2013
NORTH DAKOTA
CENTURY CODE
TITLE SUMMARIES

LEGISLATIVE COUNCIL
STATE CAPITOL
BISMARCK, ND 58505

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 1
General Provisions
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 1. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Senate Bill No. 2213 provides that the prohibition on service of civil process within 100 feet of a polling place during a primary, general, or special election only applies when the polling place is open for voting.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 2
Aeronautics
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 2. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1177 creates the duty of an airport authority to establish the rate of compensation for commissioners and allows for the reimbursement of expenses at the official reimbursement rates of the appointing authority.

Senate Bill No. 2278 provides that each public airport may be provided assistance according to Aeronautics Commission rules with appropriations from the general fund, instead of from any fund as previously provided by law.

Senate Bill No. 2006 provides an appropriation to the Aeronautics Commission.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 3
Agency
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 3. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 4
Agriculture
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 4. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

APPROPRIATIONS - AGRICULTURE COMMISSIONER

House Bill No. 1009 provides a general fund appropriation of $9,439,217 to the Agriculture Commissioner.

Senate Bill No. 2146 appropriates $80,000 to the Agriculture Commissioner for the purpose of awarding grape and wine industry grants. The bill also directs the Agriculture Commissioner to appoint a grape and wine advisory committee.

APPROPRIATIONS - OTHERS

Senate Bill No. 2009 provides a general fund appropriation of $3,296,000 to the State Fair Association.

Senate Bill No. 2020 provides appropriations for the North Dakota State University Extension Service, the Northern Crops Institute, the Upper Great Plains Transportation Institute, the agricultural research centers, and the Agronomy Seed Farm.

MISCELLANEOUS

Senate Bill No. 2018 changes the name of the agricultural fuel tax fund to the agricultural products utilization fund.

Senate Bill No. 2070 redefines that which constitutes a "plant" for purposes of pest control.

Senate Bill No. 2072 provides that it is not a violation of law to transfer or obtain raw milk in accordance with a shared animal ownership agreement.

Senate Bill No. 2352 authorizes the sale of certain state property used by the North Central Research Extension Center and the Williston Research Extension Center.

House Bill No. 1247 directs the Agriculture Commissioner to create and maintain an electronic database of wetland credits that are available for purchase by an agricultural producer.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 4.1
Agriculture
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 4.1. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1026 rewrites those provisions of the North Dakota Century Code that pertain to livestock branding, estrays, and the licensing of livestock dealers and wool dealers. The bill also requires that the Legislative Management continue the rewrite of the state's agriculture laws.

House Bill No. 1054 changes the name of the North American Weed Management Association to the North American Invasive Species Association and authorizes the use of department-approved baling twine to bale certified forage.

House Bill No. 1177 authorizes a board of county commissioners to establish the rate of compensation for county weed board members and provides that actual expenses incurred by county weed board members may be reimbursed at the official reimbursement rate of the county.

Senate Bill No. 2026 rewrites those provisions of the North Dakota Century Code that pertain to seed potato certification and seed potato control areas.

Senate Bill No. 2158 provides that a person may not sell livestock carrying a brand unless the seller is the owner of the brand and delivers a bill of sale to the purchaser or a certificate of ownership has been issued by a brand inspector.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 5
Alcoholic Beverages
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1077 allows for the direct delivery of wine from a licensed winery that produces no more than 50,000 gallons of wine per year to a retailer if the winery uses the winery's equipment and employees, a licensed distributor, or a common carrier. The bill limits shipments to 4,500 cases a year or 3 cases a day to a retailer.

Senate Bill No. 2284 creates a brewer taproom license to a brewer producing no more than 25,000 barrels of malt beverages in a year. The bill provides for the the direct sale of beer to retailers if the brewery uses the brewery's equipment and employees, a licensed distributor, or a common carrier. The bill limits shipments to 10,000 barrels a year or 8 barrels a day to a retailer.

Senate Bill No. 2147 allows the direct shipment of alcoholic beverages into this state through a licensed logistics company that provides fulfillment house services, a licensed alcohol carrier, and a person with a direct shipper license. The bill provides for civil penalties for unlicensed shipments.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 6
Banks and Banking
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 6. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to banks and banking may be classified in these subject areas: financial corporations, programs, and miscellaneous.

FINANCIAL CORPORATIONS

House Bill No. 1084, as part of a bill that authorizes the Commissioner of Financial Institutions to enter or establish relationships or contracts with a multistate licensing system, authorizes the commissioner to furnish information and enter sharing agreements as to matters of mutual interest with a nationwide multistate licensing system.

House Bill No. 1085 this is the Department of Financial Institutions' agency bill designed to update, clarify, and unify the law relating to financial institutions, credit unions, and financial corporations. The bill clarifies the department has authority over all entities regulated by the department, codifies existing administrative rules and existing practices, and clarifies references to the State Banking Board and the State Credit Union Board. Additionally, the bill provides out-of-state trust companies are able to branch into North Dakota, thereby allowing North Dakota trust companies to branch into other states due to reciprocity.

House Bill No. 1164 establishes a standard of conduct for directors of financial institutions, including addressing when a director may not be held liable for performing the duties of a director, when a director is presumed to have assented to actions of the board, and when a director's personal liability may be limited.

PROGRAMS

Senate Bill No. 2064 amends the Bank of North Dakota's Residential Mortgage Loan Program, removing the July 31, 2013, expiration date, expanding the program to allow credit unions to participate in the program, removing the provision that limits the program to originating no more then $48 million in mortgages under the program, removes the $200,000 maximum mortgage amount, and removes the requirement that in order for an applicant to qualify under the program the Bank may not have received an objection by a financial institution.

Senate Bill No. 2132 expands the Rebuilders Loan Program, for a limited time, allowing a loan of up to $30,000 for purchase of a Federal Emergency Management Agency temporary housing unit and allowing supplemental loans of up to $20,000.

House Bill No. 1185 extends the application deadline for loans under the Rebuilders Loan Program from September 30, 2012, to September 30, 2013, and expands the program to allow for loans for nonowner-occupied property, which is a property consisting of one or more rental dwelling units, none of which are occupied by the owner. The bill is an emergency measure.

House Bill No. 1079 expands and extends the flex partnership in assisting community expansion (PACE) program to continue through June 30, 2015, and to include financing of affordable multifamily housing units both within and outside the areas of the state affected by oil and gas development; provides, under the PACE program, the community's contribution of direct cash, loans, equity investments, land, property, or infrastructure may count toward the community's funding of its portion of the interest rate buydown for a PACE loan; and increases the maximum amount of the PACE interest rate buydown from $300,000 to $500,000. This bill is an emergency measure.

Senate Bill No. 2187 directs the Bank of North Dakota to administer a medical facility infrastructure loan program to provide loans to medical facilities to conduct construction that improves the health care infrastructure in the state or improves access to existing nonprofit health care providers in the state. Under the

program, loans will be provided through July 31, 2017, after which time new loans will no longer be provided but the Bank will administer the program for loans that were provided.

Senate Bill No. 2014 this bill is the appropriation to the Industrial Commission and the agencies under the management of the Industrial Commission. In addition, within the beginning entrepreneur loan guarantee program the bill creates a definition of "child care provider," revises the definition of "beginning entrepreneur," and provides that a beginning entrepreneur who receives a loan for a child care facility must be a child care provider.

Senate Bill No. 2287 extends the Bank of North Dakota's fuel production facility loan guarantee program through July 31, 2015, after which time the Bank will no longer guarantee loans, but will continue to administer the loans that were made under the program; increases the maximum amount of a guarantee under the program from 25 percent of the total loan to 35 percent; and increases the funding of the program from $6.25 million to $25 million. The bill is an emergency measure.

House Bill No. 1020 increases from $10 million to $25 million the ceiling of the community water facility loan fund and provides the funds may come from the future undivided profits of the Bank or North Dakota and from other state funds.

House Bill No. 1078 increases from $10 million to $15 million the maximum the Bank of North Dakota may invest in North Dakota alternative and venture capital investments and early-stage capital funds.

MISCELLANEOUS

House Bill No. 1243 increases from $35 to $40 the collection fees or costs for NSF checks or checks issued without an account.

Senate Bill No. 2251 revises the penalties for NSF checks or checks issued without an account, providing the penalty is an infraction if the amount of insufficient funds is not more than $100; is a Class B misdemeanor if the amount of insufficient funds is more than $100, but not more than $500; is a Class A misdemeanor if the amount of insufficient funds is more than $500, but not more than $1,000; is a Class C felony if the amount of insufficient funds is more than $1,000; and is a Class C felony if the check issued without an account was at least $1,000 or the aggregate total of all instruments exceeds $1,000.

Senate Bill No. 2057 revises the law relating to the reserve fund for Public Finance Authority bonds, providing the Industrial Commission may determine the law does not apply to bonds issued under the Public Finance Authority's state revolving loan program.

Senate Bill No. 2096 directs the Bank of North Dakota to administer and manage the funds received in relation to the federal student loan program under Section 2212 of the federal Health Care and Education Reconciliation Act of 2010.

Senate Bill No. 2008 is the Department of Financial Institutions' appropriation.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 7
Building and Loan Associations
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 7. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 8
Carriage
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 8. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 9
Contracts and Obligations
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 9. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 10
Corporations
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 10. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1113 removes the August 1, 2013, expiration date of the law that authorizes funds in the North Dakota Development Fund, Inc., to be used to provide financing to early childhood facilities.

Senate Bill No. 2018 directs the North Dakota Development Fund, Inc., to administer a research North Dakota venture investment program that provides investments to startup or spinoff businesses that utilize technology developed at a research university or jointly developed by a research university and the private sector.

Senate Bill No. 2252 authorizes an individual to simultaneously be an executive or owner of more than one professional organization if the professional organizations do not render the same professional service and provides a $1,000 fee for a professional organization that has ownership that renders more than one professional service.

Senate Bill No. 2244 revises the professional organization law to allow a professional organization to have minority ownership by an individual who does not render the same professional service as the professional organization if the law expressly authorizes such ownership and provides a $1,000 fee for a professional organization that has minority ownership. The bill expressly authorizes minority ownership of a professional organization created for the purpose of providing architectural or landscape architectural services under Chapter 43-03.

Senate Bill No. 2266 requires that newly created domestic organizations include in the organization's initial documents filed with the Secretary of State the address of the organization's principal executive office and reconciles Chapter 10-19.1, the North Dakota Business Corporation Act, with the Constitution of North Dakota and with the Federal Securities Exchange Act of 1934 as they relate to publicly traded corporations.

House Bill No. 1011 this bill is the appropriation for the Securities Commissioner.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 11
Counties
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 11. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1156 would have allowed a board of county commissioners to submit a proposed home rule charter to the qualified electors of the county at a special election and would have provided that a home rule charter approved by the voters would become effective on the date specified in the charter or 60 days after the election, whichever is later. **The Governor vetoed the bill and the veto was sustained.**

House Bill No. 1065 removes requirements that a district judge participate in determining county commissioner terms of office, appointing individuals to fill county commission vacancies, receiving written documents consenting to county reorganization plans, and approving state's attorney's expenses relating to the use a state's attorney's contingent fund.

House Bill No. 1371, with respect to putting the question of appointment of a state's attorney on the ballot, changes a reference to the next regular election to the next primary or general election.

House Bill No. 1177 provides that the compensation for appointees to various county entities, including a home rule charter commission, a job development authority board, a board of county park commissioners, a planning commission, a port authority, and a commerce authority, must be established by the appointing authority. The bill also provides that the actual expenses of those appointees may be reimbursed at the official reimbursement rates of the appointing authority.

House Bill No. 1225 removes the requirement that the State Board of Equalization, county recorders, and other local officials protect the secrecy of information contained on property sales price disclosures filed with those officials.

House Bill No. 1339 increases the maximum amount of compensation that may be paid to recreation service district board members from $25 per meeting to $100 per meeting, as determined by the board.

Senate Bill No. 2128 changes the fee that a county recorder may charge for recording a plat from $10 for one lot plus $.10 for each additional lot to $20 for 20 lots or fewer and $50 for more than 20 lots.

House Bill No. 1136, effective August 1, 2015, or on an earlier date upon implementation by the Secretary of State of an electronic filing system, removes the requirement that a county recorder, upon request, furnish information contained in a financing statement filed to protect a security interest in which the collateral is farm products. The bill also eliminates the fee a recorder may charge for filing, indexing, making, or completing any statement, abstract, or certificate under the Uniform Commercial Code central filing database, effective August 1, 2015, or upon the implementation of the electronic filing system by the Secretary of State.

Senate Bill No. 2325 removes a reference to the chapter relating to the financial institutions tax due to the repeal of that chapter.

House Bill No. 1043 makes technical corrections throughout the North Dakota Century Code, including references in Title 11.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 12
Corrections, Parole, and Probation
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 12. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to corrections, parole, and probation may be classified in these subject areas: Department of Corrections and Rehabilitation, correctional facilities, criminal history record checks, peace officers, and miscellaneous.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

House Bill No. 1115 removes the requirement that an inmate must apply for parole. The bill also updates some of the language in the statutes relating to the parole process.

House Bill No. 1118 provides that it is the duty of the Director of the Department of Corrections and Rehabilitation to appoint the warden and all other officers and employees.

CORRECTIONAL FACILITIES

House Bill No. 1108 authorizes an individual who has completed the State Department of Health's medical assistant I training and competency evaluation program to administer medication in a correctional facility.

House Bill No. 1119 removes requirements that the administrative rules must include a limitation on the number of days each week during which visitors may be permitted to visit offenders housed at the state penitentiary.

House Bill No. 1392 adds a definition of "adult lockup" and "court holding facility" to Section 12-44.1-01. The bill also creates an additional level of correctional facilities known as "grade four". The bill provides that a "grade four" facility means an adult lockup or court holding facility in which individuals may not be detained overnight. The bill designates the Peace Officer Standards and Training Board as the agency that must approve correctional personnel training courses.

CRIMINAL HISTORY RECORD CHECKS

House Bill No. 1012 authorizes the Department of Human Services to conduct criminal history record checks for foster care approvals under Chapter 50-11.

House Bill No. 1327 authorizes the Bureau of Criminal Investigation to conduct a statewide and nationwide criminal history record check for the purpose of determining eligibility for a concealed weapons license for each applicant for an initial license or the renewal of a concealed weapons license under Chapter 62.1-04. The bill provides that the nationwide criminal history record check must include an inquiry of the national instant criminal background check system, and if the applicant is not a United States citizen, an immigration alien query.

House Bill No. 1389 amends Senate Bill No. 2110 to include registrants, owners, or controlling persons under Chapters 43-23.3 and 43-23.5 among the individuals for whom the North Dakota real estate appraiser qualifications and ethics board is authorized to conduct criminal history background checks.

Senate Bill No. 2110 authorizes the North Dakota Real Estate Appraiser Qualifications and Ethics Board to conduct a criminal history background check for applicants for permits or permittees under Chapter 43-23.3. The bill provides that criminal history record checks for permittees need not be made unless required by the board.

Senate Bill No. 2304 authorizes the Insurance Department to conduct criminal history background checks as authorized under Chapter 26.1-26.

PEACE OFFICERS

House Bill No. 1138 imposes the requirements and restrictions for a limited license for a peace officer. The bill provides that a limited license is limited to the jurisdiction in which the individual is employed and is valid until the individual completes the first available basic full-time peace officer training course, the individual completes the licensing examination, and has been issued a peace officer license by the licensing board. The bill also authorizes the licensing board to deny, refuse to renew, suspend, or revoke a license if the individual has been convicted or plead guilty of a felony offense. The bill repeals Section 12-63-08 relating to an exception from the training requirements.

MISCELLANEOUS

House Bill No. 1043, the bill that makes technical corrections to the North Dakota Century Code, removes a reference to a requirement that home education means a program in the child's home. The requirement that the program must be conducted in the child's home was removed by the 62nd Legislative Assembly.

House Bill No. 1133 removes cross-references to specific subsections in Section 19-03.1-01.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 12.1
Criminal Code
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 12.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to the criminal code may be classified in these subject areas: criminal offenses and offenders, sentencing, and miscellaneous.

CRIMINAL OFFENSES AND OFFENDERS

House Bill No. 1116, with respect to an evaluation to determine a defendant's fitness to proceed, provides that to ensure appropriate resources exist at a human service center that is ordered to conduct the evaluation, a human service center may not be considered a suitable facility and may not be considered suitable personnel unless the court is aware that an inquiry has been made before the court orders the evaluation.

House Bill No. 1197 expands the definition of personal identifying information to include an individual's photograph or computerized images; e-mail address; and username and password of any digital service or computer system.

House Bill No. 1280 expands the circumstances under which a person may commit the crime of unauthorized use of personal identifying information to include using the information to obtain or continue employment, to gain access to personal identifying information of another individual, or to commit an offense in violation of the laws of the state, regardless of whether there is any actual economic loss to the individual. The bill also provides that a first offense is a Class A misdemeanor and a second or subsequent offense is a Class C felony.

House Bill No. 1320 updates the crime of harassment to include communications by electronic communication. The bill defines electronic communication to mean transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system. The bill also expands the types of emergency communication systems for which a person may be charged with an offense for making harassing or annoying calls.

House Bill No. 1435 expands the definition of personal identifying information to include an individual's financial institution account number, credit card number, or debit card number; an individual's health insurance policy number or other unique identifier used by a health insurer to identify an individual; the nondriver color photo identification card information assigned to an individual by the Department of Transportation; and an individual's digitized or other electronic signature.

Senate Bill No. 2126 makes it a Class B felony to willfully sell, purchase, possess, install, transfer, manufacture, own, or use in this state, an automated sales suppression device, zapper, or phantom-ware. A second or subsequent violation is a Class A felony and the offender is subject to a civil penalty of up to $100,000. The bill also makes unlawful skimming a Class B felony. A second or subsequent violation is a Class A felony and the offender is subject to a civil penalty of up to $100,000. The bill describes "skimming" as the use of a scanning device to access, read, scan, obtain, memorize, or store information encoded on the magnetic strip of an electronic payment card without the permission of the authorized user of the card with the intent to defraud. The bill also describes "skimming" as the use of a re-encoder to place information encoded on the magnetic strip of an electronic payment card onto the magnetic strip of a different electronic payment card without the permission of the authorized user of the card with the intent to defraud.

Senate Bill No. 2251 increases the monetary amounts that trigger the level of penalty for various crimes in Title 12.1, including theft, unauthorized use of a vehicle, misapplication of entrusted property, defrauding secured creditors, forgery or counterfeiting, and deceptive writings. The bill also increases maximum monetary penalties that may be imposed for criminal offenses.

Senate Bill No. 2265, regarding the crime of sexual performance by a minor, removes the affirmative defense that the defendant had no financial interest in promoting a sexual performance by a minor.

Senate Bill No. 2345 increases the monetary amounts that trigger the level of penalty for the crime of exploitation of a disabled adult or vulnerable elderly adult. The bill also makes exploitation of a disabled adult or vulnerable elderly adult a Class A misdemeanor if the value of the exploited funds, assets, or property does not exceed $1,000.

SENTENCING

Senate Bill No. 2015 increases from $45 to $55 per month the probation supervision fee. The bill also contains the appropriation to defray the expenses of the Department of Corrections and Rehabilitation.

Senate Bill No. 2141 authorizes the court, when imposing probation, to impose a fine in cases in which a deferred imposition of sentence is imposed. The bill also provides that the court may order the offender to serve a term of imprisonment of up to one-half of the maximum term authorized for the offense of which the defendant was convicted. The bill removes the time limitation on this option.

Senate Bill No. 2181 removes language that prohibited the courts from imposing supervised probation on certain domestic violence offenders.

Senate Bill No. 2320, as it relates to a juvenile who is adjudicated delinquent and is required or order to register as a sexual offender, requires law enforcement to release any relevant and necessary information on file to the superintendent or principal of the school the juvenile attends. The bill also requires the school administration to notify others in similar positions if the juvenile transfers to another school within or outside the state.

