

# 2017 NORTH DAKOTA LEGISLATIVE MANAGEMENT BILL AND RESOLUTION SUMMARIES

## HOUSE

[House Bill No. 1025](#) - **Game and Fish Department Special Allocation Hunting Licenses.** This bill allows the Director of the Game and Fish Department to receive and consider applications for a limited number of special allocation hunting licenses in addition to a number of statutorily authorized special allocation licenses. (Agriculture and Natural Resources Committee)

[House Bill No. 1026](#) - **One-Call Excavation Notice System.** This bill revises the definition of "locate period", increases membership of the One-Call Notification Center Board from eight to nine members, identifies the size of a locate area, addresses the assignment of costs of locating underground facilities, and clarifies liability provisions relating to damage of underground facilities. (Economic Impact Committee)

[House Bill No. 1027](#) - **Emergency Services Communications.** This bill revises statutory provisions to address the transition to Next Generation 911, aligns standards for public safety communicators with federal requirements in related standards, and aligns billing practices with modern 911 database provisioning practices. (Economic Impact Committee)

[House Bill No. 1028](#) - **Wind Turbine Sales and Use Tax Exemption.** This bill removes expiration dates to continue the sales and use tax exemptions for materials used in the construction of wind turbines. (Energy Development and Transmission Committee)

[House Bill No. 1029](#) - **Federal Funds Analysis.** This bill requires state agencies to perform an analysis before applying for or accepting federal funds and continues the study of statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies. (Government Finance Committee)

[House Bill No. 1030](#) - **Higher Education Campus Improvements.** This bill increases the minimum cost of higher education campus improvements that require the consent of the Legislative Assembly or the Budget Section from \$385,000 to \$700,000 and removes the authority of the Budget Section to approve the construction of any new building or any addition to a building under the control of the State Board of Higher Education. (Government Finance Committee)

[House Bill No. 1031](#) - **Purchase or Lease of Aircraft.** This bill removes the authority of the Budget Section to authorize the purchase or lease of an aircraft by a state agency or other entity of state government. (Government Finance Committee)

[House Bill No. 1032](#) - **Medicaid Expansion Reimbursement Rates.** This bill removes the July 31, 2017, sunset for the Medicaid Expansion program, provides Medicaid Expansion provider reimbursement rates are the same as the provider reimbursement rates set for traditional Medicaid, and removes the requirement Medicaid Expansion be provided through a private carrier or by utilizing the health insurance exchange. (Health Care Reform Review Committee)

[House Bill No. 1033](#) - **Medicaid Expansion Cost-Sharing and Medicaid Care Coordination Agreements.** This bill removes the July 31, 2017, sunset for the Medicaid Expansion program, removes the requirement Medicaid Expansion be provided through a private carrier or by utilizing the health insurance exchange, directs the Department of Human Services to pursue a federal Medicaid waiver to allow the department to implement premium cost-sharing for individuals enrolled in Medicaid Expansion if the cost-sharing program does not have a negative fiscal effect for the state, and directs the department to pursue care coordination agreements to increase federal reimbursement for Medicaid-eligible American Indians. (Health Care Reform Review Committee)

[House Bill No. 1034](#) - **Medicaid Expansion Reimbursement Rates Transparency.** This bill removes the July 31, 2017, sunset for the Medicaid Expansion program, removes the requirement Medicaid Expansion be provided through a private carrier or by utilizing the health insurance exchange, provides if the Department of Human Services contracts with a private carrier, the contract must provide the department with full access to provider reimbursement rates and the department is directed to consider these rates in selecting a private carrier; and directs the department to report to the Legislative Management regarding provider reimbursement rates under the Medicaid Expansion program. (Health Care Reform Review Committee)

**House Bill No. 1035 - Dental Loan Repayment Program.** This bill changes the dental loan repayment program to provide for a prorated payback of loan repayment funds if a dentist breaches the loan repayment contract. (Health Services Committee)

