and improvements fund.**

Internet Crimes Against Children (ICAC) Lab Renovation - \$100,000

This request from the general fund is to renovate the ICAC lab space in Fargo to combine two separate digital forensic labs into one lab that will accommodate up to six forensic labs. Not only is the additional workspace needed to ensure ICAC agents can perform the operations they need, the current workspaces are not screened off from others, thereby creating the potential for others to inadvertently be exposed to sensitive evidence. **The House did not provide this funding.**

SUPPLEMENTAL COVID FUNDING

In January 2020, the office was awarded \$2.08 million in Coronavirus Emergency Supplemental Funding (CESF) through the Justice Assistance Grant program to assist local law enforcement, victim services, and emergency ambulance services across the state through grants. The office received authority from the federal government to continue the grant through December 2023. The office expended all but \$3,851 of the \$2.08 million for the following purposes:

- Grants to local law enforcement agencies and political subdivisions;
- Administration of the grant;
- Purchase of personal protection equipment including gloves, masks, disinfectants;
- Purchase of additional equipment or supplies to prevent the spread of the Covid-19 virus;
- Purchase of laptops and other information technology equipment to allow for teleworking and remote meetings; and
- Purchase of additional storage discs due to the increase in online file management.

FEDERAL STATE FISCAL RECOVERY FUNDING

The Office of Attorney General was authorized to use \$1 million for replacement of the legal case management system, \$300,000 for a missing persons database, and \$50,000 for upgrades to the gaming system for tax rate changes implemented by the legislature.

The office has implemented the missing persons database at a cost of \$9,558. The cost for the gaming system upgrades was \$45,821. The remaining funding for both projects were returned at the end of the 2021-23 biennium.

The IT/CJIS Division has signed a contract with a vendor for the new legal case management system. The office has requested a section be included in HB 1003 to continue this funding in the 2025-27 biennium.

AGENCY COLLECTIONS

The table below provides a summary of agency collection estimates for major funds:

	2023-25 Estimated Collections	2025-27 Estimated Collections
General Fund		
Beer Licenses	\$305,200	\$306,000
Liquor Licenses	288,900	289,000
Tobacco Wholesale and Retail License	52,350	52,500
Transient Merchant License	16,200	15,000
Wholesale Fireworks License	5,500	0
Coin Operated Amusement Machine Location and Operator License	49,825	49,500
Detection of Deception License	1,330	1,285
Fair Board License	900	900
Gaming Licenses and Stamps	609,000	610,050
Non-Criminal justice record checks	1,231,855	1,235,000
Fines-Forfeitures-Escheat	1,000	0
Copier Revenue	<u>1,536</u>	<u>1,600</u>
Total General Fund Collections	\$2,563,596	\$2,560,835

	2023-25 Estimated Collections	2025-27 Estimated Collections
Refund Fund		
Background Checks	34,200	30,000
Unrestricted Settlements	2,465,400	3,000,000
Interest on Investment	152,691	65,000
Misc Revenue	<u>225</u>	<u>225</u>
Total Refund Fund Collections	\$2,652,516	\$3,095,225

	2023-25 Estimated Collections	2025-27 Estimated Collections
AG Operating Fund		
Gaming Stamps	\$36,000	\$36,000
Misc License Fees	514,500	450,000
Background Checks	50,000	50,000
Legal Services	<u>2,650,000</u>	<u>3,264,000</u>
Total AG Operating Fund Collections	\$3,250,500	\$3,800,000

	2023-25 Estimated Collections	2025-27 Estimated Collections
Charitable Gaming Operating Fund		
Gaming Taxes	\$53,300,000	\$52,000,000
Fines – Forfeitures	209,000	200,000
Misc Sales and Services	<u>54,000</u>	<u>50,000</u>
Total AG Operating Fund Collections	\$53,563,000	\$52,250,000

COMPARISON OF BUDGET REQUEST TO BASE BUDGET

Line Item	Base Budget Request	OAG Budget Request	Incr (Decr)
Salaries and Wages	53,007,980	66,451,295	13,443,315
Operating Expenses	17,579,264	20,473,841	2,894,577
Capital Assets	606,000	1,897,400	1,291,400
Grants	3,903,440	3,903,440	-
Human Traffic Grants	1,110,614	1,119,111	8,497
FN Examiner Grants	252,676	254,628	1,952
Litigation Fees	127,500	127,500	-
Litigation Pool	-	8,000,000	8,000,000
Medical Examinations	660,000	660,000	-
North Dakota Lottery	5,413,453	5,625,177	211,724
Arrest/Return of Fugitives	8,500	8,500	-
Gaming Commission	7,489	7,489	-
CJIS	4,579,950	7,351,555	2,771,605
Law Enforcement	3,377,659	3,732,717	355,058
Children's Forensics	<u>304,560</u>	<u>304,560</u>	<u>-</u>
	90,939,085	119,917,213	28,978,128
General Fund	49,024,265	68,869,972	19,845,707
Federal Fund	13,556,967	15,119,394	1,562,427
Other Funds	<u>28,357,853</u>	<u>35,927,847</u>	<u>7,569,994</u>
	90,939,085	119,917,213	28,978,128
FTE Positions	266.00	281.00	15.00

House CHANGES TO 2025 HOUSE BILL 1003

The office's optional adjustments requested in the submitted budget and as approved in the Executive Recommendation are shown below. **The House included these requests.**

Description	Priority	General Fund	Federal Fund	Other Funds	Total	FTE
Cost to continue salaries	1	\$1,020,488	\$94,000	\$570,389	\$1,684,877	
Fund source change	3	2,744,134		(2,744,134)		
IT systems, maint, rates	4	1,473,775			1,473,775	
SAVIN replacement	5			1,500,000	1,500,000	
Crime Lab supplies, maint	7	592,000			592,000	
Crime Lab equipment	8		233,000	321,000	554,000	
Crime Lab FTE	9	189,393			189,893	1.00
MFCU Attorney	11	85,826	257,477		343,303	1.00
Cost increases – rent, supplies, witness fees, travel	12	119,087	31,770	53,988	204,845	
Litigation pool	13			8,000,000	8,000,000	
CPAT reclassification	16			30,000	30,000	
Portable dual band radios	22			105,000	105,000	
Undercover vehicle replcmnt	23			540,000	540,000	
Total		\$6,224,703	\$616,247	\$8,376,243	\$15,217,193	2.00

The Governor's recommendation decreased the office's request for the litigation pool from \$8.0 million to \$5 million and changed the funding source to \$1.0 million from the general fund and \$4.0 million from the strategic investment and improvements fund. **The House restored the \$8 million request and funded it through the strategic investment and improvements fund. The House changed the funding source for the SAVIN replacement, a portion of crime lab equipment, the dual band radios, and the undercover vehicle replacement from the general fund to the strategic investment and improvement fund**

The office's optional adjustments requested in the submitted budget and not included in the Executive Recommendation were **included by the House** as shown below.

Description	Priority	General Fund	Federal Fund	Other Funds	Total	FTE
Executive Staff Officer	10	\$195,432			\$195,432	1.00
Tobacco tax compliance auditor	25			\$239,716	239,716	1.00
Total		\$195,432	\$0	\$239,716	\$435,148	2.00

The office is requesting the following optional adjustments requested in the submitted budget and **not included** in the Executive Recommendation or House Bill 1003 be restored.

Description	Priority	General Fund	Federal Fund	Other Funds	Total	FTE
Salary equity increases	2	254,317	16,775	20,685	291,777	
IT equipment, subscriptions	6	160,000			160,000	
Crime Lab FTE	9	274,774			274,774	1.00
Finance admin Assistant	14	186,740			186,740	1.00
Nat'l Forensic Academy	15	50,000			50,000	
Criminal investigator- SLIC	19	387,330			387,330	1.00
Tribal/Field admin assistant	20	354,208			354,208	2.00
Research/open records software	21	300,000			300,000	
PACER/WestLaw/Quickbooks/ Scraping tool	24	241,\$		20,000	261,000	
Fargo cyber office remodel	26	100,000			100,000	
Criminal investigators-Tribal	27	1,161,990			1,161,990	3.00
Victim witness advocates	17	475,204			475,204	2.00
Cybercrime admin assistant	18	177,104			177,104	1.00
Crime Lab overtime	28		130,000		130,000	
Restore 3 percent reduction	29	1,531,995		806,359	2,338,354	
Total		\$5,654,662	\$146,775	\$847,044	\$6,648,481	11.00

2023 Legislation Having a Fiscal Impact on the Office of Attorney General

The following legislative bills have been introduced which impact the Office of Attorney General.

- House Bill 1193 provides a \$3.5 million general fund appropriation to the Office for a law enforcement appreciation grant program.
- Engrossed House Bill 1199 provides a \$250,000 general fund appropriation and requires the Attorney General to act as chairman for a missing indigenous people grant program.
- Engrossed House Bill 1525 replaces the current 5-member gaming commission with a 9-member gaming commission and increases the daily compensation from \$75 per day per member to an amount provided in NDCC 54-03-20 for legislators, currently \$213 per day. **The House provided a \$25,000 general fund appropriation for the increased cost.**
- Reengrossed Senate Bill 2029 provides that the Attorney General shall act as legal counsel and has primary authority for investigations for a new office of guardianship. **Funding for the estimated expense for the Office of \$1.9 million was not included in the bill and is not included in House Bill 1003, the office's appropriation bill.**
- Engrossed Senate Bill 2084 provides for the actual General Services Administration (GSA) rate for hotel stays in North Dakota for state employees rather than 90 percent of the GSA rate. The fiscal impact of this bill is anticipated to be minimal.

- Senate Bill 2167 imposes a fee on any individual convicted of a felony or misdemeanor for reimbursement of costs associated with digital forensic examinations. The bill creates an internet crimes investigation fund and provides a continuing appropriation to the Attorney General for information technology hardware, software, licensing, digital forensic training, and internet safety presentations.
- Senate Bill 2205 increases the transfer of gaming taxes to the gambling prevention fund from \$10,000 per quarter to \$75,000 per quarter resulting in a decrease of \$520,000 to the transfer of gaming taxes to the general fund.
- Reengrossed Senate Bill 2209 provides an appropriation of \$200,000 from the general fund to provide for forensic examinations for victims of domestic violence and increases the allowable timeframe for completing the exams to 120 hours from the time of the alleged crime.
- Senate Bill 2224 abolishes the gaming commission and provides for the Attorney General to adopt rules to administer and regulate the gaming industry.
- Engrossed Senate Bill 2292 changes the funding source for forensic medical exams and children's forensic interviews from the insurance reserve fund to the general fund. **The Senate did not include a general fund appropriation for this fund source change.**
- Several bills have been introduced that may trigger litigation and increases in workload of the Office's legal staff. These bills do not include additional FTE or funding to provide additional legal services.

SUMMARY OF OFFICE OF ATTORNEY GENERAL DIVISIONS

OFFICE OF ATTORNEY GENERAL ADMINISTRATION

The Administration Division of the office includes the Attorney General, the Chief Deputy Attorney General, the Human Resources Director, the Executive Assistant to the Attorney General and Chief Deputy Attorney General, and one administrative assistant.

The Administrative Division provides legal, administrative, and human resource support services to the other office divisions, and informational services to citizens and other state agencies.

BUREAU OF CRIMINAL INVESTIGATION

The Bureau of Criminal Investigation (BCI) division is comprised of 98 FTE positions including 59 sworn personnel including the director, and 39 support personnel consisting of criminal intelligence analysts (6), administrative services (4), uniform crime reporting and statistics (1), offender registration (3), information processing (4), concealed weapons (4), criminal history (13), CJIS Systems Officers (3), and Peace Officer Standards and Training and 24/7 Sobriety Program (1). The BCI's primary duties are as follows:

- Collaborate with local law enforcement agencies on general and specialized investigations including cyber-crime, homicide, sexual assault, human trafficking, organized crime, child abuse, arson, and terrorism;
- Provide drug trafficking reduction support through participation and supervision of all 11 narcotics task forces;
- Maintain a statewide sex offender and offenders against children registration system and a registered offenders' website for lifetime registrants and high-risk offenders;
- Operation of the Sex Offender Risk Assessment Committee for North Dakota;
- Maintain the statewide criminal history record information system and provide this information to the federal criminal history database;
- Maintain the ABIS for identification and criminal investigation purposes;
- Provide training for law enforcement and corrections officers, maintain officer training records, and issue peace officer licenses;
- Provide training to children and the general public about the dangers of drugs and criminal activity;
- Facilitate the 24/7 sobriety program;
- As the Criminal Justice Information Services (CJIS) Systems Agency (CSA), provide the necessary hardware, software, funding, quality assurance and training for complete access to all FBI CJIS data services for all authorized agencies within the state; and
- Process applications for a North Dakota Concealed Weapons License (Class 1 and Class 2).

Among BCI's many responsibilities and achievements in the 2023-25 biennium, BCI:

1. Expanded the technical expertise in crime scene reconstruction that consists of crime scene mapping, utilization of drones, video enhancement, and agents attending the National Forensic Academy at the University of Tennessee to become crime scene experts.
2. Continued the Victim Services Unit utilizing two Victim Witness Coordinators that respond to crime scenes and offer victims and families guidance and support during complex investigations. Each coordinator (currently temp employees funded by federal grants) is assigned half of the state which covers a large geographical area. The coordinators also work with the States Attorney's Offices to provide witness services in preparation for court hearings.
3. Expanded the BCI Internet Crimes Against Children (ICAC) task force with additional BCI Agents assigned to Fargo and Minot offices and an electronic detection K-9 located in Bismarck. This supports a growing statewide cyber-crime task force which includes affiliate agencies from police departments and sheriff's offices across the state.
4. During the 2023 session, BCI received legislative authority to hire three BCI agents assigned to assist with narcotics trafficking on tribal lands. Each agent is assigned to assist a reservation within North Dakota. This initiative created a new multi-jurisdictional narcotics task force around the Turtle Mountain Reservation.
5. Had two BCI agents earn their Certified Fire Investigator certification through ATF. Those agents are in Bismarck and Rugby, ND. There is also an ATF arson K-9 assigned to the Bismarck agent.

6. Had two agents earn their IACIS (International Association of Computer Investigative Specialists) Forensic Computer Examiner Certification. These agents are located in Bismarck and Fargo, ND.

CIVIL LITIGATION DIVISION

The Civil Litigation Division includes 17 FTE positions. Including the director, the division has 9 attorneys, 3 paralegals, and 5 legal assistants. The Division provides a wide variety of legal services. The attorneys represent the state, state agencies, and state employees in legal actions, including administrative and enforcement hearings, state court lawsuits, federal court lawsuits, challenges to the constitutionality of statutes, and appeals.

Despite the modest number of attorneys in the division, the division has handled more than 400 cases so far this biennium and saved or obtained millions of dollars for the state. Division attorneys practice in administrative, state, and federal courts on behalf of the state in many different types of litigation. Division attorneys also provide some general counsel services such as advising all state agencies on employment-related matters. In fact, almost all the employment-related legal advice and litigation for state agencies and entities is managed by just one litigator in this division. The Division also enforces the Tobacco Master Settlement Agreement. Some of the areas in which the Division provides legal services are as follows:

- Cases regarding constitutional questions and the constitutionality of state statutes; and
- Cases involving challenges to other types of state regulation.
- Implied consent cases for the Department of Transportation;
- Tort cases, including cases involving the state's Risk Management Fund;
- Construction litigation;
- Appeals of economic (*e.g.* Medicaid) and non-economic program determinations by the Department of Health and Human Services;
- Housing discrimination, human rights violations, and wage claims for the Department of Labor and Human Rights;
- Unemployment benefit cases for Job Service;
- Contract claims;
- Administrative licensing matters and appeals for state licensing boards;
- Claims filed under the Prison Litigation Reform Act;

CONSUMER PROTECTION AND ANTITRUST DIVISION

The Consumer Protection and Antitrust (CPAT) Division staff consists of the division director, 3 consumer investigators, 3 assistant attorneys general, and 2 administrative assistants for a total of 9 FTE positions. The division's responsibilities include:

- Taking legal action to obtain injunctive relief, civil penalties, restitution, and other equitable relief and remedies necessary to address violations of law;
- Referring investigation and prosecution of criminal violations to local law enforcement;
- Coordinating with other federal, state, and local law enforcement and regulatory agencies, including participating in multi-state investigations and legal actions;
- Providing consumer fraud training for law enforcement; and

- Researching consumer protection and antitrust laws and issues and assisting state and federal legislators in the development and implementation of legislation.
- Conducting consumer complaint mediation between consumers and businesses in effort to facilitate an amicable resolution of disputes;
- Providing statewide consumer education presentations to elderly North Dakotans, students, and civic and professional groups, and providing consumer warnings and tip sheets;
- Investigating possible violations of antitrust, consumer protection, and other laws enforced by the Attorney General, including laws involving deceptive business practices, contractor licensing and fraud, false advertising, home solicitation sales, do-not-call, transient merchants, data security breach, privacy, nonprofit corporations, charitable solicitations, debt settlement, automatic renewal terms, retail installment sales, and pyramid schemes;

Examples of the division's accomplishments include:

1. Generic Drug Price Fixing Settlements: On behalf of the state and North Dakota consumers, the division entered into settlements with pharmaceutical companies to resolve allegations that the companies engage in widespread, long-running conspiracies to artificially inflate generic drug prices and other anticompetitive actions. The division is leading efforts to register North Dakota consumers for refunds under the terms of the settlements.
2. Data breach: The division obtained a consent judgment including injunctive relief and approximately \$379,000 from a hotel chain for a data breach impacting North Dakota consumers.
3. Opioid Settlement Collections: As a result of the division's legal efforts in multistate settlements with opioid manufacturers, North Dakota has received \$22,732,986 to date with more payments scheduled. As a result of those settlements, political subdivisions in North Dakota have received \$3,212,612 to date with more payments scheduled.
4. Vaping and Smoke Shops: The division issued a Cease & Desist Order against a North Dakota smoke shop for selling unlawful products that are misbranded, adulterated, contain controlled substances, and carry labeling that provides inadequate disclosure or indication of the true content. This follows the division's success, as part of a coalition of 34 states and territories, in reaching a \$438.5 million settlement with JUUL Labs on behalf of the state to remedy and limit the e-cigarette manufacturer's marketing and sales practices, including its targeted advertising to youth.

CRIME LABORATORY DIVISION

The Crime Laboratory Division consists of 31 FTE positions including the division director, 28 forensic scientists, a state toxicologist, 1 evidence technician, and 1 administrative assistant. The Crime Laboratory's mission is to provide scientific support to the state's law enforcement and criminal justice system through the use of accepted techniques in the analysis, identification, and comparison of physical and toxicological evidence involved in the investigation and prosecution of criminal offenses. The staff members are responsible for analyzing evidence, preparing laboratory reports and certified documents, collecting data, training and certifying law enforcement personnel, providing courtroom testimony, and performing associated administrative duties for law enforcement entities throughout the state. The staff of the Crime Laboratory, including the Director and the Team Leads,

have devoted many hours of overtime work to resolving preexisting backlogs, including the backlog in rape kit testing, and ensuring performance standards are met.

During this biennium, the Crime Laboratory succeeded in reviving the capability to test firearms and latent fingerprints. The firearms and latent fingerprints units completed writing their procedures and finished the validations for all their methods. The two units are now operational and performing casework analyses.

CRIMINAL LAW DIVISION

The Criminal Law Division includes 4 attorneys and 1 legal assistant. The mission of the Criminal Law Division is to effectively and impartially prosecute criminal cases in North Dakota and provide legal counsel to several state agencies, boards, and committees. Attorneys in the division provide legal training to law enforcement academy students and train Crime Laboratory employees on courtroom procedures and practices. The division also provides prosecutorial assistance to the 53 state's attorneys across North Dakota upon request.

Division lawyers assist states attorney's offices by assuming the defense of federal court habeas corpus matters. These cases are brought by inmates alleging federal constitutional violations. During the biennium, the division defended the state in thirteen federal habeas corpus cases at the U.S. District Court and three cases at the 8th Circuit Court of Appeals.

The Peace Officer Standards & Training (POST) Board, which licenses and regulates law enforcement officers, is one of the boards that receives general counsel legal services from attorneys in the Criminal Law Division. During the biennium, the POST Board conducted 11 administrative hearings relating to licensure of officers. Discipline was imposed for reasons ranging from shoplifting to driving under the influence. In all 11 cases, the officer received some form of license sanction, from probation to revocation. Division attorneys also provide general counsel legal services to the Sex Offender Risk Assessment Committee, BCI, Pardon Advisory Board, Child Fatality Review Panel, and other state entities.

FINANCE DIVISION

The Finance Division consists of 13 FTE positions including the financial administrator, 1 accounting manager, 4 grants staff, 3 payroll and accounting staff, 2 licensing staff, 1 administrative assistant and 1 purchasing agent. The division staff provide technical, budget, finance, payroll, grants administration, records management, purchasing, licensing, reception, and other administrative services for the entire office.

GAMING DIVISION

The Gaming Division consists of the Division Director, 12 auditors, 2 audit technicians, 3 investigators, 1 training and communications specialist and 1 administrative assistant for a total of 20 FTE positions. The Division's duties include:

- Collecting delinquent gaming taxes, interest, penalties, and monetary fines;
- Coordinating and conducting investigations into illegal gaming activity and thefts;
- Laboratory testing of pull-tab dispensing devices, electronic pull-tab dispensing devices, electronic bingo devices, bingo card marking devices, and electronic 50/50 raffle systems;

- Inspecting gaming businesses manufacturing pull-tabs and paper bingo cards;
- Providing legislative research and legislative testimony at hearings;
- Preparing and issuing gaming administrative complaints, assessing monetary fines, and imposing appropriate sanctions; and
- Inspecting tribal casinos to ensure compliance with tribal-state gaming compacts.
- Administration, regulation, and enforcement for the charitable gaming industry;
- Providing guidance to local law enforcement officials, gaming organizations, distributors, manufacturers, and the general public regarding gaming laws and rules, recordkeeping, and preparation of tax returns;
- Assisting the State Gaming Commission in drafting proposed gaming laws and rules and conducting public hearings;
- Conducting gaming training sessions for organization board members, gaming employees and volunteers;
- Developing standard recordkeeping systems and model systems of internal control for gaming organizations;
- Conducting gaming compliance and financial office and field audits of gaming, distributor, and manufacturer licensees;
- Reviewing and processing gaming distributor records and gaming tax returns;

The division regulates over 350 gaming organizations conducting gaming in over 1,050 sites. The division completed over 80 comprehensive and in-office audits and investigated over 210 complaints. The current e-tab activity includes 5,207 devices, 845 sites, and 277 organizations.

GENERAL COUNSEL DIVISION

The General Counsel Division has 16 attorneys including the division director, 1 paralegal, 1 legal assistant, and 2 administrative assistants. The General Counsel Division provides general counsel legal services to approximately 100 state agencies, boards, and commissions. The division also researches and drafts legal opinions and open records and open meetings opinions. Each legal opinion requires many hours of legal research and analysis as well as drafting time. Each open record or open meeting opinion also requires many hours of communications and analysis in addition to drafting time.

General Counsel Division attorneys are relied upon by their many clients to provide guidance on an extremely wide range of day-to-day legal issues. The scope of legal advice provided by the division attorneys covers everything from state and federal constitutional questions, state procurement requirements, legislation, federal laws and regulations, open records and meetings, ethics and compliance requirements, occupational licensing, construction contracts, private-public partnerships, board governance, and many other topics. In addition, these attorneys need to be subject matter experts in their particular clients' fields of specialization. The division attorneys also review all administrative rules adopted by state agencies and assist client agencies and members of the Legislative Assembly by drafting bills and amendments, explaining the ramifications of proposed legislation, and testifying before legislative committees.

INFORMATION TECHNOLOGY/CRIMINAL JUSTICE INFORMATION SYSTEM

The Information Technology and Criminal Justice Information Sharing (IT/CJIS) Division has 21 FTE positions including the Division Director, 1 architect associate, 1 operations manager, 1 CJIS manager, 1 software development manager, 1 project manager, 1 business analyst, 4 programmer analysts, 2 system administrators, 1 database design analyst, 4 program managers, 1 computer and network specialist, 1 customer tech support specialist, and 1 administrative assistant. IT/CJIS staff provide services not only to the Attorney General's Office but also to police departments, sheriff's offices, state's attorneys offices, courts, and corrections facilities across the state. These services include:

- Support for computer equipment and network needs of all the divisions of the Office of Attorney General including several locations within the Bismarck area and 17 remote locations across the state;
- Desktop support and troubleshooting for all office staff and several narcotics task force personnel;
- Management and support for several statewide criminal justice systems, including a case management system for 34 North Dakota State's Attorney offices; a records management system used by 71 local law enforcement agencies and 8 correctional facilities; an information sharing hub for criminal justice personnel; and a statewide victim notification system used for incarceration, court, parole and probation, commitment and protection order notifications as well as a statewide database used to track victim rights assertions;
- Administration of servers housed in a secured room within the Division's office area, including maintenance, disaster recovery, and security;
- Staff and management of a help desk that supports office staff, as well as any external customers that utilize the office's applications or equipment;
- 24 hour, 7 days a week support for computer applications utilized by law enforcement agencies and other criminal justice personnel statewide on a rotating on-call schedule;
- On-going support, enhancements, changes, additional functionality, and upgrades to all business applications on a regular basis;
- Access to office records through the CJIS portal to North Dakota criminal justice personnel and through BCI to law enforcement across the entire country; and
- Audit participation in FBI, Sex Offender, Security, Gaming, grants and other audits, as needed, providing information as needed, determining changes needed, and developing timelines for changes.

During the 2023-25 biennium, the division has executed many initiatives. For example, the division implemented the gaming distributor system, developed and implemented a scrap metal dealer registration database, implemented the sex assault kit tracking system, developed a statewide law enforcement warrants system, updated the offender registration system, and began working on implementing a new legal case management system for the Attorney General's Office and the county state's attorney offices.

LOTTERY DIVISION

The Lottery Division is comprised of 8 FTE positions, including the Division Director, an account budget specialist, security officer, 2 customer service specialists, a sales and marketing manager, an administrative staff officer and one administrative assistant. The division also has two temporary draw operators.

The North Dakota Lottery is responsible for administering, regulating, and promoting the state's lottery, which offers five multi-state games: Powerball®, Lucky for Life®, Mega Millions®, Lotto America®, and 2by2®.

The Lottery sells ticket in partnership with 450 retailers and offers ticket subscriptions through its website and mobile app. The Lottery manages a loyalty program in which its 60,000 members can use points to purchase merchandise or win prizes.

The Lottery Division transfers net proceeds annually to the State General Fund and makes quarterly transfers to the Multijurisdictional Drug Task Force Grant Fund and Compulsive Gambling Prevention and Treatment Fund.

1. During the 2021-23 biennium the Lottery transferred:
 - \$5.6 million of revenue to the State General Fund;
 - \$800,000 to the Multi-Jurisdictional Drug Task Force Grant Fund; and
 - \$320,000 to the Compulsive Gambling Prevention and Treatment Fund in the first year of the biennium. Similar transfers are underway and anticipated in the second year.
2. In the first year of the 2023-25 biennium:
 - Lottery had record ticket sales of \$40 million due in large part to interest in several billion-plus jackpots;
 - Including prize expense and salaries, the Lottery had total operating expense in FY 2024 of \$29.9 million; and
 - The Lottery transferred
 - \$8.6 million to the General Fund
 - \$1 million to the drug fighting efforts
 - \$320,000 for compulsive gambling
3. In FY 2025 the Lottery anticipates:
 - \$31.7 million of ticket sales, allowing for statutory transfers to drug fighting and compulsive gambling funds and \$5.3 million to the General Fund.
4. Based on the five-year trend, during the 2025-2027 biennium, the Lottery estimates:
 - \$32.8 million of sales each year;
 - \$24.5 million of annual operating expenses; and
 - Total transfers of \$14 million.