MISCELLANEOUS

Senate Bill No. 2056 relates to the statewide automated victim information and notification system. The bill provides that a victim or witness who clearly objects to registration with the system must be able to opt-out of the system. The bill also removes the requirement that the witness or victim must be notified when a registered sexual offender has updated the offender's registration information.

Senate Bill No. 2198, with regard to an evaluation to determine a defendant's fitness to proceed, provides that in cases in which the defendant is not committed, the report of the examining professionals must be given to the court within 30 days after the outpatient evaluation.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 13
Debtor and Creditor Relationship
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 13. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1084 authorizes the Department of Financial Institutions to establish relationships with nationwide multistate licensing systems and registries to regulate collection agencies, deferred presentment service providers, money transmitters, and debt-settlement providers and changes the term of licensure for these professions from the period July through June to the period January through December.

Senate Bill No. 2260 revises the law to provide consumer credit counseling services and debt-settlement services are no longer required to be organized as nonprofit entities.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 14
Domestic Relations and Persons
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 14. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to domestic relations and persons may be classified in these subject areas: abortion, adoption, child support, marriage and divorce, minors, and miscellaneous.

ABORTION

House Bill No. 1305 prohibits a physician from performing or attempting to perform an abortion if the physician has knowledge that the pregnant woman is seeking the abortion solely on account of the sex of the unborn child or because the unborn child has been diagnosed with either a genetic abnormality or a potential for a genetic abnormality. The bill provides that a violation of the section is a Class A misdemeanor. The bill also defines genetic abnormality to mean any defect, disease, or disorder that is inherited genetically, including physical disfigurement, scoliosis, dwarfism, Down syndrome, albinism, Amelia, or any other type of physical or mental disability, abnormality, or disease.

House Bill No. 1456 relates to limitations on abortions after a determination of a detectable heartbeat in the unborn child has been made. Section 1 of the bill provides that except when a medical emergency would prevent compliance with the section, an individual may not perform an abortion on a pregnant woman before determining, in accordance with standard medical practice, if the unborn child the woman is carrying has a detectable heartbeat. Section 1 also provides that a physician who performs an abortion without determining whether the unborn child has a detectable heartbeat is subject to disciplinary action by the State Board of Medical Examiners. Section 2 of the bill prohibits the performance of an abortion of an unborn child if a unborn child's heartbeat has been detected. This section further provides that an individual is not in violation of the section if the individual performs a medical procedure that is intended, in the individual's reasonable medical judgment, to prevent the death of the pregnant woman, to prevent a serious risk of a substantial and irreversible impairment of a major bodily function of the pregnant woman, or to save the life of an unborn child.

Senate Bill No. 2305 imposes limitations on physicians and abortion facilities. This bill requires that a physician who performs abortions in this state must be licensed to practice in this state. The bill also requires any physician who performs abortions to have admitting privileges at a hospital located within 30 miles of the abortion facility and staff privileges to replace hospital on-staff physicians at the hospital. The bill specifies the admitting privileges must include the abortion procedures the physician performs at the abortion facility. Finally, the bill requires the abortion facility to have a staff member trained in cardiopulmonary resuscitation present at all times the abortion facility is open and abortions are scheduled to be performed.

Senate Bill No. 2368 prohibits performing or inducing the abortion of an unborn child of 20 or more weeks postfertilization. The bill defines "postfertilization" as the age of the unborn child as calculated from fertilization. This bill includes a statement that the purpose of the section is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain. The bill provides that except in the case of a medical emergency, an abortion may not be performed unless the physician performing the abortion has first made a determination of the probable postfertilization age of the unborn child. Under the bill, the physician is required to make those inquiries of the woman and perform the medical examinations and tests necessary to make an accurate diagnosis with respect to postfertilization age. If it is has been determined that the probable postfertilization age of the unborn child is 20 or more weeks, a person is prohibited from performing or inducing an abortion upon a woman except in the case of a medical emergency.

Senate Bill No. 2004 amends Section 14-02.1-01 and a new section to Chapter 14-02.1, as amended and created in Senate Bill No. 2368. These changes restore the language of purpose of Chapter 14-02.1 as it existed before the 2013 legislative session and adds new language that provides that the purpose of the new section in Senate Bill No. 2368 is to protect the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain.

ADOPTION

Senate Bill No. 2081 provides that the costs of pregnancy-related services, including labor and deliver services, incurred by a surrogate or gestational carrier are the responsibility of the intended parents.

Senate Bill No. 2159, which relates to the required residence of a minor before a final decree of adoption, provides that if a child who has been placed for adoption dies before the six-month residency requirement is met, the court may grant the final decree of adoption upon a finding that a proper and legitimate reason exists for granting the final decree.

CHILD SUPPORT

House Bill No. 1012 amends the definition of "child support" to provide that the term includes payment for the support of spouses or former spouses with whom the child is living as long as the spousal support payment is owed to the spouse or former spouse under the same order as the payments for the child. The bill also contains the appropriation for defraying the expenses of the Department of Human Services.

Senate Bill No. 2107 relates to child support orders and the provision of health insurance coverage for the child. The bill requires the administrative rules adopted to implement the section to include a reasonable cost standard that considers the income of the obligated parent and the cost of coverage. The bill clarifies the legal standing of the child support agency when a parent applies for services under Title IV-D of the federal Social Security Act and clarifies the law in terms of when offsets are prohibited or permitted. The bill also clarifies the process involving the reporting of lump sum child support payments.

MARRIAGE AND DIVORCE

House Bill No. 1015 amends a provision in the Uniform Premarital and Marital Agreements Act, as created in House Bill No. 1128, to eliminate the requirement that a marital agreement must be signed within the first 120 days of marriage.

House Bill No. 1128 provides for the adoption of the Uniform Premarital and Marital Agreements Act. The bill applies to premarital and marital agreements signed after July 31, 2013. The bill also repeals the Uniform Premarital Agreements Act, which was enacted in 1985.

Senate Bill No. 2175 provides that while a husband and wife are living separately from each other, each spouse is liable jointly and severally for any debts contracted by either for necessary household supplies of food, clothing, fuel, medical care, and shelter, and for the education of their minor children.

Senate Bill No. 2225 clarifies that those individuals who are authorized to solemnize a marriage may do so at any location within the state.

MINORS

House Bill No. 1214 removes the expiration date for the parenting coordinator program in Chapter 14-09.2.

Senate Bill No. 2122 provides for the adoption of the Uniform Deployed Parents Custody and Visitation Act. The bill prohibits the court from considering, in a proceeding for parental rights and responsibilities of a child of a servicemember, a parent's past deployment or possible future deployment in itself in determining the best interests of the child but may consider any significant impact on the best interests of the child of the parent's past or possible future deployment.

Senate Bill No. 2125 requires a caretaker who is unable to make contact with or otherwise verify the whereabouts and safety of a child under the age of 13 for a period of 24 hours to notify law enforcement within a reasonable time after the 24-hour period expires. The bill provides that a caretaker who willfully fails to do so is guilty of a Class C felony. If the missing child at least 13 years of age but under the age of 17 years, the caretaker is required to notify law enforcement within 48-hours. The bill provides that a caretaker who willfully fails to do so is guilty of a Class B misdemeanor. The bill also provides that a caretaker is guilty of a Class C felony if the caretaker willfully fails to report a child's death within two hours after learning about the child's death or learning about the location of the corpse.

MISCELLANEOUS

House Bill No. 1176 updates references to the supplemental nutrition assistance program, the program formerly known as food stamps. The bill also changes eligibility requirements for the supplemental nutrition assistance program which are summarized in Title 50.

House Bill No. 1369 changes the name of the Department of Labor to the Department of Labor and Human Rights.

Senate Bill No. 2337 amends the definition of basic coverage to remove a cross-reference to Section 26.1-36.3-08, a section that is repealed by the bill.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 15
Education
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 15. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

HIGHER EDUCATION
Funding

Senate Bill No. 2003 provides funding for the North Dakota University System office and each of the 11 campuses. The bill also provides contingent funding for the Theodore Roosevelt Presidential Library at Dickinson State University and a children's science center in Bismarck. The bill provides for matching grants to campuses pursuing enhanced academics, and provides for various and sundry projects, including a communications and creative arts center at Bismarck State College, a skywalk for the University of North Dakota School of Medicine and Health Sciences Bismarck Family Practice Center, flood recovery funding for Minot State University, additional dollars for Minard Hall at North Dakota State University, bonding authority for three structures at the University of North Dakota, and Phase I of a new School of Medicine and Health Sciences facility at the University of North Dakota.

Senate Bill No. 2200 provides a funding mechanism for institutions of higher education. The mechanism establishes a base funding rate and takes into account credit-hours, weighted credit-hours, the number of completed credit-hours, and institutional size.

Tuition and Fees

House Bill No. 1104 adds a benefited employee of the North Dakota University System, as well as the spouse and dependents of such an employee to the list of individuals deemed to be residents for purposes of tuition.

House Bill No. 1219 provides that once an individual qualifies as a dependent for purposes of free tuition under Sections 15-10-18.2 or 15-10-18.3, the individual cannot be disqualified because the veteran through whom the benefit was obtained had a 100 percent service connected disability at the time of death.

House Bill No. 1272 provides that a resident student for purposes of tuition includes a member of the armed forces reserve component stationed in this state and a benefited employee of the North Dakota University System, as well as their spouses.

Senate Bill No. 2094 a campus-wide vote before the State Board of Higher Education may increase mandatory fees on students to support the construction or renovation of a campus building valued at more than $1 million.

Student Financial Assistance

Senate Bill No. 2160 requires the North Dakota University System to study professional student exchange programs in veterinary medicine, optometry, and dentistry.

Senate Bill No. 2361 directs the Bank of North Dakota to develop and administer student loan consolidation programs.

House Bill No. 1102 removes the requirement that 23.5 percent of the funds appropriated for the student financial assistance program be allocated to students at private baccalaureate degree granting institutions.

House Bill No. 1289 appropriates $325,000 to the North Dakota University System for the purpose of providing assistance to veterans that are enrolled at or are in the process of enrolling at institutions of higher education.

Miscellaneous

House Bill No. 1281 requires the State Board of Higher Education to obtain approval from the Budget Section before assessing individual institutions for any goods or services provided by or through the North Dakota University System office.

House Bill No. 1200 provides that the State Board of Higher Education must seek the consent of the Legislative Assembly before engaging in certain construction projects or campus improvements if the cost of the project is more than $385,000. However, during the time that the Legislative Assembly is not in session, except for the six months preceding a session and the three months following a session, the board may proceed with approval of the Budget Section.

Senate Bill No. 2095 repeals Section 15-62.2-04, which pertains to mandatory deposits into specified funds and expenditures from those funds by warrant checks.

House Bill No. 1103 clarifies that the State Board of Higher Education has regulatory authority over private degree granting institutions of higher education and that the State Board for Career and Technical Education has regulatory authority over "postsecondary career schools," i.e., private, vocational, technical, home study, business, professional, or other entities, providing educational services at or below the associate level.

BOARD OF UNIVERSITY AND SCHOOL LANDS

Senate Bill No. 2013 provides a special funds appropriation of $8,207,795 to the Commissioner of University and School Lands.

House Bill No. 1198 allows the Board of University and School Lands to authorize royalties of less than 12.5 percent for production from stripper well properties or from individual stripper wells.

Senate Bill No. 2312 authorizes the Board of University and School Lands to adjust the royalty of existing coal leases in the manner that the board determines to be fair and in the best interest of the state.

House Bill No. 1338 requires the Board of University and School Lands to study ways to address the concerns of individuals owning land that is adjacent to land controlled by the United States Army Corps of Engineers and surrounding Lake Sakakawea and Lake Oahe. The study must include consideration of control of noxious weeds, public access for hunting and fishing, and property maintenance.

DEPARTMENT OF CAREER AND TECHNICAL EDUCATION

House Bill No. 1228 appropriates $160,000 to the Department of Career and Technical Education for the purpose of facilitating and coordinating science, technology, engineering, and mathematics initiatives in this state.

Senate Bill No. 2019 provides a general fund appropriation of $32,232,916 to the State Board for Career and Technical Education and requires a report regarding the availability of science, technology, engineering, and mathematics programs.

House Bill No. 1229 authorizes the State Board for Career and Technical Education to forward a school district's entrepreneurship education grant directly to the entity that provides the requisite services to the school district.

TEACHERS' FUND FOR RETIREMENT

House Bill No. 1230 provides that the employee and employer contributions required for the Teachers' Fund for Retirement may be reduced only when the actuarial value of assets to the actuarial accrued liability of the fund is equal to or greater than 100 percent.

House Bill No. 1013 is the appropriation bill for the Superintendent of Public Instruction. Among the bills provisions is a cross-reference that allows the board of a school district to use the proceeds of levies under Section 57-15-14.2, as opposed to actually levying taxes to meet the district's contribution to the Teachers Fund for Retirement.

Senate Bill No. 2061 provides that if any section of the chapter pertaining to the Teachers' Fund for Retirement is found to be out of compliance with federal law, the board of trustees of the Teachers' Fund for Retirement may adopt appropriate terminology for use until modifications can be made by the Legislative Assembly.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 15.1
Elementary and Secondary Education
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 15.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

APPROPRIATIONS AND PAYMENTS TO SCHOOL DISTRICTS

House Bill No. 1013 is the appropriation bill for the Superintendent of Public Instruction. The bill appropriates $1.75 billion for integrated formula payments, $16.5 million for special education contracts, and $53.5 million for transportation payments. The bill also includes the provisions of the kindergarten through grade 12 funding formula that had been part of 2013 House Bill No. 1319. These provisions include setting $8,810 and $9,092 as the per student amounts, providing for a 60-mill school district contribution, allowing an additional 10-mill levy for general fund purposes, allowing an additional 12-mill levy for miscellaneous purposes, and allowing a 3-mill levy for a special reserve fund. The bill also raises the minimum teacher salary from $22,500 to $27,500, provides $50 million in school construction loans from the coal development trust fund, and $150 million in school construction loans from the strategic investment and improvements fund.

House Bill No. 1261 appropriates $13.6 million to the Superintendent of Public Instruction for the purpose of awarding rapid enrollment growth grants to school districts.

Senate Bill No. 2267 appropriates $3 million to the Superintendent of Public Instruction for the purpose of awarding school district safety grants.

Senate Bill No. 2214 extends transition payments for school districts that were recognized as being isolated before July 1, 2011, but which no longer meet the statutory criteria.

House Bill No. 1015 is the appropriation bill for the Office of Management and Budget. The bill also directs the creation of the federal mineral royalties distribution fund and requires the State Treasurer to deposit therein 50 percent of any amount received pursuant to the Act of Congress entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."

House Bill No. 1095 provides that the State Treasurer must forward dollars available under the Taylor Grazing Act to counties, as directed by the United States Bureau of Land Management.

TEACHERS

Senate Bill No. 2306 requires school districts to provide teachers and administrators with professional development relating to youth suicide risk indicators, appropriate staff responses, and referral sources.

House Bill No. 1296 provides that if the Education Standards and Practices Board grants a teaching license to an applicant who holds a regular teaching license or certificate from another state, the license must include all of an applicant's endorsements issued or recognized by the applicant's other state of licensure.

STUDENTS

House Bill No. 1028 requires that a student be removed from practice, training, or competition, if the student reports any sign or symptom of a concussion, if the student exhibits any sign or symptom of a concussion, or if a health care provider determines that the student may have a concussion. The bill also sets the conditions under which a student may return to practice, training, or competition.

House Bill No. 1258 makes accommodations for recipients of North Dakota academic scholarships and career and technical education scholarships who require fewer than fifteen credits to graduate.

House Bill No. 1276 authorizes school districts to establish a program under which individuals may be authorized to provide medication to a student if the individual has received education and training in the administration of medication.

SCHOOL DISTRICT ELECTIONS

House Bill No. 1301 removes the expiration date from a statute that permits school district reimbursement for a percentage of room and board costs incurred one behalf of a resident student with disabilities, regardless of whether the student is placed in a facility that is located within or outside of the district.

House Bill No. 1361 requires the board of a school district to designate one or more precincts for each school district election, to designate one or more polling places for each precinct, and if the election is not held in conjunction with county elections, to appoint two election judges and two election clerks for each polling place.

House Bill No. 1401 requires school district election judges to count and canvass the votes for each office in a school district election, and at the conclusion of the canvassing, to sign the returns and file them with the school district's business manager. The business manager is required to provide each elected individual with written notice of their election, within three days after the canvassing by the board.

Senate Bill No. 2216 reconciles the conditions under which a school board vacancy may be declared with the conditions applicable to other elected offices.

Senate Bill No. 2374 requires school district individuals interested in seeking election to their school board to submit various documents to the school district business manager by 4:00 p.m. on the 64th day before the election.

EARLY CHILDHOOD EDUCATION PROGRAMS

Senate Bill No. 2229 authorizes school districts to use local tax revenues for the establishment and support of early childhood education programs, and directs the Superintendent of Public Instruction to study the development, delivery, and administration of comprehensive early childhood care and education in this state.

House Bill No. 1429 authorizes school districts to use local tax revenues for the establishment and support of early childhood education programs.

HOME EDUCATION

House Bill No. 1043 reconciles a definition of "home education" found in the chapter pertaining to compulsory attendance with that used in the chapter pertaining to home education.

House Bill No. 1291 makes North Dakota academic scholarships and career and technical education scholarships available to students who complete a program of home education.

Senate Bill No. 2329 sets the conditions under which a parent who supervises home education may exempt their child from standardized tests otherwise required in grades 4, 6, 8, and 10.

MISCELLANEOUS

House Bill No. 1146 provides that compensation for members of the State Board of Public School Education must be paid from the biennial appropriation for the Superintendent of Public Instruction. The bill also updates requirements for school district annexations, reorganizations, and dissolutions.

House Bill No. 1268 requires a school district to include in its driver education curriculum information regarding the manner in which a student obtaining a license may make an anatomical gift.

House Bill No. 1293 removes the expiration date from the Compact on Educational Opportunity for Military Children.

Senate Bill No. 2102 provides for the administration of state assessments in reading and mathematics at the third, fourth, fifth, sixth, seventh, and eighth grade levels, as well as one time during the 9th through the 11th grade. The bill also provides for the administration of state assessments in science at least one time in the third through fifth grade, one time in the sixth through the ninth grade, and one time in the 10th or 11th grade.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 16.1
Elections
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 16.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2369 revises provisions relating to the organization of political parties. The bill also revises provisions relating to the format of ballots.

Senate Bill No. 2374 changes all the candidate and measure filing deadlines from the 60th day before an election to the 64th day before the election.

House Bill No. 1397 changes the penalty for willfully making a false canvass of votes or a false election return from a Class A misdemeanor to a Class C felony. The bill provides that it is a Class A misdemeanor if an individual signs one or two names other than the individual's own name to an election petition and is a Class C felony if an individual signs more than two names other than the individual's own name to a petition. The bill provides that an organization that commits an election offense is subject to the organizational fines in Section 12.1-32-01.1, and requires the revocation of the certificate of authority to do business of a convicted organization.

House Bill No. 1402 adds the requirement that a petition signer legibly print the signer's name on an initiative, a referendum, or a recall petition.

House Bill No. 1372 provides that initiative, referendum, and recall petitions submitted to the Secretary of State are considered filed upon submission and may not be returned to the sponsoring committee or circulators for the purpose of continuing the circulation process or resubmitting the petitions at a later time. The bill provides that for the recall of an elected official under Section 44-08-21, circulators have 90 days after approval of the petition to submit the petition to the appropriate filing officer.

House Bill No. 1332 requires that an individual seeking to vote must present a driver's license or nondriver identification card issued by the Department of Transportation or other form of official identification issued by the state, a form of identification issued by a tribal government, an alternative form of identification approved by the Secretary of State, or a combination of those forms of identification. The bill requires an applicant for an absentee ballot to include with the application the voter's driver's license or nondriver identification number or tribal identification number or a copy of the approved alternative form of identification. The bill allows an applicant for an absentee ballot who does not possess an approved form of identification to submit the application if the application is signed by another qualified elector who certifies that the applicant is a qualified elector. The bill provides that except for the applicant's date of birth and motor vehicle driver's license or nondriver identification card number, an absentee ballot application is an open record. The bill removes the option for a prospective voter who does not possess the required identification to sign an affidavit of eligibility to vote or to have a member of the election board vouch for the individual's eligibility to vote. The bill repeals provisions relating to challenging the right of an individual to vote. The bill requires that the central voter file and pollbooks include a voter's driver's license number or nondriver voter identification number issued by the Department of Transportation.