**House Bill No. 1036 - Student Financial Assistance Grant Advisory Board.** This bill repeals the Student Financial Assistance Grant Advisory Board which provides recommendations to the State Board of Higher Education regarding needs-based student financial assistance grants. (Higher Education Committee)

**House Bill No. 1037 - Use of E-Transcripts System.** This bill requires elementary and secondary school districts to use the E-Transcripts system for recording student information. (Higher Education Committee)

**House Bill No. 1038 - Family Caregiver Supports and Services.** This bill provides appropriations to the North Dakota State University Extension Service for expanding local training programs to include family caregiver training and to the Department of Human Services for administering a Lifespan Respite Care Program and applying an inflationary adjustment to the service payments for the elderly and disabled sliding fee schedule. The bill also requires the Department of Human Services to establish a caregiver resource center website and review options and provide recommendations to the Legislative Management to expand home- and community-based services. (Human Services Committee)

**House Bill No. 1039 - Hospital Discharge Policies.** This bill requires hospitals to establish and maintain written discharge policies. (Human Services Committee)

**House Bill No. 1040 - Behavioral Health Services Program Expansion.** This bill provides appropriations to the Department of Human Services for adopting rules for an evidence-based alcohol and drug education program for certain individuals under 21 years of age, expanding children's prevention and early intervention behavioral health services, establishing a behavioral health provider database, expanding peer-to-peer and family-to-family support services, and providing targeted case management services for individuals with severe mental illness and severe emotional disturbance. (Human Services Committee)

**House Bill No. 1041 - Justice Reinvestment.** This bill shifts the authority to allow sentence reduction credit from the judiciary to a correctional facility; authorizes the use of sentence reduction credit for time spent in custody; allows the parole board to consider medical parole for offenders who are not otherwise eligible for parole; requires the use of presumptive probation for individuals convicted of Class A misdemeanor drug offenses; reclassifies ingestion, possession, and paraphernalia offenses to a lower-level criminal offense; reduces the proximity to a school before an increased penalty for a drug offense is warranted; authorizes additional mental health professionals to provide addiction counseling services; removes the prohibition against individuals who have a felony substance abuse conviction from being eligible for various supplemental nutrition assistance programs; and creates a pilot project for pretrial services. (Incarceration Issues Committee)

**House Bill No. 1042 - Justice Reinvestment.** This bill shifts the authority to allow sentence reduction credit from the judiciary to a correctional facility; authorizes the use of sentence reduction credit for time spent in custody; allows the parole board to consider medical parole for offenders who are not otherwise eligible for parole; reclassifies ingestion, possession, and paraphernalia offenses to a lower-level criminal offense; reduces the proximity to a school before an increased penalty for a drug offense is warranted; authorizes additional mental health professionals to provide addiction counseling services; removes the prohibition against individuals who have a felony substance abuse conviction from being eligible for various supplemental nutrition assistance programs; and creates a pilot project for pretrial services. (Commission on Alternatives to Incarceration)

**House Bill No. 1043 - Constitutional and Statutory Revision.** This bill makes technical corrections throughout the North Dakota Century Code. (Judiciary Committee)

**House Bill No. 1044 - Primary Sector Business.** This bill replaces existing definitions of "primary sector business" with a uniform definition of "primary sector business." (Political Subdivision Taxation Committee)

**House Bill No. 1045 - Angel Fund Investment Tax Credit.** This bill sunsets the availability of the angel fund investment tax credit for investments made after December 31, 2017, and increases allowable credit amounts and carryforward periods related to the seed capital investment tax credit. (Political Subdivision Taxation Committee)

**House Bill No. 1046 - Telecommunications Sales Tax Exemption.** This bill removes the sunset date attached to the telecommunications infrastructure sales tax exemption. (Political Subdivision Taxation Committee)

**House Bill No. 1047 - Automation Equipment Credit.** This bill removes the sunset date attached to the manufacturing automation equipment income tax credit. (Political Subdivision Taxation Committee)

