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March 3, 2021

TO: Chairman Larson and Members of the Senate Judiciary Commission

FR: Al Jaeger Secretary of State

RE: HB 1140 – Contingent Fee Arrangements

Today, I am appearing in my role as the Secretary for the Emergency Commission, of which I am also a member. N.D.C.C. § 54-16-01.

This bill is amending N.D.C.C. § 43-12-08.1. This section of law was adopted by the 1999 Legislative Assembly (1999 Session Laws, Chapter 453, SB 2047)

Since the enactment of this law 22 years ago, three requests seeking approval for a contingent fee arrangement have been submitted to the Emergency Commission. All three were from the Retirement and Investment Office.

Because of the confidential legal aspects of the requests, it is the only time the Emergency Commission has met in Executive Session; June 20, 2016, June 17, 2019, and May 12, 2020.

When the last request was considered by the Emergency Commission in 2020, members questioned the relatively low threshold of \$150,000. It was suggested that the 2021 Legislative Assembly be asked to raise the threshold to one million dollars.

Because this section of law pertains to the authority of the Attorney General, I contacted him. He agreed, while he believes the law should remain in place, the threshold should be raised to one million dollars.

I request your favorable consideration for a Do Pass recommendation.