House Bill No. 1361 changes various statutory references from precinct to polling place.

Senate Bill No. 2299 changes campaign contribution and expenditure reporting requirements to provide that statements must be filed no later than the 32nd day before an election rather than the 12th day before the election and that the report must be complete through the 40th day before the election rather than the 20th day. The bill also imposes reporting requirements for independent expenditures and expenditures made by incidental committees and initiated petition sponsoring committees. The bill increases the maximum amount of the fine the Secretary of State may impose if an audit of campaign contribution or expenditure statements reveals a violation of the reporting requirements from 5 percent to 200 percent of the aggregate of contributions and expenditures found to be violation. The bill increases the penalty for a violation of contribution and expenditure reporting requirements from an infraction to a Class A misdemeanor. The bill

provides that by May 1, 2014, all reporting statements required to be filed with the Secretary of State must be filed electronically and provides that the statements must be made available on the internet to the public free of charge within 24 hours after filing.

Senate Bill No. 2255 defines the terms "affiliate" and "subsidiary" for the purposes of campaign finance disclosure requirements and provides that a corporation may accept a campaign contribution from an employee, a stockholder, a patron, a board member, or a member of an affiliate or a subsidiary of the corporation.

House Bill No. 1451 requires that within 180 days after the approval of a petition to initiate or refer a measure or to recall an official or after the submission of a petition to convene a grand jury, the sponsoring committee or the individual responsible for submission of the petition must file a statement with the Secretary of State which discloses whether petition circulators have been or will be paid for the circulation of petitions and which lists the total amount of money paid or which is expected to be paid to circulators.

Senate Bill No. 2213 changes the ban on electioneering on election day to a prohibition on electioneering within a polling place or within 100 feet from the entrance to the room containing a polling place while it is open for voting. The bill exempts from the electioneering prohibition a vehicle or movable sign of any type containing electioneering communications for the period of time necessary for the owner or operator of the vehicle or sign to complete the act of voting. The bill also prohibits a political subdivision from restricting the placement of a sign on private property which displays a political message unless the political subdivision demonstrates a burden to the public safety.

Senate Bill No. 2318 changes the filing office for the filing of nominating petitions, certificates of endorsement, and certificates of write-in candidacy for legislative candidates from the county auditor of the candidate's county of residence to the Secretary of State. The bill requires a candidate for office to include on a nominating petition the candidate's residential address, which may not be listed as a post office box.

House Bill No. 1401 changes the time the county canvassing board is required to meet from not earlier than the third day and not later than six days after an election to the sixth day after an election.

Senate Bill No. 2347 provides that if an international, national, state, or local disaster or emergency or other situation arises which makes substantial compliance with the Uniformed and Overseas Citizens Absentee Voting Act impossible or impracticable, as confirmed by the existence of armed conflict involving the armed forces of the United States or the mobilization of those forces, by the occurrence of a natural disaster or the existence of a state of emergency, civil unrest, war, or other exigency in a foreign country, or by an official declaration by the Governor that a state of disaster or emergency exists, the Secretary of State may prescribe special procedures or requirements necessary to facilitate absentee voting by those absent uniformed services voters or overseas voters directly affected and who are eligible to vote in this state.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 17
Energy
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 17. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1113 provides that ethanol production incentives are available to an eligible facility that is defined as an ethanol production plant constructed after July 31, 2003.

Senate Bill No. 2018 removes transfers from the amount retained from the refund of tax for fuel used for agricultural purposes to the ethanol production incentive fund.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 18
Fires
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 18. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1145 provides for the disbursement of funds from the insurance tax distribution fund to certified city fire departments, certified rural fire departments, and certified fire protection districts; to the firefighters death benefit fund; and to the North Dakota Firefighter's Association by the Insurance Commissioner. The bill requires a certified city fire department, certified rural fire department, or certified fire protection district that receives funding from the Insurance Commissioner to report to the State Fire Marshal as to any committed reserve and the anticipated time period for spending the reserve. The bill requires the State Fire Marshal to report to the Budget Section.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 19
Foods, Drugs, Oils, and Compounds
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 19. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2190 allows a pharmacy to substitute a biosimilar product for a prescribed product under certain conditions including approval by the United States Food and Drug Administration, the prescribing practitioner does not require a brand specific product, the patient is notified by the pharmacist that the patient may reject the biosimilar product, the pharmacist notifies the prescribing practitioner within 24 hours, and the pharmacist maintains a record for five years.

House Bill No. 1326 clarifies provisions relating to the manufacturing and distribution of commercial feed. The bill requires a license for the manufacture of commercial feed; registration of products, pet food, and specialty pet food; labeling; and inspection.

House Bill No. 1072 creates a Class C felony of knowingly or intentionally aiding or abetting the delivery, distribution, or dispensing of a controlled substance or specified drug without a prescription, for example, serving as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance or specified drug.

House Bill No. 1070 adds a number of substances to the list of controlled substances as recommended by the State Board of Pharmacy.

House Bill No. 1087 removes the duty of the State Department of Health to appoint the sheriff of each county as a local inspector for no additional compensation. The bill removes the duty of the State Health Department to do inspections and licensing of weights and measures when requested by the Public Service Commission.

Senate Bill No. 2089 requires the State Board of Pharmacy to establish and update rules on the standard used for dispensing history submissions to the central repository for the prescription drug monitoring program. The bill allows data in the system to be provided to the Department of Human Services for the establishment and enforcement of child support and medical support.

House Bill No. 1363 creates duties for a pharmacy benefits manager with regard to maximum allowable cost lists for pharmaceuticals.

House Bill No. 1227 clarifies provisions relating to the registration of, distribution license for, analysis of, labeling requirements for, and inspection of fertilizers, fertilizer materials, micronutrients, specialty fertilizers, soil amendments, and plant amendments and provides for the enforcement of violations through criminal and civil penalties.

House Bill No. 1133 creates a crime for the manufacture, delivery, possession, and use of a controlled substance analog. The bill defines a controlled substance analog as a substance with a chemical structure substantially similar to the structure of a controlled substance in Schedule I or II with a similar effect or intended effect.

House Bill No. 1009 requires the Agriculture Commissioner to forward all inspection fees, license fees, and registration fees under the North Dakota Commercial Feed Law to the State Treasurer for deposit of the first $727,500 in the environment and range land protection fund with the remainder to the general fund.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 20.1
Game, Fish, Predators, and Boating
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 20.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1354 adds six any white-tailed deer licenses to the four any deer licenses issued annually to the injured military wildlife project of North Dakota, instead of the wounded warrior project as previously required by law. The bill creates a season for these licenses that is the same as the deer bow season.

House Bill No. 1434 increases the free for senior and permanently or totally disabled resident fishing licenses from $3 to $5, and allows a resident disabled veteran who has a 50 percent service-connected disability or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to 50 percent to buy this license.

Senate Bill No. 2242 defines a disabled veteran as having a 100 percent service-connected disability or an extra-schedular rating to include individual unemployability that brings the veteran's total disability ration to 100 percent. The bill creates the fee of $3 for a combined general game, habitat stamp, small game, and fur-bearer license for a disabled veteran.

House Bill No. 1282 allows a person to hunt with a suppressor on a firearm.

House Bill No. 1195 requires a person to provide a hunting, trapping, or fishing license in paper or electronic format to law enforcement upon request.

House Bill No. 1264 requires the department to implement a web-based application process for Canada goose kill permits, to advertise the process, and to match volunteers with agricultural producers with kill permits. The bill provides that the duration restrictions on nonresident waterfowl hunters do not apply in all counties when hunting in the early Canada goose season. The bill allows the Governor to create and place conditions on a resident and nonresident early Canada goose season. The bill provides that a nonresident is not required to purchase any other license to hunt in the early Canada goose season. The bill creates the fee of $50 for nonresidents and $5 for residents for an early Canada goose season license.

Senate Bill No. 2231 increases the fees for hunting, fishing, and motorboat certificate numbers and licenses by various amounts. In particular, the bill increased small game hunting licenses from $6 to $10 for residents and from $85 to $100 for nonresidents, big game hunting licenses from $20 to $30 for residents and from $200 to $250 for nonresidents, fishing licenses from $10 to $16 for residents and $35 to $45 for nonresidents, and waterfowl hunting licenses from $85 to $100 for nonresidents. The bill creates a $30 fee for a nonresident sandhill crane license. The bill increases the habitat restoration stamp from $10 to $17 dollars with $8, instead of $5 as previously provided by law, deposited in the private land open to sportsmen program. The bill increases the application fee for elk, moose, and bighorn sheep from $3 to $5.

House Bill No. 1336 allows the Governor to set the number of paddlefish snag tags and allows for a lottery.

House Bill No. 1130 requires each county auditor to implement a computerized online licensing system approved by the department, at the expense of the county by March 1, 2015, for licenses issued by the auditor and by March 1, 2016, for licenses issued by agents of the auditor.

House Bill No. 1322 requires the director to give notice to each landowner within one mile of the land to be purchased by the Game and Fish Department, to adjacent cities and collocated counties and organized townships, and by publication in the official newspaper of the county.

House Bill No. 1161 clarifies who qualifies for a resident license and the proof required for a resident license. The bill requires a driver's license number or nondriver photo identification number for a resident lottery application.

House Bill No. 1131 allows a 12-year or 13-year old individual to hunt in the white-tailed anterless youth deer season or during the antelope hunting season if the individual's birthday occurs in the year of the season. The

bill clarifies gratis hunting provisions and addresses a gratis license for trusts and life estates. The bill decreases the amount of land needed for a gratis license from 160 acres to 150 acres.

House Bill No. 1017 provides an appropriation to the Game and Fish Department.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 21
Governmental Finance
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 21. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1286 prohibits a school board from entering an agreement pursuant to Internal Revenue Service revenue ruling 63-20 under which payments of any kind would be required by the school district to any building authority or other entity that incurs indebtedness or other obligation in connection with acquisition, improvements, or construction of any property or structure at a total cost of $4 million or more to be used by the school district unless the agreement has been approved by a vote of a majority of the qualified electors of the school district voting on the question at a regular or special school district election if the agreement is for acquisition, improvements, or construction of any property or structure for which an election would be required if the school district undertook the acquisition, improvements, or construction project through issuance of bonds of the school district. The bill also prohibits a school board from entering an agreement pursuant to Internal Revenue Service revenue ruling 63-20 under which payments of any kind would be required by the school district to any building authority or other entity that incurs indebtedness or other obligation regarding construction, purchase, repair, improvement, modernization, or renovation of any building or facility to be used by the school district without approval by the Superintendent of Public Instruction if the approval by the Superintendent of Public Instruction would be required for the project if the school district undertook the project itself.

House Bill No. 1167 defines "earnings" for the purposes of the legacy fund as net income in accordance with generally accepted accounting principles, excluding any unrealized gains or losses.

Senate Bill No. 2143 includes savings deposits or other deposits fully insured or guaranteed by the Federal Deposit Insurance Corporation as approved sources of investment of public funds of counties, cities, school districts, park districts, and townships.

House Bill No. 1361 changes a reference from "precinct" to "polling place" with respect to bond issuance elections.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 22
Guaranty, Indemnity, and Suretyship
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 22. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 23
Health and Safety
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 23. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to health and safety may be classified in these subject areas: data collection, technology, and planning, drugs, emergencies, public health and safety, smoking, and miscellaneous.

DATA COLLECTION, TECHNOLOGY, AND PLANNING

House Bill No. 1036 changes the name of the Health Care Data Committee to the Health Data Committee; narrows the scope of the powers of the committee; expands the authority of the committee to establish arrangements with other agencies; effective August 1, 2013, repeals Section 23-01.1-02.1, the law directing the committee to collect, retain, process, report, and publish information comparing the average fees charged by physicians practicing medicine in North Dakota; and effective August 1, 2015, repeals Chapter 23-01.1, the law creating the committee.

House Bill No. 1038 directs the State Department of Health to establish and administer an autism spectrum disorder database, to establish criteria regarding who is qualified and required to report a case of autism spectrum disorder to the database, and to keep confidential all records of the database which could be used to identify a reported individual, except as allowed to disclose to other state agencies.

House Bill No. 1443 directs the State Department of Health, Department of Human Services, Indian Affairs Commission, and Public Employees Retirement System to collaborate to identify goals and benchmarks to reduce the incidence of diabetes in the state, improve diabetes care, and control complications associated with diabetes and directs these state agencies to make a biennial report to the Legislative Management on identified diabetes-related topics.

Senate Bill No. 2065 provides that under the health care record registry of health care directives, a health care record may be released to the subject of the document, the subject's agent, or the subject's health care provider.

Senate Bill No. 2250 provides an individual may opt-out or conditionally opt-out of participating in the health information organization by providing notice to the organization and provides a health care provider, health insurer, or government health plan may not withhold coverage or care from an individual nor may a health insurer deny an individual a health insurance benefit plan based solely on that individual's choice to opt-out.

DRUGS

House Bill No. 1274 provides the electronic drug prior authorization and transmission law does not apply to Workforce Safety and Insurance.

House Bill No. 1276 provides medication administration by an individual within a primary or secondary school under a program established under Section 15.1-19-23 is exempt from the nurse aide registry, if the individual received education and training in medication administration and received the written consent of the student's parents or guardian.

EMERGENCIES

House Bill No. 1106 revises the law regarding use of property taxes levied for special emergency medical services or ambulance services, providing a taxing district that levies for this purpose shall allocate all of the special tax levy revenue collected in a particular township to the ambulance service that serves the largest area within that township.

House Bill No. 1145 revises the law regarding how much of the appropriation to the State Department of Health for emergency medical services may be distributed in the first year of the biennium, now allowing that no more than one-half of the funds be distributed that first year.

Senate Bill No. 2226 directs the State Health Officer to appoint an emergency medical services and trauma medical director and provides an appropriation to fund a comprehensive state trauma system.

House Bill No. 1175 directs the State Department of Health to establish and maintain a comprehensive emergency cardiovascular medical system for the state and creates the Acute Cardiovascular Emergency Medical System of Care Advisory Committee to advise the State Department of Health in the establishment of the system and to ensure and facilitate the implementation of the system.

PUBLIC HEALTH AND SAFETY

House Bill No. 1088 provides written orders of the State Health Officer relating to disease control measures to prevent the spread of communicable disease have the same effect as a physician's standing medical order.

House Bill No. 1015 revises the budgeting and spending authority of a board of health to provide the budget limitation does not include gifts, grants, donations, and contributions and to provide a board of health may accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.

Senate Bill No. 2030 authorizes an Indian Nation that occupies a reservation the external boundaries of which border more than four counties may form a health district or public health department, provides the terms of such public health unit, revises the definition of "regional public health network" as that term applies to the regional public health networks law, and revises the requirements a group of public health units must meet in order to be designated as a regional public health network and to qualify for state funding, including codifying core public health activities.

Senate Bill No. 2354 provides an appropriation to the State Department of Health to defray the expenses of a loan repayment program for dentists who practice in the public health setting or nonprofit dental clinic using a sliding fee schedule to bill patients.

House Bill No. 1259 authorizes the sale of fireworks during the period December 26 through January 1.

SMOKING

House Bill No. 1253 under the smoking restriction law, provides that the owner, operator, or manager of a public place or place of employment where smoking is prohibited may request the required no smoking signage from the Tobacco Prevention and Control Executive Committee and directs the executive committee to provide such requested signage.

House Bill No. 1292 under the smoking restriction law, removes the requirement that an employer clearly and conspicuously post on every vehicle that constitutes a place of employment at least one sign stating that smoking is prohibited and clarifies that the requirement that an employer remove all ashtrays from places where smoking is prohibited does not require the removal of ashtrays that are factory-installed in vehicles.

MISCELLANEOUS

House Bill No. 1035 extends the moratorium on expansion of basic care bed capacity and the moratorium on expansion of long-term care bed capacity from July 31, 2013, to July 31, 2015.

House Bill No. 1213 expands the types of properties of public housing authorities which are exempt from taxes and special assessments to now include property of the authority used for authority administration or other property solely owned by the authority and used to conduct the authority's powers.

House Bill No. 1177 for members of local public housing authorities, vector control districts, and public health units, replaces the statutorily established compensation and reimbursement rates with language that allows the appointing authorities to set the rate of compensation and establishes the rate of reimbursement is set at the rate set for the appointing authority.

House Bill No. 1030 provides the present use and disposal of coal combustion residues is acceptable and that present regulation allows for the beneficial use of coal combustion residues in concrete, for other construction applications, and for other innovative uses and allows for safe disposal without coal combustion residues being regulated as hazardous waste.

Senate Bill No. 2154 corrects a 2007 drafting error, thereby extending petroleum release remediation fees that had previously only applied to tanks registered on or before July 1, 2007, to apply to all tanks, regardless of the date of registration, and revises the penalty fee for failure to register an aboveground or underground tanks.

Senate Bill No. 2308 repeals Chapter 23-19, the law relating to cesspools, septic tanks, and privies.

Senate Bill No. 2004 is the appropriation bill for the State Department of Health, which includes a repeal of Chapter 23-17.5, regarding health care provider cooperative agreements, and of Section 23-46-05, regarding distribution limits for funds appropriated to the State Department of Health for state financial assistance for emergency medical services.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 24
Highways, Bridges, and Ferries
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 24. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1066 requires the Department of Transportation to designate United States Highway 12 from South Dakota to Montana as the Yellowstone Trail and to provide signage.

Senate Bill No. 2128 prohibits fees from being charged by the county auditor, the recorder, or clerk of court for establishing the state highway system, including eminent domain proceedings.

House Bill No. 1157 allows the Board of County Commissioners to enter lease-purchase agreements for road machinery if full payment is made within seven years, instead of within five years and with annual payments limited to $20,000 as were previously provided by law.

House Bill No. 1033 requires the Department of Transportation to provide air transportation services to other state agencies and provides for reimbursement by the state agencies for these services. The bill creates a priority for transportation services for the Attorney General for law enforcement purposes.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 25
Mental and Physical Illness or Disability
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 25. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2068 provides that, notwithstanding the moratorium on the expansion of bed capacity for psychiatric residential treatment facilities for children, the Department of Human Services may develop a policy to exchange residential child care facility bed capacity with psychiatric residential treatment facility bed capacity.

Senate Bill No. 2069 authorizes the Legislative Council to change, in the North Dakota Century Code, the name of the Developmental Center at Westwood Park, Grafton, to the Life Skills and Transition Center.

Senate Bill No. 2157 provides that in situations involving the emergency commitment of mentally ill individuals, a physician may act either in person or by directing an emergency medical services professional.

Senate Bill No. 2172 provides that before discharge of a newborn child born in a hospital with a birthing center, the newborn child must receive a pulse oximetry screening for critical congenital heart defects. The bill provides that the State Department of Health is required to provide medical staff and facilities that provide birthing services with notice regarding this screening requirement.

Senate Bill No. 2198, which relates to individuals who are committed as sexually dangerous individuals, provides that during any time the individual is transferred to the custody of the Department of Corrections and Rehabilitation or is serving a term of imprisonment in a county jail or regional corrections center, the annual review process for discharge does not apply. Upon the return of the individual to the custody of the Department of Human Services, the individual is entitled to a review to determine whether continued commitment is warranted.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 26.1
Insurance
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 26.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to insurance may be classified in these subject areas: health insurance, Insurance Commissioner, insurance companies, and miscellaneous.

HEALTH INSURANCE

House Bill No. 1168 authorizes the Insurance Commissioner to adopt rules to mitigate adverse selection or other undesirable market effect among individual health plans sold inside and among individual health plans sold outside a health benefit exchange. The bill is an emergency measure.