[House Bill No. 1048](#) - **Nonprofit Development Corporation Credit.** This bill repeals the certified nonprofit development corporation income tax credit. (Political Subdivision Taxation Committee)

[House Bill No. 1049](#) - **Wage and Salary Credit.** This bill repeals the wage and salary income tax credit. (Political Subdivision Taxation Committee)

[House Bill No. 1050](#) - **Microbusiness Credit.** This bill repeals the microbusiness income tax credit. (Political Subdivision Taxation Committee)

# SENATE

[Senate Bill No. 2026](#) - **Agriculture Commissioner General Authority Rewrite and Redesignation.** This bill rewrites the laws pertaining to the general administration authority of the Agriculture Commissioner and other agricultural entities, moves the rewritten chapters into North Dakota Century Code Title 4.1, and redesignates various chapters throughout Title 4.1. (Agriculture and Natural Resources Committee)

[Senate Bill No. 2027](#) - **Fertilizer and Pesticide Rewrite.** This bill rewrites the laws pertaining to fertilizer and pesticide and moves the rewritten chapters into Title 4.1. (Agriculture and Natural Resources Committee)

[Senate Bill No. 2028](#) - **Livestock and Other Animals Rewrite.** This bill rewrites the laws pertaining to livestock and other animals and moves the rewritten chapters into Title 4.1. (Agriculture and Natural Resources Committee)

[Senate Bill No. 2029](#) - **Plants and Trees Rewrite.** This bill rewrites the laws pertaining to plants and trees and moves the rewritten chapters into Title 4.1. (Agriculture and Natural Resources Committee)

[Senate Concurrent Resolution No. 4001](#) - **Federal Block Grant Hearings.** This resolution authorizes the Budget Section to hold public legislative hearings required for the receipt of new federal block grant funds during the period from the recess or adjournment of the 65<sup>th</sup> Legislative Assembly through September 30, 2019. (Budget Section)

[Senate Bill No. 2030](#) - **North Dakota United.** This bill makes technical corrections in North Dakota Century Code to change references from the North Dakota Education Association to North Dakota United. The bill also removes the requirement that the Governor choose from a list of three nominees submitted by the North Dakota Education Association for two positions on the Board of Trustees for the Teachers' Fund for Retirement. (Education Committee)

[Senate Bill No. 2031](#) - **Allocation of Coal Conversion Tax Revenue.** This bill removes the expiration date and continues the 5 percent allocation of the general fund share of coal conversion tax revenue collections to the lignite research fund. (Energy Development and Transmission Committee)

[Senate Bill No. 2032](#) - **Budget Section Reports.** This bill removes or amends certain Budget Section reporting requirements. (Government Finance Committee)

[Senate Bill No. 2033](#) - **Clinical Supervision of Behavioral Health Professionals.** This bill provides for clinical supervision of behavioral health professionals by behavioral health professionals outside of their respective professions and to provide for a report to the Legislative Management. (Health Services Committee)

[Senate Bill No. 2034](#) - **Nursing Faculty Loan Forgiveness Program.** This bill establishes a loan forgiveness program for nursing faculty. (Health Services Committee)

[Senate Bill No. 2035](#) - **Higher Education Funding Formula.** This bill removes the expiration date from North Dakota Century Code Section 15-18.2-06 which establishes a minimum amount payable to an institution through the higher education funding formula. (Higher Education Committee)

[Senate Bill No. 2036](#) - **Higher Education Challenge Grant Program.** This bill continues the higher education challenge grant program into the 2017-19 biennium and provides a \$23.5 million appropriation from the student loan trust fund for grants. (Higher Education Committee)

[Senate Bill No. 2037](#) - **Teacher Shortage Loan Forgiveness Program Award Amount.** This bill increases the teacher shortage loan forgiveness program award amount from \$1,000 to \$1,500 per year. (Higher Education Committee)