MEDICAID FRAUD CONTROL UNIT

The Medicaid Fraud Control Unit (MFCU) was established by the 2019 Legislative Assembly and operates under a joint funding arrangement, with 75% of funding provided by the federal government and 25% by the state. Although federally supported, MFCU is state-administered.

The MFCU budget supports 9 FTEs, including a Division Director who is an attorney, 1 additional staff attorney, 3 investigators who are also Bureau of Criminal Investigation (BCI) agents, a claims auditor, a nurse auditor, a paralegal, and an administrative assistant. The primary mission of MFCU is to investigate and prosecute Medicaid providers who defraud the North Dakota Medicaid Program. Additionally, the Unit addresses cases involving abuse, neglect, or financial exploitation of patients in facilities that receive Medicaid funding.

Since its inception, MFCU has made substantial strides in protecting both the integrity of North Dakota's Medicaid Program and the welfare of vulnerable individuals in Medicaid-supported facilities. From August 1, 2019, through the end of January 2025, MFCU successfully recovered more than the state invested in the Unit to date. Since August 1, 2019, MFCU recovered a total of \$2,854,045.62 and collected \$886,487.43 of that amount. The State's cumulative investment in the Unit through October 31, 2024, was \$775,092.86. Additionally, by eliminating fraudulent actors from the Medicaid program, the Unit stops ongoing fraudulent payments to those actors and deters fraudulent activities by others, thus saving the state even more money. These actions not only offset the state's expenditure on the program but also signify the effectiveness and fiscal responsibility of MFCU's operations.

During the 2023-25 biennium, MFCU has maintained its strong record of enforcement by collecting at least \$364,000 through the end of January 2025. The Unit has continued to actively initiate and resolve investigations, prosecute criminal cases, and secure settlements in civil matters. These cases often involve complex schemes, requiring the Unit to apply sophisticated investigative and legal strategies to track and combat fraud, abuse, and exploitation. The criminal charges brought by MFCU include reckless endangerment due to opioid overprescribing without medical necessity, conspiracy to distribute controlled substances, billing for services that were never provided, no documentation to support billed claims, Medicaid fraud, unauthorized use of personal identifying information, and endangerment of an eligible adult. The settled civil cases involved billing for services that were never provided, no documentation to support billed claims, failure of administrative oversight of opioid overprescribing, various patient care issues, and reckless endangerment of patients due to medically unnecessary opioid overprescribing.

In addition to these measurable outcomes, the MFCU's presence has created a significant deterrent effect, discouraging potential fraud and misconduct among healthcare providers and Medicaid-supported facilities. Although this impact is challenging to quantify, it is a critical component of the Unit's mission, contributing to a safer and more accountable healthcare environment in North Dakota.

NATURAL RESOURCES AND NATIVE AMERICAN AFFAIRS

The Natural Resources and Native American Affairs Division includes a Division Director who is an attorney, 5 additional attorneys and 1 paralegal. The division provides general counsel legal advice to state agencies with responsibilities towards the state's natural resources. This includes assisting the Department of Water Resources in regulating the appropriation of water, regulating dams, dikes, and

drains, and managing the beds of navigable rivers and lakes; the Water Commission in developing water resources; the Industrial Commission in regulating the exploration and development of mineral resources; the Department of Environmental Quality in protecting our environment; the Game and Fish Department in managing wildlife and wildlife habitat; the Parks and Recreation Department in managing public recreation areas; and the State Mill and Elevator in conducting its operations. The division also administers the state's anti-corporate farming law and represents other Boards and Commissions. Lastly, the division advises state as well as local officials on Native American law issues.

Division attorneys also represent state agencies in administrative and civil matters, including mineral ownership disputes relating to the Missouri River, enforcement proceedings relating to oil and gas development, environmental enforcement, and various challenges to federal laws and regulations.

Division attorneys have assisted agencies with the assessment and collect and recover over \$10 million in fines and penalties during the current biennium.

SOLICITOR GENERAL

A separate Solicitor General Division was created within the Attorney General's Office in 2023 to address the State's need for a coordinated legal strategy against an unprecedented level of federal overreach affecting the State's interests, as well as defending the State's statutes from constitutional challenges. This division consists of the Solicitor General and a Deputy Solicitor General. Acting at the direction of the Attorney General, the Solicitor General maintains primary responsibility for developing and overseeing the State's legal strategy for litigation against the federal government and for litigation against other States, to include coordination with States whose legal interests may be aligned with our own. The Solicitor General is also heavily involved in defending the State's statutes from constitutional challenges, particularly at the level of appellate review, including matters before the U.S. Supreme Court, the State Supreme Court, and federal circuit courts of appeal.

Optional Adjustments Summary

01 Cost to Continue Salaries

This request is for funding to continue the second year of legislatively authorized performance increases and employer paid retirement increases into the 2025-27 biennium.

02 Attorney and Non-attorney Staff Equity

As described in the Current and Future Critical Issues Section, the office cannot currently compete with attorney salaries offered by other state agencies, local government entities, or the private sector. To successfully recruit and retain attorneys and to continue rewarding attorney performance in our newly implemented merit-based pay system, the office needs additional equity funds. Under the new system, an Assistant Attorney General must master identified criteria to move up from one performance tier to the next. This system rewards talented, motivated, hard-working attorneys and gives them an avenue for advancement based on excellence in legal representation of North Dakota's interests.

For non-attorneys, the office carefully reviewed staff members' salaries based on the state's pay schedules established by the Office of Management and Budget. Several staff members remain impacted by years of salaries below the midpoints of their relative classifications' pay schedules. These staff members' supervisors were consulted the reasons for their current pay levels and for input on the appropriate salaries based on the staff members' ability, work quality, and years of service. The amount of equity was calculated based on bringing meritorious employees' salaries up to 90 percent of the midpoint of their salary ranges.

03 Fund Source Change

During the 2019 and 2021 legislative sessions and the November 2021 special session, the Legislative Assembly authorized equity increases for attorneys, BCI agents, and Crime Lab scientists. However, the equity increases totaling \$1.54 million per biennium were funded through the Attorney General refund fund, an unpredictable, one-time funding source. Similarly, the 2021 Legislative Assembly restored \$1.2 million in funding for operating expenses for BCI and IT/CJIS but changed the funding source from the general fund to the Attorney General refund fund. The refund fund is not able to sustain these expenditures because a significant number of settlement dollars are legally restricted to other, specified purposes. Also, in 2023, the Legislative Assembly appropriated more of the settlement dollars to other agencies such as the Department of Health and Human Services.

04 IT Systems Replacement, Maintenance and Rate Increases

IT/CJIS must replace the network switches that handle the communication between the office's servers and shared storage. The existing network switches were purchased in May 2017 and only support outdated 10 GB connections. Maintenance and support are no longer available for those switches. It is critical to update these old switches with current technology and enter maintenance contracts for them so the office will receive technical support and updates from the vendor.

The cost of Octopus Deploy has increased over the last biennium. Octopus Deploy helps automate the deployment of our custom-developed applications by interacting with the build server and deploying the applications consistently through development, testing, and production. Without Octopus Deploy, we cannot deploy any fixes, updates, changes, or new systems to production environments.

The cost of the new E-Prosecutor system and the cost to host it both have increased. The E-Prosecutor system is a necessary update to the JustWare system used by the office's legal divisions and provided by the office at no charge to state's attorney offices around the state. JustWare will be discontinued by the vendor when our contract expires in 2025. The current JustWare system is hosted at NDIT and the office. The new E-prosecutor system will be cloud hosted, and the vendor will provide hosting support.

IT/CJIS provides a jail management system for seven county jails in ND and it must be replaced. The current jail management system is the Premier One system. This system will not be supported by Motorola upon our contract expiring in 2027, so the vendor will not fix problems or issue any updates after that time. Funding for the new jail management system would replace the unsupported jail management system for county jails that rely on it.

Funding is needed to pay for increased NDIT charges to our Office. State law requires state agencies like ours to use some NDIT services and connect to some NDIT systems. We must pay rates set by NDIT for those services, and the rates increase each biennium. OMB factored in some – but not all – of the increases in Governor Burgum’s budget. This funding request close the gap between that budgeted amount and the total amount the increases are expected to equal.

05 Statewide Automated Victim Information and Notification System (SAVIN) Replacement

IT/CJIS maintains the ND Statewide Automated Victim Information and Notification system (SAVIN) pursuant to N.D.C.C. § 12.1-34-06. SAVIN allows crime victims to register for alerts when their offenders are released, escape, have scheduled court proceedings, have parole reviews, or other status changes. This allows the victims to take safety precautions, appear in court to testify, submit letters to the Parole Board, talk to their victim advocates, or take other measures. The system is very meaningful to crime victims and an important resource for their physical safety and peace of mind. SAVIN also helps criminal justice agencies fulfill their obligations under Marsy’s Law.

SAVIN is powered by the VINE system, and the company that owned the VINE system was acquired by Equifax approximately two years ago. Since that time, Equifax has removed or reallocated many of the resources previously devoted to the VINE system, and critical problems with the SAVIN system now go unresolved for weeks, months, or longer, despite very frequent communications and escalations by IT/CJIS to the company. The current level of service for the VINE system is insufficient to ensure North Dakota crime victim consistently receive timely, accurate information through the system, and a change must be made to fulfill victim notification requirements.

06 Printer and Computer Replacement, Subscription and Storage

This request is for increased costs for current software or hardware currently used by various divisions of the office:

- There is an increase in cost for the high-capacity ID printer that is currently used by the office.
- Computer replacement costs have increased. This amount includes the replacement costs for high-capacity laptops used by several BCI agents.
- The cost of replacing servers has increased. Funding is included in the base general budget for server replacements, but the costs have increased since the replacement cost was originally calculated. The increase covers the additional cost to replace four servers per biennium, consistent with our replacement schedule.
- Software subscriptions for various software utilized across OAG have increased. The various subscriptions are for systems utilized in day-to-day work by several divisions.

07 Crime Lab Supplies and Maintenance Agreements

The costs of lab supplies are always increasing and have been seen to increase approximately 15 percent over the past two years. This request is necessary to account for increased costs of consumables and supplies that the laboratory needs to operate daily.

Based on previous years’ data, costs of maintenance agreements for the instruments and equipment at the laboratory are expected to increase on average approximately 15 percent for the next biennium. Maintenance agreements are agreements with vendors of expensive lab equipment that require the vendors to repair, maintain, and update the equipment at a set cost. Without these agreements, vendors

place our service needs at the end of their priority lists and charge us on a per-service basis that includes travel, labor, parts, and other add-on costs. As a result, without the maintenance agreements, the Crime Lab would have very limited access to technical support, annual preventive maintenance, or repair services for equipment that often costs hundreds of thousands of dollars apiece. Moreover, those services would cost the state significantly more than the cost of maintenance agreements, even with the increases each biennium, and the Crime Lab would face disruptions, downtime, and delays in processing evidence for law enforcement agencies without the guaranteed service response times provided by those agreements.

08 Crime Lab Equipment

This funding will be used to purchase additional instruments and replace instruments that are outdated and/or no longer covered under service contracts due to their age. Some of these equipment expenses are associated with general funds and some are federal funds:

- 2 Gas Chromatography/Mass Spectrometry instruments for the Forensic Chemistry unit - \$150,000 each (\$300,000 total) – General Funds
- 3 water purification units for the Toxicology unit and Latent Print unit- \$7,000 each (\$21,000 total) – General Funds
- 4 Alternate Light Sources for DNA unit - \$12,000 each (\$48,000 total) – Federal Funds
- 2 Thermal cycler units for DNA unit - \$20,000 each (\$40,000 total) – Federal Funds
- 2 Hydrogen generators for the Toxicology unit - \$50,000 each (\$100,000 total) – Federal Funds
- 1 Temperature monitoring system for the entire laboratory - \$45,000– Federal Funds

09 Crime Lab Evidence Technician and Quality Assurance Manager

Evidence Technician – As described in the Current and Future Critical Issues section, this position is needed to have a second person available to receive evidence submissions from law enforcement and accommodate the laboratory's caseload. Law enforcement officers around the state have expressed their concerns about the need to increase the Crime Laboratory's evidence intake capacity. The laboratory currently has only one evidence technician, even though, prior to 2017, the laboratory had four evidence technicians. The laboratory needs a second evidence technician to manage the increased evidence submissions expected in coming years, especially with the Firearms and Latent Print units being restarted at the laboratory. More than one evidence technician is also required to receive evidence when the other technician is out of the office or unavailable.

Quality Assurance Manager - The duties of this position are currently being performed by a DNA analyst and not a full time Quality Assurance Manager. As the laboratory has grown by both the number of staff and the disciplines and services that the laboratory offers, there is a growing need for this position to be occupied by a full time Quality Assurance Manager. This position would take over performing the duties that the current part-time Quality Assurance Manager/DNA analyst has been performing which would allow that individual to focus on DNA casework duties full time.

10 Executive Staff Officer

The volume of inquiries, comments, and requests (including communications from legislators, requests for legal opinions, and requests for open records) made to the office is increasing rapidly, and the office has a responsibility to respond to the general public and others in a transparent and thorough manner. The position would respond to inquiries, comments, and requests made to the office (including those made to the office via the general information email account) by state residents, state

agencies, legislators, and others; respond to and track open records requests; track requests for Attorney General opinions and ensure timely opinions are issued; assist with posting timely and accurate communications on the Attorney General website; and assist with other tasks as assigned.

11 Medicaid Fraud Control Unit Attorney

The Medicaid Fraud Control Unit (MFCU) is responsible for investigating provider-caused Medicaid billing fraud and abuse, neglect, and exploitation, and 75 percent of its costs are paid for by federal funds. The state's investment in an attorney FTE for MFCU is more than offset by the recovery of Medicaid dollars lost to fraudulent activity, the cessation of costly schemes to defraud Medicaid, and the deterrent effect of active enforcement of criminal and civil laws that punish abuses of the Medicaid program. In addition to the financial wisdom of investing in a MFCU attorney, there is a significant societal benefit to North Dakota residents. MFCU attorneys stop abuses and neglect of Medicaid patients, including nursing home residents, throughout the state.

MFCU handles especially complex investigations and cases regularly leading to criminal prosecutions or civil settlements. Investigations often take several years to complete, and MFCU attorneys are integrally involved in all stages of investigation and prosecution. This is unique to MFCU as traditional prosecution does not include such complex investigative participation. Additionally, MFCU's distinctive cases involve a disproportionally high level of legal research.

Currently, MFCU has 1.5 attorneys. One attorney began work on September 9, 2024, and the other 0.5 attorney is also the MFCU director. At least half of the director's time is spent on director duties. Even so, MFCU has recovered far more money than the state has invested in it. Just in the first part of this biennium (through January 2025), MFCU collected at least \$364,000. Also, MFCU receives reports and referrals of many more cases than it has been able to accept in the past due to having too few attorneys to work on them. The addition of a new attorney FTE will allow MFCU to accept more cases, recover more fraudulently taken Medicaid funds, protect more Medicaid patients, and deter more fraud and abuse of the Medicaid program.

12 Operating Cost Increases

The Office of Attorney General has seen operating costs increase significantly in several areas. This request is to provide \$204,845 from the general fund to allow the divisions to continue to operate and provide necessary services:

Rent increase	\$89,845
Expert witness fees	\$20,000
Travel	\$10,000
Motor fuel for agent BCI vehicles	\$22,000
Supplies for BCI agents	\$63,000

13 Litigation Pool

The litigation pool pays for litigation costs incurred by state agencies, boards, and commissions as needed; litigation to defend statutes passed by the legislative assembly; litigation on behalf of North Dakota against unlawful federal government overreach, especially related to the energy industry; litigation related to DAPL; and other litigation costs. The litigation pool has become increasingly important to the state in the last biennium as the need for litigation services to protect the interests of

the state have skyrocketed, especially related to the energy industry, Second Amendment, federal executive branch rulemaking, and the agriculture industry.

14 Administrative Assistant – Finance Division

Licensing and procurement activities have expanded significantly over the last few years. The expansion has been driven, in part, by the tremendous increase in charitable gaming, especially e-tab machines. The current staff has not increased and can't keep up with current or anticipated demands. This position will assist the licensing and procurement sections in the Finance Division as well as assist with day-to-day administrative functions as needed.

15 National Forensic Academy

The National Forensic Academy (NFA) provides 400 hours of specialized training focused on crime scene processing, evidence collection, and crime scene photography. Currently, 24 agents have successfully completed this 10-week course in Tennessee. BCI sends two agents each year at a total cost of \$50,000 (\$25,000 each). The need for this type of training is becoming more evident each day, as North Dakota's population and crime rates increase. Violent crimes are on the rise, and the need to solve them expeditiously is paramount. BCI has investigated murders-for-hire, body dumps, aggravated assaults, officer involved shootings, and violent sexual assaults – all of which require the kind of skills and training the NFA provides. BCI's goal is to have 60 percent of field agents trained at the NFA; currently, 37 percent of field agents are NFA trained.

16 Reclassification of CPAT Paralegal to Attorney

The demands of the Consumer Protection and Antitrust Division necessitate an additional attorney position, and the Division has an open paralegal position that can be reclassified to an attorney position. This will allow the FTE to initiate and lead some of the growing number of cases against companies and individuals exploiting North Dakota consumers. As scams and frauds become more complex, the litigation efforts to recover money for consumers have become more complex and resource intensive as well as more numerous. Also, having an additional attorney who can participate in multistate consumer protection litigation will help North Dakota earn and recover a greater share of compensation resulting from those lawsuits.

17 Victim Witness Advocates

Two victim witness advocates fill temporary positions. This request will provide funding to continue these critical positions in Dickinson and Fargo on a permanent position basis.

Victim witness advocates provide direct services to victims of violent crimes. They assist BCI agents and local law enforcement agents around the state. Their services include:

- Notifying and explaining court proceedings to victims and families;
- Acting as a liaison between victims and law enforcement and other court staff;
- Participating as an active member of multi-disciplinary teams;
- Training law enforcement and the general public of victims' needs and concerns; and
- Participating in child forensic interviews and assist victims, families, and staff when a child is a crime victim.

18 Cyber Crime Administrative Assistant

With the addition of numerous field agents in the cybercrime area the explosion of cybercrime in the state, the expansion of open records requests and their immediate response time frames, and the increased complexity of investigations (large narcotics, violent crimes against persons, and cybercrimes), BCI can no longer maintain an acceptable level of report turnaround times. The Information Processing (IP) Section is now seeing a range of 150 to 200 reports awaiting work at any given time. The resulting extended turnaround time affects the ability of field agents to present the reports for prosecution to state's attorney's offices and federal prosecutors. The demand being placed on the IP staff (due to primary and collateral duties) has exceeded our abilities and technology. BCI needs the additional IP personnel to handle the amount of case reports being submitted due to increased field agent presence and services being rendered to police departments and sheriff's offices.

19 State and Local Intelligence Center (SLIC) Criminal Investigator

The ND SLIC needs a BCI field agent to be able to conduct the communication and follow up on various areas of criminal activity including the intelligence follow up, assistance, and guidance to smaller law enforcement agencies lacking investigative means. This position will be tasked with:

- Becoming a member of the Federal Bureau of Investigation's (FBI's) Joint Terrorism Task Force initiative (JTTF). This agent will become a task force officer with the FBI JTTF and work with the federal partner to identify threats to North Dakota at numerous levels including dangerous traveling actors, foreign actors in the state, and harmful "cell" operations inside our communities. This agent will be required to obtain a top-secret clearance to be able to be briefed on those matters and will be assigned high level cases related to state and national security.
- Supporting the newly created Cass Clay Threat Assessment Threat Management Team which targets dangerous persons and groups in the eastern side of the state.
- Following up on suspicious activity reports, conducting intelligence gathering such as undercover online information, liaising with federal agencies, managing sources for BCI, helping develop intelligence needs and working with agents to ensure needed information is being gathered and sent to SLIC, and carrying a BCI caseload.

20 Tribal/Field Agent and Sex Offender Registration Administrative Assistants

Tribal/Field Agent Administrative Assistant - With the addition of numerous field agents setting up narcotics task forces near tribal lands, the expansion of open records requests and their immediate response time frames, and the increased complexity of investigations (large narcotics, violent crimes against persons, and cybercrimes), BCI can no longer maintain an acceptable level of report turnaround times. The Information Processing (IP) Section is now seeing a range of 150 to 200 reports awaiting work at any given time. The resulting extended turnaround time affects the ability of field agents to present the reports for prosecution to state's attorney's offices and federal prosecutors. The demand being placed on the IP staff (due to primary and collateral duties) has exceeded our abilities and technology. BCI needs the additional IP personnel to handle the amount of case reports being submitted due to increased field agent presence and services being rendered to police departments and sheriff's offices.

Sex Offender Registration Administrative Assistant - The amount of convicted sex offenders, coupled with the increase in cyber investigations nationwide, has led to an increase in the number of registered sex offenders residing in North Dakota. BCI has responsibility for administering the sex offender

registry and supporting the sex offender risk assessment committee, and the resources needed to fulfill these responsibilities are increasing. To ensure North Dakotans have accurate and useable information about sex offenders, an additional FTE is necessary to meet these needs.

21 Discovery/Open Records/Redaction Software

Discovery software has become a necessary tool for the legal divisions to sort, review, analyze, and classify the increasingly voluminous sets of discovery documents produced in litigation and for open records requests. Such software is commonplace among the law firms and other governmental entities that litigate against the state. Use of the software can free up significant amounts of attorney time that can be used to complete other tasks. This request will allow all the legal divisions in the office to acquire and use the same discovery software.

22 Portable Handheld Dual Band Radios

Portable Handheld Dual Band Motorola Radios for the Cyber Crime Unit offices will be updated due to the new state radio system. These radios are used to maintain communication among multi-jurisdictional team members when conducting search warrants and other operations.

23 BCI Undercover Vehicle Replacement

BCI has 64 agents who need undercover vehicles. 11 of the agents receive a vehicle from a unit or a federal program in which they work. The remaining 53 vehicles need to be funded through the general fund. This request is asking for the replacement of 20 vehicles. The average cost of a new mid-size SUV being purchased has been \$46,000. The average trade value of the vehicle being replaced has been \$16,000. This leaves the cost of a vehicle replacement at \$30,000 per vehicle plus \$3,000 per vehicle for maintenance agreements.

24 PACER/WestLaw/Quickbooks/OSINT Scraping Tool

PACER provides necessary access to federal court filing systems, allowing the office to file and access briefs in federal courts. Westlaw is the online legal research tool for our attorneys and paralegals and is necessary for them to conduct their day-to-day work. PACER and Westlaw charges have increased due to additional staff and increased cases. Quickbooks will help the Finance and Gaming Divisions audit charitable organizations' tax returns. An open-source intelligence (OSINT scraping) tool for BCI will provide the collection and analysis of data gathered from open sources (overt sources and publicly available information) to produce actionable intelligence.

25 Tobacco Tax Settlement Compliance Auditor

States are required to "diligently enforce" the Master Settlement Agreement (MSA) executed by many tobacco companies and states to resolve years of litigation over the health effects of tobacco products. In recent years, litigation over the meaning of diligent enforcement resulted in states having to increase their enforcement efforts or risk losing the millions of dollars they receive annually under the MSA. To diligently enforce our escrow statute (N.D.C.C. ch. 51-25) and our directory statute (N.D.C.C. ch. 51-25.1), North Dakota preferably would conduct routine audits once every two or three years rather than once every five years. Additionally, the state should have the resources to conduct a near immediate inspection in response to a report of contraband at a specific retail location. North Dakota receives over \$20 million per year from the tobacco settlement, and the investment in an FTE for a compliance auditor is a prudent way to help protect the settlement dollars. A transfer from the Tobacco Settlement Funds is requested for this position.

26 Fargo Cyber Office Remodel

BCI has been working with the Fargo area law enforcement agencies to create a regional office for investigating crimes against children. This group is responsible for digital forensic analysis of devices seized during investigations. As officers are assigned to assist with the crimes against children unit, they require forensic lab space in the Fargo BCI office. That office would use the requested funds to remove walls and use modular work surfaces to allow the space to accommodate up to six forensic labs, all aimed at meeting the demands from the dramatically escalating number of child exploitation and drug trafficking investigations.

27 Criminal Investigators – Tribal

North Dakota has been plagued by the influx of narcotics directly affecting tribal nations in the state. These tribal nations are affected by drug trafficking organizations moving onto tribal lands and establishing drug distribution points. The inadequate number of federal law enforcement officers on tribal lands in North Dakota is not a new issue but does create a dire need for state response and action. The drugs being housed and trafficked through tribal lands is directly affecting all communities within the state. Several years ago, BCI was asked by tribal leadership on the Spirit Lake Nation to assist them with the problems created by drug trafficking organizations. In response, BCI asked the Legislative Assembly for new field agents who would be assigned to combat drugs on tribal lands through local multi-jurisdictional drug task forces. BCI also began the process of requesting Special Law Enforcement Commission (SLEC) designation from the Department of the Interior and the Bureau of Indian Affairs (BIA) to give BCI field agents the authority of BIA officers and investigators to combat narcotics trafficking on tribal lands. The SLEC designation is granted through the United States Attorney's Office.

The first step in the process of obtaining SLEC designation is receiving a resolution from a tribal nation allowing BCI to pursue the designation. Once the resolution is signed by the tribal nation, BCI agents receive training from the United States Attorney's Office in "Indian Country" laws. The BCI agents then go through an extensive BIA background check. A Memorandum of Understanding (MOU) is then created by BIA for BCI and the requesting tribal nation. The BCI agent is then given BIA credentials to enforce narcotics and criminal laws, affecting enrolled and non-enrolled persons alike.

BCI currently has SLEC designation with the Spirit Lake Nation, the Turtle Mountain Band of Chippewa Indians, and the Mandan, Hidatsa, and Arikara Nation. BCI is continuing to work with the Standing Rock Sioux Tribe for their tribal resolution to be passed so the SLEC process can begin for their nation also.

During the 2023 Legislative Session, BCI requested six new field agent FTE to designate as "Tribal Agents" assigned to state-run task multi-jurisdictional drug task forces to directly work with the tribal nations to target drug trafficking organizations' activities. The six new FTE would have been paired for working and directly supporting the three tribal nations that have granted SLEC designation to BCI. The Legislative Assembly approved three of the requested agent FTEs in 2023 with the recommendation that BCI request the three remaining FTEs later. The three FTEs granted in 2023 are actively serving the tribal nations, and a new BCI-run multi-jurisdictional drug task force was created in Rolla to serve the nearby tribal lands. The partnerships and proactive field work in and around the tribal nations is reducing the ability of drug trafficking organizations to set up criminal activity on

tribal nations and ultimately set up distribution or “safe” zones affecting all North Dakota communities.

28 Crime Lab Overtime

The Crime Laboratory overtime funding is federally funded on the DNA Capacity Enhancement for Backlog Reduction grant. This funding allows for DNA analysts to perform overtime work to prevent the backlog of DNA cases and decrease the turn-around time of reporting DNA cases at the laboratory.

29 Restore 3 Percent Reduction

This request is to restore the three percent budget cuts in Governor Burgum’s budget from the general fund and special funds.

APPENDIX A

Attorney General Responsibilities in the N.D.C.C.

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Claire Ness
3-12-25
HB 1003

SENATE APPROPRIATIONS COMMITTEE
GOVERNMENT OPERATIONS SUBCOMMITTEE
MARCH 12, 2025

TESTIMONY OF CLAIRE NESS
OFFICE OF ATTORNEY GENERAL
HOUSE BILL NO. 1003

Chairman Wanzek and members of the Committee:

For the record, my name is Claire Ness, and I am the Chief Deputy Attorney General, testifying on behalf of the Attorney General in favor of House Bill 1003. The Attorney General regrets that he is unable to join you today. He is called away due to family commitments.