Senate Bill No. 2337 repeals the requirement that health insurers offer a basic health care plan and a standard health benefit plan. The bill becomes effective January 1, 2014.

INSURANCE COMMISSIONER

House Bill No. 1010 increases the salary of the Insurance Commissioner to $96,794 through June 30, 2014, and $99,698 thereafter.

House Bill No. 1098 revises the circumstances under which the Insurance Commissioner may discipline an insurance producer's licensee for failure to pay state income taxes, removing the "knowingly" state of mind requirement and clarifying the reference to taxes refers to income tax due under Chapter 57-38.

House Bill No. 1117 provides personal, financial, or health information related to requests for consumer assistance which is received by the Insurance Commissioner is an exempt record.

House Bill No. 1145 updates the law relating to the distribution of insurance premium taxes, now providing the collections previously distributed to the firefighters death benefit fund are deposited in the insurance tax distribution fund to be distributed.

Senate Bill No. 2304 requires completion of a criminal history record check for individuals applying for a resident insurer producer license and authorizes the Insurance Commissioner to contract for collection and transmission of fingerprints for conducting criminal history record checks.

INSURANCE COMPANIES

House Bill No. 1150 updates the law relating to county mutual insurance companies, authorizing a county mutual insurance company to issue a policy in any county in the state a policy for protection against loss or damage by any hazard to a seasonal dwelling if the primary residence is insured by the company in an authorized county and expanding the authority of a county mutual insurance company to issue a policy providing coverage on property in an incorporated city if the property is the place of residence or if the property is rental property that is no larger than a four residential rental unit.

House Bill No. 1153 authorizes a nonprofit mutual insurance company, such as Blue Cross Blue Shield of North Dakota, to form a nonprofit parent holding company and would allow a nonprofit mutual insurance company to invest in subsidiaries and majority-owned joint ventures. This bill is an emergency measure.

House Bill No. 1171 establishes duties for insurers that issue life insurance policies, requiring that for insurers that fall within the identified parameters, every six months the insurers run the names of the in-force policies against a death master file in order to identify policies for which the policy holder has died; providing the insurers have 12 months after running the names within which the insurers need to pay out benefits for policies for which the policy holder has died; and providing if the benefits are not paid out within 12 months, the policy becomes unclaimed property, escheats to the state, and must be turned over to the state's unclaimed property office. Additionally, for insurers that issue life insurance policies which are not covered under the new law, the

bill amends the unclaimed property law to better identify when a life insurance policy becomes abandoned and shortens the period from three years to 12 months after which the policy escheats to the states and must be turned over to the state's unclaimed property office.

House Bill No. 1181 regulates domestic surplus lines insurers, including establishing a definition of "domestic surplus lines insurer", establishing parameters for when a domestic surplus lines insurer may insure a risk in this state, and providing limitations for issuing policies and exemptions.

House Bill No. 1194 authorizes the sale of short-term insurance.

House Bill No. 1196 authorizes insurance carriers and producers to provide insurance policies, endorsements, or riders in a language other than English.

MISCELLANEOUS

Senate Bill No. 2251 updates a statutory cross-reference for changes in Title 12.1.

Senate Bill No. 2074 increases the criminal penalties for insurance fraud.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 27
Judicial Branch of Government
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 27. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to the judicial branch of government may be classified in these subject areas: juveniles, courts, and miscellaneous.

JUVENILES

House Bill No. 1302 requires the juvenile court to order a child to participate in the 24-7 sobriety program if the child is adjudicated delinquent or is subject to informal adjustment for having an alcohol concentration of at least .02 of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle.

Senate Bill No. 2086 changes the term "foster parent" to "foster care provider".

COURTS

House Bill No. 1073 authorizes the Supreme Court to declare a judicial emergency if an emergency or natural disaster substantially endangers or infringes upon the normal functioning of the judicial system. Upon a declaration of a judicial emergency, the order may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, statutes of limitations, statutes of repose, or filing requirements imposed by law.

House Bill No. 1075 designates the presiding judge of a judicial district as the official responsible for appointing and assigning judicial referees to preside over certain criminal, domestic relations, and juvenile cases and certain game and fish violations.

House Bill No. 1417 increases the limits on small claims court actions and counterclaims from $10,000 to $15,000.

Senate Bill No. 2076 amends section 4 of Chapter 261 of the 2009 Session Laws to provide that each district judge appointed to fill a vacancy created by that section continues in the office until the next general election following appointment and if elected holds office for the remainder of the term and until a successor is elected and duly qualified.

Senate Bill No. 2002 provides for the biennial appropriation for the judicial branch and sets the salaries for Supreme Court justices and the district court judges. The bill also provides that with respect to district court judgeship vacancies, the Supreme Court may order that the vacant office be abolished with or without transfer of a district judgeship.

Senate Bill No. 2272 repeals Chapter 27-06, relating to district court reporters and bailiffs.

Senate Bill No. 2374 provides, with regard to filing a district court judgeship vacancy, that if the Governor calls for a special election within 81 days of the time of the next general election, the special election must be held at the same time as the general election. The bill increases the number of days in Section 27-25-04 from 60 days to 81 days.

MISCELLANEOUS

House Bill No. 1041 appropriates $70,000 to the Supreme Court for the purpose of developing and delivering guardianship training for guardians and public administrators.

House Bill No. 1074 adds the State Court Administrator to the membership of the Court Facilities Improvement Advisory Committee.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 28
Judicial Procedure, Civil
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 28. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1024 eliminates the statutory four-inch maximum column depth restriction for newspaper publication of notice of administrative rulemaking. The bill also provides that the agency's full notice must include a statement of the bill number and general subject matter of any legislation, enacted during the most recent session of the legislative assembly, which is being implemented by the proposed rule.

House Bill No. 1042 provides that for purposes of determining venue in certain civil cases, if none of the defendants reside in the state, the action either must be brought in the county in which the plaintiff or one of the plaintiffs resides or in the county in which the cause of action arose.

House Bill No. 1043 corrects a 2005 amendment that contains duplicate language for sending notices and rules to legislative sponsors. To eliminate confusion about whether a separate mailing is required for notices and rules, the bill combines the sentences into a single requirement.

Senate Bill No. 2166 revises the process and requirements for commencing a suit in the case of a construction lien.

Senate Bill No. 2233, with respect to approving or settling water rates under Chapter 61-40, exempts the Industrial Commission from the definition of administrative agency.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 29
Judicial Procedure, Criminal
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 29. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1043 amends Section 29-15-21, a section that was partially superseded by adoption of an amendment to North Dakota Rules of Court Rule 3.1 effective May 1, 2012, to provide that a party need only file the original demand for change of judge. This court rule superseded the portion of the statute requiring the filing in triplicate of a demand for change of judge.

House Bill No. 1302 authorizes law enforcement to immediately take into custody without a warrant an individual who violates a court order to participate in the 24-7 sobriety program.

House Bill No. 1451 relates to the duties of a grand jury. The bill changes from the board of county commissioners to the state's attorney as one of the entities that can request a a grand jury be drawn. The bill also increases the number of signatures required to petition a court for a grand jury from 10 percent of the total vote cast in the county for the office of Governor at the last general election to 25 percent of the vote cast. The bill also identifies the state's attorney as the individual responsible for providing information to the grand jury regarding the alleged offense. The bill provides that, with respect to public officials, the grand jury may inquire into willful and corrupt felonious misconduct in office of public officials in the county.

Senate Bill No. 2022 increases the application fee for indigent defense services from $25 to $35. The bill also contains the appropriation for defraying the expenses of the Commission on Legal Counsel for Indigents.

Senate Bill No. 2227 amends the Uniform Postconviction Procedure Act to provide that an application for postconviction relief must be filed within two years of the date the conviction becomes final. The bill contains an exemption to this limitation if the petition alleges the existence of newly discovered evidence; the petitioner suffered from a physical disability or mental disease that precluded timely assertion of the application for relief; or the petitioner asserts a new interpretation of a constitutional or statutory law that may apply retroactively to the petitioner's case. The bill also includes a procedure for denying a meritless application, including an application that alleges ineffective assistance of postconviction counsel.

Senate Bill No. 2251, as it applies to Title 29, corrects a cross-reference to a subsection in Section 12.1-23-05.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 30
Judicial Procedure, Probate
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 30. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 30.1
Uniform Probate Code
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 30.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1040 requires the notice given to the ward in an emergency guardianship proceeding and for the notice to include the ward's rights at the hearing and a description of the nature, purpose, and consequences of an appointment of a guardian. The bill creates a procedure for a person interested in an alleged incapacitated individual's welfare to petition for an emergency guardian. The bill requires an attorney for the alleged incapacitated individual to be appointed by the court.

Senate Bill No. 2164 allows a claim to be delivered to the attorney of record for an estate, in addition to, as was previously allowed by law, the personal representative.

House Bill No. 1128 repeals Section 30.1-05-07 that provided for the election of a surviving spouse to waive the homestead allowance, exempt property, and family allowance.

Senate Bill No. 2165 prohibits the estate from enforcing a liability against a purchaser of the property for value or a person that acquires an encumbrance in the property for value from the person that received the property by a transfer on death deed when an estate is insufficient to satisfy an allowed claim. The bill requires any action against these persons to be brought against the person at the time of the transferor's death.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 31
Judicial Proof
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 31. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 32
Judicial Remedies
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 32. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1069 relates to the current risk management process by which state agencies may agree to limit the liability to the state of certain contracting parties only upon the written approval of the Attorney General and the Director of the Office of Management and Budget. The bill eliminates the formality of a state form and the requirement of written approval from the Attorney General and the Director of the Office of Management and Budget but retains the analysis that is undertaken before agreeing to the limitations.

Senate Bill No. 2140 relates to the service of the summons and notice of garnishment of earnings. The bill provides that the service of a garnishee summons and disclosure statement upon a bank or credit union must be made by delivery of the summons and disclosure statement to a specifically named president or vice president of the bank or credit union or to the registered agent for service of process of the bank or credit union. The bill also allows for the service to be made by first-class mail.

Senate Bill No. 2209 provides that in the eminent domain siting of an energy conversion facility or a transmission facility, if a route permit is required under Chapter 49-22, the court may order the taking by eminent domain conditioned on the receipt of the route permit.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 33
County Justice Court
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 33. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 34
Labor and Employment
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 34. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1007 this bill is the appropriation for the Labor Commissioner.

House Bill No. 1369 changes the name of the Labor Department to the Department of Labor and Human Rights.

Senate Bill No. 2107 as relating to the Directory of New Hires law, defines the terms "date of hire" and "employee newly hired," adds a requirement that the new hire reporting include information regarding the date of hire, and revises the reporting format.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 35
Liens
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 35. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1251 expands who may acquire a repairman's lien to include construction equipment dealers and expands the types of vehicles for which a person may make repairs and acquire a repairman's lien to include construction equipment. The bill also increases the value of a repair that would trigger the requirement that a lienholder give notice by registered or certified mail.

House Bill No. 1340 amends the law relating to repairman's lien filing requirements to remove the requirement that the filing include the debtor's social security number or taxpayer identification number. However, House Bill No. 1136 amends this bill to retain the requirement that the filing statement include this information.

House Bill No. 1136 amends the laws relating to repairmen's, agister's, agricultural processor's, agricultural suppliers, child support, common law, and oil and gas owner sales liens to provide for electronic filing to obtain liens to be entered in the central indexing system. The information that must be included on a filing for these liens will need to include the social security number or tax identification number of the person for which the service was performed. The fees for filing and indexing the notice for these liens are being revised to harmonize with the fees for filing with the county recorder and for filing under the central indexing system. This bill has an effective date contingent upon the Secretary of State certifying that the electronic filing system is ready for implementation.

Senate Bill No. 2166 revises the process and requirements for commencing a suit in the case of a construction lien.

Senate Bill No. 2128 amends the laws relating to foreclosure of mortgages of real property by advertisement and relating to well or pipeline construction liens, redefining the duties of the parties so in the case of a mortgage foreclosure by advertisement it is no longer the duty of the recorder to mail the copy of the affidavit of publication to the title owner and it is no longer the duty of the recorder to make an affidavit of mailing. The state is the liable party if a party fails to comply with these mailing and affidavit requirements.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 36
Livestock
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 36. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2211 provides that any person willfully engaging in the neglect of an animal is guilty of a Class A misdemeanor. The bill provides that any person willfully abusing an animal is guilty of a Class A misdemeanor for a first offense and a Class C felony for a third or subsequent offense occurring within 10 years, and that any person intentionally engaging in an act of cruelty toward an animal is guilty of a Class C felony.

Senate Bill No. 2071 removes the requirement that a livestock dealer be a resident of this state for purposes of the chapter pertaining to satellite video livestock auction markets.

House Bill No. 1026 repeals the provisions in Title 36 that pertain to livestock branding, estrays, and livestock and wool dealers. Those provisions have been rewritten and placed in Title 4.1.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 37
Military
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 37. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2127 allows a private, nonpublic employer to provide a private employment veterans' preference.

House Bill No. 1310 prohibits a county veterans' service officer serving as a conservator for an individual who receives benefits or services from the state or federal Department of Veterans' Affairs.

House Bill No. 1439 transfers $250,000 to the veterans' postwar trust fund.

House Bill No. 1405 appropriates $50,000 for the identification of and the provision of services to veterans who were exposed to agent orange.

House Bill No. 1239 appropriates $325,000 for providing assistance to veterans enrolled in higher education.

Senate Bill No. 2007 provides an appropriation to the Veterans' Home and Department of Veterans' Affairs.

House Bill No. 1016 provides an appropriation to the Adjutant General.

Senate Bill No. 2344 appropriates $50,00 for training service dogs to assist veterans with posttraumatic stress disorder.

House Bill No. 1293 removes the expiration date on the compact on educational opportunity for military children.

House Bill No. 1120 allows for a mandatory evacuation order to be issued by the principal executive officer of a city or county.

House Bill No. 1056 increases paid active duty pay for each enlisted member and each commissioned officer with an enhancement of $100 for every 14 consecutive days spent on state active duty.

Senate Bill No. 2062 prohibits an employer from terminating or demoting an employee who is an involuntarily activated North Dakota National Guard member who is absent or tardy from the employee's place of employment for a period that exceeds 20 regular working days in a calendar year.

House Bill No. 1057 creates the Adjutant General coin and the disaster response coin and allows the Adjutant General to present the Adjutant General coin to deserving individuals in the North Dakota National Guard or Department of Emergency Services and the disaster response coin to deserving individuals who have distinguished themselves through exceptional service during times of disaster or emergency. The bill allows a North Dakota state flag to be presented on retirement to any member of the North Dakota National Guard upon completion of 20 years of service.

Senate Bill No. 2118 allows local emergency management organizations to enter interstate mutual aid agreements with nearby political subdivisions or public response entities and the agreements are valid when filed with the Department of Emergency Services.

Senate Bill No. 2073 makes changes for consistency and clarity relating to courts-martial, the Servicemembers Civil Relief Act, the definition of veteran for purposes of military adjusted compensation, and allows a National Guard number plate on a motorcycle.

Senate Bill No. 2292 provides for coordination between the chief law enforcement officer of a political subdivision and the Department of Emergency Services in conducting a wide area search and rescue mission. The bill provides authority to the chief law enforcement officer to restrict access to a specific area. The bill provides for reimbursement of expenses of a wide area search and rescue operation from the state disaster relief fund.

House Bill No. 1467 prohibits a state or a political subdivision from prohibiting the lawful possession, use, carrying, transfer, transportation, storage, or display of a firearm or ammunition during a declared emergency. The bill prohibits seizure or confiscation of the same unless the seizure or confiscation is the result of an assault, an arrest, or is evidence of a crime. The bill prohibits registration of a firearm or ammunition. The bill provides for a civil action and for the return of seized or confiscated firearms or ammunition with a prevailing plaintiff receiving costs and reasonable attorney's fees.

Senate Bill No. 2334 allows the Director of the Division of State Radio to establish fees for the statewide seamless base map subscription service for information that creates the statewide seamless base map. The bill provides that the statewide seamless base map is an open record. The bill requires the fees collected to be deposited in the statewide seamless base map fund and the money in the fund is appropriated on a continuing basis to the Division of State Radio for the purpose of paying for the statewide seamless base map.

House Bill No. 1149 requires the Division of Homeland Security to serve as a central information dissemination point for spills and discharges of hazardous chemicals, oil, gas, and saltwater. The bill requires the division to notify proper governmental entities. The bill requires owners and operators to report all spills or discharges to the appropriate state agency, and the report must include the name of the reporting party, contact information, date and time of the release, and location of the release. The bill requires the owner and operator to notify the surface owner within a reasonable time if the release occurs or travels off the site of a facility.

Senate Bill No. 2353 creates the Statewide Integrated Interoperability Executive Committee to prepare recommendations regarding a statewide integrated radio system. The bill provides for an appropriation for expenses, including travel expenses, in providing an inventory of technologies used for radio communications, and with the remainder to the Department of Homeland Security to analyze information.

House Bill No. 1025 allows, instead of requires, compensation for property commandeered or otherwise used in management of a disaster or emergency. The bill requires that a claim made against a city or county must be made within two years and may only be for actual damages. The bill creates liability for a person who voluntarily and without compensation allows that person's property to be used for emergency management activities if there is gross negligence or willful and malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The bill clarifies when a city has constructed a temporary emergency flood control protection device that the city may maintain and remove material used in the construction in the device. The bill provides that a special assessment district must be imposed to cover the cost incurred by the city in constructing and maintaining the emergency flood protection devices.

Senate Bill No. 2210 requires the Adjutant General to initiate and coordinate the writing and publishing of a book of veterans killed or mission in action since statehood and report on costs of the project to the Legislative Management.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 38
Mining and Gas and Oil Production
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 38. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to mining and gas and oil production may be classified in these subject areas: Industrial Commission and surface owner relations.

INDUSTRIAL COMMISSION

House Bill No. 1333 generally governs pipeline reclamation by the Industrial Commission. Concerning the disposal of saltwater and oil field waste, the bill requires the Industrial Commission to give all affected counties written notice of hearings in such matters at least 15 days before the hearing and allows the commission to consider, in addition to other authority granted under Section 38-08-04, safety of the location and road access to saltwater disposal wells, treating plants, and all associated facilities. The bill requires civil penalties assessed for violation of Chapter 38-08 to be deposited in the abandoned oil and gas well plugging and site reclamation fund and adds reclamation of oil and gas-related pipelines and associated facilities as an authorized use of money in the fund. The bill requires owners and operators of underground gathering pipelines to file pipeline shape files with the Industrial Commission for creation of a geographic information system database to be made available to real property owners or lessees. The bill authorizes the North Dakota Mediation Service to mediate disputes related to easements for oil and gas-related pipelines and associated facilities and allocates 4 percent of the first 1 percent of the gross value at the well of oil and one-fifth of the tax on gas derived from the gross production tax to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding $5 million in a state fiscal year and not in an amount that would bring the balance in the fund to more than $75 million. The bill does not apply to the reclamation of an oil and gas-related pipeline or associated facility put into service before August 1, 1983.

House Bill No. 1134 provides that in addition to being capped, connected to a gas gathering line, or equipped with an electrical generator that consumes at least 75 percent of the gas from the well, after the one-year flaring exemption period a well must be equipped with a system that intakes at least 75 percent of the gas and natural gas liquids volume from the well for beneficial consumption by means of compression to liquid for use as a fuel, transport to a processing facility, production of petrochemicals or fertilizer, conversion to liquid fuels, separating and collecting over 50 percent of the propane and heavier hydrocarbons, or equipped with other value-added processes as approved by the Industrial Commission which reduce the volume or intensity of the flare by more than 60 percent. The bill becomes effective July 1, 2013.

House Bill No. 1198 authorizes the Industrial Commission to recertify stripper wells that are reentered and recompleted as horizontal wells. The bill is effective for taxable events occurring after June 30, 2013.