[Senate Bill No. 2038](#) - **Behavioral Health Services Policy Changes.** This bill extends the holding period from 24 hours to 72 hours for emergency involuntary commitments for individuals with a serious physical condition or illness, changes youth mental health training requirements, requires behavioral health training for early childhood service providers, and creates a children's behavioral health task force. (Human Services Committee)

[Senate Bill No. 2039](#) - **Role and Function of Department of Human Services - Behavioral Health Services.** This bill changes the role and function of the Department of Human Services behavioral health services, including behavioral health definitions; administration of behavioral health programs; licensure process for regional human service centers; services available to individuals with serious and persistent mental illness; membership and role of advisory groups for human services centers; designation of behavioral health providers to furnish preventive diagnostic, therapeutic,

rehabilitative, or palliative services to individuals eligible for medical assistance; and designation of the location of a second state hospital. (Human Services Committee)

**Senate Bill No. 2040 - Addiction Counseling.** This bill includes assessment or counseling for gambling, tobacco, nicotine, or other harmful substance or behavior in the definition of addiction counseling. (Human Services Committee)

**Senate Concurrent Resolution No. 4002 - State Hospital Location.** This resolution removes the constitutional requirement that a state hospital be located in Jamestown. (Human Services Committee)

**Senate Bill No. 2041 - Eligibility Assistance for Developmental Disability.** This bill allows individuals with Down syndrome to be eligible for developmental disabilities services. (Human Services Committee)

**Senate Bill No. 2042 - Mental Health Professionals.** This bill establishes a tiered system for the roles of mental health professionals. (Human Services Committee)

**Senate Bill No. 2043 - Definition of Marriage.** This bill provides for changes to several references to married couples in the North Dakota Century Code to comply with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. (2015). The bill draft consists of 33 sections that amend language from either "husband or wife" to "two individuals married to each other" or "husband" or "wife" to "spouse." (Judiciary Committee)

**Senate Bill No. 2044 - Dynamic Fiscal Impact Statements.** This bill allows the Chairman of Legislative Management to acquire the software necessary for an interim committee to prepare dynamic fiscal impact statements for economic development tax incentives selected for review during the 2017-18 interim. The bill provides an appropriation of up to \$165,000 to acquire the necessary software. (Political Subdivision Taxation Committee)

**Senate Bill No. 2045 - Deposit of Overweight Violation Fees.** This bill removes the expiration date allowing the deposit of the civil portion of the penalty for overweight violation fees to continue to be deposited with the jurisdiction of the road in which the violation occurred rather than the state highway fund. (Transportation Committee)

**Senate Bill No. 2046 - Tribal Youth Services Pilot Program.** This bill establishes a pilot program for providing state services to juveniles adjudicated in tribal court. The bill directs the Department of Corrections and Rehabilitation to offer to negotiate a memorandum of understanding with the government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for the custody, care, and treatment of tribal juveniles adjudicated in tribal court in accordance with tribal or federal laws. (Tribal and State Relations Committee)

**Senate Bill No. 2047 - Quick Take Eminent Domain.** This bill requires a negotiation process and affidavit of compliance when a water resource district uses quick take eminent domain. The bill allows a landowner up to 75 days to negotiate with a water resource district before the district may take possession of property and ensures a landowner receives multiple communications from the water resource district during the 75-day negotiation period. The bill requires the water resource board chairman to file an affidavit confirming the district's compliance with the negotiation process and allows the water resource district to rely upon a landowner's actual or constructive notice of the required communications. (Water Topics Overview Committee)

**Senate Bill No. 2048 - Workers' Compensation Attorney's Fees.** This bill directs Workforce Safety and Insurance to pay an injured employee's attorney's fees on appeal when the employee prevails, regardless of whether Workforce Safety and Insurance ultimately prevails on further appeal. The bill limits Workforce Safety and Insurance's payment of attorney's fees to the level of appeal at which the injured employee prevailed. (Workers Compensation Review Committee)