The Office of Attorney General (OAG) has 14 divisions, including the Administration, and I am joined by several of our Division Directors. Our Divisions and their responsibilities are summarized in the booklet you received, starting on page 13. Each of our Division Directors carries a heavy workload including supervising staff, managing a budget, performing their own subject matter duties, executing administrative tasks, and managing several other responsibilities. Those who are here today can answer any of question you may have. Also, please feel free to contact any of our Division Directors directly if you have questions for them after the hearing. They are all named on page 2 of the booklet and slide 2 in the attached slide deck. Our office is committed to transparency and accountability for our budget.

Thank You to the Legislative Assembly

During the last session, the Legislative Assembly was very gracious in granting us equity funds to start bringing OAG salaries in line with other state agencies and to implement performance-based pay systems in the OAG for the first time in decades. This had a particularly significant impact on our attorney salaries, and we developed and implemented a tiered pay system based on the achievement of specific metrics assessed by the legal Division Directors, our Human

Resources Director, and myself. Attorneys are now rewarded for accomplishments (not just how long they have been lawyers) and can anticipate actual career progression in this office. We look forward to fine tuning this system over time and deeply appreciate your support that made it possible.

The Legislative Assembly also appropriated funds for some new FTEs last session, and these FTEs have made it possible for some of our divisions to make tremendous strides. Some of the results include:

- BCI obtained the necessary designation to work on the Fort Berthold Reservation and the Turtle Mountain Reservation, in addition to the designation it held for the Spirit Lake Nation Reservation. BCI continues to work toward that designation for the Standing Rock Sioux Reservation.
- BCI has conducted many educational outreach activities as well as successful narcotics and other criminal investigations in and around tribal lands in conjunction with partner agencies.
- BCI's Cyber Crime agents have identified a tremendous number of individuals in the state who possess and distribute child sexual abuse materials. They also extract and analyze data from electronic devices used by narcotics traffickers and other criminals in many different types of crimes and train other law enforcement agencies' personnel to conduct forensic investigations on computers, phones, and other equipment. The need for these highly specialized agents continues to grow rapidly.
- The General Counsel and Civil Litigation Divisions have been able to provide more legal services to client agencies with faster turnaround times and saved the state

millions of dollars in money that would have otherwise been spent on outside contract attorneys. (See attachment)

- The Medicaid Fraud Control Unit (MFCU) has significantly increased its ability to accept and manage cases, bring cases to a close, and prepare for trials – leading to better financial recoveries for the state and better safety and justice for Medicaid patients, including nursing home residents.
- The Crime Lab has eliminated the backlog on rape kits. Turnaround times on other samples submitted to the lab are decreasing. Morale has increased, and staff turnover has decreased.
- The Crime Lab has re-established two new units – one for latent fingerprints and one for firearms – to serve law enforcement agencies around the state. New procedures, and protocols have been developed and validated, and new equipment has been acquired and calibrated.
- Despite the difficulty in hiring IT staff, our IT/CJIS Division has tackled several large IT projects and maintained the interconnected criminal justice document drafting, storage, and sharing system used by state’s attorneys, law enforcement agencies, and corrections agencies around the state.

BUDGET REQUEST FOR 2025-2027

Development

Just as we did for the last biennium, the Attorney General and I followed a “ground up” approach to building the OAG budget. We reviewed the current budget; analyzed where the office’s responsibilities were growing, changing, or staying the same; meet with each Division Director multiple times to get their input and understand the needs of their divisions; and then

worked with the Division Directors to prioritize the office's needs. Several requests did not make the cut for our budget, and each cut was openly discussed with the appropriate Division Director.

Optional Requests

The optional requests are detailed in the attached slide deck and the booklet we handed out. Each request is described, and you can see whether it was included in the budget passed by the House. You can also see what the amount of each request is.

1. Cost to continue salaries – included by House
2. Attorney and non-attorney equity - \$291,777
3. Funding source changes for BCI, Crime Lab, IT/CJIS salaries from unpredictable, depleting refund fund to another source – included by House
4. IT systems replacement and maintenance and NDIT rate increases – included by House
5. Statewide Automated Victim Information and Notification System (SAVIN) replacement – included by House

We request an emergency clause for the SAVIN replacement.

6. ID printer, computer replacement, subscription, storage (servers) - \$166,000
7. Crime Lab supplies and maintenance agreements – included by House
8. Crime Lab equipment – included by House
9. Crime Lab evidence technician – included by House
Quality Assurance Manager – \$274,000
10. Executive staff officer – included by House
11. MFCU attorney - included by House
12. Operating cost increases (rent, travel, expert witnesses, BCI supplies) - included by House
13. Litigation pool - included by House
14. Finance Division administrative assistant - \$186,740
15. National Forensic Academy training for BCI agents - \$50,000

16. Reclassification of CPAT FTE from paralegal to attorney – included by House
17. Change 2 Victim Witness Advocates from temps to FTEs - \$475,204
18. Cyber crime administrative assistant - \$177,104
19. BCI agent for the State and Local Intelligence Center - \$387,330
20. 2 administrative assistants for BCI (tribal areas, sex offender registration)¹ - \$354,208
21. Discovery and redaction software - \$300,000
22. Portable handheld dual band radios – included by House
23. BCI undercover vehicle replacement (6-year replacement schedule) – included by House
24. PACER/Westlaw/Quickbooks/OSINT tool - \$241,000
25. Tobacco tax settlement compliance auditor – included by House
26. BCI's Fargo cyber office remodel - \$100,000
27. 3 BCI tribal area agents - \$1,161,990
28. Crime Lab overtime - \$130,000
29. Restoration of Governor Burgum's 3% reduction - \$2,338,354

Other Bills Impacting the OAG Budget

There are many bills that assign mandatory or discretionary duties to the OAG this session. We are not aware of any that provide new FTEs to the office.

- Reengrossed Senate Bill 2029 – new Office of Guardianship
 - OAG is tasked with serving as legal counsel in the new office's investigations and proceedings and with defending the new office's employees and the new board's members. BCI will have primary responsibility for all investigations related to guardianship or conservatorship. Many if not all of the investigations will require

forensic accounting training and proficiency and likely will be very time consuming for our criminal investigators.

- OAG requested 4 BCI agents and 1 prosecutor – along with a \$1.9 million appropriation – to carry out OAG’s new statewide duties under this bill.
- **Our understanding from the Senate Appropriations Committee is that OAG’s FTEs were cut from the bill and are to be included in House Bill 1003.**
- Engrossed Senate Bill 2292 – screenings and examinations for adult and child sexual assault survivors
 - Under the bill, N.D.C.C. Section 12.1-34-07 is amended so OAG will reimburse, “from the general fund,” the costs of medical exams and forensic interviews related to sexual assaults.
 - **General fund appropriations for these costs have not yet been included in our budget.**

Thank you for your time today. The Division Directors and I would be happy to answer any questions you may have.

claire ness
3-12-25
HB1003

ASSISTANT ATTORNEYS GENERAL COST – BENEFIT ANALYSIS

Medicaid Fraud Control attorneys are a net gain for the state.

The 3 other new attorney FTEs save the state between \$2.15 million and \$9.21 million per biennium.

Background Data

- On average, Assistant Attorneys General in each legal division worked between 2126 and 2902 hours for FY 2023-2024.
 - Looking at only “billable” hours, Assistant Attorneys General in each legal division worked between 1802 and 2790 hours for FY 2023-2024. The average for all divisions was 1929 hours.
- Even with this work being performed in the Office of Attorney General, there is still a need for contract attorneys – also known as Special Assistant Attorneys General or SAAGs – to assist in some matters.
- Even after factoring in the discounts that some SAAGs provide to government entities, SAAGs charge the state between \$290 and \$900 per hour.
- Occasionally, the state negotiates a flat fee for legal work. For example, one brief for the United States Supreme Court can cost more than \$200,000 if a flat fee can be negotiated. Having FTEs available to do more of this work results in tremendous cost savings.

Medicaid Fraud Control Unit FTE

- Not all legal work can be performed by SAAGs. MFCU cannot contract with SAAGs for prosecutions, even though there are many dozens of cases the unit does not have the resources to investigate, charge, or prosecute.
- MFCU attorneys recover Medicaid funds for the state and federal government, prosecute entities that abuse Medicaid patients, and deter fraud that can cost the Medicaid program millions of dollars.
- The federal government covers 75% of MFCU costs. The state share of appropriations for the new attorney (salary and operating costs) was \$40,570 per year.
- MFCU has collected approximately \$364,000 for the state this biennium through January 2025.
 - Only one attorney worked for the unit until September 2024, when the second attorney could be recruited to begin.
- Each additional MFCU attorney increases the number of cases the unit can take, stops ongoing fraud and abuse, provides deterrence, and results in additional financial recoveries and restitution for the state.

Other AAG FTEs

- The appropriation for the 3 other new attorneys (salaries and operating costs) is \$200,410 per year per FTE.
- At 1929 hours per year, the cost of a SAAG is \$559,410 - \$1,736,100 per year, depending on the SAAG’s billing rate. At these rates, each of the FTEs saves the state \$359,000 - \$1,535,690 per year. For a full biennium, this will amount to \$2,154,000 - \$9,214,140, in state savings for the 3 FTEs.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1003
3/25/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

10:30 a.m. Chairman Wanzek opened the hearing.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Requests for new full-time employees (FTEs)
- Cyber crime agent for Grand Forks in cooperation with the city
- Human trafficking task force
- Auditor and fees for tobacco compliance and vaping compliance
- Equity requests
- Communications needs
- Discovery software request
- Litigation Refund Fund
- Opioid Fund
- Forensic nurses
- State crime lab equipment maintenance agreements
- IT requests - E-Prosecutor System and others
- Office of Guardianship bill (SB 2029) effects - additional FTE needs
- One-time funding needs - litigation pool costs

10:32 a.m. Levi Kinnischtzke, LC Senior Fiscal Analyst, supplied budget information, responded to committee questions, and referenced testimony #41003 and #41120, both submitted on 3/12/2025 at 8:32 a.m..

10:37 a.m. Claire Ness, Chief Deputy ND Attorney General, responded to committee questions about prioritized FTE requests and referenced testimony #40956, #41122, and #41120, all submitted on 3/12/2025 at 8:32.

10:49 a.m. Becky Keller, Finance Director, ND Office of the Attorney General, responded to committee questions.

10:51 a.m. Lonnie Grabowska, Director, ND Bureau of Criminal Investigation, responded to committee questions.

11:34 a.m. Becky Ulberg, OMB Analyst, responded to a question.

11:41 a.m. Drew Wrigley, ND Attorney General, responded to questions from the committee.

12:06 p.m. Chairman Wanzek closed the hearing.

Carol Thompson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1003
4/2/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

9:02 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Changes in full-time employee (FTE) requests
- Sources of funding
- Statewide litigation funding
- Salary and equity comparisons
- Employee retention and tier system
- Human trafficking victims
- Related bills which affect this budget
- One-time funding - Bureau of Criminal Investigation (BCI) equipment and supplies
- Gaming tax revenues
- Cyber crime
- Vaping industry regulation and fees
- Illicit Chinese vaping product predominance
- Efforts to codify what is in FDA policy

9:04 a.m. Levi Kinnischtzke, LC Senior Fiscal Analyst, supplied budget information, responded to committee discussion and questions, and submitted testimony #44551, the "long sheet" and testimony #44554, the 25.0417.02001 Proposed Amendments.

9:12 a.m. Claire Ness, Chief Deputy Attorney General, ND Office of the Attorney General, responded to many committee questions, referenced testimony #41120 and #40956, and submitted testimony #44577 and #44578.

9:49 a.m. Kayla Effertz Klevin, Owner, Integrity Public Affairs, answered committee questions at Chairman Wanzek's request.

9:56 a.m. Patrick Kelch, lobbyist for Vapor Technology Association (VTA), answered committee questions while staff resolved technical issues for the online expert testimony.

10:24 a.m. Patrick Barry, VaporTechnology Assoc., testified in opposition to vaping regulations.

10:48 a.m. Senator Sickler moved to Adopt the Amendments, 25.0147.02001, testimony #44554, for HB 1003 with the adjustments discussed for equity, salary, and for the vaping industry.

10:49 a.m. Senator D seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jonathan Sickler	Y

Motion passed 5-0-0.

The committee will act on final passage of the bill when they have the revised amendments in hand.

10:50 a.m. Chairman Wanzek closed the hearing.

Carol Thompson, Committee Clerk

Legislative Council

Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	House Version				Senate Version				Senate Compared to House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		1,644,886	883,866	2,528,752		1,633,098	865,645	2,498,743		(\$11,788)	(\$18,221)	(30,009)
Health insurance increase		990,921	570,451	1,561,372		984,616	558,741	1,543,357		(6,305)	(11,710)	(18,015)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool		(40,313)	(41,813)	(82,126)		(99,494)	(41,813)	(141,307)		(59,181)		(59,181)
Adjusts funding for the 2025-27 vacant FTE pool		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)				0
Adds funding for a FTE evidence technician position	1.00	189,393		189,393	1.00	189,393		189,393				0
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE cybercrime information processing administrator position				0				0				0
Adds funding for FTE victim witness advocate				0				0				0
Adds funding for a FTE executive staff officer position	1.00	195,432		195,432	0.00	0		0	(1.00)	(195,432)		(195,432)
Adds funding for a FTE tobacco compliance auditor position	1.00		239,716	239,716	1.00		239,716	239,716				0
Adds funding for FTE BCI agent positions for cybercrime				0	2.00	664,000		664,000	2.00	664,000		664,000
Adds funding for a FTE BCI agent position for guardianships				0	1.00	385,355		385,355	1.00	385,355		385,355
Removes FTE positions				0	(3.00)	(322,132)	(517,440)	(839,572)	(3.00)	(322,132)	(517,440)	(839,572)
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases				0				0				0
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		0	0	0		(1,790,559)	1,790,559	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		0	0	0		(953,575)	953,575	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Transfers \$95,056 for prosecution witness fees from operating to a new line item				0				0				0
Adds funding for prosecution witness fees for increased county reimbursements		265,000		265,000		265,000		265,000				0
Removes funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Adds funding for human trafficking victims grants for exploitation prevention and awareness education				0		685,000		685,000		685,000		685,000

Adjusts funding for medical examinations and children's forensic interviews				0		964,560	(964,560)	0		964,560	(964,560)	0
Total ongoing funding changes	4.00	\$12,208,891	\$676,444	\$12,885,335	3.00	\$11,568,834	\$1,908,647	\$13,477,481	(1.00)	(\$640,057)	\$1,232,203	\$592,146
One-Time Funding Items												
Adds funding from gaming funds for operating and litigation expenses			\$2,000,000	\$2,000,000			\$0	\$0			(\$2,000,000)	(\$2,000,000)
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	554,000	954,000		\$400,000	554,000	954,000				0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0
Adds funding to replace BCI undercover vehicles			540,000	540,000			540,000	540,000				0
Adds funding for portable handheld dual-band radios			105,000	105,000			105,000	105,000				0
Adds federal funding for intoxilyzers			188,000	188,000			188,000	188,000				0
Adds funding for BCI cybercrime agent equipment				0		161,000		161,000		\$161,000		161,000
Adds funding for a retired law enforcement dogs program		110,000		110,000		0		0		(110,000)		(110,000)
Adds funding for human trafficking victims grants		650,000		650,000		650,000		650,000				0
Adds funding for the statewide litigation funding pool			8,000,000	8,000,000			5,000,000	5,000,000			(3,000,000)	(3,000,000)
Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000			1,500,000	1,500,000				0
Adds funding for additional income from federal or special funds			250,000	250,000			250,000	250,000				0
Total one-time funding changes	0.00	\$1,842,000	\$13,137,000	\$14,979,000	0.00	\$1,893,000	\$8,137,000	\$10,030,000	0.00	\$51,000	(\$5,000,000)	(\$4,949,000)
Total Changes to Base Level Funding	4.00	\$14,050,891	\$13,813,444	\$27,864,335	3.00	\$13,461,834	\$10,045,647	\$23,507,481	(1.00)	(\$589,057)	(\$3,767,797)	(\$4,356,854)
2025-27 Total Funding	270.00	\$63,075,156	\$55,728,264	\$118,803,420	269.00	\$62,486,099	\$51,960,467	\$114,446,566	(1.00)	(\$589,057)	(\$3,767,797)	(\$4,356,854)
Federal funds included in other funds			\$15,530,090			\$15,295,372			(\$234,718)			

Total ongoing changes - Percentage of base level	1.5%	24.9%	1.6%	14.2%	1.1%	23.6%	4.6%	14.8%	N/A	N/A	N/A	N/A
Total changes - Percentage of base level	1.5%	28.7%	33.0%	30.6%	1.1%	27.5%	24.0%	25.8%	N/A	N/A	N/A	N/A

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version
New and vacant FTE pool line item	Section 3 provides the Attorney General cannot spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to the salaries and wages line item.	Section 3 provides the Attorney General cannot spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to line items with salaries and wages funding.
Appropriation - Additional federal funds or special funds	Section 4 appropriates \$250,000 from federal or special funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.	Section 4 appropriates \$250,000 from federal or special funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Contingency - FTE guardianship position and funding		Section 5 identifies 1 FTE position and \$385,355 appropriated from the general fund in Section 1 is available to the Attorney General for guardianship-related expenditures during the 2025-27 biennium only if the Legislative Assembly approves Senate Bill No. 2029.

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Contingency - Human trafficking victims grants prevention and education funding		Section 6 identifies \$685,000 appropriated from the general fund in Section 1 is available to the Attorney General for human trafficking victims grants for exploitation prevention and awareness education-related expenditures during the 2025-27 biennium only if the Legislative Assembly approves Senate Bill No. 2330.	
Transfer - Charitable gaming operating fund to attorney general operating fund	Section 5 transfers \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item.		
Transfer - Statewide litigation funding pool to state agencies - SIIF	Section 6 identifies \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.	Section 7 identifies \$7,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$5,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.	
Human trafficking victims grant program - Requirements - Reports	Section 7 identifies \$1,767,514 appropriated 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 administrative expenses, for the 2025-27 biennium.	Section 8 identifies \$2,452,514 appropriated 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 administrative expenses, for the 2025-27 biennium.	
Forensic nurse examiners grant program - Reports	Section 8 identifies \$254,244 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, and administrative expenses, for the 2025-27 biennium.	Section 9 identifies \$254,244 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, and administrative expenses, for the 2025-27 biennium.	
Retired law enforcement dogs program	Section 9 identifies \$110,000 appropriated from the general fund is for establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.		
BCI cybercrime resources		Section 10 identifies \$825,000 appropriated from the general fund for the purpose of hiring 2 FTE BCI cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased must be dedicated to assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.	
Other funds - Electronic smoking fund	Section 10 identifies \$239,716 appropriated from the electronic smoking fund for enforcing the master settlement agreement and any related disputes.	Section 11 identifies \$239,716 appropriated from the electronic smoking fund for enforcing the master settlement agreement and any related disputes.	
Amendment - Prosecution witness fees	Section 11 amends Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.	Section 12 amends Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.	

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Amendment - Electronic smoking device directory - Electronic smoking device manufacturer fee - Electronic smoking fund	Section 12 creates a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.	Section 13 creates a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.	
Amendment - Attorney General salary	Section 13 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	Section 14 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	
Amendment - 24-7 sobriety program fees		Section 15 amends 54-12-30 to provide district court judges and judicial referees cannot waive program fees for participants of the 24-7 sobriety program.	
Criminal history record checks - Fees	Section 14 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	Section 16 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	
Exemption - Contingent fee arrangement	Section 15 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	Section 17 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	
Exemption - Attorney General refund fund	Section 16 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	Section 18 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	
Exemption - Legal case management system	Subsection 1 of Section 17 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	Subsection 1 of Section 19 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	
Exemption - Criminal history improvement project	Subsection 2 of Section 17 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	Subsection 2 of Section 19 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	
Exemption - Federal State Fiscal Recovery Fund	Subsection 3 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	Subsection 3 of Section 19 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Exemption - Charitable gaming technology system	Subsection 4 of Section 17 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	Subsection 4 of Section 19 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Licensing and deposit system	Subsection 5 of Section 17 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit software system during the 2023-25 biennium into the 2025-27 biennium.	Subsection 5 of Section 19 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit software system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Anti-methamphetamine program	Subsection 6 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	Subsection 6 of Section 19 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Statewide litigation funding pool		Section 20 allows the Attorney General to continue any remaining funding of the \$3,000,000 appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.	
Emergency	Section 18 declares section 5 an emergency.		

25.0147.02001
Title.
Fiscal No. 1

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

March 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

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 ~~and~~, 54-12-11, and 54-12-30
5 of the North Dakota Century Code, relating to compensation and mileage and travel expenses
6 for witnesses ~~and~~, the salary of the attorney general, and twenty-four seven sobriety program
7 fees; to provide for a report; ~~to provide for a transfer;~~ and to provide an exemption; and to
8 ~~declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 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>
17 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
18 New and vacant FTE pool	0	4,455,869	4,455,869
19 Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

1	Salaries and wages	\$53,007,980	\$7,982,478	\$60,990,458
2	New and vacant FTE pool	0	4,988,501	4,988,501
3	Operating expenses	17,579,264	(1,014,920)	16,564,344
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	Arrest and return of fugitives	8,500	0	8,500
19	Gaming commission	7,489	0	7,489
20	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
21	Law enforcement	3,377,659	289,999	3,667,658
22	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
23	Less other funds	41,914,820	13,563,444	55,478,264
24	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
25	Full-time equivalent positions	266.00	4.00	270.00
26	Total all funds	\$90,939,085	\$23,257,481	\$114,196,566
27	Less other funds	41,914,820	9,795,647	51,710,467
28	Total general fund	\$49,024,265	\$13,461,834	\$62,486,099
29	Full-time equivalent positions	266.00	3.00	269.00

30 **SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO**
31 **SEVENTIETH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding

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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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification notification system replacement	0	1,500,000	1,500,000
Total	\$1,842,000	\$12,887,000	\$14,729,000
<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

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

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney

1 general shall notify the office of management and budget and the legislative council of any
2 funding made available pursuant to this section. The funding provided in this section is
3 considered a one-time funding item.

4 ~~SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY~~
5 ~~GENERAL OPERATING FUND - 2023-25 BIENNIUM.~~ Notwithstanding section 53-06.1-11.2,
6 ~~the office of management and budget shall transfer \$2,000,000 from the charitable gaming~~
7 ~~operating fund to the attorney general operating fund by June 30, 2025, for the purpose of~~
8 ~~defraying operating and litigation expenses of the state during the period beginning with the~~
9 ~~effective date of this Act, and ending June 30, 2027.~~

10 **SECTION 5. CONTINGENT FUNDING AND FULL-TIME EQUIVALENT POSITION**

11 **AUTHORIZATION - GUARDIANSHIP PROGRAMS.** The salaries and wages line item,
12 operating expenses line item, and capital assets line item in section 1 of this Act include the
13 sum of \$385,355 from the general fund for one full-time equivalent position for guardianship
14 programs. The attorney general may spend this funding and fill this position only if Senate Bill
15 No. 2029 is approved by the sixty-ninth legislative assembly.

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

21 **SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND**

22 **TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES.** The other
23 funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~ \$7,466,000 from the
24 strategic investment and improvements fund, of which \$321,000 is for state crime laboratory
25 equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation
26 undercover vehicles, \$105,000 is for portable handheld dual-band radios,
27 ~~\$8,000,000~~ \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the
28 replacement of the statewide automated victim identification notification system. The attorney
29 general shall transfer funding from the statewide litigation funding pool to eligible state agencies
30 for litigation expenses during the biennium beginning July 1, 2025, and ending June 30, 2027.

1 The attorney general may not use funding from the statewide litigation funding pool to pay
2 judgments under section 32-12-04.

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

4 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
5 ~~\$1,767,514~~\$2,452,514 from the general fund for the purpose of providing grants to
6 organizations involved in providing prevention and treatment services related to human
7 trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and
8 ending June 30, 2027. The attorney general may provide grants for the development and
9 implementation of direct care emergency or long-term crisis services, residential care, training
10 for law enforcement, support of advocacy services, and programs promoting positive outcomes
11 for victims. Any organization that receives a grant under this section shall report to the attorney
12 general and the appropriations committees of the seventieth legislative assembly on the use of
13 the funds received and the outcomes of its programs. The attorney general shall report to the
14 legislative management during the 2025-26 interim on the status and results of the grant
15 program.

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

28 ~~**SECTION 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~

29 ~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement~~
30 ~~dogs program, which the attorney general shall create to assist local and state law enforcement~~
31 ~~dogs that are retired by reason of age or medical condition. The attorney general shall~~

~~reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.~~

SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME 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 cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.

SECTION 11. OTHER FUNDS - ELECTRONIC SMOKING FUND. The salaries and wages line item and operating expenses line item in section 1 of this Act include the sum of \$239,716 from the electronic smoking fund for a tobacco compliance auditor position to administer and enforce the provisions of section ~~42~~13 of this Act.

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

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

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

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

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents shall pay witness fees and expenses for witnesses in those cases in which counsel

1 has been provided by the commission. Prisoners may not be compensated as
2 witnesses under this section. If a county exceeds the thirty thousand dollar
3 reimbursement during a biennium, the county may enter an agreement with another
4 county for the purpose of allowing that county to receive another county's unused
5 reimbursement funds for that biennium, with the approval of the attorney general.

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

8 **Definition - Electronic smoking device directory - Electronic smoking device**
9 **manufacturer fee - Electronic smoking fund.**

- 10 1. The attorney general shall establish and maintain a directory of electronic smoking
11 devices containing nicotine that may be sold in this state.
- 12 2. An electronic smoking device must be included in the directory only if the
13 manufacturer of the electronic smoking device containing nicotine certifies, on a form
14 prescribed by the attorney general, the following:
 - 15 a. The manufacturer has received a marketing granted order for the electronic
16 smoking device containing nicotine from the United States food and drug
17 administration;
 - 18 b. The manufacturer marketed the electronic smoking device containing nicotine in
19 the United States as of August 8, 2016, and submitted a tobacco product
20 premarket application to the United States food and drug administration on or
21 before September 9, 2020, and the application either remains under review or
22 has received a denial order that has been and remains stayed by the United
23 States food and drug administration or a court order, rescinded by the United
24 States food and drug administration, or vacated by a court; or
 - 25 c. The manufacturer can demonstrate the United States food and drug
26 administration has issued a rule, guidance, or other formal statement that
27 temporarily exempts the electronic smoking device containing nicotine from
28 federal premarket tobacco application requirements.
- 29 3. Each certification form must be accompanied by a fee of five hundred dollars for each
30 electronic smoking device containing nicotine that is listed on the form. Revenue from
31 the fees must be deposited in the electronic smoking fund.

- 1 4. There is created in the state treasury the electronic smoking fund. The fund consists of
2 fees collected pursuant to subsection 3 and all moneys transferred to the fund by the
3 legislative assembly. Moneys in the fund may be spent by the attorney general for the
4 administration and enforcement of this chapter, subject to legislative appropriations.
5 5. Beginning January 1, 2026, only electronic smoking devices containing nicotine
6 included in the directory may be sold in this state.
7 6. The attorney general shall promulgate rules necessary to administer and enforce this
8 chapter. The rules must provide for at least two annual unannounced compliance
9 checks of retailers, distributors, and wholesalers that sell electronic smoking devices
10 containing nicotine.
11 7. As used in this section, "electronic smoking device" means any electronic product that
12 delivers nicotine to the individual inhaling from the device, including an electronic
13 cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and
14 includes any component, part, or accessory of such product, including a consumable
15 product that contains nicotine and is intended to be used with an electronic smoking
16 device, whether or not sold separately. The term does not include drugs, devices, or
17 combination products approved for sale by the United States food and drug
18 administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

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

21 **54-12-11. Salary of attorney general.**

22 The annual salary of the attorney general is ~~one hundred seventy-nine thousand three~~
23 ~~hundred twelve~~ one hundred ninety-two thousand seventy-nine dollars through June 30,
24 2024~~2026~~, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred
25 ninety-seven thousand eight hundred forty-one dollars thereafter.