SURFACE OWNER AND MINERAL OWNER RELATIONS

House Bill No. 1348 changes the requirement that if the Industrial Commission issues a drilling permit for a location within 500 feet of an occupied dwelling, the commission may impose conditions on the permit as the commission determines reasonably necessary to minimize impact to the owner of the occupied dwelling to a requirement that if the commission issues a drilling permit for a location within 1,000 feet of an occupied dwelling, the commission may impose conditions on the permit for wells permitted on new pads built after July 31, 2013, that, upon request of the owner of the permanently occupied dwelling, require the location of all flares, tanks, and treaters utilized in connection with the permitted well be located at a greater distance from the occupied dwelling than the oil and gas well bore if the location can be accommodated reasonably within the proposed pad location.

House Bill No. 1352 provides that within one year after a compensation offer is made for surface damages is rejected, either the mineral developer or surface owner may involve the North Dakota Mediation Service or other civil mediator to resolve the compensation amount. The bill also provides that if the mineral owner and mineral developer disagree over the mineral owner's ownership interest in a spacing unit, the mineral

developer must furnish the mineral owner with a description of the conflict and the proposed resolution or with that portion of the title opinion that concerns the disputed interest.

House Bill No. 1350 provides that a claim for relief for compensation brought under the oil and gas production damage compensation chapter must be commenced within the limitations period provided in Section 28-01-16, six years.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 39
Motor Vehicles
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to motor vehicles may be classified in these subject areas: driver's license, title and registration, funding, highway patrol, traffic offenses and rules of the road, driving while under the influence, oversize and overweight vehicles, dealers, and miscellaneous.

DRIVER'S LICENSE

Senate Bill No. 2348 allows for a single period of 180 days or two periods of 90 days within a 12-month period for an exception to the knowledge and skills test for a commercial driver's license for employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders.

Senate Bill No. 2046 makes technical corrections to the versions of law relating to commercial driver's licenses. The bill requires a holder of a permit to wait at least 14 days to be eligible for a license. The bill provides for a disqualification for a period not less than 60 days for providing false information for a commercial permit or license and for a period of not less than one year if convicted of fraud relating to the issuance of a permit or license. The bill defines violating a state law or local law or ordinance restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle as a serious traffic violation. The bill defines the use of a hand-held mobile telephone as using at least one hand to hold a mobile telephone to conduct a voice communication, dialing or answering a mobile telephone by pressing more than a single button, or reaching for a mobile telephone in a manner that requires the driver to maneuver so that the driver is no longer in a seated driving position.

Senate Bill No. 2039 provides consistency and clarity relating to the provisions of law relating to the privilege to operate a motor vehicle in this state. The bill consolidates all the fees relating to the privilege to operate a motor vehicle in this state in one section of law.

Senate Bill No. 2044 provides consistency and clarity in provisions of law relating to traffic offense administration.

House Bill No. 1187 allows the director to renew an operators license issued to an individual who is a resident of this state, if the individual is out of state as a result of employment, including military service.

Senate Bill No. 2045 moves the regulation of commercial driver training schools from the Highway Patrol to the Department of Transportation.

Senate Bill No. 2040 provides consistency and clarity in laws relating to commercial driver's licenses and consolidates fees for commercial driver's licenses in one section of law.

House Bill No. 1332 eliminates the fee for a nondriver photo identification card unless the card is a duplicate card or is for a person who already has a drivers license.

TITLE AND REGISTRATION

Senate Bill No. 2043 defines snowmobile and off-highway vehicles so SnoBears and Argos may be registered as off-highway vehicles and off-highway vehicles are defined as vehicles presently being manufactured and sold as off-highway vehicles. The bill prohibits an individual from operating an off-highway vehicle on a paved highway if the vehicle is unable to attain a speed of at least 30 miles per hour.

House Bill No. 1047 removes conflicting language that applies to states without a reciprocal excise tax agreement with this state and repeals the single state insurance registration system that was replaced by the unified carrier registration system.

House Bill No. 1123 removes a duty to report an accident if the accident is with an undomesticated animal resulting in property damage only to the driver's vehicle.

Senate Bill No. 2073 adds motorcycles to the vehicles eligible for a National Guard number plate.

Senate Bill No. 2042 defines an unfit and unsafe vehicle that is ineligible for a certificate of title as a vehicle that has an out-of-state marked title that includes a certificate for destruction or a notation on the title that the vehicle is scrap, parts-only, junk, unrepairable, nonrebuildable, a dismantler, or any other similar notation.

House Bill No. 1205 removes the fee for a personalized plate for a gold star license plate or a prisoner of war license plate. The bill removes the fee for a disabled veteran license plate, a gold star number plate, and a prisoner of war license plate. The bill allows two motor vehicles owned by a former prisoner of war to have prisoner of war license plates and allows the spouse of the former prisoner of war to retain the exemption to one vehicle.

House Bill No. 1126 allows a business that is registered with the Secretary of State, is in good standing, and offers motor vehicle repair to the public to issue a certificate of inspection to a formerly salvaged vehicle that has been repaired for the vehicle to receive a certificate of title.

FUNDING

House Bill No. 1122 provides that public transportation funds not expended by a county during a contract period, or previous contract periods, may be redistributed under guidelines established by the director of the Department of Transportation.

House Bill No. 1142 provides that money in the public transportation fund are appropriated to the Department of Transportation on a continuing basis.

Senate Bill No. 2119 defines a transportation provider, for the purposes of public transportation funding, to include a tribal agency.

Senate Bill No. 2012 provides an appropriation to the Department of Transportation. The bill allows the director to set fees for branch offices not to exceed $10 for each service. The bill requires a general license plate issue.

Senate Bill No. 2176 appropriates $620 million for highway construction and maintenance and $100 million for funding distributions to non-oil-producing cities, counties, and townships.

Senate Bill No. 2271 provides that appropriations to the employment of people with disabilities fund are to be spent on accomplishing the statutory duties of the Committee on Employment of People with Disabilities.

House Bill No. 1015 provides an appropriation to the Department of Transportation.

HIGHWAY PATROL

House Bill No. 1452 increases the employer and employee contribution to the Highway Patrolmen's retirement plan by 1 percent beginning with the monthly reporting period of January 2014. The bill requires the rate to be reduced to the rate before the effective date of the bill, effective on the July 1 that follows the first valuation of the Highway Patrolmen's retirement plan showing a ratio of the actuarial value of assets to the actuarial accrued liability that is equal to or greater than 100 percent.

Senate Bill No. 2060 updates and clarifies provisions relating to the Highway Patrolmen's retirement fund.

Senate Bill No. 2011 provides an appropriation to the highway patrol.

TRAFFIC OFFENSES AND RULES OF THE ROAD

Senate Bill No. 2191 requires that a vehicle have two stop lamps that are in good working order when lighted, are mounted on the rear on the same level and as widely spaced laterally as practicable, and are located at a height of not more than 72 inches nor less than 15 inches from the ground.

House Bill No. 1321 increases the fee for overtaking a schoolbus from $50 to $100.

House Bill No. 1263 provides for the noncriminal disposition of driving without liability insurance and allows for electronic proof of insurance. The bill reduces the penalty from a Class B misdemeanor to an infraction.

Senate Bill No. 2041 provides for the destruction, instead of the impoundment, for license plates for driving while a license is suspended or revoked and for driving while under the influence. The bill requires the law enforcement agency that made the arrest to destroy the license plates and for the court that ordered the destruction to notify the Department of Transportation.

DRIVING WHILE UNDER THE INFLUENCE

House Bill No. 1302 increases the lookback provision for multiple offenses from five years to seven years. The bill allows a temporary restricted license after 14 days on a first offense if the offender is in the 24/7 sobriety program instead of 30 days and requires attendance in the 24/7 program for a temporary restricted license for a second or subsequent offense. The bill requires the 24/7 sobriety program to require breath tests two times a day or electronic monitoring, urine testing, or drug patch testing for which the offender must pay. The bill requires an exhaustion of administrative remedies before an offender may obtain a temporary restricted license.

The bill makes the failure to submit for testing an offense of driving while under the influence. The bill creates a felony for the fourth or subsequent offense, instead of the fifth or subsequent offense in seven years as previously provided by law.

The bill increases the sentence for a first offense by increasing the fine from $250 to $500 and creating an aggravated first offense for having a blood alcohol content of at least .16 of one percent by weight which has a fine of $750 and requires at least two days imprisonment. The bill increases the penalties for a second offense by increasing the fine from $500 to $1,000 and requiring at least 12 months probation and participation in the 24/7 sobriety program as part of the supervised probation. The bill increases the penalties for a third offense by increasing the days of imprisonment from at least 60 days to 180 days, increasing the fine from $1,000 to $2,000, and requiring at least one year supervised probation and participation in the 24/7 sobriety program as part of probation. The bill increases penalties for a fourth or subsequent offense by increasing the number of days of imprisonment from at least 180 days to 1 year and 1 day, increasing the fine from $1,000 to $2,000, and requiring two years of supervised probation and participation in the 24/7 sobriety program as part of probation.

The bill prohibits a suspended sentence for a first or second offense but allows for converting days of imprisonment to 10 hours of community service for each day for an aggravated first offense. The bill prohibits a suspended sentence for a third offense except for 60 days of imprisonment upon treatment, evaluation, and participation in the 24/7 sobriety program. The bill prohibits a suspended sentence for a fourth or subsequent offense except for one years imprisonment upon treatment, evaluation, and participation in the 24/7 sobriety program.

The bill creates criminal vehicular homicide for driving under the influence that results in death. The penalty is a Class A felony with 3 years imprisonment as a minimum mandatory and 10 years imprisonment for a second offense as a minimum mandatory. The bill creates criminal vehicular injury or driving under the influence that results in substantial bodily injury or serious bodily injury. The penalty is a Class C felony with one years imprisonment as a minimum mandatory and if a second offense there is two years minimum mandatory imprisonment. The bill creates a Class C felony for a second conviction for driving while under the influence with a minor in the motor vehicle.

The bill requires a law enforcement officer to request a search warrant to force a blood, breath, or urine test unless there is exigent circumstances.

The bill reduces the revocation for failure to submit to testing from one year to 180 days for a first offense, from three years to two years for a second offense, and from four years to three years for a third or subsequent offense. The bill allows curing the revocation for failure to submit to testing by pleading guilty for any offense, not just the first offense as was previously provided by law.

House Bill No. 1027 requires an application for a temporary restricted license for an offender who has not committed an offense for a period of one year upon a second or subsequent offense to include proof of financial responsibility and, if prescribed, a proof of compliance with attendance rules in an appropriate licensed addiction treatment program or if the offender is participating in the drug court program or other court-ordered treatment or sobriety program a recommendation from the district court. The director may require the applicant to submit proof of attendance at a driver training course approved by the director for a temporary restricted license. The bill allows the director to impose the following conditions on a temporary restricted license: to use the license during normal working hours, to use the license for attendance at an appropriate licensed addiction treatment program or treatment program ordered by a court, or to use the license as

necessary to prevent the substantial deprivation of the educational, medical, or nutritional needs of the offender or an immediate family member of the offender.

OVERSIZE AND OVERWEIGHT VEHICLES

Senate Bill No. 2025 deposits extraordinary road use fees in the general fund of the jurisdiction having authority over the road.

House Bill No. 1124 provides for printed or electronic format for permits for oversize and overweight vehicles.

House Bill No. 1139 creates an exemption from axle weight limitations for movements of implements of husbandry or equipment with pneumatic tires used for construction used by an agricultural producer if the maximum wheel load does not exceed 550 pounds per inch of tire width and if the gross weight limitation is not exceeded.

DEALERS

Senate Bill No. 2317 defines manufactured homes and mobile homes and includes manufactured homes within the mobile home dealer's license.

House Bill No. 1152 allows a person with multiple motor vehicle dealer licenses to keep and maintain records at one of the established places of businesses for that person.

House Bill No. 1125 increases from 45 days to 75 days the period of time a certificate of a notary showing compliance with registration is prima facie evidence of registration.

MISCELLANEOUS

Senate Bill No. 2120 allows mobility-impaired parking privileges for a vehicle with a disabled veteran plate.

House Bill No. 1100 includes within the definition of Class C authorized emergency vehicles used by the Division of Homeland Security or local division of emergency management organizations, instead of as authorized by these entities as previously provided by law.

Senate Bill No. 2117 exempts vehicles operated by a state entity that engages in investigatory activities the requirement of marking vehicles and requiring no smoking signs in vehicles.

Senate Bill No. 2310 creates an exemption to the open records law for certain information on accident report forms, including the driver identification number, the telephone number, the insurance company name and policy number, and the day and month of birth of a party in the report.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 40
Municipal Government
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 40. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1302 increases the maximum fine that may be levied for a violation of a city ordinance, resolution, or regulation from $1,000 to $1,500.

House Bill No. 1065 provides that in the case of an arbitration between a township and a newly organized city with respect to division of property and indebtedness, the application for arbitration must be submitted to the Office of Administrative Hearings, rather than the district court. The bill provides that the costs of the arbitration must be split equally between the city and township.

House Bill No. 1391 removes a provision which disqualified an individual from being eligible to hold office as a city council member if the individual had been convicted of malfeasance, bribery, or other corrupt practice or crime.

House Bill No. 1346 allows an ambulance crew member who is employed by a city or under contract with a city to serve as a city council member or a member of a board of city commissioners. The bill also allows an ambulance crew member or a volunteer firefighter who is a city council member or city commissioner to be compensated for attending training or responding to emergency calls or be reimbursed for expenses incurred in attending training or responding to emergency calls.

House Bill No. 1177 provides that the appointing authority of members of a special assessment commission must establish the rate of compensation of the commissioners and the commissioners may be reimbursed for actual expenses at the official reimbursement rate of the appointing authority. The bill also provides that the appointing authority of a board of directors for a city or county library must establish the rate of compensation for the directors and the directors may be reimbursed for actual expenses at the official reimbursement rate of the appointing authority.

House Bill No. 1361 changes references in election provisions from "precinct" to "polling place."

Senate Bill No. 2374 changes candidate filing deadlines for elections from the 60th day before an election to the 64th day before an election. The bill also provides that a nominating petition for a candidate for a city office at a special election may not be circulated or signed more than 30 days before the time the petition is required to be filed.

House Bill No. 1046 allows a city or county to reduce or revoke a previously granted property tax exemption for new or expanded business property if the city or county finds the property is not being used as intended when the exemption was granted. The bill is effective for taxable years beginning after December 31, 2013, regardless of the date a property tax exemption or the option to make payments in lieu of taxes was approved.

House Bill No. 1025 authorizes a city to create a special assessment district and levy special assessments to pay the cost of constructing, maintaining, and removing emergency flood protection devices or works. The bill provides that the general requirements for obtaining engineers' reports, plans, estimates, and contract proposals for special assessment projects do not apply to temporary flood control projects or during a declared disaster or emergency.

House Bill No. 1468 includes water and sewer lines and other underground infrastructure within the definition of a project for the purposes of authorized municipal industrial development bond projects.

Senate Bill No. 2217 requires a taxpayer collecting a city lodging tax, city lodging and restaurant tax, or city motor vehicle rental tax to add the tax imposed to the sales, lease, or rental price and collect the tax from the consumer. The bill prohibits a retailer from advertising or holding out or stating to the public or to any consumer that the tax imposed will be assumed, absorbed, or refunded by the taxpayer. The bill also provides

that the city lodging, city lodging and restaurant, and city motor vehicle rental taxes are not subject to the Streamlined Sales and Use Tax Agreement.

Senate Bill No. 2314 provides that before a municipality may grant a partial or complete exemption from ad valorm taxation for a project for a new or expanding business, the governing body of the municipality must have received a certification from the Department of Commerce that the project meets the definition of a primary sector business or must have obtained the approval of the qualified electors of the city if the project is proposed to be located within the boundaries of a city of fewer than 40,000 population, or the qualified electors of the county of fewer than 40,000 population if the project is proposed to be located in the county but outside the corporate limits of any city for a project operating in the retail sector and if that governing body has established by resolution or ordinance the criteria that will be applied by the governing body to determine whether it is appropriate to grant a partial or complete exemption from ad valorem taxation. The bill establishes minimum criteria that the governing body must consider in evaluating a proposed project. The bill prohibits a city or county from using home rule authority to expand or supersede the statutory requirements and limitations with respect to the ad valorem taxation exemptions. The bill is effective for property tax exemptions granted by a municipality to initially become effective for taxable years beginning after December 31, 2014.

House Bill No. 1166 limits the maximum amount of income a taxpayer may exempt from tax under the business or investment exemption for the purchase, lease, or rehabilitation of property within a renaissance zone to $500,000 in a taxable year. The bill also provides that if a zone project consists of a physical expansion of an existing building owned and used by the taxpayer for business or investment purposes, the amount of income exempt from tax is limited to an amount equal to the income derived from the business, or from the investment use of the building, during the taxable year multiplied by a ratio equal to the square footage added by the expansion divided by the total square footage of the building after expansion. The bill is effective for renaissance zone projects approved after July 31, 2013.

Senate Bill No. 2325 removes various references to the chapter relating to the financial institutions tax due to the repeal of that chapter.

House Bill No. 1013 revises references to a school district tax levy for a public recreation system to account for changes made with respect to the method through which school districts may authorize levies effective for the first two taxable years beginning after December 31, 2012.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 41
Uniform Commercial Code
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 41. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1340 amends the portion of the Uniform Commercial Code relating to secured transactions, to provide a filing office may not be held civilly liable for the inadvertent disclosure of a social security number or federal tax identification number if the filer placed the number in an improper field on the filed form.

House Bill No. 1136 directs the Secretary of State to provide an electronic means for filing any record required or permitted under Title 41, the state's Uniform Commercial Code, and requires that any such record that is not filed electronically must be rejected, revises the fees for filing under the law relating to secured transactions, and revises the information that must be or may not be included on a filed document.

House Bill No. 1015 is the appropriation to the Office of Management and Budget, which includes a correction to House Bill No. 1136.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 42
Nuisances
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 42. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 43
Occupations and Professions
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 43. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to occupations and professions may be classified in these subject areas: athletic training, audiology and speech-language pathology, chiropractic, dietetics, dentistry, genetic counseling, laboratory services, massage, medicine, nursing, pharmacy, physical therapy, podiatry, pre-need funeral services, respiratory therapy, soil classification, veterinary medicine, and miscellaneous.

ATHLETIC TRAINING

Senate Bill No. 2088 updates the law relating to the practice of athletic training to correct references that have become inaccurate and to reflect current practices.

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

House Bill No. 1092 revises the membership of the Board of Examiners on Audiology and Speech-Language Pathology, replacing the member who is a hearing aid specialist with and additional member who is a speech-language pathologist and revises the provisions for licensure of out-of-state audiologists and speech-language pathologists.

CHIROPRACTIC

Senate Bill No. 2051 revises the law relating to the regulation of the practice of chiropractic, increasing the maximum license fee, reexamination fee, and license renewal fee from $200 to $500.

Senate Bill No. 2184 provides a chiropractor may practice under the same standards as other health practitioners in any hospital or other institution, when requested to do so by any patient or the guardian of any patient.

DIETETICS

House Bill No. 1043 updates statutory references to the American Dietetic Association to now refer to the Academy of Nutrition and Dietetics.

DENTISTRY

Senate Bill No. 2084 broadens the scope of practice of dental hygienists, allowing for practice if under the indirect supervision of a dentist; revises the dental hygienist continuing education requirements, allowing the State Board of Dental Examiners to audit continuing education credits and requiring that a dental hygienist retain certificates or records of continuing education activities for three years; authorizes the board to take disciplinary actions against a dentist or dental hygienist for violation of the board's rules; authorizes the board to enter an agreement with the same professional organization with which the State Board of Medical Examiners has entered an agreement under Section 43-17-07.1; revises the dentist licensure requirements to allow an applicant to have passed the examination administered by the National Dental Examining Board of Canada; and revises the dental business ownership requirements, to no longer require majority ownership by a "North Dakota licensed practicing dentist" and instead require majority ownership by a "dentist" as that term is defined in that chapter of law.

GENETIC COUNSELING

Senate Bill No. 2131 directs the State Board of Medical Examiners to regulate genetic counselors and provides that a genetic counselor may not practice in the state unless licensed by the board.

