

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2419

Introduced by

Senators W. Stenehjem, G. Nelson, Nething

Representatives DeKrey, Devlin, Dorso

1 A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota
2 Century Code, relating to funds recovered by the attorney general; and to amend and reenact
3 section 54-12-18 of the North Dakota Century Code, relating to the attorney general refund
4 fund.

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

6 **SECTION 1.** A new section to chapter 54-12 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Recovery of funds - Limitations.** Except when a specific fund is otherwise
9 designated by law, all funds recovered by the attorney general as a result of negotiated
10 settlements or court proceedings must be deposited in a special fund in the general fund and
11 may be appropriated only by the legislative assembly.

12 **SECTION 2. AMENDMENT.** Section 54-12-18 of the 1997 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **54-12-18. Special fund established - Continuing appropriation.** A special fund is
15 established in the state treasury and designated as the attorney general refund fund. The
16 attorney general shall deposit all moneys recovered by the consumer protection division for
17 refunds to consumers in cases where persons or parties are found to have violated the
18 consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the
19 division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by
20 applicants for a transient merchant's license who do not provide a surety bond, and all funds
21 and fees collected by the gaming section for licensing tribal gaming and for the investigation of
22 gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in
23 state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following
24 purposes:

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- 1 1. To provide refunds of moneys recovered by the consumer protection and antitrust
 - 2 division on behalf of specifically named consumers;
 - 3 2. To pay valid claims against cash deposit bonds posted by transient merchant
 - 4 licensees;
 - 5 3. To refund, upon expiration of the two-year period after the expiration of the
 - 6 transient merchant's license, the balance of any cash deposit bond remaining after
 - 7 the payment of valid claims;
 - 8 4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation
 - 9 of the consumer protection division; and
 - 10 5. To pay the actual costs of background investigations, licensing, and enforcement
 - 11 of gaming in the state or pursuant to Indian gaming compacts.
- 12 At the end of each fiscal year any moneys in the fund in excess of the amounts required for
- 13 subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with
- 14 the concurrence of the director of the office of management and budget, shall establish the
- 15 necessary accounting procedures for use of the attorney general refund fund, particularly with
- 16 respect to expenditures under subsection 4.