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

28 **54-12-30. Twenty-four seven sobriety program fees.**

29 A criminal justice agency may collect program fees from offenders participating in the
30 twenty-four seven sobriety program, including fees for twice per day breath alcohol testing,
31 urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol

1 monitoring devices, and remote electronic alcohol monitoring daily fees. A district court judge or
2 judicial referee may not waive program fees for offenders participating in the twenty-four seven
3 sobriety program. The criminal justice agency shall pay all program fees into the general fund of
4 the governing body. The fees may only be applied to twenty-four seven sobriety program
5 support services, equipment maintenance and replacement, and compliance with the program.
6 The governing body shall pay any daily fees collected for remote electronic alcohol monitoring
7 to the twenty-four seven sobriety program fund.

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

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

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

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

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

1 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
2 Session Laws.

3 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
4 replacement of the prosecuting case management system in subsection 20 of
5 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
6 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.

7 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
8 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
9 Laws.

10 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
11 software system in section 1 of chapter 35 of the 2023 Session Laws.

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

15 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency-~~
16 ~~measure.~~

17 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
18 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
19 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
20 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
21 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$53,007,980	\$61,818,054	(\$827,596)	\$60,990,458
New and vacant FTE pool		4,455,869	532,632	4,988,501
Operating expenses	17,579,264	18,503,514	(1,939,170)	16,564,344
Prosecution witness fees		360,056		360,056
Capital assets	606,000	1,695,000	302,280	1,997,280
Grants	3,903,440	4,013,440	(110,000)	3,903,440
Litigation fees	127,500	127,500		127,500
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514
Forensic nurse examiners grants	252,676	254,244		254,244
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000
Medical examinations	660,000	660,000		660,000
Children's forensic interviews	304,560	304,560		304,560
North Dakota Lottery	5,413,453	5,580,605		5,580,605
Arrest and return of fugitives	8,500	8,500		8,500
Gaming Commission	7,489	7,489		7,489
Criminal justice information sharing	4,579,950	7,329,417		7,329,417
Law enforcement	3,377,659	3,667,658		3,667,658
Additional income		250,000		250,000
Total all funds	\$90,939,085	\$118,803,420	(\$4,356,854)	\$114,446,566
Less estimated income	41,914,820	55,728,264	(3,767,797)	51,960,467
General fund	\$49,024,265	\$63,075,156	(\$589,057)	\$62,486,099
FTE	266.00	270.00	(1.00)	269.00

Department 125 - Attorney General - Detail of Senate Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adjusts Funding Sources - General Fund - Other Funds ⁴	Adds Contingent Funding for Human Trafficking Victims Grants ⁵	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ⁶
Salaries and wages	(\$48,024)	(\$187,759)	(\$591,813)			
New and vacant FTE pool			532,632			
Operating expenses		60,830				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants					\$685,000	
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery						
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement						
Additional income						
Total all funds	(\$48,024)	\$175,351	(\$59,181)	\$0	\$685,000	\$0
Less estimated income	(29,931)	(517,440)	0	2,744,134	0	(964,560)
General fund	(\$18,093)	\$692,791	(\$59,181)	(\$2,744,134)	\$685,000	\$964,560
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Removes Funding from Gaming Tax Revenues ²	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ³	Reduces One- Time Funding for the Statewide Litigation Funding Pool ³	Total Senate Changes
Salaries and wages				(\$827,596)
New and vacant FTE pool				532,632
Operating expenses	(\$2,000,000)			(1,939,170)
Prosecution witness fees				
Capital assets				302,280
Grants		(\$110,000)		(110,000)
Litigation fees				
Human trafficking victims grants				685,000
Forensic nurse examiners grants				
Statewide litigation funding pool			(\$3,000,000)	(3,000,000)
Medical examinations				
Children's forensic interviews				
North Dakota Lottery				
Arrest and return of fugitives				
Gaming Commission				
Criminal justice information sharing				
Law enforcement				
Additional income				
Total all funds	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$4,356,854)
Less estimated income	(2,000,000)	0	(3,000,000)	(3,767,797)
General fund	\$0	(\$110,000)	\$0	(\$589,057)
FTE	0.00	0.00	0.00	(1.00)

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$18,221)	(\$30,009)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$29,931)	(\$48,024)

² Funding for FTE positions is adjusted as follows:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Removes FTE attorney positions from the base budget, including \$213,997 from federal funds and \$283,943 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$517,440)	(\$839,572)
Removes a FTE executive staff officer position added by the House, of which \$26,310 was for operating expenses	(1.00)	(195,432)	0	(195,432)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	<u>1.00</u>	<u>385,355</u>	<u>0</u>	<u>385,355</u>
Total	(1.00)	\$692,791	(\$517,440)	\$175,351

³ Funding of \$591,813 for new FTE positions is removed and \$532,632 is added for a 2025-27 new and vacant FTE pool line item, to provide total funding as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$994,938)	(\$418,128)	(\$1,413,066)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$4,451,375)	(\$2,271,323)	(\$6,722,698)
Funding pool line item	<u>3,314,949</u>	<u>1,673,552</u>	<u>4,988,501</u>
Net savings	(\$1,136,426)	(\$597,771)	(\$1,734,197)

⁴ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Senate version. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁵ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁶ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House.

⁷ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Senate also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Senate change will increase general fund revenues by \$2 million.

⁸ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed.

⁹ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF). The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends a section related to the new and vacant FTE pool.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF. The House appropriated

\$10,466,000 from SIIF.

- Amends a section identifying funding for human trafficking victim grants.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.

Senate Approps GO List of Attorneys

4/2/2025

Agency	Position Title	Comp Rate
10100 Governor's Office	General Counsel	\$12,500.00
16000 Legislative Council	Director	\$22,123.00
16000 Legislative Council	Legal Division Director	\$16,855.00
16000 Legislative Council	Assist Legal Division Director	\$11,250.00
16000 Legislative Council	Code Revisor	\$10,835.00
16000 Legislative Council	Counsel	\$9,425.00
16000 Legislative Council	Counsel	\$9,057.00
16000 Legislative Council	Counsel	\$8,792.00
16000 Legislative Council	Counsel	\$7,500.00
16000 Legislative Council	Counsel	\$7,333.00
48500 Workforce Safety & Insurance	General Counsel	\$14,933.88
48500 Workforce Safety & Insurance	Attorney	\$10,268.49
48500 Workforce Safety & Insurance	Attorney	\$6,982.93
53000 Corrections & Rehab	Attorney III	\$12,677.60
12500 Attorney General	Attorney General	\$15,540.38
12500 Attorney General	Chief Deputy Attorney General	\$14,295.00
12500 Attorney General	Assistant Attorney General	\$13,268.00
12500 Attorney General	Assistant Attorney General	\$11,748.00
12500 Attorney General	Assistant Attorney General	\$11,283.00
12500 Attorney General	Assistant Attorney General	\$11,269.00
12500 Attorney General	Assistant Attorney General	\$11,250.00
12500 Attorney General	Assistant Attorney General	\$10,879.00
12500 Attorney General	Assistant Attorney General	\$10,681.00
12500 Attorney General	Assistant Attorney General	\$10,227.00
12500 Attorney General	Assistant Attorney General	\$9,967.00
12500 Attorney General	Assistant Attorney General	\$9,944.00
12500 Attorney General	Assistant Attorney General	\$9,646.00
12500 Attorney General	Assistant Attorney General	\$9,625.00
12500 Attorney General	Assistant Attorney General	\$9,583.33
12500 Attorney General	Assistant Attorney General	\$9,166.66
12500 Attorney General	Assistant Attorney General	\$9,100.00
12500 Attorney General	Assistant Attorney General	\$8,939.00
12500 Attorney General	Assistant Attorney General	\$8,857.00
12500 Attorney General	Assistant Attorney General	\$8,750.00
12500 Attorney General	Assistant Attorney General	\$8,750.00

Agency	Position Title	Comp Rate
12500 Attorney General	Assistant Attorney General	\$8,750.00
12500 Attorney General	Assistant Attorney General	\$8,493.00
12500 Attorney General	Assistant Attorney General	\$8,060.00
12500 Attorney General	Assistant Attorney General	\$7,973.00
12500 Attorney General	Assistant Attorney General	\$7,800.00
12500 Attorney General	Assistant Attorney General	\$7,800.00
12500 Attorney General	Assistant Attorney General	\$7,666.66
12500 Attorney General	Assistant Attorney General	\$7,666.66
12500 Attorney General	Assistant Attorney General	\$7,540.00
12500 Attorney General	Assistant Attorney General	\$7,367.00
12500 Attorney General	Assistant Attorney General	\$7,020.00
12500 Attorney General	Assistant Attorney General	\$6,916.00
12500 Attorney General	Assistant Attorney General	\$6,833.00
12500 Attorney General	Assistant Attorney General	\$6,750.00
12500 Attorney General	Assistant Attorney General	\$6,750.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$12,580.00
18000 State Judiciary	DISCIPLINARY COUNSEL	\$12,086.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$11,149.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$10,283.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$10,283.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,878.00
18000 State Judiciary	ASSISTANT DISCIPLINARY COUNSEL	\$9,857.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00

Agency	Position Title	Comp Rate
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-STATE COURT ADM	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-SUPREME COURT	\$9,484.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
18000 State Judiciary	STAFF ATTORNEY-DISTRICT COURT	\$9,108.00
12700 State Tax Commissioner	Attorney III	\$10,972.00
12700 State Tax Commissioner	Attorney III	\$8,750.00
12700 State Tax Commissioner	Attorney I	\$7,780.00
18800 Legal Counsel for Indigents	Attorney III	\$11,012.67
18800 Legal Counsel for Indigents	Attorney III	\$10,535.38
18800 Legal Counsel for Indigents	Attorney III	\$10,435.98
18800 Legal Counsel for Indigents	Attorney III	\$9,895.45
18800 Legal Counsel for Indigents	Attorney III	\$9,103.50
18800 Legal Counsel for Indigents	Attorney III	\$9,066.69
18800 Legal Counsel for Indigents	Attorney II	\$8,907.96
18800 Legal Counsel for Indigents	Attorney II	\$8,423.28
18800 Legal Counsel for Indigents	Attorney II	\$8,404.40
18800 Legal Counsel for Indigents	Attorney II	\$8,205.29
18800 Legal Counsel for Indigents	Attorney II	\$8,205.29
18800 Legal Counsel for Indigents	Attorney II	\$8,047.49
18800 Legal Counsel for Indigents	Attorney II	\$7,214.16
18800 Legal Counsel for Indigents	Attorney II	\$7,068.60
18800 Legal Counsel for Indigents	Attorney I	\$6,519.08
19500 Ethics Commission	Executive Director	\$12,218.00
19500 Ethics Commission	Attorney II	\$8,840.00
22600 ND Department of Trust Lands	Assistant Attorney General	\$9,660.00
32500 ND Health and Human Services	Lead Attorney	\$10,356.00
32500 ND Health and Human Services	Attorney	\$10,200.00

Agency	Position Title	Comp Rate
32500 ND Health and Human Services	Attorney II	\$9,400.00
32500 ND Health and Human Services	Attorney II	\$9,400.00
32500 ND Health and Human Services	Lead Attorney	\$9,312.00
32500 ND Health and Human Services	SS - Attorney II	\$9,200.00
32500 ND Health and Human Services	Attorney	\$9,100.00
32500 ND Health and Human Services	Attorney	\$9,100.00
32500 ND Health and Human Services	Attorney II	\$9,100.00
32500 ND Health and Human Services	Lead Attorney	\$8,654.00
32500 ND Health and Human Services	Lead Attorney	\$8,424.00
32500 ND Health and Human Services	Lead Attorney	\$8,320.00
32500 ND Health and Human Services	Lead Attorney	\$8,076.00
32500 ND Health and Human Services	Lead Attorney	\$8,076.00
32500 ND Health and Human Services	Attorney	\$7,863.00
32500 ND Health and Human Services	Attorney	\$6,903.00
32500 ND Health and Human Services	Attorney	\$6,864.00
32500 ND Health and Human Services	Attorney	\$6,760.00
32500 ND Health and Human Services	Attorney	\$6,733.00
32500 ND Health and Human Services	Attorney	\$6,599.00
32500 ND Health and Human Services	Attorney	\$6,595.00
32500 ND Health and Human Services	Attorney	\$6,550.00
32500 ND Health and Human Services	Attorney	\$6,500.00
32500 ND Health and Human Services	Attorney	\$47.86
36000 Protection and Advocacy	Attorney III	\$8,587.30
36000 Protection and Advocacy	Attorney II	\$7,319.87
36000 Protection and Advocacy	Attorney II	\$7,200.00
40100 Insurance Department	Attorney Insurance Dept	\$8,358.18
40100 Insurance Department	Attorney Insurance Dept	\$8,208.93
40100 Insurance Department	Attorney Insurance Dept	\$8,066.23
40100 Insurance Department	Attorney Insurance Dept	\$7,971.60
40800 Public Service Commission	Attorney III	\$11,373.00
40800 Public Service Commission	Attorney II	\$8,261.00
41400 Securites Department	Attorney	\$9,783.00
60200 Department of Agriculture	Attorney II	\$11,186.00
80100 Department of Transportation	General Counsel	\$11,774.00
80100 Department of Transportation	Staff Attorney	\$9,769.00

Ness, Claire J.

From: Ness, Claire J.
Sent: Wednesday, September 6, 2023 8:12 AM
To: Eisenbeis, Ashley
Subject: Assistant State's Attorney Salary Info

Job Announcement - Assistant State's Attorney

Job Announcement Stutsman County

Closing Date: until filled

Assistant State's Attorney I

Grade 26 entire salary range: \$100,109 to \$132,092 DOE

Minimum qualifications

Juris Doctor degree and license to practice law in North Dakota. No legal experience required.

Job Announcement - Assistant State's Attorney II

Job Announcement Stutsman County

Closing Date: until filled

Assistant State's Attorney II

Grade 27 entire salary range: \$106,116 to \$140,018 DOE

Minimum qualifications

Two years' applicable legal experience, Juris Doctor degree, and license to practice law in North Dakota.

Job Announcement - Chief Assistant State's Attorney

Job Announcement Stutsman County

Closing Date: until filled

Chief Assistant State's Attorney

Grade 28 entire salary range: \$112,483 to \$148,419 DOE

Minimum qualifications

Three years' applicable legal experience, Juris Doctor degree, and license to practice law in North Dakota.



STATE OF NORTH DAKOTA
COURTS

Job Announcement - Assistant State's Attorney - Grand Forks

Wednesday, March 5, 2025

Job Opportunity: Assistant State's Attorney

Starting Annual Rate: \$90,319.86 - \$128,774.51 (DOE) (annually), paid semi-monthly

Status/Shift Details: Full-time, benefit eligible. Monday – Friday, 40 hours per week. This role might experience variation to work hours and days to support the department and County needs. This position is not eligible for remote work.

Close Date: March 19, 2025

To Apply: A Grand Forks County application must be completed and submitted with a resume and cover letter. Applicants seeking Veteran's Preference must submit form DD214 along with their application. If applicant is within 3 years of law school graduation, the applicant must also submit a law school transcript and writing sample. Applications may be obtained from:

151 South 4th Street, 1st Floor

Grand Forks, ND 58201

Or from: <https://www.gfcounty.nd.gov/information/employment-opportunities>

Selection Process: Prospective employees will undergo a thorough background investigation. Each applicant's education, training, and experience will be rated based on required application materials submitted and the top-scoring candidates will be forwarded for further consideration.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, if you need special assistance in the selection process, please notify the Human Resources Department Office, in writing, at the time of application.

Benefits: While employed at Grand Forks County, you will receive a generous number of paid holidays, paid time off, benefits, and retirement. Did you know that that Grand Forks County participates in NDPERS Retirement - 16.26% and employees only have to contribute 2% and the County pays the rest!

ABOUT THE POSITION: Grand Forks County States Attorney's Office is seeking a **FULL-TIME ASSISTANT STATE'S ATTORNEY**. Under limited supervision, assists the State's Attorney in providing legal representation for Grand Forks County involving the prosecution of criminal cases and legal representation in civil matters relating to the County and its' entitles. Reports to the State's Attorney.

Typical Duties and Responsibilities:

The following duties are typical for this classification. Applicants may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth to address business needs and changing business practices.

- Prepare legal documents and try felony and misdemeanor criminal jury cases. Draft criminal charging documents and file preparation. Present evidence in preliminary hearings involving felony charges.
- Represent the County with various community organizations, law enforcement agencies, and legal boards. Perform legal research for the County and report findings to appropriate source.
- Prepare briefs and argue appeals to the North Dakota Supreme Court. Prepare search warrants for law enforcement agencies. File and prepare response briefs in suppression motions.
- Prepare, file, and try civil forfeitures on seized property.
- Provide legal assistance to law enforcement agencies. Present educational forums to law enforcement agencies. Act as liaison for various government and law enforcement agencies.
- Represent petitioner in Juvenile Court and mental health cases as assigned and attend Juvenile Court hearings.
- Appear in District Court for various hearings, jury and bench trials and legal matters.
- Handle confidential matters daily relating to all divisions of the States Attorney's Office.
- Attends work during regularly scheduled hours.

- Perform other duties as assigned or apparent.
- Respond to visitors and telephone calls from the public regarding legal issues.

Education: Completion of Juris Doctorate Degree and a North Dakota license to practice law or eligibility for licensure in the State of North Dakota. Legal Experience preferred but not necessary.

Knowledge, Skills, and Abilities:

- Knowledge and experience as to a broad range of issues pertaining to the practice of law including, civil and criminal litigation, and appeals. Ability to maintain satisfactory work relationships with justice partners, County employees, and the public. Ability to communicate effectively with the public, business, and civic groups. Highly developed legal writing skills.
- Ability to maintain a high degree of confidentiality.
- Excellent time management and organizational skills.
- Clean discipline record.
- Ability to successfully pass all background and pre-employment requirements.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT: *The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

Physical Abilities: This work requires the occasional exertion of up to 10 pounds of force; work regularly requires speaking or hearing and manual dexterity, frequently requires standing, walking, sitting, climbing or balancing, reaching with hands and arms and repetitive motions and occasionally requires stooping, kneeling, crouching or crawling, pushing

or pulling and lifting; work requires close vision, distance vision, ability to adjust focus, depth perception and color perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; work requires preparing and analyzing written or computer data, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to outdoor weather conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

Working Environment: Ideal working conditions; not normally exposed to unusual environmental work elements.

Hazards: Accidents improbable outside of minor injuries, such as abrasions, cuts, bruises; little exposure to health hazards. Has some variation in daily assignments or change in work pace and timeliness for end product.

Grand Forks County does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and gender identity), genetics, religion, age, or disability in employment or the provision of services and complies with the provisions of the North Dakota Human Rights Act. (NDCC 14-02.4)



STATE OF NORTH DAKOTA COURTS

Job Announcement - Staff Attorney - District Court

Thursday, January 16, 2025

Salary: \$109,296.00 - \$150,960.00 Annually
Location: Williston, ND
Job Type: Full-Time/Regular
Job Number: 2025-U4-WIL-16-SADC
Department: Unit 4 - District Court Judge Chambers
Opening Date: 01/16/2025

General Summary or Purpose

We understand that compensation isn't a one-time discussion. Please see [Compensation](#) for more details on our compensation strategy.

The current Williston postings for a Staff Attorney-District Court and Law Clerk are to broaden the applicant pool for one successful candidate to be hired to work within the Northwest Judicial District Court Judge Chambers in Williston or as a remote work position.

Interested applicants must submit a cover letter, resume, writing sample, and copy of law school transcript.

The North Dakota Court System offers employment opportunities that provide a rewarding career in public service working together to deliver justice. The Court System offers an excellent benefits package including employer-paid family health insurance premiums, retirement contributions and generous vacation and sick leave accruals.

If you are drawn to and want to play an integral role in supporting a judge or judicial referee by providing extensive legal research and analysis of legal issues and cases to make recommendations on the proposed disposition of cases, this opportunity may be right for you.

The Ideal Candidate:

- Easily engages and communicates with others orally and in writing.
- Enjoys researching, analyzing, and writing.
- Obsesses with detail ensuring accuracy of work.
- Deliberately and thoroughly organizes and analyzes information.
- Demonstrates an ability to provide sound judgment including the ability to think critically, identify, break down, evaluate, and write information in a concise and logical manner.
- Thrives on having a constant workload and organizing, planning, and prioritizing work priorities.
- Finds it rewarding to be highly dependable.
- Seamlessly works as part of the courtroom team in providing necessary trial preparations including court recording.

The Ideal Candidate Minimum Qualifications:

- Juris doctor degree from an accredited law school;
- 2 years of related experience conducting legal research, preparing or presenting cases in state courts. Any combination of education, training, or experience which demonstrates the ability to successfully complete the major responsibilities and essential functions may be substituted for the experience requirement.
- North Dakota law license or ability to obtain within one year of job entry.
- Valid driver's license or evidence of equivalent mobility; and
- If assigned recording duties, then requires AAERT (American Association of Electronic Reporters and Transcribers) CER (Certified Electronic Court Reporter) certification or the ability to obtain within six

months of job entry. A comparable certification by another state court or federal court may be substituted for the AAERT certification.

[Staff Attorney-District Court - Realistic Job Preview](#)

[Testimonials/Work FAQs/Interesting Facts/Code of ConductCareer Opportunities/Working at the ND Court System](#)

Major Responsibilities & Essential Functions

Title of Immediate Supervisor: Presiding District Court Judge

Accountable for (Job Titles): Law Clerk

FLSA Status: Exempt

The Staff Attorney-District Court is responsible for providing extensive legal research and analysis of legal issues and cases pending before the North Dakota District Courts and making recommendations on the proposed disposition of cases. Assists judges and judicial referees by applying legal principles and research in the drafting and writing of judicial orders and provides support services on other related matters. Makes a verbatim record of district and juvenile court proceedings using audio recording equipment, writing court logs, and noting appearances and essential events during the proceedings. Performs courtroom duties.

- Conducts in-depth legal research and analysis of legal precedents, statutes, regulations, and legislative history for all judges and judicial referees in the district. Reviews case records, including briefs and transcripts/recordings of prior hearings when necessary. Drafts findings and orders for the district court judges and judicial referees on complex cases in all areas of the law, including civil, criminal, juvenile, family law, and administrative appeals.
- Edits draft opinions prepared by other law clerk staff, judges, and judicial referees and offers changes in style or content. Reviews legal analysis and proofreads findings and orders for both style and content.
- Confers with judges and judicial referees on pending cases. Provides background research and analysis on the law and facts. Provides summary and analysis of relevant similar issues faced by other judges in the district and resolution of prior similar cases. Identifies nuances in the cases and suggests areas that will need clarification at any hearing. Suggests possible resolutions and alerts judges to any possible concerns or appealable issues surrounding proposed resolutions of issues.
- Drafts jury instructions and special verdict forms for upcoming trials. Conducts necessary research for judges to make a determination on any requested special jury instructions and to make a determination on relevant pattern instructions. Confers with judges regarding closing instructions and drafts closing instructions.
- Assists judges through ongoing complex trials. Provides insight and legal analysis on trial matters as requested by judges, including objections, in-chamber conferences, and motions made through trial. Conducts in-depth legal research during the trials to provide the judges with the necessary law for making quick decisions and rulings as issues arise during trial.
- Drafts orders for judges after complex bench trials. Attends entire bench trial if requested and analyzes testimony and evidence presented to the assigned judge. Suggests possible resolution and drafts final findings and order as requested by the assigned judge.
- In districts with multiple law clerks, if assigned by the presiding judge of the district, may supervise the term law clerk. Supervision may include: reviewing resumes and application materials, conducting interviews, making hiring decisions, training, orientating, answering questions, and mentoring on cases and legal issues.
- Accurately records, transcribes, and certifies the record of court and jury trial proceedings, unless it is prepared by a third party, by computer-aided equipment per state and appellate requirements. Responsibility also requires taking court notes during hearings to identify appearances and to note

significant events during the hearing and to locate and present prior testimony. Requires travel to other counties within and outside of the district for court proceedings assigned to the district judge or referee.

- Performs clerking duties in courtroom, administers oath, marks documents, maintains logs and other forms, and transfers storage devices, files, and records to the clerk of district court for reference.
- Performs other duties of a comparable level or type or as assigned.

Minimum Qualifications & Certification or Licensing Requirements

Requires a juris doctor degree from an accredited law school and two years of related experience. Any combination of education, training, or experience which demonstrates the ability to successfully complete the major responsibilities and essential functions may be substituted for the experience requirement.

Valid driver's license or evidence of equivalent mobility.

If assigned recording duties, then requires AAERT (American Association of Electronic Reporters and Transcribers) CER (certified electronic court reporter) certification or ability to obtain within six months of job entry. A comparable certification by another state court or federal court may be substituted for the AAERT certification.

Knowledge, Skill, & Physical Requirements

Knowledge Requirements:

- Extensive knowledge of federal and state constitutional laws, statutory law, and court case precedent.
- General knowledge of court administration and office management policies and procedures.
- Extensive knowledge of court system operations, court procedures, and rules including legal rules of evidence, civil procedures, criminal procedures, and appellate procedures.
- Knowledge of logical legal theorems, their application to legal precedent, rules of legal interpretation, and statutory interpretation.

Skill Requirements:

- Skilled in organizing, planning, and prioritizing own work priorities, needs, and projects.
- Skilled in balancing the workload of assignments from all judges in the district and prioritizing matters that are assigned.
- Skilled in learning, understanding, and utilizing the preferences and writing style of all judges in the district.
- Skilled in conducting legal research and the application and interpretation of legal concepts, principles, and legal theorems to the specifics of individual cases.
- Skilled in the use of legal research resources and software (i.e. Westlaw, Lexis Nexis, etc.) and general office support applications (i.e. word processing and other desktop software/applications).
- Skilled in formulating, writing, and drafting legal orders in a clear, concise, and coherent manner in accordance with the requirements of the court.
- Skilled in applying legal principles, rules, concepts, precedents, and cases in addressing individual cases and legal problems/issues.
- Skilled in presenting and communicating controversial or complex topics in an effective and persuasive manner in public presentations and speeches before managers, courts, boards, judges, or committees.

Physical Requirements:

- The essential functions of the job typically require: grasping, walking, sitting, seeing, talking, hearing, feeling, fingering, and some repetitive motions or other reasonable methods that accommodate an individual in completing the essential functions of the job.
- Work is performed in a comfortable office environment.

- Employee is subject to some travel in the performance of the job. Employee has control over travel schedule and can adjust schedules due to adverse weather or travel conditions.
- Physical requirements can typically be characterized as **Sedentary Work**: Exerting up to 10 lbs. of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull, or otherwise move objects including the human body.

View the complete job posting here: <https://www.governmentjobs.com/careers/ndcourts/jobs/4794338/staff-attorney-district-court-williston?pagetype=jobOpportunitiesJobs>



STATE OF NORTH DAKOTA
COURTS

Job Announcement - Assistant City Attorney - City of Bismarck

Tuesday, February 18, 2025

Job Title: Assistant City Attorney

Hiring Agency: City of Bismarck (ND)

Web Link: www.bismarcknd.gov/jobs

Deadline: March 14, 2025

Salary Range: \$95,582.60-\$107,530.42

Job Description:

This position provides legal services to the City of Bismarck, including the prosecution of ordinance violations.