LABORATORY SERVICES

Senate Bill No. 2083 provides the law regulating clinical laboratory personnel does not apply to perfusionists performing clinical laboratory tests for hematology, coagulation, and chemistry during the course of a patient's perfusion procedures or to personnel of the Division of Laboratory Services of the the State Department of Health who are participating in the Centers for Disease Control and Prevention's chemical terrorism toxic metals determination program, and repeals Section 43-48-12, relating to grandfathering practitioners who were practicing clinical laboratory medicine on July 12, 1989.

MASSAGE

Senate Bill No. 2082 revises the law regulating the practice of massage, clarifying that schools of massage may charge a fee and students may accept tips for student massages; establishes a member of the Board of Massage may serve no more than six consecutive years, after which time that member may not be reappointed unless a period of two years has passed; revises the licensure requirements, no longer requiring an applicant to have graduated from high school and allowing the board to approve alternate educational methods; revises the disciplinary provisions, providing disciplinary action may be taken if a licensee is guilty of gross negligence in the practice of massage; and provides that in the case of reciprocity, there are circumstances under which an applicant would not be required to take an examination.

MEDICINE

House Bill No. 1456 expands the grounds for the State Board of Medical Examiners to take disciplinary actions against a physician to include action if a physician performs an abortion on a pregnant woman before determining if the unborn child the pregnant woman is carrying has a detectable heartbeat.

Senate Bill No. 2135 authorizes the State Board of Medical Examiners to administer or contract for the administration of a physician health program for the detection, intervention, and monitoring of physicians with conditions that could result in impairment.

NURSING

House Bill No. 1091 updates and revises the law regulating nursing, including changing the makeup of the North Dakota Board of Nursing, providing for five registered nurses, one advanced practice registered nurse, two licensed practical nurses, and one public member; updates the definitions of the terms "advanced practice registered nurse," "licensed practical nurse," "nurse," "nursing," "registered nurse," "specialty practice registered nurse," and "unlicensed assistive person"; revises licensure requirements for advance practice registered nurses; revises requirements for licensure by endorsement; and repeals the program for the rehabilitation of nurses with workplace impairments.

House Bill No. 1276 expands the exemptions from the Nurse Practices Act to include the exemption for activities performed within a primary or secondary school medication program established under Section 15.1-19-23 if the individual has received education and training in medication administration and has received written consent of the student's parents or guardian.

PHARMACY

Senate Bill No. 2342 expands the scope of regulation by the State Board of Pharmacy, including redefining "wholesale distributor" to include distribution of medical gases and medical equipment, authorizes the board to issue temporary licenses for wholesale distributors, revises the licensure requirements for wholesale drug distributors, clarifies an out-of-state wholesale distributor or pharmacy distributor may not conduct business in North Dakota unless licensed by the board, authorizes the board to conduct onsite inspections of wholesale distributors and pharmacy distributors, provides for licensure and licensure reciprocity for retail medical gas retailers and retail durable medical equipment retailers, and sets fees for the board to collect.

PHYSICAL THERAPY

House Bill No. 1285 revises the supervision requirements for physical therapy aids, providing the aid is no longer required to work under the onsite supervision of a physical therapist, but instead may work under the direct supervision of a physical therapist. The bill also clarifies that an applicant for a license as a physical therapist or a physical therapist assistant must meet the identified requirements before being approved for licensure. The measure is an emergency measure.

PODIATRY

Senate Bill No. 2087 revises the law regulating the practice of podiatry, providing if a podiatrist fails to timely renew a license to practice, the Board of Podiatric Medicine may revoke the license and may charge a renewal fee not to exceed $250. The bill also provides the board with subpoena power in the case of investigations of a podiatrist or applicant for licensure as a podiatrist.

PRE-NEED FUNERAL SERVICES

House Bill No. 1232 increases the amount of pre-need funeral service contract funds that may be made irrevocable, providing the maximum may not exceed the amount of the allowable asset exclusion used for determining eligibility for medical assistance under Section 50-24.1-02.1 at the time the contract is entered plus the portion of the $3,000 asset limitation the purchaser designates for funeral expenses.

REAL ESTATE APPRAISALS

House Bill No. 1389 directs the North Dakota Real Estate Appraiser Qualifications and Ethics Board to regulate appraisal management companies and provides that an appraisal management company may not practice in the state unless registered by the board.

Senate Bill No. 2110 provides the North Dakota Real Estate Appraiser Qualifications and Ethics Board shall require an applicant for a permit to be a licensed, certified residential, or certified general appraiser submit to a statewide and nationwide criminal history record check.

RESPIRATORY THERAPY

House Bill No. 1094 revises the law relating to the licensure of respiratory therapists and polysomnographic technologists, removing the licensure status of "temporary respiratory therapist," expands the scope of practice to provide "respiratory care" includes respiratory care implements on an order from a certified nurse practitioner or a physician's assistant, and increases the licensure fees from an amount not to exceed $70 to an amount not to exceed $90.

SOIL CLASSIFICATION

House Bill No. 1154 revises the requirements to be registered as a soil classifier to decrease the reference requirements from requiring five references, three of which must be from professional soil classifiers, to requiring three references, one of which must be from a professional soil classifier.

VETERINARY MEDICINE

Senate Bill No. 2116 revises the membership of the State Board of Veterinary Medical Examiners, increasing the board membership from three members to five members and specifying that three members must be veterinarians, one of whose practice has a predominant focus on large animals, one on small animals, and one on both small and large animals; one member must be a veterinarian technician; and one member must represent the public.

MISCELLANEOUS

House Bill No. 1246 directs occupational boards to adopt rules regarding licensure of a military spouse and to grant on a case-by-case basis exceptions to the board's licensing standards to allow a military spouse to practice the occupation or profession in the state if the applicant meets certain qualifications.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 44
Offices and Officers
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 44. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to offices and officers may be classified in these subject areas: public officers, open records and open meetings, and notaries.

PUBLIC OFFICERS

House Bill No. 1193 revises provisions relating to the removal of public officers from office. The bill changes the standard under which the Governor may remove an officer from competent evidence to a preponderance of the evidence. The bill requires that a complaint to remove an officer be filed with the Attorney General; requires the Attorney General to conduct on investigation within 30 days, make a recommendation to the Governor whether a removal proceeding should be conducted, and whether the accused officer should be suspended during the proceeding; and requires the Governor to determine whether to proceed with the appointment of a special commissioner to preside over removal proceedings. The bill requires the Governor to appoint a retired or former judge or other competent individual to serve as a special commissioner. The bill requires that a hearing be held within 30 days after the appointment of a special commissioner and requires the special commissioner to forward to the Governor a report of the proceedings and a recommendation within 10 days of the conclusion of the proceedings. The bill requires the Governor to notify the individuals who filed the petition for removal if the Governor determines that removal is not in the best interests of the state and to summarize the reasons for the decision. The bill sets the fees for the special commissioner at $200 per day.

House Bill No. 1368 increases the reimbursement for meals for travel within the state by state officers and employees from $6 to $7 for the first quarter, from $9 to $10.50 for the second quarter, and from $15 to $17.50 for the third quarter.

House Bill No. 1065 removes the requirement that a district judge selected by a board of county commissioners participate in the appointment to fill a vacancy on a board of county commissioners.

Senate Bill No. 2374 changes the filing deadline for candidates in a recall election from the 60th day before the election to the 64th day before the election.

Senate Bill No. 2318 provides that when an officer files the officer's oath of office, the original oath must be filed with the appropriate filing officer.

OPEN RECORDS AND OPEN MEETINGS

House Bill No. 1186 provides that any record maintained within a legislative bill tracking system administered or operated by a public entity is an exempt record. The bill was declared to be an emergency measure and became effective upon its filing with the Secretary of State on January 17, 2013.

Senate Bill No. 2113 provides that information directly relating to a public employee's participation in an organized public safety peer counseling or a public safety peer debriefing is an exempt record.

Senate Bill No. 2115 provides that a record received by the Department of Emergency Services from the federal government or any public or private entity for disaster mitigation, preparation, response, and recovery is an exempt record unless the record is made confidential as a trade secret or is proprietary, commercial, or financial information that is of a privileged nature and has not previously been disclosed.

NOTARIES

House Bill No. 1207 provides that a notarial act performed in this state by a notarial officer of a bordering state has the same effect as if the act were performed by a notarial officer of this state, if the bordering state grants notarial officers of this state similar authority within that state. The bill requires that any civil penalty collected by the Secretary of State for a violation of notary laws must be deposited in the Secretary of State's

general services operating fund. The bill removes the requirement that the Secretary of State maintain an electronic database of notaries by July 1, 2013, and provides that the electronic database must be maintained when the Secretary of State acquires or develops the technical capability to do so. The portion of the bill relating to notarial acts performed in this state by a notarial officer of a bordering state was declared to be an emergency measure and became effective upon filing with the Secretary of State on April 11, 2013.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 45
Partnerships
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 45. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1158 addresses omitted assets, providing that title to assets remaining after payment of all partnership debts, obligations, or liabilities and after distributions to partners may be transferred by a court.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 46
Printing Laws
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 46. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1129 enacts the Uniform Electronic Legal Material Act. The Act was developed by the National Conference of Commissioners on Uniform State Laws because state governments are increasingly publishing laws, statutes, agency rules, and court rules and decisions in online formats. Electronic publication of legal material has raised concerns about how to determine if the legal material published online is official, authentic, government information that has not been altered. The Act requires that official electronic legal material be authenticated, by providing a method to determine that it is unaltered; preserved, either in electronic or print format; and accessible, for use by the public on a permanent basis. The state may determine which categories of legal information will be included in the Act's coverage. For each category of included information, an official publisher must be named, which must be a state agency, officer, or employee. State policy may allow a commercial entity to produce an official version of the state's legal material.

Senate Bill No. 2374 changes the application deadline for a newspaper to be placed on the ballot for nomination as official newspaper of the county. The bill eliminates a filing window from not more than 70 days or less than 60 days before the primary election with a requirement that the application must be filed by the 64th day prior to the primary election.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 47
Property
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 47. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2168 provides that a quitclaim deed that includes the word "grant" passes after-acquired title. The bill provides that the inclusion of after acquired-title in a quitclaim deed or does not create a defect in the title. The bill applies to any conveyance regardless of when executed.

Senate Bill No. 2170 prohibits the holder of an unrecorded conveyance from questioning the good faith of the first recording party unless the holder of an unrecorded conveyance can establish that the first recording party had actual knowledge of the existence of the unrecorded conveyance.

House Bill No. 1316 defines collected funds and good funds in relation to good funds for real estate transactions. The bill requires closing documents to disclose to the seller the anticipated closing date and all of the dates through which any loan payoffs are calculated. The bill provides for a cause of action against a closing agent that makes disbursements from an escrow account in connection with a real estate transaction and the funds are not good funds. The closing agent is liable to the plaintiff for $500 per violation in the first action. In any subsequent action the closing agent is liable for $1,000 per violation.

House Bill No. 1399 allows a waterfowl production area easement that exceeds 50 years to be extended by negotiation between the owner of the easement and the owner of the servient tenement. The bill voids a waterfowl production area easement that exceeds 50 years and is not extended by negotiation.

Senate Bill No. 2169 clarifies provisions relating to marketable title. The bill provides that the holder of an interest in severed minerals is deemed in possession of the minerals if the person has used the minerals and the use is stated in an affidavit of possession.

House Bill No. 1352 requires a mineral developer to furnish the mineral owner a description of the conflict regarding the mineral owner's ownership interest in a spacing unit and the proposed resolution, or with that portion of the title opinion that concerns the disputed interest.

Senate Bill No. 2322 includes an electric fence within the definition of a legal fence.

House Bill No. 1267 allows the lessor to retain property and dispose of that property without legal process if the property is left by a lessee and does not exceed $2,500, instead of $1,500 as previously provided by law, and the lessor waits 28 or more days after the lessor receives actual notice that the lessee has vacated the premises or 28 or more days after it reasonably appears to the lessor that the lessee has vacated the premises.

House Bill No. 1191 creates a security interest in rents arising from real property in a document that provides for a security interest in real property. The bill provides for priority of claims, perfection, and enforcement of the security interest.

Senate Bill No. 2058 requires the administrator of unclaimed property to have reasonable cause to believe that a person has failed to comply with the law before the administrator may contract for an examination to determine whether that person has complied with the law.

House Bill No. 1162 defines money order for the purposes of unclaimed property. The bill excludes cashier's checks, bank money orders, and any other instrument sold by a financial institution if the seller has obtained the name and address of the payee from the definition of money order.

House Bill No. 1171 lessens from three years to one year the time after which any life or endowment insurance policy or annuity contract that is mature or terminated is presumed abandoned. The bill requires a company that knows of a potential death of an insured or annuitant to within 12 months to confirm the death of the insured or annuitant, review the insurer's records with the company, and determine whether benefits are

due, and if benefits are due, to use good-faith efforts to locate the beneficiary and provide appropriate claim forms.

Senate Bill No. 2136 allows a charge for a late payment penalty to be imposed only if the amount of the late charge has been agreed to by the parties in the loan documents that are signed by the borrower.

House Bill No. 1357 exempts a bona fide pawnbroking transaction in an amount not exceeding $10,000 instead of $1,000 as previously provided by law, from usury.

House Bill No. 1136 requires electronic filing in the central index system if recording in the central notice system is sought for a farm lease with provisions reserving title in the lessor to any part of the crops in excess of the rental share of the lessor until the stated conditions of the lease have been complied with by the lessee.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 48
Public Buildings
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 48. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1270 prohibits the state or a political subdivision from including in a contract for the construction, repair, remodeling, or demolition of a facility any term that requires or prohibits a bidder or contractor from entering or adhering to agreements with labor organizations relating to the construction project or a related construction project or a term that otherwise discriminates against a bidder or contractor for becoming, remaining, or refusing to become or remain a signatory to or for adhering to or refusing to adhere to an agreement with one or more labor organizations relating to that project or a related construction project. The bill also prohibits the state or a political subdivision from awarding a grant, tax abatement, or tax credit that is conditioned upon a requirement that the awardee include such terms in a contract document for any construction, improvement, maintenance, or renovation of real property or fixtures that are the subject of the grant, tax abatement, or tax credit. The bill allows the head of the state agency or political subdivision to exempt a project, contract, subcontract, grant, tax abatement, or tax credit from the those prohibitions if, after public notice and hearing, the individual finds special circumstances require an exemption to avert an imminent threat to public health or safety. The bill was declared to be an emergency measure and became effective upon its filing with the Secretary of State on April 9, 2013.

House Bill No. 1200 revises a provision that requires a state agency or institution, before significantly changing or expanding a public improvement project beyond what has been approved by the Legislative Assembly, to receive approval from the Legislative Assembly or the Budget Section. The bill provides that during the time the Legislative Assembly is not in session, and unless otherwise restricted by previous legislative action or other law, the Budget Section may approve a change or expansion or any additional expenditure for the project; however, the Budget Section may not approve a change, expansion, or additional expenditure for the project during the six months preceding the convening of a regular session or during the three months following the close of a regular session except for changes in project scope and related additional expenditures resulting from an unforeseen emergency event.

Senate Bill No. 2270 provides that the publication of advertisements for bids for public improvement projects must include publication in an electronic plan service, builders exchange, or other industry-recognized method.

House Bill No. 1015 increases the amount that may be spent from the interest and income of the capitol building fund for projects and planning during a biennium from $100,000 to $175,000.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 49
Public Utilities
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 49. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1147 removes the requirement of a letter of intent for siting a transmission facility and allows an adjustment in a route within a corridor for gas or liquid transmission lines before and during the construction of a line with limited Public Service Commission review. The bill allows an adjustment without any commission action if the construction is within the corridor, the construction will not affect any exclusion or avoidance areas, and all other commission orders, laws, and rules will be followed. If the adjustment affects an avoidance area, the utility must file information with the commission, including the activities expected to impact the avoidance area and consent of the property owner or good cause. The utility may adjust to outside the corridor if, among other things, there is no effect on an avoidance or exclusion area, the detour is not longer that 1.5 miles, and there is landowner consent. The utility may adjust to outside the corridor and affect an avoidance area if, among other things, the utility files information, including that the construction will not affect exclusion areas, how the construction affects avoidance areas, good cause to affect the avoidance area, the route outside the corridor is no longer than 1.5 miles, and there is landowner consent.

Senate Bill No. 2209 allows a court to condition eminent domain on a utility having a route permit.

House Bill No. 1064 increases the maximum penalties for a violation of pipeline safety standards from $10,000 to $200,000 for each violation and $500,000 to $2 million any series of related violations.

Senate Bill No. 2055 allows bills from the Public Service Commission to a telecommunications company for hearing expenses to be delivered by electronic or paper mail as well as personal delivery. The bill requires a company to request a hearing with the commission if the bill is in dispute.

Senate Bill No. 2139 changes the requirement of an annual 10-year plan by a utility to a biennial plan.

Senate Bill No. 2112 changes the application fees paid by public utilities to $75,000 if the fee was up to $125,000 as previously provided by law and to $100,000 if it was $50,000 as previously provided by law.

Senate Bill No. 2174 requires a public utility to provide a costumer notice of the utility's intention to discontinue service and to a designated third party for discontinuing service for payment delinquency.

House Bill No. 1359 creates an additional civil penalty of up to $25,000 for a violation of the one-call notice system. The bill allows an excavator to notify the notification center of the location by an identifiable roadway or roadway intersection and, if the location is large or complex, the excavator shall provide information by white marking, project staking, geographic information system shape file, detailed drawing, map, or other appropriate means. The bill limits the location to the area to be excavated in 21 days and requires the facilities be relocated if 21 days have passed unless other arrangements have been made with the underground facility owner. After three locates in the same area without excavating, the excavator is responsible for further locate costs. The bill requires an underground facility owner to make all new facilities locatable. The bill requires the excavator to use reasonable efforts to maintain markings during excavation.

House Bill No. 1008 increases the salary of a public service commissioner from $92,826 for the first year of the biennium to $99,435 and from $95,611 to $102,400 thereafter.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 50
Public Welfare
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 50. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to public welfare may be classified in these subject areas: Department of Human Services' programs, medical assistance and children's health insurance, early childhood services, abuse and neglect, long-term care and related facilities, and miscellaneous.

DEPARTMENT OF HUMAN SERVICES' PROGRAMS

House Bill No. 1012 amends the definition of "eligible beneficiary" for the expanded service payments for the elderly and disabled program to make the requirements less restrictive. The bill also contains the agency appropriation for the Department of Human Services.

House Bill No. 1101 authorizes the Department of Human Services to license opioid treatment programs. As defined in the bill, an opioid treatment program means a program through which medication is dispensed in the treatment of opioid addiction.

House Bill No. 1038 requires the Department of Human Services to establish a voucher program pilot project to assist in funding equipment and general education needs related to autism spectrum disorder for individuals below 200 percent of the federal poverty level from age 3 to under age 18 who have been diagnosed with autism spectrum disorder. The bill requires the department to report to the Legislative Management regarding the pilot project.

House Bill No. 1176 changes the name of the food stamp program to the supplemental nutrition assistance program. The bill also provides that an individual may not be considered eligible for the supplemental nutrition assistance program or the temporary assistance for needy families program until at least seven years has elapsed since the most recent felony conviction that has as an element the possession, use, or distribution of a controlled substance.

House Bill No. 1177 authorizes the appointing authority for the governing board of a multicounty social service district and the appointing authority for members of a county social service board to establish the rate of compensation for board members. The bill also provides that actual expenses incurred by board members may be reimbursed at the official reimbursement rates of the appointing authority.

Senate Bill No. 2067 amends Section 50-06-15 to allow the Department of Human Services to keep confidential certain reports and other information obtained about an applicant, a client, or a provider under any Department of Human Services program. The bill provides that the department may disclose the report or other information if otherwise permitted or required by law.