Examples of Duties

- Prepares cases for prosecution in municipal court; reviews legal issues and witnesses.
- Reviews police reports and makes decisions with regards to criminal charges; reviews motor vehicle accident reports for criminal and non-criminal traffic violations.
- Prepares cases for jury trial in district court, including motion briefs, discovery, witness selection, expert determinations, and appeals.
- Coordinates the review of evidence.
- Conducts legal research.
- Assists municipal court with legal issues, including arraignments, court trials, ordinances, and criminal rights issues.
- Works with court clerks on issues related to warrants, restitution, parking matters, etc.
- Drafts a variety of legal documents.
- Assists in the drafting of municipal ordinances, amendments, resolutions, procedures, rules, and regulations.
- Responds to questions from the public regarding city ordinances, rules, regulations and other issues.
- Answers legal questions from city departments.
- Makes decisions on property damage claims.
- Performs related duties.

Minimum Qualifications:

- Graduation from an accredited school of law.
- Experience sufficient to thoroughly understand the work of subordinate positions to be able to answer questions and resolve problems, usually associated with one to three years' experience or service.
- Current membership in the State Bar of North Dakota.



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Job Announcement - Assistant State's Attorney I

Thursday, July 20, 2023

Job Announcement Stutsman County

Closing Date: until filled

Assistant State's Attorney I

Grade 26 entire salary range: \$100,109 to \$132,092 DOE

Minimum qualifications

Juris Doctor degree and license to practice law in North Dakota. No legal experience required.

Summary of Work

Review investigations, make charging decisions, draft charges, interview witnesses, coordinate with law enforcement, negotiate with defense attorneys, and prepare for court. Prosecute misdemeanor, felony, juvenile, and mental health cases in district court. Write appellate briefs and argue at the ND Supreme Court.

A complete application must include a: resume, cover letter, writing sample, unofficial law school transcript, and completed Stutsman County Application for Employment form.

A copy of the Stutsman County Application for Employment form is at <https://www.co.stutsman.nd.us/how-do-i/careers/>



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Job Announcement - Assistant State's Attorney II

Thursday, July 20, 2023

Job Announcement Stutsman County

Closing Date: until filled

Assistant State's Attorney II

Grade 27 entire salary range: \$106,116 to \$140,018 DOE

Minimum qualifications

Two years' applicable legal experience, Juris Doctor degree, and license to practice law in North Dakota.

Summary of Work

Review investigations, make charging decisions, draft charges, interview witnesses, coordinate with law enforcement, negotiate with defense attorneys, and prepare for court. Prosecute misdemeanor, felony, juvenile, and mental health cases in district court. Write appellate briefs and argue at the ND Supreme Court.

A complete application must include a: resume, cover letter, writing sample, unofficial law school transcript, and completed Stutsman County Application for Employment form.

A copy of the Stutsman County Application for Employment form is at <https://www.co.stutsman.nd.us/how-do-i/careers/>



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Job Announcement - Chief Assistant State's Attorney

Thursday, July 20, 2023

Job Announcement Stutsman County

Closing Date: until filled

Chief Assistant State's Attorney

Grade 28 entire salary range: \$112,483 to \$148,419 DOE

Minimum qualifications

Three years' applicable legal experience, Juris Doctor degree, and license to practice law in North Dakota.

Summary of Work

Review investigations, make charging decisions, draft charges, interview witnesses, coordinate with law enforcement, negotiate with defense attorneys, and prepare for court. Prosecute misdemeanor, felony, juvenile, and mental health cases in district court. Write appellate briefs and argue at the ND Supreme Court. Help with hiring and training office personnel.

A complete application must include a: resume, cover letter, writing sample, unofficial law school transcript, and completed Stutsman County Application for Employment form.

A copy of the Stutsman County Application for Employment form is at

<https://www.co.stutsman.nd.us/how-do-i/careers/>



STATE OF NORTH DAKOTA COURTS

Job Announcement - Staff Attorney - District Court

Friday, February 21, 2025

Salary: \$109,296.00 - \$150,960.00 Annually

Location: Wahpeton, ND

Job Type: Full-Time/Regular

Job Number: 2025-U2-WAH-23-SADC

Department: Unit 2 - Administration

Opening Date: 02/21/2025

Closing Date: 3/16/2025 11:59 AM Central

General Summary or Purpose

We understand that compensation isn't a one-time discussion. Please see [Compensation](#) for more details on our compensation strategy.

This position is largely in-person with the possibility of remote work as approved by the supervising judge.

Interested applicants must submit a cover letter, resume, writing sample, and copy of law school transcript.

The North Dakota Court System offers employment opportunities that provide a rewarding career in public service working together to deliver justice. The Court System offers an excellent benefits package including employer-paid family health insurance premiums, retirement contributions and generous vacation and sick leave accruals.

If you are drawn to and want to play an integral role in supporting a judge or judicial referee by providing extensive legal research and analysis of legal issues and cases to make recommendations on the proposed disposition of cases, this opportunity may be right for you.

The Ideal Candidate:

- Easily engages and communicates with others orally and in writing.
- Enjoys researching, analyzing, and writing.
- Obsesses with detail ensuring accuracy of work.
- Deliberately and thoroughly organizes and analyzes information.
- Demonstrates an ability to provide sound judgment including the ability to think critically, identify, break down, evaluate, and write information in a concise and logical manner.
- Thrives on having a constant workload and organizing, planning, and prioritizing work priorities.
- Finds it rewarding to be highly dependable.
- Seamlessly works as part of the courtroom team in providing necessary trial preparations.

The Ideal Candidate Minimum Qualifications:

- Juris doctor degree from an accredited law school;
- 2 years of related experience conducting legal research, preparing or presenting cases in state courts. Any combination of education, training, or experience which demonstrates the ability to successfully complete the major responsibilities and essential functions may be substituted for the experience requirement;
- North Dakota law license or ability to obtain within one year of job entry; and
- Valid driver's license or evidence of equivalent mobility.

Major Responsibilities & Essential Functions

Title of Immediate Supervisor: Presiding District Court Judge

Accountable for (Job Titles): Law Clerk

FLSA Status: Exempt

The Staff Attorney-District Court is responsible for providing extensive legal research and analysis of legal issues and cases pending before the North Dakota District Courts and making recommendations on the proposed disposition of cases. Assists judges and judicial referees by applying legal principles and research in the drafting and writing of judicial orders and provides support services on other related matters. Makes a verbatim record of district and juvenile court proceedings using audio recording equipment, writing court logs, and noting appearances and essential events during the proceedings. Performs courtroom duties.

- Conducts in-depth legal research and analysis of legal precedents, statutes, regulations, and legislative history for all judges and judicial referees in the district. Reviews case records, including briefs and transcripts/recordings of prior hearings when necessary. Drafts findings and orders for the district court judges and judicial referees on complex cases in all areas of the law, including civil, criminal, juvenile, family law, and administrative appeals.
- Edits draft opinions prepared by other law clerk staff, judges, and judicial referees and offers changes in style or content. Reviews legal analysis and proofreads findings and orders for both style and content.
- Confers with judges and judicial referees on pending cases. Provides background research and analysis on the law and facts. Provides summary and analysis of relevant similar issues faced by other judges in the district and resolution of prior similar cases. Identifies nuances in the cases and suggests areas that will need clarification at any hearing. Suggests possible resolutions and alerts judges to any possible concerns or appealable issues surrounding proposed resolutions of issues.
- Drafts jury instructions and special verdict forms for upcoming trials. Conducts necessary research for judges to make a determination on any requested special jury instructions and to make a determination on relevant pattern instructions. Confers with judges regarding closing instructions and drafts closing instructions.
- Assists judges through ongoing complex trials. Provides insight and legal analysis on trial matters as requested by judges, including objections, in-chamber conferences, and motions made through trial. Conducts in-depth legal research during the trials to provide the judges with the necessary law for making quick decisions and rulings as issues arise during trial.
- Drafts orders for judges after complex bench trials. Attends entire bench trial if requested and analyzes testimony and evidence presented to the assigned judge. Suggests possible resolution and drafts final findings and order as requested by the assigned judge.
- In districts with multiple law clerks, if assigned by the presiding judge of the district, may supervise the term law clerk. Supervision may include: reviewing resumes and application materials, conducting interviews, making hiring decisions, training, orientating, answering questions, and mentoring on cases and legal issues.
- Accurately records, transcribes, and certifies the record of court and jury trial proceedings, unless it is prepared by a third party, by computer-aided equipment per state and appellate requirements. Responsibility also requires taking court notes during hearings to identify appearances and to note significant events during the hearing and to locate and present prior testimony. Requires travel to other counties within and outside of the district for court proceedings assigned to the district judge or referee.
- Performs clerking duties in courtroom, administers oath, marks documents, maintains logs and other forms, and transfers storage devices, files, and records to the clerk of district court for reference.

- Performs other duties of a comparable level or type or as assigned.

Minimum Qualifications & Certification or Licensing Requirements

Requires a juris doctor degree from an accredited law school and two years of related experience. Any combination of education, training, or experience which demonstrates the ability to successfully complete the major responsibilities and essential functions may be substituted for the experience requirement.

North Dakota law license or ability to obtain within one year of job entry.

Valid driver's license or evidence of equivalent mobility.

If assigned recording duties, then requires AAERT (American Association of Electronic Reporters and Transcribers) CER (certified electronic court reporter) certification or ability to obtain within six months of job entry. A comparable certification by another state court or federal court may be substituted for the AAERT certification.

Knowledge, Skill, & Physical Requirements

Knowledge Requirements:

- Extensive knowledge of federal and state constitutional laws, statutory law, and court case precedent.
- General knowledge of court administration and office management policies and procedures.
- Extensive knowledge of court system operations, court procedures, and rules including legal rules of evidence, civil procedures, criminal procedures, and appellate procedures.
- Knowledge of logical legal theorems, their application to legal precedent, rules of legal interpretation, and statutory interpretation.

Skill Requirements:

- Skilled in organizing, planning, and prioritizing own work priorities, needs, and projects.
- Skilled in balancing the workload of assignments from all judges in the district and prioritizing matters that are assigned.
- Skilled in learning, understanding, and utilizing the preferences and writing style of all judges in the district.
- Skilled in conducting legal research and the application and interpretation of legal concepts, principles, and legal theorems to the specifics of individual cases.
- Skilled in the use of legal research resources and software (i.e. Westlaw, Lexis Nexis, etc.) and general office support applications (i.e. word processing and other desktop software/applications).
- Skilled in formulating, writing, and drafting legal orders in a clear, concise, and coherent manner in accordance with the requirements of the court.
- Skilled in applying legal principles, rules, concepts, precedents, and cases in addressing individual cases and legal problems/issues.
- Skilled in presenting and communicating controversial or complex topics in an effective and persuasive manner in public presentations and speeches before managers, courts, boards, judges, or committees.

Physical Requirements:

- The essential functions of the job typically require: grasping, walking, sitting, seeing, talking, hearing, feeling, fingering, and some repetitive motions or other reasonable methods that accommodate an individual in completing the essential functions of the job.
- Work is performed in a comfortable office environment.
- Employee is subject to some travel in the performance of the job. Employee has control over travel schedule and can adjust schedules due to adverse weather or travel conditions.

- Physical requirements can typically be characterized as Sedentary Work: Exerting up to 10 lbs. of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull, or otherwise move objects including the human body.

View the complete job posting here: <https://www.governmentjobs.com/careers/hdcourts/jobs/4842360/staff-attorney-district-court-wahpeton?pagetype=jobOpportunitiesJobs>



Job Announcement - Assistant State's Attorney - Grand Forks

Wednesday, March 5, 2025

Job Opportunity: Assistant State's Attorney

Starting Annual Rate: \$90,319.86 - \$128,774.51 (DOE) (annually), paid semi-monthly

Status/Shift Details: Full-time, benefit eligible. Monday – Friday, 40 hours per week. This role might experience variation to work hours and days to support the department and County needs. This position is not eligible for remote work.

Close Date: March 19, 2025

To Apply: A Grand Forks County application must be completed and submitted with a resume and cover letter. Applicants seeking Veteran's Preference must submit form DD214 along with their application. If applicant is within 3 years of law school graduation, the applicant must also submit a law school transcript and writing sample. Applications may be obtained from:

151 South 4th Street, 1st Floor

Grand Forks, ND 58201

Or from: <https://www.gfcounty.nd.gov/information/employment-opportunities>

Selection Process: Prospective employees will undergo a thorough background investigation. Each applicant's education, training, and experience will be rated based on required application materials submitted and the top-scoring candidates will be forwarded for further consideration.

Reasonable Accommodations: In compliance with the Americans with Disabilities Act, if you need special assistance in the selection process, please notify the Human Resources Department Office, in writing, at the time of application.

Benefits: While employed at Grand Forks County, you will receive a generous number of paid holidays, paid time off, benefits, and retirement. Did you know that that Grand Forks County participates in NDPERS Retirement - 16.26% and employees only have to contribute 2% and the County pays the rest!

ABOUT THE POSITION: Grand Forks County States Attorney's Office is seeking a **FULL-TIME ASSISTANT STATE'S ATTORNEY**. Under limited supervision, assists the State's Attorney in providing legal representation for Grand Forks County involving the prosecution of criminal cases and legal representation in civil matters relating to the County and its' entities. Reports to the State's Attorney.

Typical Duties and Responsibilities:

The following duties are typical for this classification. Applicants may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth to address business needs and changing business practices.

- Prepare legal documents and try felony and misdemeanor criminal jury cases. Draft criminal charging documents and file preparation. Present evidence in preliminary hearings involving felony charges.
- Represent the County with various community organizations, law enforcement agencies, and legal boards. Perform legal research for the County and report findings to appropriate source.
- Prepare briefs and argue appeals to the North Dakota Supreme Court. Prepare search warrants for law enforcement agencies. File and prepare response briefs in suppression motions.
- Prepare, file, and try civil forfeitures on seized property.
- Provide legal assistance to law enforcement agencies. Present educational forums to law enforcement agencies. Act as liaison for various government and law enforcement agencies.
- Represent petitioner in Juvenile Court and mental health cases as assigned and attend Juvenile Court hearings.
- Appear in District Court for various hearings, jury and bench trials and legal matters.
- Handle confidential matters daily relating to all divisions of the States Attorney's Office.
- Attends work during regularly scheduled hours.

- Perform other duties as assigned or apparent.
- Respond to visitors and telephone calls from the public regarding legal issues.

Education: Completion of Juris Doctorate Degree and a North Dakota license to practice law or eligibility for licensure in the State of North Dakota. Legal Experience preferred but not necessary.

Knowledge, Skills, and Abilities:

- Knowledge and experience as to a broad range of issues pertaining to the practice of law including, civil and criminal litigation, and appeals. Ability to maintain satisfactory work relationships with justice partners, County employees, and the public. Ability to communicate effectively with the public, business, and civic groups. Highly developed legal writing skills.
- Ability to maintain a high degree of confidentiality.
- Excellent time management and organizational skills.
- Clean discipline record.
- Ability to successfully pass all background and pre-employment requirements.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT: *The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential job functions.*

Physical Abilities: This work requires the occasional exertion of up to 10 pounds of force; work regularly requires speaking or hearing and manual dexterity, frequently requires standing, walking, sitting, climbing or balancing, reaching with hands and arms and repetitive motions and occasionally requires stooping, kneeling, crouching or crawling, pushing

or pulling and lifting; work requires close vision, distance vision, ability to adjust focus, depth perception and color perception; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; work requires preparing and analyzing written or computer data, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work occasionally requires exposure to outdoor weather conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

Working Environment: Ideal working conditions; not normally exposed to unusual environmental work elements.

Hazards: Accidents improbable outside of minor injuries, such as abrasions, cuts, bruises; little exposure to health hazards. Has some variation in daily assignments or change in work pace and timeliness for end product.

Grand Forks County does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and gender identity), genetics, religion, age, or disability in employment or the provision of services and complies with the provisions of the North Dakota Human Rights Act. (NDCC 14-02.4)

OPTIONAL REQUESTS

2(a). Attorney Equity

Thank you for appropriating the first step in our equity pay initiative in 2023.

- Our merit-based pay system was initiated successfully.
- Salaries, especially for newer attorneys, were increased but remain below many other public entities.
- For example:
 - Assistant States Attorneys:
 - Can earn \$155,000.
 - With 2 years' legal experience can earn \$110,000 or more.
 - With 0 legal experience can earn \$100,000 or more.
 - State court staff attorneys can earn \$109,000 or more with 2 years' experience and up to \$150,000.
 - DOCR, DOT, and other state agency attorneys earn more than several of our Division Directors.
- Recruitment, especially for our Criminal Law and Solicitor General Divisions, is difficult in this competitive market.

Our proposed package would:

- Let us continue progress on our merit-based pay system;
- Improve recruitment and retention; and
- Reduce turnover costs and loss of legal expertise for the state.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

HB 1003
4/3/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

9:31 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Salary funding changes
- Cyber crime
- Human trafficking victims
- Gaming
- Litigation funding pool
- Contingency language and effects of other bills
- Increased manufacturer fee for electronic smoking
- Related bills and effects of those bills

9:34 a.m. Levi Kinnischtzke, LC Senior Fiscal Analyst, supplied budget information and submitted testimony #44612, the Amendments (25.0147.02004.)

9:44 a.m. Senator Dwyer moved to further Amend HB 1003 to Make the initial manufacturer registration fee 2000 with an annual renewal fee of 500.

9:45 a.m. Senator Sickler seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jonathan Sickler	Y

Motion passed 5-0-0.

9:48 a.m. Senator Dwyer moved a Do Pass as Further Amended for HB 1003.

9:48 a.m. Senator Sickler seconded the motion.

9:50 a.m. Amy Cleary, GA Group, PC, provided information about related bills at the request of Chairman Wanzek.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	Y
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jonathan Sickler	Y

Motion passed 5-0-0.

Senator Sickler will carry this bill.

9:52 a.m. Chairman Wanzek closed the hearing.

Carol Thompson, Committee Clerk

25.0147.02004
Title.
Fiscal No. 2

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

April 2, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

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 ~~and~~ 54-12-11, and 54-12-30
5 of the North Dakota Century Code, relating to compensation and mileage and travel expenses
6 for witnesses ~~and~~ the salary of the attorney general, and twenty-four seven sobriety program
7 fees; to provide for a report; ~~to provide for a transfer; and~~ to provide an exemption; ~~and to~~
8 ~~declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 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>
17 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
18 New and vacant FTE pool	0	4,455,869	4,455,869
19 Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	4,988,501	4,988,501
3	Operating expenses	17,579,264	(1,014,920)	16,564,344
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,604,625	\$114,543,710
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,716,151	\$62,740,416
31	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification	0	1,500,000	1,500,000
notification system replacement			
Total	\$1,842,000	\$12,887,000	\$14,729,000
Total	\$1,893,000	\$7,887,000	\$9,780,000

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

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -

REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

~~**SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM.** Notwithstanding section 53-06-1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.~~

SECTION 5. CONTINGENT FUNDING AND FULL-TIME EQUIVALENT POSITION

AUTHORIZATION - GUARDIANSHIP PROGRAMS. The salaries and wages line item, operating expenses line item, and capital assets line item in section 1 of this Act include the sum of \$385,355 from the general fund for one full-time equivalent position for guardianship programs. The attorney general may spend this funding and fill this position only if Senate Bill No. 2029 is approved by the sixty-ninth legislative assembly.

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

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND

TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~\$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, ~~\$8,000,000~~\$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide litigation funding pool to eligible state agencies

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

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

5 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes
6 ~~\$1,767,514~~ \$2,452,514 from the general fund for the purpose of providing grants to
7 organizations involved in providing prevention and treatment services related to human
8 trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and
9 ending June 30, 2027. The attorney general may provide grants for the development and
10 implementation of direct care emergency or long-term crisis services, residential care, training
11 for law enforcement, support of advocacy services, and programs promoting positive outcomes
12 for victims. Any organization that receives a grant under this section shall report to the attorney
13 general and the appropriations committees of the seventieth legislative assembly on the use of
14 the funds received and the outcomes of its programs. The attorney general shall report to the
15 legislative management during the 2025-26 interim on the status and results of the grant
16 program.

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

29 ~~**SECTION 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~
30 ~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement~~
31 ~~dogs program, which the attorney general shall create to assist local and state law enforcement~~

~~dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.~~

SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME 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 cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.

SECTION 11. OTHER FUNDS - ELECTRONIC SMOKING FUND. The salaries and wages line item and operating expenses line item in section 1 of this Act include the sum of \$239,716 from the electronic smoking fund for a tobacco compliance auditor position to administer and enforce the provisions of section ~~42~~13 of this Act.

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

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

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

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

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents

1 shall pay witness fees and expenses for witnesses in those cases in which counsel
2 has been provided by the commission. Prisoners may not be compensated as
3 witnesses under this section. If a county exceeds the thirty thousand dollar
4 reimbursement during a biennium, the county may enter an agreement with another
5 county for the purpose of allowing that county to receive another county's unused
6 reimbursement funds for that biennium, with the approval of the attorney general.

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

9 **Definition - Electronic smoking device directory - Electronic smoking device**
10 **manufacturer fee - Electronic smoking fund.**

- 11 1. The attorney general shall establish and maintain a directory of electronic smoking
12 devices containing nicotine that may be sold in this state.
- 13 2. An electronic smoking device must be included in the directory only if the
14 manufacturer of the electronic smoking device containing nicotine certifies, on a form
15 prescribed by the attorney general, the following:
 - 16 a. The manufacturer has received a marketing granted order for the electronic
17 smoking device containing nicotine from the United States food and drug
18 administration;
 - 19 b. The manufacturer marketed the electronic smoking device containing nicotine in
20 the United States as of August 8, 2016, and submitted a tobacco product
21 premarket application to the United States food and drug administration on or
22 before September 9, 2020, and the application either remains under review or
23 has received a denial order that has been and remains stayed by the United
24 States food and drug administration or a court order, rescinded by the United
25 States food and drug administration, or vacated by a court; or
 - 26 c. The manufacturer can demonstrate the United States food and drug
27 administration has issued a rule, guidance, or other formal statement that
28 temporarily exempts the electronic smoking device containing nicotine from
29 federal premarket tobacco application requirements.

- 1 3. Each certification form must be accompanied by a fee of ~~five hundred~~two thousand
2 dollars for each electronic smoking device containing nicotine that is listed on the form.
3 Revenue from the fees must be deposited in the electronic smoking fund.
4 4. There is created in the state treasury the electronic smoking fund. The fund consists of
5 fees collected pursuant to subsection 3 and all moneys transferred to the fund by the
6 legislative assembly. Moneys in the fund may be spent by the attorney general for the
7 administration and enforcement of this chapter, subject to legislative appropriations.
8 5. Beginning January 1, 2026, only electronic smoking devices containing nicotine
9 included in the directory may be sold in this state.
10 6. The attorney general shall promulgate rules necessary to administer and enforce this
11 chapter. The rules must provide for at least two annual unannounced compliance
12 checks of retailers, distributors, and wholesalers that sell electronic smoking devices
13 containing nicotine.
14 7. As used in this section, "electronic smoking device" means any electronic product that
15 delivers nicotine to the individual inhaling from the device, including an electronic
16 cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and
17 includes any component, part, or accessory of such product, including a consumable
18 product that contains nicotine and is intended to be used with an electronic smoking
19 device, whether or not sold separately. The term does not include drugs, devices, or
20 combination products approved for sale by the United States food and drug
21 administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

22 **SECTION 14. 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 15. AMENDMENT.** Section 54-12-30 of the North Dakota Century Code is
30 amended and reenacted as follows:

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued

1 into the 2021-23 biennium and 2023-25 biennium for the legal case management
2 system in section 17 of chapter 35 of the 2023 Session Laws.

3 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
4 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
5 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
6 Session Laws.

7 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
8 replacement of the prosecuting case management system in subsection 20 of
9 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
10 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.

11 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
12 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
13 Laws.

14 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
15 software system in section 1 of chapter 35 of the 2023 Session Laws.

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

19 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency-~~
20 ~~measure.~~

21 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
22 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
23 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
24 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
25 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305
New and vacant FTE pool		4,455,869	532,632	4,988,501
Operating expenses	17,579,264	18,503,514	(1,939,170)	16,564,344
Prosecution witness fees		360,056		360,056
Capital assets	606,000	1,695,000	302,280	1,997,280
Grants	3,903,440	4,013,440	(110,000)	3,903,440
Litigation fees	127,500	127,500		127,500
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514
Forensic nurse examiners grants	252,676	254,244		254,244
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000
Medical examinations	660,000	660,000		660,000
Children's forensic interviews	304,560	304,560		304,560
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162
Arrest and return of fugitives	8,500	8,500		8,500
Gaming Commission	7,489	7,489		7,489
Criminal justice information sharing	4,579,950	7,329,417		7,329,417
Law enforcement	3,377,659	3,667,658	1,740	3,669,398
Additional income		250,000		250,000
Total all funds	\$90,939,085	\$118,803,420	(\$4,009,710)	\$114,793,710
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294
General fund	\$49,024,265	\$63,075,156	(\$334,740)	\$62,740,416
FTE	266.00	270.00	(1.00)	269.00

Department 125 - Attorney General - Detail of Senate Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Contingent Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	(\$134,799)	(\$591,813)	\$285,480		
New and vacant FTE pool			532,632			
Operating expenses		60,830				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$228,311	(\$59,181)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$692,791	(\$59,181)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ¹	Removes Funding from Gaming Tax Revenues ²	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ³	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹⁰	Total Senate Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					532,632
Operating expenses		(\$2,000,000)			(1,939,170)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement					1,740
Additional income					
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$4,009,710)
Less estimated income	(964,560)	(2,000,000)	0	(3,000,000)	(3,674,970)
General fund	\$964,560	\$0	(\$110,000)	\$0	(\$334,740)
FTE	0.00	0.00	0.00	0.00	(1.00)

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as follows:

	FTE Positions	General Fund	Other Funds	Total
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Removes a FTE executive staff officer position added by the House, of which \$26,310 was for operating expenses	(1.00)	(195,432)	0	(195,432)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	1.00	385,355	0	385,355
Total	(1.00)	\$692,791	(\$464,480)	\$228,311

³ Funding of \$591,813 for new FTE positions is removed and \$532,632 is added for a 2025-27 new and vacant FTE pool line item, to provide total funding as follows:

	General Fund	Other Funds	Total
New FTE positions	(\$994,938)	(\$418,128)	(\$1,413,066)
Vacant FTE positions	(3,456,437)	(1,853,195)	(5,309,632)
Total	(\$4,451,375)	(\$2,271,323)	(\$6,722,698)
Funding pool line item	<u>3,314,949</u>	<u>1,673,552</u>	<u>4,988,501</u>
Net savings	(\$1,136,426)	(\$597,771)	(\$1,734,197)

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Senate version. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Senate also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Senate change will increase general fund revenues by \$2 million.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF). The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends a section related to the new and vacant FTE pool.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.
- Amends a section added by the House regarding an electronic smoking device directory to increase the statutory fee on electronic smoking devices from \$500 to \$2,000. Fee collections are deposited in the electronic smoking fund.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1003
4/7/2025

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16 and 54-12-11 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses and the salary of the attorney general; to provide for a report; to provide for a transfer; to provide an exemption; and to declare an emergency.

8:40 a.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Sickler, Sorvaag, Thomas, Wanzek.

Members Absent: Senators Meyer, Schaible.

Discussion Topics:

- Human Trafficking Victims Grants Increase
- ND Lottery Revenue and Operating Fund
- BCI Agent for Guardianships
- 24/7 Sobriety Program Fees
- Penalty Charges
- 24/7 Sobriety Program Fund Balance and Authority
- Turnback Amount

8:41 a.m. Senator Sickler introduced the bill and submitted testimony #44729.

8:55 a.m. Senator Sickler moved amendment LC 25.0147.02005.

8:55 a.m. Senator Wanzek seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	A

Senator Donald Schaible	A
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 14-0-2.

9:01 a.m. Senator Sickler moved a Do Pass as Amended.

9:01 a.m. Senator Wanzek seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	N
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	A
Senator Donald Schaible	A
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 13-1-2.

Senator Sickler will carry the bill.

9:02 a.m. Becky Keller, Office of Attorney General Finance Director, testified as neutral.

9:04 a.m. Claire Ness, Chief Deputy Attorney General, testified as neutral.

9:09 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

25.0147.02005
Title.03000
Fiscal No. 3

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

April 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

CO
4/7/25
LOF15

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 ~~and~~, 54-12-11, and 54-12-30
5 of the North Dakota Century Code, relating to compensation and mileage and travel expenses
6 for witnesses ~~and~~, the salary of the attorney general, and twenty-four seven sobriety program
7 fees; to provide for a report; ~~to provide for a transfer; and~~ to provide an exemption; ~~and to~~
8 ~~declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 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>
17 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
18 New and vacant FTE pool	0	4,455,869	4,455,869
19 Operating expenses	17,579,264	924,250	18,503,514

2 of 15

Sixty-ninth
Legislative Assembly

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	4,988,501	4,988,501
3	Operating expenses	17,579,264	(1,014,920)	16,564,344
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,604,625	\$114,543,710
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,716,151	\$62,740,416
31	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
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	\$1,842,000	\$12,887,000	\$14,729,000
<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

attorney general may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -

REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

~~**SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM.** Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.~~

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

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

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~ \$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, ~~\$8,000,000~~ \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -

REPORTS. The human trafficking victims grants line item in section 1 of this Act includes

~~\$1,767,514~~ \$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 9. 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 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~

~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement~~

~~dogs program, which the attorney general shall create to assist local and state law enforcement~~

~~dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.~~

SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME 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 cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.

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

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

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

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

~~1.~~ a. A sum of twenty-five dollars for each day necessarily in attendance before the district court or before any other board or tribunal, except municipal court.

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents

shall pay witness fees and expenses for witnesses in those cases in which counsel has been provided by the commission. Prisoners may not be compensated as witnesses under this section. If a county exceeds the thirty thousand dollar reimbursement during a biennium, the county may enter an agreement with another county for the purpose of allowing that county to receive another county's unused reimbursement funds for that biennium, with the approval of the attorney general.

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

Definition - Electronic smoking device directory - Electronic smoking device manufacturer fee - Electronic smoking fund.

1. The attorney general shall establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in this state.
2. An electronic smoking device must be included in the directory only if the manufacturer of the electronic smoking device containing nicotine certifies, on a form prescribed by the attorney general, the following:
 - a. The manufacturer has received a marketing granted order for the electronic smoking device containing nicotine from the United States food and drug administration;
 - b. The manufacturer marketed the electronic smoking device containing nicotine in the United States as of August 8, 2016, and submitted a tobacco product premarket application to the United States food and drug administration on or before September 9, 2020, and the application either remains under review or has received a denial order that has been and remains stayed by the United States food and drug administration or a court order, rescinded by the United States food and drug administration, or vacated by a court; or
 - c. The manufacturer can demonstrate the United States food and drug administration has issued a rule, guidance, or other formal statement that temporarily exempts the electronic smoking device containing nicotine from federal premarket tobacco application requirements.
3. Each certification form must be accompanied by a fee of ~~five hundred~~ **two thousand** dollars for each electronic smoking device containing nicotine that is listed on the form.

80915

A manufacturer of electronic smoking devices containing nicotine must submit an annual renewal fee of five hundred dollars to the attorney general. Revenue from the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.

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

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

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

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

54-12-11. Salary of attorney general.

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

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

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued

- 1 into the 2021-23 biennium and 2023-25 biennium for the legal case management
2 system in section 17 of chapter 35 of the 2023 Session Laws.
- 3 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
4 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
5 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
6 Session Laws.
- 7 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
8 replacement of the prosecuting case management system in subsection 20 of
9 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
10 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
- 11 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
12 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
13 Laws.
- 14 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
15 software system in section 1 of chapter 35 of the 2023 Session Laws.
- 16 6. The sum of \$1,772,038 appropriated from federal funds for the justice community
17 oriented policing services anti-methamphetamine program in section 1 of chapter 35 of
18 the 2023 Session Laws.

19 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency~~
20 ~~measure.~~

21 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
22 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
23 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
24 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
25 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

110415

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305
New and vacant FTE pool		4,455,869	532,632	4,988,501
Operating expenses	17,579,264	18,503,514	(1,939,170)	16,564,344
Prosecution witness fees		360,056		360,056
Capital assets	606,000	1,695,000	302,280	1,997,280
Grants	3,903,440	4,013,440	(110,000)	3,903,440
Litigation fees	127,500	127,500		127,500
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514
Forensic nurse examiners grants	252,676	254,244		254,244
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000
Medical examinations	660,000	660,000		660,000
Children's forensic interviews	304,560	304,560		304,560
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162
Arrest and return of fugitives	8,500	8,500		8,500
Gaming Commission	7,489	7,489		7,489
Criminal justice information sharing	4,579,950	7,329,417		7,329,417
Law enforcement	3,377,659	3,667,658	1,740	3,669,398
Additional income		250,000		250,000
Total all funds	\$90,939,085	\$118,803,420	(\$4,009,710)	\$114,793,710
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294
General fund	\$49,024,265	\$63,075,156	(\$334,740)	\$62,740,416
FTE	266.00	270.00	(1.00)	269.00

12045

Department 125 - Attorney General - Detail of Senate Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Contingent Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	(\$134,799)	(\$591,813)	\$285,480		
New and vacant FTE pool			532,632			
Operating expenses		60,830				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$228,311	(\$59,181)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$692,791	(\$59,181)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

130915

	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ²	Removes Funding from Gaming Tax Revenues ⁸	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ⁹	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹⁰	Total Senate Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					532,632
Operating expenses		(\$2,000,000)			(1,939,170)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement					1,740
Additional income					
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$4,009,710)
Less estimated income	(964,560)	(2,000,000)	0	(3,000,000)	(3,674,970)
General fund	\$964,560	\$0	(\$110,000)	\$0	(\$334,740)
FTE	0.00	0.00	0.00	0.00	(1.00)

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as follows:

170415

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Removes a FTE executive staff officer position added by the House, of which \$26,310 was for operating expenses	(1.00)	(195,432)	0	(195,432)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	<u>1.00</u>	<u>385,355</u>	<u>0</u>	<u>385,355</u>
Total	(1.00)	\$692,791	(\$464,480)	\$228,311

³ Funding of \$591,813 for new FTE positions is removed and \$532,632 is added for a 2025-27 new and vacant FTE pool line item, to provide total funding as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$994,938)	(\$418,128)	(\$1,413,066)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$4,451,375)	(\$2,271,323)	(\$6,722,698)
Funding pool line item	<u>3,314,949</u>	<u>1,673,552</u>	<u>4,988,501</u>
Net savings	(\$1,136,426)	(\$597,771)	(\$1,734,197)

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Senate version. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Senate also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Senate change will increase general fund revenues by \$2 million.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF). The House provided \$8 million from SIIF.

150415

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends a section related to the new and vacant FTE pool.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.
- Amends a section added by the House regarding an electronic smoking device directory to increase the statutory fee on electronic smoking devices from \$500 to \$2,000 and establishes a \$500 annual renewal fee. Fee collections are deposited in the electronic smoking fund.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1003**

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS** ([25.0147.02005](#)) and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 2 ABSENT OR EXCUSED AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.0147.02005
Title.
Fiscal No. 3

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

April 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

Do Pass as Amended
ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

13-1-2

Sickler Carry

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 and 54-12-11, and 54-12-30
5 of the North Dakota Century Code, relating to compensation and mileage and travel expenses
6 for witnesses and the salary of the attorney general, and twenty-four seven sobriety program
7 fees; to provide for a report; to provide for a transfer; and to provide an exemption; and to
8 declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 general, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	Base Level	Adjustments or Enhancements	Appropriation
15 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
16 New and vacant FTE pool	0	4,455,869	4,455,869
17 Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	4,988,501	4,988,501
3	Operating expenses	17,579,264	(1,014,920)	16,564,344
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,604,625	\$114,543,710
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,716,151	\$62,740,416
31	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification notification system replacement	0	1,500,000	1,500,000
Total	\$1,842,000	\$12,887,000	\$14,729,000
<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

attorney general may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -

REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

~~SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM. Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.~~

SECTION 5. CONTINGENT FUNDING AND FULL-TIME EQUIVALENT POSITION

AUTHORIZATION - GUARDIANSHIP PROGRAMS. The salaries and wages line item, operating expenses line item, and capital assets line item in section 1 of this Act include the sum of \$385,355 from the general fund for one full-time equivalent position for guardianship programs. The attorney general may spend this funding and fill this position only if Senate Bill No. 2029 is approved by the sixty-ninth legislative assembly.

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

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND

TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~ \$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, ~~\$8,000,000~~ \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide litigation funding pool to eligible state agencies

1 for litigation expenses during the biennium beginning July 1, 2025, and ending June 30, 2027.

2 The attorney general may not use funding from the statewide litigation funding pool to pay
3 judgments under section 32-12-04.

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

5 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes

6 ~~\$1,767,514~~ \$2,452,514 from the general fund for the purpose of providing grants to

7 organizations involved in providing prevention and treatment services related to human

8 trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and

9 ending June 30, 2027. The attorney general may provide grants for the development and

10 implementation of direct care emergency or long-term crisis services, residential care, training

11 for law enforcement, support of advocacy services, and programs promoting positive outcomes

12 for victims. Any organization that receives a grant under this section shall report to the attorney

13 general and the appropriations committees of the seventieth legislative assembly on the use of

14 the funds received and the outcomes of its programs. The attorney general shall report to the

15 legislative management during the 2025-26 interim on the status and results of the grant

16 program.

17 **SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The

18 forensic nurse examiners grants line item in section 1 of this Act includes \$254,244 from the

19 general fund for the purpose of providing forensic nurse examiner program grants for

20 community-based or hospital-based sexual assault examiner programs and related

21 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any

22 organization that receives a grant under this section shall report to the attorney general and the

23 appropriations committees of the seventieth legislative assembly on the use of the funds

24 received and the outcomes of its programs. The attorney general shall report to the

25 appropriations committees of the seventieth legislative assembly on the number of nurses

26 trained, the number and location of nurses providing services related to sexual assault nurse

27 examiner programs, and documentation of collaborative efforts to assist victims which includes

28 nurses, the hospital or clinic, law enforcement, and state's attorneys.

29 ~~**SECTION 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~

30 ~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement~~

31 ~~dogs program, which the attorney general shall create to assist local and state law enforcement~~

~~dogs that are retired by reason of age or medical condition. The attorney general shall
reimburse the handler of a law enforcement dog if the handler is authorized to retain possession
of a retired law enforcement dog in a private setting at the handler's home and if the handler
submits itemized receipts each quarter for medical bills of the law enforcement dog.
Reimbursements made under the program may not exceed \$2,000 per retired law enforcement
dog per fiscal year. The attorney general shall adopt any rules necessary to implement this
section.~~

SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME 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 cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.

SECTION 11. OTHER FUNDS - ELECTRONIC SMOKING FUND. The salaries and wages line item and operating expenses line item in section 1 of this Act include the sum of \$239,716 from the electronic smoking fund for a tobacco compliance auditor position to administer and enforce the provisions of section ~~42~~¹³ of this Act.

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

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

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

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

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents

1 shall pay witness fees and expenses for witnesses in those cases in which counsel
2 has been provided by the commission. Prisoners may not be compensated as
3 witnesses under this section. If a county exceeds the thirty thousand dollar
4 reimbursement during a biennium, the county may enter an agreement with another
5 county for the purpose of allowing that county to receive another county's unused
6 reimbursement funds for that biennium, with the approval of the attorney general.

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

9 **Definition - Electronic smoking device directory - Electronic smoking device**
10 **manufacturer fee - Electronic smoking fund.**

- 11 1. The attorney general shall establish and maintain a directory of electronic smoking
12 devices containing nicotine that may be sold in this state.
- 13 2. An electronic smoking device must be included in the directory only if the
14 manufacturer of the electronic smoking device containing nicotine certifies, on a form
15 prescribed by the attorney general, the following:
 - 16 a. The manufacturer has received a marketing granted order for the electronic
17 smoking device containing nicotine from the United States food and drug
18 administration;
 - 19 b. The manufacturer marketed the electronic smoking device containing nicotine in
20 the United States as of August 8, 2016, and submitted a tobacco product
21 premarket application to the United States food and drug administration on or
22 before September 9, 2020, and the application either remains under review or
23 has received a denial order that has been and remains stayed by the United
24 States food and drug administration or a court order, rescinded by the United
25 States food and drug administration, or vacated by a court; or
 - 26 c. The manufacturer can demonstrate the United States food and drug
27 administration has issued a rule, guidance, or other formal statement that
28 temporarily exempts the electronic smoking device containing nicotine from
29 federal premarket tobacco application requirements.
- 30 3. Each certification form must be accompanied by a fee of ~~five hundred~~ **two thousand**
31 dollars for each electronic smoking device containing nicotine that is listed on the form.

A manufacturer of electronic smoking devices containing nicotine must submit an annual renewal fee of five hundred dollars to the attorney general. Revenue from the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.

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

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

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

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

54-12-11. Salary of attorney general.

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

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

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued

- 1 into the 2021-23 biennium and 2023-25 biennium for the legal case management
2 system in section 17 of chapter 35 of the 2023 Session Laws.
- 3 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
4 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
5 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
6 Session Laws.
- 7 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
8 replacement of the prosecuting case management system in subsection 20 of
9 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
10 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
- 11 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
12 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
13 Laws.
- 14 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
15 software system in section 1 of chapter 35 of the 2023 Session Laws.
- 16 6. The sum of \$1,772,038 appropriated from federal funds for the justice community
17 oriented policing services anti-methamphetamine program in section 1 of chapter 35 of
18 the 2023 Session Laws.

19 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency~~
20 ~~measure.~~

21 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
22 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
23 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
24 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
25 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305
New and vacant FTE pool		4,455,869	532,632	4,988,501
Operating expenses	17,579,264	18,503,514	(1,939,170)	16,564,344
Prosecution witness fees		360,056		360,056
Capital assets	606,000	1,695,000	302,280	1,997,280
Grants	3,903,440	4,013,440	(110,000)	3,903,440
Litigation fees	127,500	127,500		127,500
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514
Forensic nurse examiners grants	252,676	254,244		254,244
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000
Medical examinations	660,000	660,000		660,000
Children's forensic interviews	304,560	304,560		304,560
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162
Arrest and return of fugitives	8,500	8,500		8,500
Gaming Commission	7,489	7,489		7,489
Criminal justice information sharing	4,579,950	7,329,417		7,329,417
Law enforcement	3,377,659	3,667,658	1,740	3,669,398
Additional income		250,000		250,000
Total all funds	\$90,939,085	\$118,803,420	(\$4,009,710)	\$114,793,710
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294
General fund	\$49,024,265	\$63,075,156	(\$334,740)	\$62,740,416
FTE	266.00	270.00	(1.00)	269.00

Department 125 - Attorney General - Detail of Senate Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Contingent Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	(\$134,799)	(\$591,813)	\$285,480		
New and vacant FTE pool			532,632			
Operating expenses		60,830				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$228,311	(\$59,181)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$692,791	(\$59,181)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ²	Removes Funding from Gaming Tax Revenues ¹	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ¹	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹⁰	Total Senate Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					532,632
Operating expenses		(\$2,000,000)			(1,939,170)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement					1,740
Additional income					
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$4,009,710)
Less estimated income	(964,560)	(2,000,000)	0	(3,000,000)	(3,674,970)
General fund	\$964,560	\$0	(\$110,000)	\$0	(\$334,740)
FTE	0.00	0.00	0.00	0.00	(1.00)

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as follows:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Removes a FTE executive staff officer position added by the House, of which \$26,310 was for operating expenses	(1.00)	(195,432)	0	(195,432)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	<u>1.00</u>	<u>385,355</u>	<u>0</u>	<u>385,355</u>
Total	(1.00)	\$692,791	(\$464,480)	\$228,311

³ Funding of \$591,813 for new FTE positions is removed and \$532,632 is added for a 2025-27 new and vacant FTE pool line item, to provide total funding as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$994,938)	(\$418,128)	(\$1,413,066)
Vacant FTE positions	(3,456,437)	(1,853,195)	(5,309,632)
Total	(\$4,451,375)	(\$2,271,323)	(\$6,722,698)
Funding pool line item	<u>3,314,949</u>	<u>1,673,552</u>	<u>4,988,501</u>
Net savings	(\$1,136,426)	(\$597,771)	(\$1,734,197)

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Senate version. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Senate also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Senate change will increase general fund revenues by \$2 million.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF). The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends a section related to the new and vacant FTE pool.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.
- Amends a section added by the House regarding an electronic smoking device directory to increase the statutory fee on electronic smoking devices from \$500 to \$2,000 and establishes a \$500 annual renewal fee. Fee collections are deposited in the electronic smoking fund.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.

2025 CONFERENCE COMMITTEE

HB 1003

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division

Rough Rider Room, State Capitol

HB 1003

4/18/2025

Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16, 54-12-11, and 54-12-30 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, and twenty-four seven sobriety program fees; to provide for a report; and to provide an exemption.

10:35 a.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Representatives: Louser, Hanson, Chairman Sickler, Senators: Dwyer, Burckhard

Discussion Topics:

- Cyber Crime Agents
- Law Enforcement and Violent Crime Task Force

10:35 a.m. Senator Sickler explained Senate amendments #45088.

10:46 a.m. Representative Nathe introduced proposed amendment #45092.

10:47 a.m. Claire Ness, Chief Deputy Attorney General, ND Office of Attorney General testified In Favor #45092.

Additional written testimony:

Levi Kinnischtzke, Senior Fiscal Analyst, Fiscal Division of ND Legislative Council submitted Neutral testimony #45090, #45091.

10:54 a.m. Chairman Nathe adjourned the meeting.

Krystal Eberle, Committee Clerk

Legislative Council

Attorney General - Budget No. 125
Agency Worksheet - House Bill No. 1003

	House Version				Senate Version				Senate Compared to House Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	Increase (Decrease)			
									FTE Positions	General Fund	Other Funds	Total
2025-27 Biennium Base Level	266.00	\$49,024,265	\$41,914,820	\$90,939,085	266.00	\$49,024,265	\$41,914,820	\$90,939,085	0.00	\$0	\$0	\$0
2025-27 Ongoing Funding Changes												
Adds funding for the cost to continue salaries		\$1,020,488	\$664,389	\$1,684,877		\$1,020,488	\$664,389	\$1,684,877				\$0
Salary increase		1,644,886	883,866	2,528,752		1,633,098	868,052	2,501,150		(\$11,788)	(\$15,814)	(27,602)
Health insurance increase		990,921	570,451	1,561,372		984,616	558,741	1,543,357		(6,305)	(11,710)	(18,015)
Adds funding to replace the 2023-25 new FTE pool		4,066,038	536,813	4,602,851		4,066,038	536,813	4,602,851				0
Adds funding to replace the 2023-25 vacant FTE pool		2,635,953	1,621,170	4,257,123		2,635,953	1,621,170	4,257,123				0
Adjusts funding for the 2025-27 new FTE pool		(40,313)	(41,813)	(82,126)		(99,494)	(41,813)	(141,307)		(59,181)		(59,181)
Adjusts funding for the 2025-27 vacant FTE pool		(1,036,932)	(555,958)	(1,592,890)		(1,036,932)	(555,958)	(1,592,890)				0
Adds funding for a FTE evidence technician position	1.00	189,393		189,393	1.00	189,393		189,393				0
Adds funding for a FTE Medicaid fraud control unit attorney position	1.00	85,826	257,477	343,303	1.00	85,826	257,477	343,303				0
Adds funding for a FTE executive staff officer position	1.00	195,432		195,432	0.00	0		0	(1.00)	(195,432)		(195,432)
Adds funding for a FTE tobacco compliance auditor position	1.00		239,716	239,716	1.00		239,716	239,716				0
Adds funding for FTE BCI agent positions for cybercrime				0	2.00	664,000		664,000	2.00	664,000		664,000
Adds funding for a FTE BCI agent position for guardianships				0	1.00	385,355		385,355	1.00	385,355		385,355
Removes FTE positions				0	(3.00)	(322,132)	(464,480)	(786,612)	(3.00)	(322,132)	(464,480)	(786,612)
Adds funding to reclassify a FTE paralegal position to a FTE attorney position			30,000	30,000			30,000	30,000				0
Adds funding for salary equity increases				0		254,317	37,460	291,777		254,317	37,460	291,777
Adjusts funding for salaries from special funds to the general fund		1,790,559	(1,790,559)	0		0	0	0		(1,790,559)	1,790,559	0
Adjusts funding for operating expenses from special funds to the general fund		953,575	(953,575)	0		0	0	0		(953,575)	953,575	0
Reduces funding for operating expenses		(1,531,995)	(806,359)	(2,338,354)		(1,531,995)	(806,359)	(2,338,354)				0
Adds funding for State Crime Laboratory equipment and maintenance		192,000		192,000		192,000		192,000				0
Adds funding for software hosting and maintenance and other IT costs		1,118,060	20,826	1,138,886		1,118,060	20,826	1,138,886				0
Transfers \$95,056 for prosecution witness fees from operating to a new line item				0				0				0
Adds funding for prosecution witness fees for increased county reimbursements		265,000		265,000		265,000		265,000				0
Removes funding for bond payments		(330,000)		(330,000)		(330,000)		(330,000)				0
Adds funding for human trafficking victims grants for exploitation prevention and awareness education				0		685,000		685,000		685,000		685,000
Adjusts funding for medical examinations and children's forensic interviews				0		964,560	(964,560)	0		964,560	(964,560)	0
Total ongoing funding changes	4.00	\$12,208,891	\$676,444	\$12,885,335	3.00	\$11,823,151	\$2,001,474	\$13,824,625	(1.00)	(\$385,740)	\$1,325,030	\$939,290

One-Time Funding Items												
Adds funding from gaming funds for operating and litigation expenses			\$2,000,000	\$2,000,000			\$0	\$0			(\$2,000,000)	(\$2,000,000)
Adds one-time funding for State Crime Laboratory equipment and supplies		\$400,000	554,000	954,000		\$400,000	554,000	954,000				0
Adds funding to replace IT network switches		32,000		32,000		32,000		32,000				0
Adds funding to replace BCI undercover vehicles			540,000	540,000			540,000	540,000				0
Adds funding for portable handheld dual-band radios			105,000	105,000			105,000	105,000				0
Adds federal funding for intoxilyzers			188,000	188,000			188,000	188,000				0
Adds funding for BCI cybercrime agent equipment				0		161,000		161,000		\$161,000		161,000
Adds funding for a retired law enforcement dogs program		110,000		110,000		0		0		(110,000)		(110,000)
Adds funding for human trafficking victims grants		650,000		650,000		650,000		650,000				0
Adds funding for the statewide litigation funding pool			8,000,000	8,000,000			5,000,000	5,000,000		(3,000,000)		(3,000,000)
Adds funding to replace the criminal justice information system jail management system		650,000		650,000		650,000		650,000				0
Adds funding to replace the statewide automated victim identification notification system			1,500,000	1,500,000			1,500,000	1,500,000				0
Adds funding for additional income from federal or special funds			250,000	250,000			250,000	250,000				0
Total one-time funding changes	0.00	\$1,842,000	\$13,137,000	\$14,979,000	0.00	\$1,893,000	\$8,137,000	\$10,030,000	0.00	\$51,000	(\$5,000,000)	(\$4,949,000)
Total Changes to Base Level Funding	4.00	\$14,050,891	\$13,813,444	\$27,864,335	3.00	\$13,716,151	\$10,138,474	\$23,854,625	(1.00)	(\$334,740)	(\$3,674,970)	(\$4,009,710)
2025-27 Total Funding	270.00	\$63,075,156	\$55,728,264	\$118,803,420	269.00	\$62,740,416	\$52,053,294	\$114,793,710	(1.00)	(\$334,740)	(\$3,674,970)	(\$4,009,710)
Federal funds included in other funds			\$15,530,090				\$15,312,147				(\$217,943)	
Total ongoing changes - Percentage of base level	1.5%	24.9%	1.6%	14.2%	1.1%	24.1%	4.8%	15.2%	N/A	N/A	N/A	N/A
Total changes - Percentage of base level	1.5%	28.7%	33.0%	30.6%	1.1%	28.0%	24.2%	26.2%	N/A	N/A	N/A	N/A

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version
New and vacant FTE pool line item	Section 3 provides the Attorney General may not spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to the salaries and wages line item.	Section 3 provides the Attorney General may not spend funds appropriated in the new and vacant FTE funding pool line item but may request the Office of Management and Budget to transfer funds to line items with salaries and wages funding.
Appropriation - Additional federal funds or special funds	Section 4 appropriates \$250,000 from federal or special funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.	Section 4 appropriates \$250,000 from federal or special funds to the Attorney General, for the purpose of defraying the expenses of the Attorney General for the 2025-27 biennium. The Attorney General would be required to report to the Office of Management and Budget and Legislative Council on the availability of this funding.
Contingency - FTE guardianship position and funding		Section 5 identifies 1 FTE position and \$385,355 appropriated from the general fund in Section 1 is available to the Attorney General for guardianship-related expenditures during the 2025-27 biennium only if the Legislative Assembly approves Senate Bill No. 2029.
Contingency - Human trafficking victims grants prevention and education funding		Section 6 identifies \$685,000 appropriated from the general fund in Section 1 is available to the Attorney General for human trafficking victims grants for exploitation prevention and awareness education-related expenditures during the 2025-27 biennium only if the Legislative Assembly approves Senate Bill No. 2330.

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Transfer - Charitable gaming operating fund to attorney general operating fund	Section 5 transfers \$2,000,000 of gaming tax revenues from the charitable gaming operating fund to the Attorney General operating fund for operating expenses and identifies \$2,000,000 appropriated in Section 1 in the operating expenses line item.		
Transfer - Statewide litigation funding pool to state agencies - SIIF	Section 6 identifies \$10,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$8,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.	Section 7 identifies \$7,466,000 from SIIF for State Crime Laboratory equipment and supplies (\$321,000), replacement of BCI undercover vehicles (\$540,000), portable handheld dual-band radios (\$105,000), statewide litigation funding pool (\$5,000,000), and replacement of the statewide automated victim identification notification system (\$1,500,000). The Attorney General is required to transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the 2025-27 biennium.	
Human trafficking victims grant program - Requirements - Reports	Section 7 identifies \$1,767,514 appropriated 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 administrative expenses, for the 2025-27 biennium.	Section 8 identifies \$2,452,514 appropriated 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 administrative expenses, for the 2025-27 biennium.	
Forensic nurse examiners grant program - Reports	Section 8 identifies \$254,244 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, and administrative expenses, for the 2025-27 biennium.	Section 9 identifies \$254,244 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, and administrative expenses, for the 2025-27 biennium.	
Retired law enforcement dogs program	Section 9 identifies \$110,000 appropriated from the general fund is for establishing a retired law enforcement dogs program to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The maximum reimbursement under this program is \$2,000 for each retired law enforcement dog each year.		
BCI cybercrime resources		Section 10 identifies \$825,000 appropriated from the general fund for the purpose of hiring 2 FTE BCI cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased must be dedicated to assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.	
Other funds - Electronic smoking fund	Section 10 identifies \$239,716 appropriated from the electronic smoking fund for enforcing the master settlement agreement and any related disputes.	Section 11 identifies \$239,716 appropriated from the electronic smoking fund for enforcing the master settlement agreement and any related disputes.	
Amendment - Prosecution witness fees	Section 11 amends Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.	Section 12 amends Section 31-01-16 to increase the amount each county may request for reimbursement of prosecution witness fees from \$25,000 per county to \$30,000 per county. Counties that exceed the \$30,000 limit may enter into an agreement with another county that has not used their entire limit.	