Senate Bill No. 2108 makes changes to the statutes governing the regional human service councils and the Department of Human Services regional human service centers. The bill requires the Executive Director of the Department of Human Services to appoint the members of each regional human service center's human service council and changes the nature of the council to advisory. The bill requires the Executive Director of the department to appoint two current county commissioners and one current county social service board member to the advisory group. The bill requires the Executive Director of the department to select the members of each regional advisory group, to assure that each county in the region is represented on the advisory group, and to assure that the membership reflects the regional interests in human services.

Senate Bill No. 2205 provides for an appropriation of $285,000 to the Department of Human Services for the purpose of providing a grant to an organization for administering statewide 2-1-1 services that include suicide prevention services.

Senate Bill No. 2356 provides for the appropriation of $300,000 to the Department of Human Services for the purpose of providing grants to children's advocacy centers for the 2013-15 biennium.

MEDICAL ASSISTANCE AND CHILDREN'S HEALTH INSURANCE

House Bill No. 1172 provides that recipient liability expenses applicable to the month of death of a medical assistance recipient is given the highest status as a preferred claim against the recipient's estate.

House Bill No. 1180 establishes a pilot program for the provision of independent case management services under the service payments for elderly and disabled program and a pilot program for the provision of independent case management services under the medical assistance home and community-based services program. Both of the pilot programs are to be established within a county located entirely within an Indian reservation for the 2013-15 biennium.

House Bill No. 1201 includes physician assistants among those professionals who must be recognized by the medical assistance program as having the same rights and responsibilities as are given to primary care physicians under the medical assistance program.

House Bill No. 1232 provides that, with regard to contracts and prepayments not considered in determining eligibility for medical assistance, if an applicant's or recipient's burial is funded by an insurance policy, the amount considered set-aside for burial is the lesser of the cost basis or the face value of the insurance policy.

House Bill No. 1360 provides for funding for Medicaid payments to programs of all-inclusive care for the elderly to expand services areas.

House Bill No. 1362 directs the Department of Human Services to expand medical assistance coverage as authorized by the federal Patient Protection and Affordable Care Act to individuals under 65 years of age with income below 138 percent of the federal poverty level, based on modified adjusted gross income.

House Bill No. 1378 directs the Department of Human Services to identify the estimated cost to implement a Medicaid waiver or amend an existing Medicaid waiver to provide coverage for children who have continued and substantial medical and support needs, but who, at the age of three years, no longer qualify for services under the developmental disabilities waiver.

Senate Bill No. 2109, which relates to the children's health insurance program, changes the program eligibility requirements from a net income limit to a gross income limit. The bill provides that a gross income eligibility limit must be based on a net income eligibility equivalent of 160 percent of the poverty line.

Senate Bill No. 2114 establishes a process for imposing sanctions against a provider that provides services under the medical assistance program if the Department of Human Services is induced to pay the provider as a result of an act of fraud or abuse. The bill sets the penalties for acts of fraud and abuse and provides that the provider may be required to reimburse the department for any fees, costs, and expenses incurred in the investigation of the provider.

EARLY CHILDHOOD SERVICES

House Bill No. 1110 increases from 15 to 30 the number of days within which the Department of Human Services must make a decision on whether an applicant is eligible for child care assistance.

House Bill No. 1422 makes a number of changes to the licensed child care requirements, including increasing the maximum number of children in a group child care from 18 to 30 children, providing that if a child care facility has sufficient indoor recreation space then outdoor play space is not required, and codifying the staffing requirements for a child care center. The bill also provides appropriations for child care provider incentive grants and for early childhood services specialists.

Senate Bill No. 2085 revises the definition of "family child care" to remove the limits on when family child care providers can care for school-age children, adds a definition of "school-age children," updates the regulations on smoking on premises where early childhood services are provided, and updates and removes the expiration date on the early childhood services advisory board.

ABUSE AND NEGLECT

Senate Bill No. 2161 expands the duties of the child fatality review panel to include the review of near deaths of minors. The bill defines "near death" as "an act which, as certified by a physician, places a child in serious or critical condition."

Senate Bill No. 2323 provides for the mandatory reporting of abuse or neglect of a vulnerable adult by any medical or mental health professional or personnel, law enforcement officer, firefighter, member of the clergy,

or caregiver. The bill provides that any individual who is required to report the abuse or neglect of a vulnerable adult but fails to do so is guilty of an infraction.

LONG-TERM CARE AND RELATED FACILITIES

House Bill No. 1089 removes the limitation that only two nursing homes within the state may operate a unit that provides geropsychiatric services.

House Bill No. 1170 requires the Department of Human Services to establish an expedited ratesetting process by which nursing and basic care facilities may request an increase in the established rate due to additional costs incurred by the facility for providing health insurance policies to the facility's employees, to the extent those policies are required by federal Patient Protection and Affordable Care Act. The bill also allows a basic care or nursing facility to include as an allowable cost any tax paid by a facility due to the provisions of the federal law.

House Bill No. 1209 provides that with regard to compensation for top management personnel of basic care facilities, the Department of Human Services may not limit compensation for top management personnel of a basic care facility unless that person has at least five percent ownership, is on the governing board, or is related within the third degree of kinship to top management personnel.

MISCELLANEOUS

Senate Bill No. 2271 provides for changes to the membership of the committee on employment of people with disabilities. The bill changes the membership from a three-member committee to a four-member committee as well as five additional members who service on the committee as ex officio members. The ex officio members include the director of the Department of Commerce Division of Workforce Development, the director of the Department of Human Services Division of Vocational Rehabilitation, the Superintendent of Public Instruction's director of special education, the director of the Protection and Advocacy Project, and the head of the Department of Human Services developmental disabilities programs. The bill also identifies the duties, reporting requirements, and goals of the committee.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 51
Sales and Exchanges
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 51. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1192 creates a law regulating motor vehicle warranty work, including compensation rates for warranty work, deadlines for manufacturer payment of dealers for warranty work, and the retail rates a dealer may charge for warranty parts and for labor.

House Bill No. 1435 expands the definition of "personal information" for purposes of the law relating to identity fraud to add "health insurance information" and "medical information," and provides that if an entity is subject to the breach notification requirements under Title 45, Code of Federal Regulations, Subpart D, Part 164, that entity is considered in compliance with the chapter of law regarding identity fraud.

Senate Bill No. 2151 provides for the regulation of scrap metal dealers, including criminal penalties for purchasing, receiving, possessing, or concealing stolen scrap metal.

Senate Bill No. 2260 updates the law authorizing the Attorney General to accept assurances of voluntary compliance for unlawful sales or advertising practices to include violations in the telephone solicitations laws, gift certificate laws, security breach for personal information, identity fraud laws, and consumer credit report security freeze laws; revises the definition of "telephone solicitation" as it relates to the telephone solicitations law to include text messages made for polling, presale communications, and political communications; and prohibits unauthorized telephone calls that deliver a prerecorded or synthesized voice message.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 52
Social Security
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 52. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1111 amends the law regarding the purposes for which an employer's unemployment compensation account may be charged, to allow charges for an overpayment of unemployment compensation benefits resulting from an employer's untimely or inadequate response to a request for information or a pattern of such failure on the part of the employer.

Senate Bill No. 2111 provides if an individual makes a false statement for the purpose of obtaining unemployment compensation benefits for which the individual was not lawfully entitled, Job Service North Dakota shall assess a monetary penalty.

House Bill No. 1112 provides a claimant is not eligible for unemployment insurance if the unemployment is due to any kind of labor dispute, including a lockout. The bill also provides use of the central indexing system is a second method by which Job Service North Dakota may file a lien.

Senate Bill No. 2185 directs Job Service North Dakota to enter a data sharing agreement with the Attorney General for the purpose of monitoring individuals who are required to register as sexual offenders or offenders against children.

House Bill No. 1113 changes a funding source for New Jobs Training loans from the North Dakota Future Fund to the North Dakota Development Fund, Incorporated.

Senate Bill No. 2016 is the appropriation to Job Service North Dakota.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 53
Sports and Amusements
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 53. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to sports and amusements may be classified in these subject areas: charitable gaming and racing.

CHARITABLE GAMING

Senate Bill No. 2163 provides that the charitable gaming taxes on the gross proceeds received by a licensed gaming organization in a quarter are 1.5 percent for an organization with gross proceeds not exceeding $1,500,000. For an organization with gross proceeds exceeding $1,500,000, the tax is $15,000 plus 2.25 percent of gross proceeds exceeding $1,500,000. The bill also sets the amount the Attorney General deposits in the gaming tax allocation fund at 7 percent of the total taxes.

Senate Bill No. 2177 provides that for a site where twenty-one and paddlewheels are not conducted but pull tabs is conducted, the maximum rent may not exceed $400.

Senate Bill No. 2311 provides that the maximum cash prize limits for raffles do not apply to a public-spirited organization that supports amateur collegiate athletics.

RACING

House Bill No. 1068 relates to the live horse racing and the simulcast and account wagering taxation formulas. The bill provides for a continuation of the current taxation levels but provides that simulcast wagering is to be taxed at the same level as the account deposit wagering. The bill also caps the amount of taxes an account deposit wagering company is required to pay at $400,000 for fiscal year 2013 and $420,000 for fiscal year 2014.

Senate Bill No. 2023 provides for an appropriation for defraying the expenses of the North Dakota Racing Commission.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 54
State Government
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 54. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE MANAGEMENT

Senate Bill No. 2001 increases the daily compensation for members of the Legislative Assembly from $157 to $162 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $440 to $453, increases the additional monthly compensation during the biennium for the majority and minority leaders and the Chairman of the Legislative Management from $316 to $325, increases the daily compensation for attendance at meetings of the Legislative Management from $157 to $162, and increases the maximum monthly lodging reimbursement for members of the Legislative Assembly during legislative sessions from 30 times 65 percent of the daily lodging reimbursement for other state officers and employees to 30 times 70% of the daily lodging reimbursement for other state officers and employees, effective July 1, 2013. Effective July 1, 2014, the bill increases the daily compensation for members of the Legislative Assembly from $162 to $167 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $453 to $467, increases the additional monthly compensation during the biennium for the majority and minority leaders and the Chairman of the Legislative Management from $325 to $335, and increases the daily compensation for attendance at meetings of the Legislative Management from $162 to $167. The bill also requires the Legislative Management to establish a policy regarding promotional expenses made on behalf of the Legislative Assembly and provides that the promotional expenses may not be construed as a gift for the purposes of Section 18 of Article X of the Constitution of North Dakota.

House Bill No. 1428 authorizes the Legislative Management to review any executive order issued by the President of the United States which has not been affirmed by a vote of the Congress and signed into law and to recommend to the Attorney General and the Governor that the executive order be further reviewed to determine the constitutionality of the order and whether the state should seek an exemption from the application of the order or seek to have the order declared unconstitutional.

Senate Bill No. 2049 changes the name of the Water-related Topics Overview Committee to the Water Topics Overview Committee and makes it a permanent statutory committee.

Senate Bill No. 2233 requires the Water Topics Overview Committee to work collaboratively with the State Water Commission to develop policies to further define the state role in major flood control projects and in the prioritization of water projects. The bill requires the committee, during the 2013-14 interim, to review water supply routes and alternatives for the Red River Valley Water Supply Project. The provisions of the bill relating to the development of policies was further amended by House Bill No. 1020.

House Bill No. 1020 requires the Water Topics Overview Committee to prepare a schedule of priorities with respect to water projects and requires the State Engineer and the State Water Commission to assist the committee in developing the schedule of priorities. The bill requires the committee to study policies regarding the development and financing of municipal water projects.

Senate Bill No. 2033 changes the definition of a major information technology project from a project with a total cost of $250,000 or more to a project with a total cost of $500,000 or more.

Senate Bill No. 2047 makes the Committee on Tribal and State Relations a permanent statutory committee.

House Bill No. 1173 extends the Commission on Alternatives to Incarceration to August 1, 2017.

House Bill No. 1033 prohibits a state agency or other entity of state government from purchasing or leasing an aircraft without specific authorization from the Legislative Assembly or the Budget Section if the Legislative Assembly is not in session. The prohibition does not apply to the office of the Adjutant General or the University of North Dakota School of Aviation. The bill also requires the Department of Transportation to

provide air transportation services to other state agencies upon request and upon payment of a user charge. The bill requires the Department of Transportation to give priority to requests for air transportation services from the Attorney General when the request is for law enforcement purposes.

House Bill No. 1043 repeals the provision of the North Dakota Century Code which defined the boundaries of the legislative districts which were superseded by the adoption of new legislative district boundaries in the 2011 special legislative session.

STATE EMPLOYEES AND OFFICERS

Senate Bill No. 2188 increases the maximum award that a state employee may receive for a suggestion for a reduction in expenditures under the state employee suggestion incentive program from $2,000 to $4,000.

House Bill No. 1309 removes the requirement that the report state agencies must file with the Office of Management and Budget relating to state employee service awards must list the individuals who received an award, the amount paid, and a statement of public purpose of the expenditure. The bill removes similar detailed reporting requirements for employer-paid tuition and employer-paid dues and memberships by state agencies. The bill provides that the biennial reports must include only the total amount of funds paid for those purposes. The bill was declared to be an emergency measure and became effective upon its filing with the Secretary of State on April 18, 2013.

House Bill No. 1176 changes a reference to food stamps to the supplemental nutrition assistance program with respect to cases eligible for funding under the indigent civil legal services fund.

GOVERNOR AND LIEUTENANT GOVERNOR

House Bill No. 1001 increase the salary of the Governor from $117,001 to $121,681 through June 30, 2014, and to $125,331 thereafter. The bill increases the salary of the Lieutenant Governor from $90,829 to $94,462 through June 30, 2014, and to $97,296 thereafter.

SECRETARY OF STATE

House Bill No. 1002 increases the salary of the Secretary of State from $93,071 to $96,794 through June 30, 2014, and to $99,698 thereafter.

House Bill No. 1136 provides for the electronic filing of security interests in the central indexing system and provides that funds in the Secretary of State's general services operating fund are to be used for services including central indexing system responses to electronic requests for information and copies of filings.

House Bill No. 1340 authorizes the Secretary of State to establish a fee to recover the actual cost of assembling and providing information requested of the Secretary of State. The bill also requires the Secretary of State to delete or obscure a social security or federal tax identification number before a copy of any record is released to the public. The bill provides that a filing office or an officer or employee of the filing office may not be held civilly or criminally liable for the inadvertent disclosure of a social security or federal tax identification number if the filer has placed the number in an improper field on the form prescribed by the Secretary of State or the filer submitted a filing other than on the form prescribed by the Secretary of State.

STATE AUDITOR

House Bill No. 1004 increases the salary of the State Auditor from $93,071 to $96,794 through June 30, 2014, and to $99,698 thereafter.

House Bill No. 1137 allows an occupational or professional board that has less than $50,000 of annual receipts to submit an annual report to the State Auditor in lieu of an audit every two years. The bill increased the threshold from $10,000 of annual receipts.

Senate Bill No. 2246 eliminates the requirement that the State Auditor audit, once every two years, housing authorities not required to be audited by the federal Department of Housing and Urban Development. The bill requires that when the State Auditor conducts an audit of a city, the State Auditor must include within the audit any political subdivision that was created by the city and which has bonding authority.

STATE TREASURER

House Bill No. 1005 increases the salary of the State Treasurer from $87,890 to $91,406 through June 30, 2014, and to $94,148 thereafter. The bill also states it is the intent of the Legislative Assembly that the salary of the State Treasurer be increased to the salary of the next lowest-paid elected official effective July 1, 2017. The bill requires the State Treasurer to correct, in a timely manner, any underpayment, overpayment, or erroneous payment of tax distribution funds made in error by the State Treasurer.

ATTORNEY GENERAL

House Bill No. 1003 increases the salary of the Attorney General from $138,159 to $143,685 through June 30, 2014, and to $147,996 thereafter.

INDUSTRIAL COMMISSION

House Bill No. 1029 authorizes the State Housing Finance Agency to enter private partnerships for housing and reserve a share of the housing for the private partner's workforce. The bill extends the housing incentive fund through June 30, 2015, and authorizes the agency to collect administrative fees from project developers, applicants, and grant recipients. The bill requires that the annual allocation plan established by the agency for distribution of the housing incentive fund must give first priority to housing for workers employed by a city, county, school district, medical or long-term care facility, the state, or others determined by the agency who fulfill an essential public service. The bill requires that the second priority of the annual allocation plan must be to provide housing for individuals and families of low or moderate income. The bill requires the agency to maintain a register reflecting the number of housing units owned or master leased by cities, counties, school districts, or other employers of essential service workers and to report quarterly to the Budget Section on the progress being made to reduce the overall number of units owned, master leased, or subsidized by those entities. Those provisions of the bill were declared to be an emergency measure and became effective upon filing of the bill with the Secretary of State on May 7, 2013.

House Bill No. 1083 allows the Industrial Commission to authorize a program to provide refinancing of loans previously made by lenders and purchased under the home mortgage finance program. The bill changes the definition of multifamily housing facility for purposes of housing finance programs from a facility containing five or more residential dwelling units to a facility containing four or more residential dwelling units. The bill was declared to be an emergency measure and became effective upon filing with the Secretary of State on March 27, 2013.

Senate Bill No. 2014 removes the requirement that at least 25 percent of the housing incentive fund be used to assist developing communities with a population of not more than 10,000 and removes the requirement that at least 50 percent of the fund be used to benefit households with incomes at not more than 50 percent of the area median income. The bill removes the President of the Northern Alliance of Independent Producers as a member of the Oil and Gas Research Council. The bill exempts from the state classified service engineering technicians employed by the Director of Mineral Resources. The bill creates an energy conservation grant fund for the purpose of providing grants to political subdivisions for energy conservation projects in nonfederal public buildings.

Senate Bill No. 2079 provides that the Housing Finance Agency may exercise any authority that any corporation or limited liability company lawfully may do in conducting a wholesale servicing mortgage lending business, except as otherwise limited by law. The bill states that a wholesale servicing mortgage lender is a mortgage loan wholesaler that neither solicits mortgage applications nor deals directly with mortgage loan applicants, it purchases loans from mortgage originators, pools the loans, and then sells them to private or governmental investors while retaining the servicing rights.

House Bill No. 1278 establishes a North Dakota outdoor heritage fund into which up to $30 million per biennium of oil and gas gross production tax revenues must be deposited. The bill provides that the fund must be used to provide grants to state agencies, tribal governments, political subdivisions, and nonprofit organizations to provide access to private and public lands for sportsmen, support stewardship practices, develop and conserve wildlife and fish habitat, and conserve natural areas for recreation. The bill requires the Industrial Commission to manage the fund and provide staffing for meetings of the North Dakota Outdoor Heritage Advisory Board. The bill provides that the board consists of 12 members appointed by the Governor.

House Bill No. 1017 changes the membership of the North Dakota Outdoor Heritage Advisory Board by removing the member from the North Dakota natural resources trust fund and by providing that an additional representative be appointed from the conservation community at large of statewide conservation groups.

STATE BUILDING CODE

Senate Bill No. 2129 requires that after July 31, 2013, a newly designed and constructed building in excess of 7500 square feet which is classified within the state building code as assembly, business, educational, institutional, or mercantile occupancy and required by the state building code to be accessible must include at the primary exterior public entrance an automatic door or power-assisted manual door that complies with the requirements of the Americans with Disabilities Act of 1990, revised 2010. The bill provides that if a multiple unit building does not have a primary exterior public entrance, an individual unit within that building is not required to include an automatic door or power-assisted manual door unless that individual unit is in excess of 7500 square feet.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

House Bill No. 1118 provides that the Director of the Department of Corrections and Rehabilitation has the authority to appoint and remove all officers and employees of the department. The bill eliminates the requirement that approval of the Governor is necessary for the director to remove division directors.

House Bill No. 1155 increases from 72 hours to 96 hours the time within which a crime victim must report criminally injurious conduct to law enforcement in order to be eligible for compensation for injury or death under the crime victims restitution and gift fund.