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Amendment - Electronic smoking device directory - Electronic smoking device manufacturer fee - Electronic smoking fund	Section 12 creates a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and a \$500 initial fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.	Section 13 creates a new chapter to Title 51 to require the Attorney General to establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in the state, to require manufacturers of electronic smoking devices to submit information and an initial \$2,000 fee to the Attorney General, to submit a \$500 annual renewal fee to the Attorney General, to create an electronic smoking fund, and for revenue generated from the fee to be deposited in the new fund.	
Amendment - Attorney General salary	Section 13 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	Section 14 amends Section 54-12-11 to increase the salary of the Attorney General from \$186,484 to \$192,079 (3 percent) effective July 1, 2025, and \$197,841 (3 percent) effective July 1, 2026.	
Amendment - 24-7 sobriety program fees		Section 15 amends 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24-7 sobriety program.	
Criminal history record checks - Fees	Section 14 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	Section 16 requires any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during the 2025-27 biennium.	
Exemption - Contingent fee arrangement	Section 15 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	Section 17 provides, notwithstanding Section 54-12-08.1, the Attorney General may contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the period beginning with the effective date of this Act and ending June 30, 2027.	
Exemption - Attorney General refund fund	Section 16 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	Section 18 allows the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2023-25 biennium to be used during the 2025-27 biennium, rather than transferring the balance to the general fund.	
Exemption - Legal case management system	Subsection 1 of Section 17 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	Subsection 1 of Section 19 allows the Attorney General to continue any remaining funding from the 2017-19 biennium that was continued into the 2019-21 biennium for the statewide automated victim information and notification program and was continued into the 2021-23 and 2023-25 bienniums for the legal case management system into the 2025-27 biennium for the legal case management system.	
Exemption - Criminal history improvement project	Subsection 2 of Section 17 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	Subsection 2 of Section 19 allows the Attorney General to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium and continued into the 2023-25 biennium for the criminal history improvement project into the 2025-27 biennium.	
Exemption - Federal State Fiscal Recovery Fund	Subsection 3 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	Subsection 3 of Section 19 allows the Attorney General to continue any remaining funding of the \$1,000,000 appropriated from the State Fiscal Recovery Fund during the 2021-23 biennium and continued into the 2023-25 biennium for the prosecuting case management system into the 2025-27 biennium.	

Other Sections in Attorney General - Budget No. 125

Section Description	House Version	Senate Version	
Exemption - Charitable gaming technology system	Subsection 4 of Section 17 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	Subsection 4 of Section 19 allows the Attorney General to continue any remaining funding of the \$736,000 appropriated from the charitable gaming operating fund, of which \$37,000 was ongoing funding and \$699,000 was one-time funding, for the continued development and implementation of the charitable gaming technology system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Licensing and deposit system	Subsection 5 of Section 17 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit software system during the 2023-25 biennium into the 2025-27 biennium.	Subsection 5 of Section 19 allows the Attorney General to continue any remaining funding of the \$177,000 appropriated from the general fund for a licensing and deposit software system during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Anti-methamphetamine program	Subsection 6 of Section 17 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	Subsection 6 of Section 19 allows the Attorney General to continue any remaining funding of the \$1,772,038 appropriated from federal funds for the Justice Community Oriented Policing Services anti-methamphetamine program during the 2023-25 biennium into the 2025-27 biennium.	
Exemption - Statewide litigation funding pool		Section 20 allows the Attorney General to continue any remaining funding of the \$3,000,000 appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.	
Emergency	Section 18 declares section 5 an emergency.		

25.0147.03000

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>
16 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.

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Title.03000
Fiscal No. 3

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

April 3, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

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 ~~and~~, 54-12-11, and 54-12-30
5 of the North Dakota Century Code, relating to compensation and mileage and travel expenses
6 for witnesses ~~and~~, the salary of the attorney general, and twenty-four seven sobriety program
7 fees; to provide for a report; ~~to provide for a transfer; and~~ to provide an exemption; ~~and to~~
8 ~~declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 general, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

		Adjustments or	
	Base Level	Enhancements	Appropriation
17 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
18 New and vacant FTE pool	0	4,455,869	4,455,869
19 Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	4,988,501	4,988,501
3	Operating expenses	17,579,264	(1,014,920)	16,564,344
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,604,625	\$114,543,710
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,716,151	\$62,740,416
31	Full-time equivalent positions	266.00	3.00	269.00

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

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

6	<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
7	Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
8	<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
9	Laboratory equipment and supplies	400,000	554,000	954,000
10	Network switches	32,000	0	32,000
11	Undercover vehicles	0	540,000	540,000
12	Portable handheld radios	0	105,000	105,000
13	Intoxilyzers	0	188,000	188,000
14	Retired law enforcement dogs program	110,000	0	110,000
15	Human trafficking victims grants	650,000	0	650,000
16	Statewide litigation funding pool	0	8,000,000	8,000,000
17	<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
18	Jail management system replacement	650,000	0	650,000
19	Statewide automated victim identification	0	1,500,000	1,500,000
20	notification system replacement			
21	Total	\$1,842,000	\$12,887,000	\$14,729,000
22	<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

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

29 **SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -**

30 **REPORT.** In addition to the amounts appropriated to the attorney general in section 1 of this
31 Act, there is appropriated from federal or special funds, the sum of \$250,000, or so much of the

1 sum as may be necessary, to the attorney general for the purposes of defraying the expenses of
2 the office, for the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney
3 general shall notify the office of management and budget and the legislative council of any
4 funding made available pursuant to this section. The funding provided in this section is
5 considered a one-time funding item.

6 ~~SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY~~
7 ~~GENERAL OPERATING FUND - 2023-25 BIENNIUM. Notwithstanding section 53-06.1-11.2,~~
8 ~~the office of management and budget shall transfer \$2,000,000 from the charitable gaming~~
9 ~~operating fund to the attorney general operating fund by June 30, 2025, for the purpose of~~
10 ~~defraying operating and litigation expenses of the state during the period beginning with the~~
11 ~~effective date of this Act, and ending June 30, 2027.~~

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

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

23 **SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND**
24 **TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES.** The other
25 funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~\$7,466,000 from the
26 strategic investment and improvements fund, of which \$321,000 is for state crime laboratory
27 equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation
28 undercover vehicles, \$105,000 is for portable handheld dual-band radios,
29 ~~\$8,000,000~~\$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the
30 replacement of the statewide automated victim identification notification system. The attorney
31 general shall transfer funding from the statewide 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 8. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS -

REPORTS. The human trafficking victims grants line item in section 1 of this Act includes ~~\$1,767,514~~\$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 9. 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 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~
~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement dogs program, which the attorney general shall create to assist local and state law enforcement~~

~~dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.~~

SECTION 10. BUREAU OF CRIMINAL INVESTIGATION CYBERCRIME 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 cybercrime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.

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

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

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

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

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

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents

1 shall pay witness fees and expenses for witnesses in those cases in which counsel
2 has been provided by the commission. Prisoners may not be compensated as
3 witnesses under this section. If a county exceeds the thirty thousand dollar
4 reimbursement during a biennium, the county may enter an agreement with another
5 county for the purpose of allowing that county to receive another county's unused
6 reimbursement funds for that biennium, with the approval of the attorney general.

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

9 **Definition - Electronic smoking device directory - Electronic smoking device**
10 **manufacturer fee - Electronic smoking fund.**

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

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

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

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

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

30 3. Each certification form must be accompanied by a fee of ~~five hundred~~two thousand
31 dollars for each electronic smoking device containing nicotine that is listed on the form.

A manufacturer of electronic smoking devices containing nicotine must submit an annual renewal fee of five hundred dollars to the attorney general. Revenue from the fees must be deposited in the electronic smoking fund.

4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.

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

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

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

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

54-12-11. Salary of attorney general.

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

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

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued

1 into the 2021-23 biennium and 2023-25 biennium for the legal case management
2 system in section 17 of chapter 35 of the 2023 Session Laws.

3 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
4 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
5 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
6 Session Laws.

7 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
8 replacement of the prosecuting case management system in subsection 20 of
9 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
10 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.

11 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
12 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
13 Laws.

14 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
15 software system in section 1 of chapter 35 of the 2023 Session Laws.

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

19 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency~~
20 ~~measure.~~

21 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
22 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
23 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
24 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
25 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305
New and vacant FTE pool		4,455,869	532,632	4,988,501
Operating expenses	17,579,264	18,503,514	(1,939,170)	16,564,344
Prosecution witness fees		360,056		360,056
Capital assets	606,000	1,695,000	302,280	1,997,280
Grants	3,903,440	4,013,440	(110,000)	3,903,440
Litigation fees	127,500	127,500		127,500
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514
Forensic nurse examiners grants	252,676	254,244		254,244
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000
Medical examinations	660,000	660,000		660,000
Children's forensic interviews	304,560	304,560		304,560
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162
Arrest and return of fugitives	8,500	8,500		8,500
Gaming Commission	7,489	7,489		7,489
Criminal justice information sharing	4,579,950	7,329,417		7,329,417
Law enforcement	3,377,659	3,667,658	1,740	3,669,398
Additional income		250,000		250,000
Total all funds	\$90,939,085	\$118,803,420	(\$4,009,710)	\$114,793,710
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294
General fund	\$49,024,265	\$63,075,156	(\$334,740)	\$62,740,416
FTE	266.00	270.00	(1.00)	269.00

Department 125 - Attorney General - Detail of Senate Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Contingent Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	(\$134,799)	(\$591,813)	\$285,480		
New and vacant FTE pool			532,632			
Operating expenses		60,830				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$228,311	(\$59,181)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$692,791	(\$59,181)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	(1.00)	0.00	0.00	0.00	0.00

	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ¹	Removes Funding from Gaming Tax Revenues ²	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ²	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹²	Total Senate Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					532,632
Operating expenses		(\$2,000,000)			(1,939,170)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement					1,740
Additional income					
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$4,009,710)
Less estimated income	(964,560)	(2,000,000)	0	(3,000,000)	(3,674,970)
General fund	\$964,560	\$0	(\$110,000)	\$0	(\$334,740)
FTE	0.00	0.00	0.00	0.00	(1.00)

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as follows:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Removes a FTE executive staff officer position added by the House, of which \$26,310 was for operating expenses	(1.00)	(195,432)	0	(195,432)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	<u>1.00</u>	<u>385,355</u>	<u>0</u>	<u>385,355</u>
Total	(1.00)	\$692,791	(\$464,480)	\$228,311

³ Funding of \$591,813 for new FTE positions is removed and \$532,632 is added for a 2025-27 new and vacant FTE pool line item, to provide total funding as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
New FTE positions	(\$994,938)	(\$418,128)	(\$1,413,066)
Vacant FTE positions	<u>(3,456,437)</u>	<u>(1,853,195)</u>	<u>(5,309,632)</u>
Total	(\$4,451,375)	(\$2,271,323)	(\$6,722,698)
Funding pool line item	<u>3,314,949</u>	<u>1,673,552</u>	<u>4,988,501</u>
Net savings	(\$1,136,426)	(\$597,771)	(\$1,734,197)

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Senate version. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Senate also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Senate change will increase general fund revenues by \$2 million.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF). The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends a section related to the new and vacant FTE pool.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime.
- Amends a section added by the House regarding an electronic smoking device directory to increase the statutory fee on electronic smoking devices from \$500 to \$2,000 and establishes a \$500 annual renewal fee. Fee collections are deposited in the electronic smoking fund.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium.

**SECTION __. LAW ENFORCEMENT AND VIOLENT CRIME TASK FORCE – REPORT TO
LEGISLATIVE MANAGEMENT.**

1. During the 2025-26 interim, the legislative management shall establish and provide meeting space for a law enforcement and violent crime task force that will be chaired by the attorney general or a designee of the attorney general. The office of the attorney general shall provide staffing and administrative services to the task force. The task force members must include five members selected by the attorney general, a police chief selected by the chief of police association of North Dakota, a sheriff selected by the North Dakota sheriff's association, a bureau of criminal investigations agent, a representative of the department of corrections and rehabilitation, a member of the parole board selected by the members, a district court judge or former district court judge selected by the chief justice of the supreme court, a representative of the Burleigh County state's attorney's office, a representative of the North Dakota state's attorneys' association, and two legislators selected by the chair of legislative management. The costs for travel to and from task force meetings for task force members who are not state employees may be reimbursed at the state rate by the office of the attorney general.
2. The task force shall consider:
 - a. Information from law enforcement agencies regarding violent crime, recidivism, recruitment, retention, and working conditions;

- b. Input from law enforcement agencies on state laws, policies, and practices that significantly impact their employees and communities;
 - c. Data collected from the department of corrections and rehabilitation including data on recidivism, time spent in incarceration, probation and parole violations, assaults on corrections officers, intermediate measures, and participation in rehabilitation and other programs;
 - d. Objective outcomes of current criminal justice practices;
 - e. Current research on the effects of incarceration on recidivism and violent crime;
 - f. Definitions of successful completion of prison sentences, probation, and parole used by state agencies;
 - g. Safety and accountability measures for minimum security facilities and transitional facilities which are necessary to protect the public;
 - h. The impact of current criminal justice practices on prosecutors' charging decisions, county jails, and county budgets;
 - i. Current laws regarding how criminal sentences are served; and
 - j. Other relevant information.
3. The task force shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB1003
4/21/2025
Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16, 54-12-11, and 54-12-30 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, and twenty-four seven sobriety program fees; to provide for a report; and to provide an exemption.

3:31 p.m. Chairman Nathe called the meeting to order

Members present: Chairman Nathe, Representatives Louser and Hanson, Senators Sickler, Dwyer and Burckhard

Discussion Topics:

- Committee Action

3:32 p.m. Chairman Nathe discussed reinstating Public Information Officer funding and changing task force to five members.

3:33 p.m. Discussion

3:45 p.m. Claire Ness, Deputy Attorney General, answered questions.

3:47 p.m. Discussion

3:49 p.m. Representative Louser moved to add one public information officer.

3:39 p.m. Senator Burckhard seconded the motion

3:49 p.m. Roll Call Vote. Motion passed 6-0-0.

3:50 p.m. Representative Louser moved to add task force of five members.

3:50 p.m. Senator Burckhard seconded the motion.

3:50 p.m. Roll Call Vote. Motion passed 5-1-0.

3:51 p.m. Representative Hanson moved to remove section 15.

3:51 p.m. Representative Louser seconded.

3:51 p.m. Roll Call Vote. Motion failed 3-3-0.

3:53 p.m. Representative Louser moved Do Pass as Amended.

3:53 p.m. Senator Burckhard seconded the motion.

3:53 p.m. Roll Call Vote. Motion passed 6-0-0.

3:53 p.m. Representative Nathe and Senator Sickler will carry the bill.

3:53 p.m. Chairman Nathe adjourned the meeting

Krystal Eberle for Steven Riehl, Committee Clerk

April 22, 2025 CO

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

4/22/25
1 of 16

ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

*In place of amendment (25.0147.02005) adopted by the Senate, Engrossed House Bill
No. 1003 is amended by amendment (25.0147.02006) as follows:*

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general;
to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an
electronic smoking device directory, electronic smoking device manufacturing fee, and
electronic smoking fund; to amend and reenact sections 31-01-16 ~~and~~ 54-12-11, and 54-12-30
of the North Dakota Century Code, relating to compensation and mileage and travel expenses
for witnesses ~~and~~ the salary of the attorney general, and twenty-four seven sobriety program
fees; to provide for a report; ~~to provide for a transfer; and~~ to provide an exemption; ~~and to~~
~~declare an emergency.~~

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds
as may be necessary, are appropriated out of any moneys in the general fund in the state
treasury, not otherwise appropriated, and from other funds derived from special funds and
federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
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>
Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
New and vacant FTE pool	0	4,455,869	4,455,869
Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

2 of 6

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	5,140,711	5,140,711
3	Operating expenses	17,579,264	(988,610)	16,590,654
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,783,145	\$114,722,230
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,894,671	\$62,918,936
31	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification notification system replacement	0	1,500,000	1,500,000
Total	\$1,842,000	\$12,887,000	\$14,729,000
<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

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

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

~~**SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM.** Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.~~

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

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

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~ \$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, ~~\$8,000,000~~ \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide litigation funding pool to eligible state agencies

1 for litigation expenses during the biennium beginning July 1, 2025, and ending June 30, 2027.

2 The attorney general may not use funding from the statewide litigation funding pool to pay
3 judgments under section 32-12-04.

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

5 **REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes

6 ~~\$1,767,514~~ \$2,452,514 from the general fund for the purpose of providing grants to

7 organizations involved in providing prevention and treatment services related to human

8 trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and

9 ending June 30, 2027. The attorney general may provide grants for the development and

10 implementation of direct care emergency or long-term crisis services, residential care, training

11 for law enforcement, support of advocacy services, and programs promoting positive outcomes

12 for victims. Any organization that receives a grant under this section shall report to the attorney

13 general and the appropriations committees of the seventieth legislative assembly on the use of

14 the funds received and the outcomes of its programs. The attorney general shall report to the

15 legislative management during the 2025-26 interim on the status and results of the grant

16 program.

17 **SECTION 9. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The

18 forensic nurse examiners grants line item in section 1 of this Act includes \$254,244 from the

19 general fund for the purpose of providing forensic nurse examiner program grants for

20 community-based or hospital-based sexual assault examiner programs and related

21 administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any

22 organization that receives a grant under this section shall report to the attorney general and the

23 appropriations committees of the seventieth legislative assembly on the use of the funds

24 received and the outcomes of its programs. The attorney general shall report to the

25 appropriations committees of the seventieth legislative assembly on the number of nurses

26 trained, the number and location of nurses providing services related to sexual assault nurse

27 examiner programs, and documentation of collaborative efforts to assist victims which includes

28 nurses, the hospital or clinic, law enforcement, and state's attorneys.

29 ~~**SECTION 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~

30 ~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement~~

31 ~~dogs program, which the attorney general shall create to assist local and state law enforcement~~

~~dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler submits itemized receipts each quarter for medical bills of the law enforcement dog. Reimbursements made under the program may not exceed \$2,000 per retired law enforcement dog per fiscal year. The attorney general shall adopt any rules necessary to implement this section.~~

SECTION 10. 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 pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cyber crime.

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

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

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

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

~~1-~~ a. A sum of twenty-five dollars for each day necessarily in attendance before the district court or before any other board or tribunal, except municipal court.

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents

shall pay witness fees and expenses for witnesses in those cases in which counsel has been provided by the commission. Prisoners may not be compensated as witnesses under this section. If a county exceeds the thirty thousand dollar reimbursement during a biennium, the county may enter an agreement with another county ~~for the purpose of allowing that~~ to allow the county to receive another county's unused reimbursement funds for that biennium, with the approval of the attorney general.

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

Definition - Electronic smoking device directory - Electronic smoking device manufacturer fee - Electronic smoking fund.

1. The attorney general shall establish and maintain a directory of electronic smoking devices containing nicotine that may be sold in this state.
2. An electronic smoking device must be included in the directory ~~only~~ if the manufacturer of the electronic smoking device containing nicotine certifies, on a form prescribed by the attorney general, the following:
 - a. The manufacturer has received a marketing granted order for the electronic smoking device containing nicotine from the United States food and drug administration;
 - b. The manufacturer marketed the electronic smoking device containing nicotine in the United States as of August 8, 2016, and submitted a tobacco product premarket application to the United States food and drug administration on or before September 9, 2020, and the application either remains under review or has received a denial order that has been and remains stayed by the United States food and drug administration or a court order, rescinded by the United States food and drug administration, or vacated by a court; or
 - c. The manufacturer can demonstrate the United States food and drug administration has issued a rule, guidance, or other formal statement that temporarily exempts the electronic smoking device containing nicotine from federal premarket tobacco application requirements.

3. Each certification form must be accompanied by a fee of ~~five hundred~~two thousand dollars for each electronic smoking device containing nicotine that is listed on the form. A manufacturer of electronic smoking devices containing nicotine must submit an annual renewal fee of five hundred dollars to the attorney general. Revenue from the fees must be deposited in the electronic smoking fund.
4. There is created in the state treasury the electronic smoking fund. The fund consists of fees collected pursuant to subsection 3 and all moneys transferred to the fund by the legislative assembly. Moneys in the fund may be spent by the attorney general for the administration and enforcement of this chapter, subject to legislative appropriations.
5. Beginning January 1, 2026, only electronic smoking devices containing nicotine included in the directory may be sold in this state.
6. The attorney general shall ~~promulgate~~adopt rules necessary to administer and enforce this chapter. The rules must provide for at least two annual unannounced compliance checks of retailers, distributors, and wholesalers that sell electronic smoking devices containing nicotine.
7. As used in this section, "electronic smoking device" means any electronic product that delivers nicotine to the individual inhaling from the device, including an electronic cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and includes any component, part, or accessory of such product, including a consumable product that contains nicotine and is intended to be used with an electronic smoking device, whether or not sold separately. The term does not include drugs, devices, or combination products approved for sale by the United States food and drug administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.

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

54-12-11. Salary of attorney general.

The annual salary of the attorney general is ~~one hundred seventy-nine thousand three hundred twelve~~one hundred ninety-two thousand seventy-nine dollars through June 30, 20242026, and ~~one hundred eighty-six thousand four hundred eighty-four~~one hundred ninety-seven thousand eight hundred forty-one dollars thereafter.

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

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for

1 the statewide automated victim identification and notification system, and continued
2 into the 2021-23 biennium and 2023-25 biennium for the legal case management
3 system in section 17 of chapter 35 of the 2023 Session Laws.

4 2. The sum of \$400,000 appropriated from the attorney general refund fund for the
5 criminal history improvement project in section 1 of chapter 3 of the 2021 Session
6 Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023
7 Session Laws.

8 3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the
9 replacement of the prosecuting case management system in subsection 20 of
10 section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into
11 the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.

12 4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the
13 charitable gaming technology system in section 1 of chapter 35 of the 2023 Session
14 Laws.

15 5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit
16 software system in section 1 of chapter 35 of the 2023 Session Laws.

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

20 ~~SECTION 20. EMERGENCY. Section 5 of this Act is declared to be an emergency~~
21 ~~measure.~~

22 **SECTION 20. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
23 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
24 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
25 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
26 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

27 **SECTION 21. LAW ENFORCEMENT AND VIOLENT CRIME TASK FORCE - REPORT TO**
28 **SEVENTIETH LEGISLATIVE ASSEMBLY.**

29 1. During the 2025-26 interim, the attorney general shall establish a law enforcement and
30 violent crime task force to be chaired by the attorney general or a designee of the

- 1 attorney general. The office of the attorney general shall provide staffing and
- 2 administrative services for the task force. The task force must include:
- 3 a. Five individuals appointed by the attorney general;
- 4 b. A bureau of criminal investigations agent appointed by the attorney general;
- 5 c. A police chief appointed by the chiefs of police association of North Dakota;
- 6 d. A sheriff appointed by the North Dakota sheriff's association;
- 7 e. Five individuals appointed by the director of the department of corrections and
- 8 rehabilitation;
- 9 f. A member of the North Dakota parole board appointed by the board;
- 10 g. A district court judge or former district court judge appointed by the chief justice of
- 11 the North Dakota supreme court;
- 12 h. A representative of the Burleigh County state's attorney's office appointed by the
- 13 Burleigh County state's attorney;
- 14 i. A representative of the North Dakota state's attorney's association appointed by
- 15 the president of the association; and
- 16 j. Two legislators appointed by the chairman of the legislative management.
- 17 2. The law enforcement and violent crime task force shall consider:
- 18 a. Information from law enforcement agencies regarding violent crime, recidivism,
- 19 recruitment, retention, and working conditions;
- 20 b. Input from law enforcement agencies on state laws, policies, and practices that
- 21 significantly affect their employees and communities;
- 22 c. Data collected from the department of corrections and rehabilitation, including
- 23 data on recidivism, time spent in incarceration, probation and parole violations,
- 24 assaults on correctional officers, intermediate measures, and participation in
- 25 rehabilitation and other programs;
- 26 d. Objective outcomes of current criminal justice practices;
- 27 e. Current research on the effects of incarceration on recidivism and violent crime;
- 28 f. Definitions of successful completion of prison sentences, probation, and parole
- 29 used by state agencies;
- 30 g. Safety and accountability measures for minimum security facilities and
- 31 transitional facilities which are necessary to protect the public;

- 1 h. The effect of criminal justice practices on prosecutors' charging decisions, county
- 2 jails, and county budgets;
- 3 i. Current laws regarding how criminal sentences are served; and
- 4 j. Other relevant information.
- 5 3. The attorney general shall report its findings and recommendations of the law
- 6 enforcement and violent crime task force to the seventieth legislative assembly.

13046

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305	\$61,331,305	
New and vacant FTE pool		4,455,869	684,842	5,140,711	4,988,501	\$152,210
Operating expenses	17,579,264	18,503,514	(1,912,860)	16,590,654	16,564,344	26,310
Prosecution witness fees		360,056		360,056	360,056	
Capital assets	606,000	1,695,000	302,280	1,997,280	1,997,280	
Grants	3,903,440	4,013,440	(110,000)	3,903,440	3,903,440	
Litigation fees	127,500	127,500		127,500	127,500	
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514	2,452,514	
Forensic nurse examiners grants	252,676	254,244		254,244	254,244	
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000	5,000,000	
Medical examinations	660,000	660,000		660,000	660,000	
Children's forensic interviews	304,560	304,560		304,560	304,560	
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162	5,585,162	
Arrest and return of fugitives	8,500	8,500		8,500	8,500	
Gaming Commission	7,489	7,489		7,489	7,489	
Criminal justice information sharing	4,579,950	7,329,417		7,329,417	7,329,417	
Law enforcement	3,377,659	3,667,658	1,740	3,669,398	3,669,398	
Additional income		250,000		250,000	250,000	
Total all funds	\$90,939,085	\$118,803,420	(\$3,831,190)	\$114,972,230	\$114,793,710	\$178,520
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294	52,053,294	0
General fund	\$49,024,265	\$63,075,156	(\$156,220)	\$62,918,936	\$62,740,416	\$178,520
FTE	266.00	270.00	0.00	270.00	269.00	1.00

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Department 125 - Attorney General - Detail of Conference Committee Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Contingent Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	\$34,323	(\$760,935)	\$285,480		
New and vacant FTE pool			684,842			
Operating expenses		87,140				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$423,743	(\$76,093)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$888,223	(\$76,093)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

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	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ¹	Removes Funding from Gaming Tax Revenues ²	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ³	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹⁰	Total Conference Committee Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					684,842
Operating expenses		(\$2,000,000)			(1,912,860)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement					1,740
Additional income					
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$3,831,190)
Less estimated income	<u>(964,560)</u>	<u>(2,000,000)</u>	<u>0</u>	<u>(3,000,000)</u>	<u>(3,674,970)</u>
General fund	<u>\$964,560</u>	<u>\$0</u>	<u>(\$110,000)</u>	<u>\$0</u>	<u>(\$156,220)</u>
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget, the same as provided by the Senate:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	<u>(6,305)</u>	<u>(11,710)</u>	<u>(18,015)</u>
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as shown below. The conference committee amendment includes \$178,520 from the general fund for a FTE executive staff officer position, the same as provided by the House. The Senate removed the position and related funding.

	FTE Positions	General Fund	Other Funds	Total
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets.	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets. A section is added to the bill to designate the FTE position and funding contingent on the passage of Senate Bill No. 2029.	<u>1.00</u>	<u>385,355</u>	<u>0</u>	<u>385,355</u>
Total	0.00	\$888,223	(\$464,480)	\$423,74

160f/6

³ Funding of \$760,935 for new FTE positions is removed and \$684,842 is added for a 2025-27 new and vacant FTE pool line item.

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund, the same as provided by the Senate.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the Conference Committee amendment, the same as provided by the Senate. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education, the same as provided by the Senate. A section is added to the bill to designate this funding contingent on the passage of Senate Bill No. 2330.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House. The Senate also adjusted funding for these programs.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The Conference Committee also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The Conference Committee change will increase general fund revenues by \$2 million. The Senate also made these changes.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed. The Senate also removed these items.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF), the same as provided by the Senate. The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Conference Committee Action

This amendment also:

- Amends a section related to the new and vacant FTE pool, the same as provided by the Senate.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF, the same as appropriated by the Senate. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants, the same as provided by the Senate.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime, the same as provided by the Senate.
- Amends a section added by the House regarding an electronic smoking device directory to increase the statutory fee on electronic smoking devices from \$500 to \$2,000 and establishes a \$500 annual renewal fee. Fee collections are deposited in the electronic smoking fund. The Senate also included these changes.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program, the same as included by the Senate.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium, the same as included by the Senate.
- Adds a section to establish a Law Enforcement and Violent Crime Task Force and to require the Attorney General to provide a report to the Legislative Assembly on the task force's findings. Neither the House nor the Senate included this section.

HB 1003 042125 1646 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 22, 2025, 4:46 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: adjusted budget

Motioned By: Louser, Scott

Seconded By: Burckhard, Randy A.

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042125 1647 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 22, 2025, 4:47 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: Taskforce + 5 members

Motioned By: Louser, Scott

Seconded By: Burckhard, Randy A.

Emergency Clause: None

Vote Results: 5 - 1 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Nay
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042125 1650 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 22, 2025, 4:50 p.m.

Action: Failed

Amendment LC #: Pending LC #

Description of Amendment: eliminate section 15 from the budget

Motioned By: Hanson, Karla Rose

Seconded By: Louser, Scott

Emergency Clause: None

Vote Results: 3 - 3 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Nay
Sen. Dwyer, Michael	Nay
Sen. Burckhard, Randy A.	Nay

HB 1003 042125 1651 PM Roll Call Vote

Final Recommendation

HB 1003

Date Submitted: April 22, 2025, 4:51 p.m.

Recommendation: In Place Of

Amendment LC #: 25.0147.02006

Engrossed LC #: N/A

Description:

Motioned By: Louser, Scott

Seconded By: Burckhard, Randy A.

House Carrier: Nathe, Mike

Senate Carrier: Sickler, Jonathan

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

**REPORT OF CONFERENCE COMMITTEE
ENGROSSED HB 1003**

Your conference committee (Sens. Sickler, Dwyer, Burckhard and Reps. Nathe, Louser, Hanson) recommends that in place of amendment [25.0147.02005](#) adopted by the Senate, Engrossed HB 1003 is amended by amendment [25.0147.02006](#).

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
4/28/2025
Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to an electronic smoking device directory, electronic smoking device manufacturing fee, and electronic smoking fund; to amend and reenact sections 31-01-16, 54-12-11, and 54-12-30 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, and twenty-four seven sobriety program fees; to provide for a report; and to provide an exemption.

1:01 p.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Representative Hanson, Louser, Senators Burkhard, Dwyer, Sickler.

Discussion Topics:

- Committee Action

1:08 p.m. Representative Louser moved to remove section #13 of the bill.

1:08 p.m. Senator Sickler seconded the motion.

1:08 p.m. Roll Call Vote. Motion passed 6-0-0.

1:09 p.m. Representative Nathe introduced Amendment #45258.

1:09 p.m. Representative Louser moved to adopt amendment presented.

1:10 p.m. Senator Sickler seconded the motion.

1:10 p.m. Roll Call Vote. Motion passed 6-0-0.

1:14 p.m. Representative Louser moved to remove section 21 of the bill.

1:15 p.m. Representative Hanson seconded the motion.

1:17 p.m. Roll Call Vote. Motion passed 6-0-0.

1:18 p.m. Representative Hanson moved to remove section #15 of the bill.

1:18 p.m. Representative Louser seconded the motion.

1:21 p.m. Roll Call Vote. Motion failed 2-4-0.

1:22 p.m. Representative Louser moved to remove section 5 and 6 of the bill.

1:22 p.m. Senator Sickler seconded the motion.

1:24 p.m. Roll Call Vote. Motion passed 6-0-0.

1:24 p.m. Representative Hanson moved Amendment 25.0147.02007 in place of
25.0147.02005.

1:24 p.m. Senator Sickler seconded the motion.

1:24 p.m. Roll Call Vote. Motion passed 6-0-0.

Representative Nathe and Senator Sickler will carry the bill.

1:25 p.m. Chairman Nathe adjourned the meeting.

Krystal Eberle for Steven Riehl, Committee Clerk

April 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO. 1003

Introduced by

Appropriations Committee

CO
4/29/25
1 of 15

In place of amendment (25.0147.02005) adopted by the Senate, Engrossed House Bill No. 1003 is amended by amendment (25.0147.02007) as follows:

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 ~~and~~, 54-12-11, 54-12-30, and
5 54-27-25 of the North Dakota Century Code, relating to compensation and mileage and travel
6 expenses for witnesses ~~and~~, the salary of the attorney general, twenty-four seven sobriety
7 program fees, and the tobacco settlement trust fund; to provide for a report; to provide for a
8 transfer; and to provide an exemption; ~~and to declare an 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 other funds derived from special funds and
13 federal funds, to the attorney general for the purpose of defraying the expenses of the attorney
14 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>
17 Salaries and wages	\$53,007,980	\$8,810,074	\$61,818,054
18 New and vacant FTE pool	0	4,455,869	4,455,869
19 Operating expenses	17,579,264	924,250	18,503,514

Sixty-ninth
Legislative Assembly

2 of 15

1	Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
2	New and vacant FTE pool	0	5,140,711	5,140,711
3	Operating expenses	17,579,264	(988,610)	16,590,654
4	Prosecution witness fees	0	360,056	360,056
5	Capital assets	606,000	1,089,000	1,695,000
6	Grants	3,903,440	110,000	4,013,440
7	Human trafficking victims grants	1,110,614	656,900	1,767,514
8	Capital assets	606,000	1,391,280	1,997,280
9	Grants	3,903,440	0	3,903,440
10	Human trafficking victims grants	1,110,614	1,341,900	2,452,514
11	Forensic nurse examiners grants	252,676	1,568	254,244
12	Statewide litigation funding pool	0	8,000,000	8,000,000
13	Statewide litigation funding pool	0	5,000,000	5,000,000
14	Litigation fees	127,500	0	127,500
15	Medical examinations	660,000	0	660,000
16	Children's forensic interviews	304,560	0	304,560
17	North Dakota lottery	5,413,453	167,152	5,580,605
18	North Dakota lottery	5,413,453	171,709	5,585,162
19	Arrest and return of fugitives	8,500	0	8,500
20	Gaming commission	7,489	0	7,489
21	Criminal justice information sharing	4,579,950	2,749,467	7,329,417
22	Law enforcement	3,377,659	289,999	3,667,658
23	Total all funds	\$90,939,085	\$27,614,335	\$118,553,420
24	Less other funds	41,914,820	13,563,444	55,478,264
25	Total general fund	\$49,024,265	\$14,050,891	\$63,075,156
26	Full-time equivalent positions	266.00	4.00	270.00
27	Law enforcement	3,377,659	291,739	3,669,398
28	Total all funds	\$90,939,085	\$23,783,145	\$114,722,230
29	Less other funds	41,914,820	9,888,474	51,803,294
30	Total general fund	\$49,024,265	\$13,894,671	\$62,918,936
31	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>
Operating and litigation expenses	\$0	\$2,000,000	\$2,000,000
<u>Bureau of criminal investigation equipment</u>	<u>\$161,000</u>	<u>\$0</u>	<u>\$161,000</u>
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
Retired law enforcement dogs program	110,000	0	110,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	8,000,000	8,000,000
<u>Statewide litigation funding pool</u>	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification notification system replacement	0	1,500,000	1,500,000
Total	\$1,842,000	\$12,887,000	\$14,729,000
<u>Total</u>	<u>\$1,893,000</u>	<u>\$7,887,000</u>	<u>\$9,780,000</u>

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The

attorney general may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING -

REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special 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, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The funding provided in this section is considered a one-time funding item.

~~**SECTION 5. TRANSFER - CHARITABLE GAMING OPERATING FUND TO ATTORNEY GENERAL OPERATING FUND - 2023-25 BIENNIUM.** Notwithstanding section 53-06.1-11.2, the office of management and budget shall transfer \$2,000,000 from the charitable gaming operating fund to the attorney general operating fund by June 30, 2025, for the purpose of defraying operating and litigation expenses of the state during the period beginning with the effective date of this Act, and ending June 30, 2027.~~

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

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of ~~\$10,466,000~~ \$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, ~~\$8,000,000~~ \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide 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 ~~\$1,767,514~~ \$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 10. RETIRED LAW ENFORCEMENT DOGS PROGRAM - REIMBURSEMENT.**~~
~~The grants line item in section 1 of this Act includes \$110,000 for a retired law enforcement dogs program, which the attorney general shall create to assist local and state law enforcement dogs that are retired by reason of age or medical condition. The attorney general shall reimburse the handler of a law enforcement dog if the handler is authorized to retain possession of a retired law enforcement dog in a private setting at the handler's home and if the handler~~

~~submits itemized receipts each quarter for medical bills of the law enforcement dog.
Reimbursements made under the program may not exceed \$2,000 per retired law enforcement
dog per fiscal year. The attorney general shall adopt any rules necessary to implement this
section.~~

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

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

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

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

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

~~1-~~ a. A sum of twenty-five dollars for each day necessarily in attendance before the district court or before any other board or tribunal, except municipal court.

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

2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents shall pay witness fees and expenses for witnesses in those cases in which counsel has been provided by the commission. Prisoners may not be compensated as witnesses under this section. If a county exceeds the thirty thousand dollar

1 reimbursement during a biennium, the county may enter an agreement with another
2 county ~~for the purpose of allowing that~~to allow the county to receive another county's
3 unused reimbursement funds for that biennium, with the approval of the attorney
4 general.

5 ~~SECTION 13. A new chapter to title 51 of the North Dakota Century Code is created and~~
6 ~~enacted as follows:~~

7 ~~Definition – Electronic smoking device directory – Electronic smoking device~~
8 ~~manufacturer fee – Electronic smoking fund.~~

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

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

14 ~~a. The manufacturer has received a marketing granted order for the electronic~~
15 ~~smoking device containing nicotine from the United States food and drug~~
16 ~~administration;~~

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

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

28 ~~3. Each certification form must be accompanied by a fee of five hundred dollars for each~~
29 ~~electronic smoking device containing nicotine that is listed on the form. Revenue from~~
30 ~~the fees must be deposited in the electronic smoking fund.~~

- 1 ~~4. There is created in the state treasury the electronic smoking fund. The fund consists of~~
2 ~~fees collected pursuant to subsection 3 and all moneys transferred to the fund by the~~
3 ~~legislative assembly. Moneys in the fund may be spent by the attorney general for the~~
4 ~~administration and enforcement of this chapter, subject to legislative appropriations.~~
5 ~~5. Beginning January 1, 2026, only electronic smoking devices containing nicotine~~
6 ~~included in the directory may be sold in this state.~~
7 ~~6. The attorney general shall promulgate rules necessary to administer and enforce this~~
8 ~~chapter. The rules must provide for at least two annual unannounced compliance~~
9 ~~checks of retailers, distributors, and wholesalers that sell electronic smoking devices~~
10 ~~containing nicotine.~~
11 ~~7. As used in this section, "electronic smoking device" means any electronic product that~~
12 ~~delivers nicotine to the individual inhaling from the device, including an electronic~~
13 ~~cigarette, electronic cigar, electronic pipe, vape pen, or electronic hookah, and~~
14 ~~includes any component, part, or accessory of such product, including a consumable~~
15 ~~product that contains nicotine and is intended to be used with an electronic smoking~~
16 ~~device, whether or not sold separately. The term does not include drugs, devices, or~~
17 ~~combination products approved for sale by the United States food and drug~~
18 ~~administration and defined in the Federal Food, Drug, and Cosmetic Act of 1938.~~

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

21 **54-12-11. Salary of attorney general.**

22 The annual salary of the attorney general is ~~one hundred seventy-nine thousand three~~
23 ~~hundred twelve~~ one hundred ninety-two thousand seventy-nine dollars through June 30,
24 ~~2024~~ 2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred
25 ninety-seven thousand eight hundred forty-one dollars thereafter.

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

28 **54-12-30. Twenty-four seven sobriety program fees.**

29 A criminal justice agency may collect program fees from offenders participating in the
30 twenty-four seven sobriety program, including fees for twice per day breath alcohol testing,
31 urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol

monitoring devices, and remote electronic alcohol monitoring daily fees. A district court judge or judicial referee may not waive program fees for offenders participating in the twenty-four seven sobriety program. The criminal justice agency shall pay all program fees into the general fund of the governing body. The fees may only be applied to twenty-four seven sobriety program support services, equipment maintenance and replacement, and compliance with the program. The governing body shall pay any daily fees collected for remote electronic alcohol monitoring to the twenty-four seven sobriety program fund.

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

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

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

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

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

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

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

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.
2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

~~**SECTION 20. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure.~~

1 **SECTION 18. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.** The sum of
2 \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide
3 litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative
4 assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended
5 funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

120415

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1003 - Attorney General - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$53,007,980	\$61,818,054	(\$486,749)	\$61,331,305	\$61,331,305	
New and vacant FTE pool		4,455,869	684,842	5,140,711	4,988,501	\$152,210
Operating expenses	17,579,264	18,503,514	(1,912,860)	16,590,654	16,564,344	26,310
Prosecution witness fees		360,056		360,056	360,056	
Capital assets	606,000	1,695,000	302,280	1,997,280	1,997,280	
Grants	3,903,440	4,013,440	(110,000)	3,903,440	3,903,440	
Litigation fees	127,500	127,500		127,500	127,500	
Human trafficking victims grants	1,110,614	1,767,514	685,000	2,452,514	2,452,514	
Forensic nurse examiners grants	252,676	254,244		254,244	254,244	
Statewide litigation funding pool		8,000,000	(3,000,000)	5,000,000	5,000,000	
Medical examinations	660,000	660,000		660,000	660,000	
Children's forensic interviews	304,560	304,560		304,560	304,560	
North Dakota Lottery	5,413,453	5,580,605	4,557	5,585,162	5,585,162	
Arrest and return of fugitives	8,500	8,500		8,500	8,500	
Gaming Commission	7,489	7,489		7,489	7,489	
Criminal justice information sharing	4,579,950	7,329,417		7,329,417	7,329,417	
Law enforcement	3,377,659	3,667,658	1,740	3,669,398	3,669,398	
Additional income		250,000		250,000	250,000	
Total all funds	\$90,939,085	\$118,803,420	(\$3,831,190)	\$114,972,230	\$114,793,710	\$178,520
Less estimated income	41,914,820	55,728,264	(3,674,970)	52,053,294	52,053,294	0
General fund	\$49,024,265	\$63,075,156	(\$156,220)	\$62,918,936	\$62,740,416	\$178,520
FTE	266.00	270.00	0.00	270.00	269.00	1.00

Department 125 - Attorney General - Detail of Conference Committee Changes

	Reduces Funding for Salary and Benefit Increases ¹	Adjusts Funding for FTE Positions ²	Adjusts Funding for 2025-27 New and Vacant FTE Pool ³	Adds Funding for Salary Equity Increases ⁴	Adjusts Funding Sources - General Fund - Other Funds ⁵	Adds Funding for Human Trafficking Victims Grants ⁶
Salaries and wages	(\$45,617)	\$34,323	(\$760,935)	\$285,480		
New and vacant FTE pool			684,842			
Operating expenses		87,140				
Prosecution witness fees						
Capital assets		302,280				
Grants						
Litigation fees						
Human trafficking victims grants						\$685,000
Forensic nurse examiners grants						
Statewide litigation funding pool						
Medical examinations						
Children's forensic interviews						
North Dakota Lottery				4,557		
Arrest and return of fugitives						
Gaming Commission						
Criminal justice information sharing						
Law enforcement				1,740		
Additional income						
Total all funds	(\$45,617)	\$423,743	(\$76,093)	\$291,777	\$0	\$685,000
Less estimated income	(27,524)	(464,480)	0	37,460	2,744,134	0
General fund	(\$18,093)	\$888,223	(\$76,093)	\$254,317	(\$2,744,134)	\$685,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

130415

	Adjusts Funding for Medical Examinations and Children's Forensic Interviews ⁷	Removes Funding from Gaming Tax Revenues ⁸	Removes One- Time Funding for a Retired Law Enforcement Dogs Program ⁹	Reduces One- Time Funding for the Statewide Litigation Funding Pool ¹⁰	Total Conference Committee Changes
Salaries and wages					(\$486,749)
New and vacant FTE pool					684,842
Operating expenses		(\$2,000,000)			(1,912,860)
Prosecution witness fees					
Capital assets					302,280
Grants			(\$110,000)		(110,000)
Litigation fees					
Human trafficking victims grants					685,000
Forensic nurse examiners grants					
Statewide litigation funding pool				(\$3,000,000)	(3,000,000)
Medical examinations					
Children's forensic interviews					
North Dakota Lottery					4,557
Arrest and return of fugitives					
Gaming Commission					
Criminal justice information sharing					
Law enforcement Additional income					1,740
Total all funds	\$0	(\$2,000,000)	(\$110,000)	(\$3,000,000)	(\$3,831,190)
Less estimated income	(964,560)	(2,000,000)	0	(3,000,000)	(3,674,970)
General fund	\$964,560	\$0	(\$110,000)	\$0	(\$156,220)
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding for salary increases and health insurance increases are reduced as follows related to the removal of 3 FTE attorney positions from the base budget, the same as provided by the Senate:

	General Fund	Other Funds	Total
Salary increase	(\$11,788)	(\$15,814)	(\$27,602)
Health insurance increase	(6,305)	(11,710)	(18,015)
Total	(\$18,093)	(\$27,524)	(\$45,617)

² Funding for FTE positions is adjusted as follows, the same as provided by the Senate:

	FTE Positions	General Fund	Other Funds	Total
Removes FTE positions from the base budget, including \$221,997 from federal funds and \$242,483 from special funds. Of the total, \$60,000 is removed for operating expenses.	(3.00)	(\$322,132)	(\$464,480)	(\$786,612)
Adds FTE Bureau of Criminal Investigation (BCI) cybercrime agents, including \$74,000 for operating expenses, \$90,000 of ongoing funding for capital assets, and \$161,000 of one-time funding for capital assets	2.00	825,000	0	825,000
Adds a contingent FTE BCI agent for guardianships, including \$73,140 for operating expenses and \$51,280 for capital assets.	1.00	385,355	0	385,355
Total	0.00	\$888,223	(\$464,480)	\$423,743

³ Funding of \$760,935 for new FTE positions is removed and \$684,842 is added for a 2025-27 new and vacant FTE pool line item.

140715

⁴ Adds funding for salary equity increases, including \$254,317 from the general fund, \$16,775 from federal funds, \$16,128 from the Attorney General refund fund, and \$4,557 from the lottery operating fund, the same as provided by the Senate.

⁵ Ongoing funding of \$2,744,134 in the base budget, which the House appropriated from the general fund rather than from the Attorney General refund fund, is appropriated from the Attorney General refund fund in the conference committee amendment, the same as provided by the Senate. The funding relates to prior biennium salary equity increases (\$1,790,559) and operating expenses (\$953,575).

⁶ Ongoing funding of \$685,000 is added from the general fund for human trafficking victims grants for exploitation prevention and awareness education, the same as provided by the Senate.

⁷ Funding for medical examinations (\$660,000) and children's forensic interviews (\$304,560) is appropriated from the general fund rather than the insurance regulatory trust fund to comply with provisions of Senate Bill No. 2292, which was approved by both the Senate and House. The Senate also adjusted funding for these programs.

⁸ One-time funding of \$2 million added by the House for operating and litigation expenses is removed. The conference committee also removed sections added by the House providing for a transfer of the \$2 million from the charitable gaming operating fund to the Attorney General operating fund rather than to the general fund during the 2023-25 biennium. The conference committee change will increase general fund revenues by \$2 million. The Senate also made these changes.

⁹ One-time funding of \$110,000 from the general fund added by the House for a retired law enforcement dogs program is removed. A section regarding the program added by the House is also removed. The Senate also removed these items.

¹⁰ One-time funding for the statewide litigation funding pool is reduced by \$3 million to provide a total of \$5 million from the strategic investment and improvements fund (SIIF), the same as provided by the Senate. The House provided \$8 million from SIIF.

House Bill No. 1003 - Other Changes - Conference Committee Action

This amendment also:

- Amends a section related to the new and vacant FTE pool, the same as provided by the Senate.
- Amends a section identifying \$7,466,000 appropriated in Section 1 from SIIF, the same as appropriated by the Senate. The House appropriated \$10,466,000 from SIIF.
- Amends a section identifying funding for human trafficking victim grants, the same as provided by the Senate.
- Adds a section to provide the 2 FTE BCI cybercrime agent positions and related equipment and capital assets is for assisting a police department in a city in Northeastern North Dakota with at least 50,000 residents with the prevention and detection of cybercrime, the same as provided by the Senate.
- Adds a section to identify \$239,716 appropriated in Section 1 is from the community health trust fund, which the Office of Management and Budget is required to transfer to the Attorney General operating fund for defraying the expenses related to the enforcement of the master settlement agreement and consent agreement and any disputes with the agreement.
- Removes a section added by the House identifying \$239,716 appropriated in Section 1 from a newly established electronic smoking fund for a tobacco compliance auditor position. The Senate did not remove this section.
- Removes a section added by the House to establish an electronic smoking device directory and an electronic smoking fund. The Senate amended the section to increase the statutory fee on electronic smoking devices from \$500 to \$2,000, established a \$500 annual renewal fee, and required fee collections to be deposited in the electronic smoking fund.
- Adds a section to amend Section 54-12-30 to provide district court judges and judicial referees may not waive program fees for participants of the 24/7 sobriety program, the same as included by the Senate.
- Adds a section to amend Section 54-27-25 to allow funding from the tobacco settlement trust fund transferred to the community health trust fund be used for the enforcement of the master settlement agreement and consent agreement and any disputes with the agreement.
- Adds a section to provide the Attorney General an exemption to continue any remaining funding of the \$3 million appropriated from the general fund to the Attorney General as a deficiency appropriation for the statewide litigation funding pool in House Bill No. 1024 (2025) into the 2025-27 biennium, the same as included by the Senate.

The conference committee amendment:

15 of 15

- Includes \$195,432 from the general fund for a FTE executive staff officer position, the same as provided by the House. The Senate removed the position and related funding.
- Does not include a section previously added by the Senate to identify \$385,355 appropriated from the general fund in Section 1 is available to the Attorney General for guardianship-related expenditures during the 2025-27 biennium, contingent on the passage of Senate Bill No. 2029. The bill has been approved by both the Senate and House, resulting in the contingency language no longer being necessary. The conference committee approved the appropriation in Section 1 of House Bill No. 1003, the same as provided by the Senate. The House did not provide funding for this purpose in House Bill No. 1003.
- Does not include a section previously added by the Senate to identify \$685,000 appropriated from the general fund in Section 1 is available to the Attorney General for human trafficking victims grants for exploitation prevention and awareness education-related expenditures during the 2025-27 biennium, contingent on the passage of Senate Bill No. 2330. The bill has been approved by both the Senate and House, resulting in the contingency language no longer being necessary. The conference committee approved the appropriation in Section 1 of House Bill No. 1003, the same as provided by the Senate. The House did not provide funding for this purpose in House Bill No. 1003.

HB 1003 042825 1308 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 28, 2025, 1:08 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: Remove Section 13

Motioned By: Louser, Scott

Seconded By: Sickler, Jonathan

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042825 1310 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 28, 2025, 1:10 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: Verbiage from testimony #45258

Motioned By: Louser, Scott

Seconded By: Sickler, Jonathan

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042825 1317 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 28, 2025, 1:17 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: Remove Section 21

Motioned By: Louser, Scott

Seconded By: Hanson, Karla Rose

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042825 1321 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 28, 2025, 1:21 p.m.

Action: Failed

Amendment LC #: Pending LC #

Description of Amendment: Remove Section 15

Motioned By: Hanson, Karla Rose

Seconded By: Louser, Scott

Emergency Clause: None

Vote Results: 2 - 4 - 0

Rep. Nathe, Mike	Nay
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Nay
Sen. Dwyer, Michael	Nay
Sen. Burckhard, Randy A.	Nay

HB 1003 042825 1324 PM Roll Call Vote

Amendment

HB 1003

Date Submitted: April 28, 2025, 1:24 p.m.

Action: Passed

Amendment LC #: Pending LC #

Description of Amendment: Remove Section 5 and 6

Motioned By: Louser, Scott

Seconded By: Sickler, Jonathan

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

HB 1003 042825 1324 PM Roll Call Vote

Final Recommendation

HB 1003

Date Submitted: April 28, 2025, 1:24 p.m.

Recommendation: In Place Of

Amendment LC #: 25.0147.02007

Engrossed LC #: N/A

Description:

Motioned By: Hanson, Karla Rose

Seconded By: Sickler, Jonathan

House Carrier: Nathe, Mike

Senate Carrier: Sickler, Jonathan

Emergency Clause: None

Vote Results: 6 - 0 - 0

Rep. Nathe, Mike	Yea
Rep. Louser, Scott	Yea
Rep. Hanson, Karla Rose	Yea
Sen. Sickler, Jonathan	Yea
Sen. Dwyer, Michael	Yea
Sen. Burckhard, Randy A.	Yea

**REPORT OF CONFERENCE COMMITTEE
ENGROSSED HB 1003**

Your conference committee (Sens. Sickler, Dwyer, Burckhard and Reps. Nathe, Louser, Hanson) recommends that in place of amendment [25.0147.02005](#) adopted by the Senate, Engrossed HB 1003 is amended by amendment [25.0147.02007](#).

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

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

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

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

SECTION __. ESTIMATED INCOME – TRANSFER FROM THE COMMUNITY HEALTH TRUST FUND.

The estimated income line item in section 1 of this Act includes \$239,716 from the community health trust fund for defraying expenses related to enforcing the master settlement agreement and any disputes with the agreement. On July1, 2025, the office of management and budget shall transfer the funds from the community health trust fund to the attorney general operating fund.

2025 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Education and Environment Division Prairie Room, State Capitol

HB 1003
5/1/2025
Conference Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact sections 31-01-16, 54-12-11, 54-12-30, and 54-27-25 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, twenty-four seven sobriety program fees, and the tobacco settlement trust fund; to provide for a report; to provide for a transfer; and to provide an exemption.

10:34 a.m. Chairman Nathe called the meeting to order.

Members present: Chairman Nathe, Representatives Hanson, Louser, Senators Burkhard, Dwyer, Sickler.

Discussion Topics:

- Tobacco Compliance Auditor FTE
- Tobacco Company Settlement

10:36 a.m. Claire Ness, Chief Deputy Attorney General, answered questions.

10:41 a.m. Matt Sagsveen, Assistant Attorney General answered questions.

10:48 a.m. Chairman Nathe adjourned the meeting.

Krystal Eberle for Steven Riehl, Committee Clerk