OFFICE OF MANAGEMENT AND BUDGET AND FISCAL POLICIES

House Bill No. 1099 provides that a request for a new full-time or part-time permanent position included in a budget unit's estimate of its financial requirements for the next two fiscal years must include documentation justifying the need for the position which must describe the circumstances resulting in the need for the position and identify the number of hours the position will be involved in specific types of activities and the anticipated outcomes of the activities. The bill also requires the Director of the Budget to include in the required budget data the number of permanent full-time employee positions and permanent part-time employee positions authorized for each budget unit for the previous biennium and the current biennium and proposed for the next biennium.

House Bill No. 1015 authorizes the Director of the Budget to extend the filing deadline for a budget unit's estimate of financial requirements by up to 60 days beyond the July 15 deadline in the year before a legislative session. The bill provides that the governing body of each political subdivision may submit the annual budget adopted by the governing body to the Director of the Budget for inclusion on the Office of Management and Budget website. The bill also provides that in lieu of submitting the annual budget adopted by the governing body to the director, any participating governing body may provide to the director a publicly accessible internet link on which the annual budget adopted by the participating governing body is available.

Senate Bill No. 2003 provides for the continuation of the North Dakota University System's authority to carry over at the end of the biennium unspent general fund appropriations through July 31, 2015.

Senate Bill No. 2119 authorizes the Director of the Office of Management and Budget to coordinate with the Director of Transportation to establish or participate in contracts which may be made available to entities that have been determined by the Department of Transportation to be transportation providers eligible to receive state funds or federal funds for public transportation. The bill provides that cooperative purchasing may include open-ended contracts with tribal entities or transportation providers. The bill was declared to be an emergency measure and became effective upon its filing with the Secretary of State on March 27, 2013.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

House Bill No. 1452 increases the employee contribution for a temporary employee participating in the Public Employees Retirement System retirement plan by 2 percent times the employee's monthly salary beginning with the monthly reporting period of January 2014. The bill increases the political subdivision peace officer, correctional officer employee, and national guard security officer or firefighter contribution by one-half of 1 percent of a member's monthly salary beginning with the monthly reporting period of January 2014. The bill increases the employee and employer contribution for eligible governmental unit employees and judges, Bureau of Criminal Investigation peace officers, and other participating employee members by 1 percent beginning with the monthly reporting period of January 2014. The bill provides that the increase in the amount of employer and employee contributions must be reduced to the rate in effect on July 1, 2013, on the July first that follows the first valuation of the Public Employees Retirement System main system showing a ratio of the actuarial value of assets to the actuarial accrued liability of the main system that is equal to or greater than

100 percent. The bill requires the Public Employees Retirement System board to provide an opportunity for eligible employees who are new members of the Public Employees Retirement System to transfer to the defined contribution plan, effective October 1, 2014, through July 31, 2017.

House Bill No. 1058 eliminates coverage under the Public Employees Retirement System uniform group insurance program for employees who first retire after July 1, 2015, and are not eligible for Medicare upon retirement; expands the permissible types of benefit payments from retiree health insurance credits to include contributions toward hospital and medical benefits and prescription drug coverage under any health insurance program, and expands the permissible benefit types of payments from retiree health insurance credits to include contributions toward dental, vision, and long-term care benefits coverage under the uniform group insurance program. The bill becomes effective on July 1, 2015, or no later than the first day of the fourth month after a date subsequently designated by the United States Department of Health and Human Services for the implementation of state health care exchanges under the Patient Protection and Affordable Care Act of 2010.

Senate Bill No. 2060 eliminates the Social Security level option as a form of payment for new retirees in the Public Employees Retirement System hybrid plan. The bill updates federal compliance provisions of the hybrid plan and Highway Patrolmen's retirement system regarding Internal Revenue Code provisions and creates compliance provisions for the defined contribution plan under the Internal Revenue Code. The bill clarifies the normal retirement date in the hybrid plan for National Guard security officers and firefighters, peace officers and correctional officers of a political subdivision, and peace officers in the Bureau of Criminal Investigation to age 55 and three years of employment in such positions, regardless of whether employment in such position immediately precedes retirement. For purposes of payment of a member's account balance at death from the defined contribution plan, the bill clarifies rules for beneficiaries, including how a member may designate a nonspouse beneficiary with spousal consent, treatment of multiple beneficiaries and deceased beneficiaries and the lack of a designated beneficiary, and that surviving spouses may elect only a periodic payment of the account balance, including retiree health insurance credits, if the spouse is the sole refund beneficiary. The bill permits the retirement board to use fees collected from service providers to fund administrative expenses of the deferred compensation program and permits the board to pay for third-party vendor administration services of the Flexcomp program from revenue generated by that program.

House Bill No. 1059 modifies the Public Employees Retirement System uniform group insurance program eligibility rules for temporary employees first employed after December 31, 2013, and limits the amount any temporary employee can be required to contribute toward the cost of coverage to prevent the state from being subjected to employer-shared responsibility penalties with respect to its temporary employees under the federal Affordable Care Act. The bill revises the high-deductible health plan alternative to ensure that option can be offered to political subdivision employees and clarifies that political subdivisions are not required to make the same employer contribution to their employees' health savings accounts as the state is required to make to its employees' health savings accounts. The bill also provides that if a political subdivision withdraws from the uniform group insurance program before completing 60 months of participation, the political subdivision will not be subject to repay the Public Employees Retirement System for expenses incurred in the program if federal law or state laws or rules are modified or interpreted in a way that makes participation by the political subdivision no longer allowable or appropriate.

INFORMATION TECHNOLOGY DEPARTMENT

Senate Bill No. 2034 requires an executive branch agency, excluding institutions under the control of the State Board of Higher Education, proposing a major information technology project to collaborate on the procurement, contract negotiation, and contract administration with the Information Technology Department, Office of Management and Budget, and the Attorney General. The bill also creates an executive steering committee for overseeing each major information technology project.

Senate Bill No. 2021 requires each executive branch state agency, excluding entities under the control of the State Board of Higher Education, considering the development of an information technology project with an estimated cost of $100,000 or more to involve the Information Technology Department in the planning and study of the project. The bill requires a state agency to receive a recommendation from the Information Technology Department before proceeding with any study relating to the project. The bill authorizes the Information Technology Department to deposit federal or other special funds in any account specified by the Office of Management and Budget. The bill also removes the Public Employees Retirement System and the Retirement and Investment Office from the list of agencies excluded from being required to obtain electronic mail, file and print server administration, database administration, storage, application server, and hosting services through a delivery system established by the Information Technology Department.

House Bill No. 1202 provides that the requirement to obtain wide area network services from the Information Technology Department does not apply to enhanced 911 and next generation 911 communications services. The bill requires governmental entities, when selecting enhanced 911 and next generation 911 communication network providers, to select providers that are cost-effective, demonstrably reliable, and which follow interoperable standards set by the Emergency Services Communications Coordinating Committee.

DEPARTMENT OF COMMERCE

Senate Bill No. 2218 establishes within the division of workforce development of the Department of Commerce a program to provide workforce development grants to tribally controlled community colleges. The bill provides that a college may use a grant to develop programs that assist in providing certificates or degrees to North Dakota students attending the college that qualify the student to obtain jobs for which applicants are being sought within the state, as identified by the Department of Commerce, Job Service North Dakota, or any of the federally recognized Indian tribes within North Dakota or to assist any North Dakota student attending the college to establish, or to assist in establishing, a new business operating within North Dakota that will employ North Dakota citizens. The bill requires tribal colleges receiving grants to report annually to the Department of Commerce regarding the expenditures under the grant and the results of the grant program.

Senate Bill No. 2018 authorizes the Department of Commerce, through a public corporation, to establish and administer an unmanned aircraft systems test site, contingent upon receiving official designation by the federal Aviation Administration and requires the department to cooperate with the University of North Dakota, the North Dakota Aeronautics Commission, the Adjutant General, and private parties appointed by the Governor in the administration of the test site. The bill requires the department to establish and administer a Research North Dakota grant program to provide grants to a research university for research, development, and commercialization activities related to a private sector partner. The bill requires the department to establish and administer a Research North Dakota venture grant program to provide grants to a research university for pursuing further commercialization of technology developed by the research university or developed jointly by the research university and a startup or spinoff business operating in North Dakota. The bill revises a reference to reflect the changing of the name of the agricultural fuel tax fund to the agricultural products utilization fund. The bill includes within the criteria to be used by a state agency architect, engineer, construction management, and land surveying services selection committee, when evaluating firms, whether the firm is headquartered in North Dakota.

House Bill No. 1113 eliminates the Advisory Commission on Faith-based and Community Initiatives.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 55
State Historical Society and State Parks
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 55. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Senate Bill No. 2259 requires the director of the Parks and Recreation Department to protect the historic, prehistoric, archaeological, and paleontological values of the designated historic site if a state park contains a designated historic site.

House Bill No. 1018 appropriates $18,703,775 to the State Historical Society.

House Bill No. 1019 appropriates $30,034,370 to the Parks and Recreation Department and $2,223,699 to the International Peace Garden.

House Bill No. 1015 amends House Bill No. 1019, as approved by the 63rd Legislative Assembly, to reduce the appropriation to the Parks and Recreation Department from $30,034,370 to $29,584,370.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 57
Taxation
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 57. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to taxation may be classified in these subject areas: property taxes; income taxes; sales, use, and motor vehicle excise taxes; mineral taxes; fuels taxes; emergency services communication fees;tobacco products taxes; and miscellaneous tax provisions.

PROPERTY TAXES

House Bill No. 1013 provides a substantial expansion of state funding for elementary and secondary education. The funding enhancement includes a property tax relief component to provide for state payment of up to 50 mills of school district property tax levies. The bill also provides funding to incorporate the previous mill levy reduction grant property tax relief program, which provided a reduction of up to 75 mills in school district property tax levies. The result of combining the relief programs is estimated to provide more than $650 million in property tax relief for the 2013-15 biennium. The bill reduces school district general fund levy authority to 60 mills and allows 12 mills for miscellaneous expenses and allows a 12 percent increase in dollars per year, to a maximum combined levy of 82 mills.

Senate Bill No. 2036 provides a new approach to property tax relief funding that provides a state-paid credit against property taxes and mobile home taxes in the amount of 12 percent of the taxes levied by all taxing districts against the property. The relief provided by Senate Bill No. 2036 is estimated to provide $200 million in property tax relief for the 2013-15 biennium. The bill requires the Tax Commissioner to prescribe the form of notice of increased assessments for property owners and the form of the property tax statement. The bill requires individuals who previously received notice of increased assessments to also receive mailed notice to inform them of a public property tax levy hearing if the taxing district is considering a property tax increase.

Senate Bill No. 2171 expands eligibility and qualifying income limits for the homestead property tax credit for individuals 65 years of age or older or permanently or totally disabled. The bill increases the maximum income to qualify for the credit from $26,000 to $38,000. The bill increases the amount of assets of an applicant for eligibility for the credit from $75,000 plus $100,000 of the unencumbered value of the homestead to a combined total assets of $500,000. The combined property tax relief provided for the homestead credit and disabled veterans' homestead credit by House Bill Nos. 1015 and 1036 and Senate Bill No. 2171 is estimated to be more than $27 million for the 2013-15 biennium.

House Bill No. 1015 adds an additional income category to qualify for the homestead property tax credit, to allow individuals with income from $38,000 to $42,000, which entitles the owner to reduction of 10 percent of taxable valuation up to a maximum reduction of $450 of taxable valuation.

House Bill No. 1306 increases the amount of the credit for the homestead of a disabled veteran from $5,400 to $6,750 of taxable valuation.

House Bill No. 1300 changes the basis of the property tax exemption for religious organizations from buildings used for religious "services" to buildings used for religious "purposes". The bill also increases from two acres to five acres the amount of adjoining land of a religious organization deemed to be used for religious purposes and exempt from property taxes. The measure is retroactively effective to apply to tax years beginning after 2010.

Senate Bill No. 2338 provides for conditional exemption and payments in lieu of taxes for affordable rental residential property and eliminates a restriction to disallow a charitable buildings property tax exemption for property leased to tenants based on income levels to enable the owner to receive a federal low-income housing income tax credit. The bill provides that residential rental property used as affordable housing is eligible for a property tax exemption for the property's period of affordability. Property is eligible for the exemption if the Housing Finance Agency certifies to the county director of tax equalization the property is

subject to a land use restriction agreement providing mandatory income and rent restrictions, the property is owned by a qualified nonprofit entity, project owners are required to make a payment in lieu of taxes equal to 5 percent of the rents collected in the preceding calendar year, and the property continues to be operated in compliance with rent and household income restrictions.

Senate Bill No. 2162 increases the state matching grant for county senior citizen services and programs from a state match of 75 percent to a state match of 85 percent of the amount generated by levy of up to one mill in property taxes in the county for senior citizen services and programs. The bill makes an equivalent increase in the portion of state sales, use, and motor vehicle excise tax collections to be deposited in the senior citizen services and programs fund by the State Treasurer.

House Bill No. 1178 provides enhanced penalties for failure and continued failure by a public utility company to furnish reports to the Tax Commissioner required by law for assessment and property taxation of public utility property. The bill also changes the filing date from May 1 to March 15 for reports on public utility property description and location by county.

Senate Bill No. 2093 makes clear that information obtained by the Tax Commissioner for purpose of valuation and assessment of centrally assessed property may be used by the Tax Commissioner to determine and enforce tax liability under any other tax law administered by the Tax Commissioner.

House Bill No. 1107 provides that the withholding of state aid distribution fund allocations from counties as a penalty for failure to implement soil type and soil classification data in assessments continues until the Tax Commissioner certifies to the State Treasurer that the county has fully implemented use of soil type or soil classification data.

House Bill No. 1136 provides for electronic filing of information in the central indexing system relating to property liens and tax liens and relating to taxpayer identification number or social security number inclusion in filed documents.

INCOME TAX

Senate Bill No. 2156 provides a corporate income tax reduction of approximately 12 percent and an individual income tax rate reduction of approximately 19 percent. The reductions are uniform across income tax brackets for corporations and individuals. The bill is estimated to provide 2013-15 biennium income tax relief of $50 million for corporations and $200 million for individual income taxpayers. For the angel fund income tax credit, angel funds are prohibited from investments in real estate or real estate holding companies. A corporate income tax credit is created for contributions to Rural Leadership North Dakota in an amount of 50 percent of contributions by a corporate taxpayer for tuition scholarships.

Senate Bill No. 2325 transitions financial institutions to the corporate income tax and eliminates the financial institutions tax beginning in 2013. The bill also increases from 40 percent to 43.5 percent of the first one percentage point of sales taxes allocated to the state aid distribution fund for distribution to political subdivisions effective July 1, 2014.

House Bill No. 1198 relates primarily to oil extraction taxes and the state-tribal oil tax agreement, which is described in the mineral taxes section of this title summary. The bill also provides for income tax withholding for oil and gas royalty payments to nonresidents. Any person who distributes royalty payments to oil and gas royalty owners is required to deduct and withhold from the net amount of royalty payment to each nonresident individual or business entity. If the royalty payment to a royalty owner is less than $600 for the current withholding period or less than $1,000 per year, the Tax Commissioner may grant a request to forgo withholding and a remitter is exempt from the withholding requirement if the remitter produced less than 350,000 barrels of oil or less than 500 million cubic feet of gas in the preceding calendar year.

Senate Bill No. 2014 extends the effective period for the housing incentive fund income tax credit through tax year 2014 and increases the maximum amount of tax credits allowed to contributors from $15 million to $20 million per biennium.

House Bill No. 1029 also extends the effective period for the housing incentive fund income tax credit through taxable year 2014 and increases the maximum amount of tax credits allowed from $15 million to $20 million but removed the biennium as a measure of total tax credits to provide that $20 million is the maximum amount of tax credits for all taxable years. The bill provides that the annual allocation plan for the housing incentive fund must give first priority to housing for essential service workers and second priority to housing for individuals and families of low or moderate income.

Senate Bill No. 2330 increases the threshold for required payment of estimated income tax for individuals, estates, or trusts from $500 to $1,000 of net tax liability for the preceding taxable year.

Senate Bill No. 2207 provides for extension of the federal research income tax credit for state income tax purposes for taxable years 2012 through 2014, notwithstanding that the federal research tax credit may be ineffective during those tax years.

House Bill No. 1098 allows the Tax Commissioner to disclose confidential tax information to the Insurance Commissioner for the sole purpose of suspending, revoking, placing on probation, refusing to continue or refusing to issue an insurance producer license, assessing a civil penalty, or investigating fraudulent insurance acts under the insurance laws. The Insurance Commissioner may make a written request for income tax information if the Insurance Commissioner has started an investigation of an applicant or licensee on grounds other than failure to comply with income tax laws.

Senate Bill No. 2104 provides for composite withholding return filing requirements for nonresident members of passthrough entities, which is defined to include an S corporation, limited liability company, general partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, grantor trust, or similar entity not taxed at the entity level for federal income tax purposes. An exemption from the withholding requirement is provided for a lower-tier passthrough entity that files an election to be exempted with the Tax Commissioner.

Senate Bill No. 2058 allows the Tax Commissioner to disclose income tax information regarding a taxpayer's name, address, and federal identification number for purposes of allowing the Unclaimed Property Division of the Board of University and School Lands to locate the apparent owner of unclaimed property.

SALES, USE, MOTOR VEHICLE EXCISE, AND GROSS RECEIPTS TAXES

Senate Bill No. 2142 provides a sales and use tax exemption for purchases from January 1, 2013 through June 30, 2017, for tangible personal property used to construct or expand telecommunications service infrastructure to provide telecommunications service in this state. To receive the exemption at the time of purchase, the purchaser must receive from the Tax Commissioner a certificate that the property qualifies for the exemption. If a certificate is not received before the purchase, the telecommunications company must pay the tax and apply for a refund.

House Bill No. 1459 allows a sales tax rebate for purchases of replacement property for property damaged or destroyed by 2011 flooding. A claimant must own a primary residence in an identified flood zone and have been approved to receive disaster assistance through the Federal Emergency Management Agency due to 2011 river flooding in a disaster or emergency area declared by the Governor in 2011. The refund applies to qualifying purchases between June 10, 2011, and December 31, 2013, and the total refund for any one residence may not exceed $2,500. The bill is effective only through December 31, 2013.

House Bill No. 1236 provides that for lease agreements for farm machinery or irrigation equipment the lessor must collect at least the tax on three years of lease payments. This requirement does not apply to a rental agreement for farm machinery or irrigation equipment with a term of not more than 11 months. If the tax has been collected on three years of lease payments, the machinery or equipment qualifies as used machinery or equipment and upon resale or subsequent lease, gross receipts taxes do not apply because of the exemption allowed for used farm machinery and irrigation equipment.

House Bill No. 1410 provides a sales, use, and special fuels tax exemption for liquified natural gas sold or used for an agricultural, industrial, or railroad purpose. The bill also provides a sales and use tax exemption for materials used to construct a processing facility to produce liquified natural gas.

House Bill No. 1382 extends by two years the expiration date of the sales tax exemption for materials used in construction of a wind-powered electrical generating facility that has at least one generation unit with a nameplate capacity of 100 kilowatts or more. The exemption was scheduled to expire December 31, 2014, and that expiration is extended to December 31, 2016.

House Bill No. 1413 provides a sales and use tax exemption for property used to construct or expand a facility for use of coal gasification byproducts.

Senate Bill No. 2090 expands eligibility for the 3 percent sales and use tax rate for mobile homes to apply to all forms of manufactured homes.

Senate Bill No. 2092 provides that, for purposes of the motor vehicle excise tax exemption for motor vehicles acquired by permanently physically disabled persons, if the applicant does not have the required statement regarding driver's license status and permanent physical disability at the time of application for registration, the applicant may provide the statement at a later time and apply for a refund of taxes paid.

Senate Bill No. 2217 makes sales and use tax law changes to maintain North Dakota's compliance with the Streamlined Sales and Use Tax Agreement. The bill makes clear that local lodging, restaurant, and motor vehicle rental taxes may not be advertised to the public as being assumed, absorbed, or refunded by the seller. The bill also updates statutory references to origin sourcing for determining the point of taxation for intrastate sales transactions to conform to the updated Streamlined Sales and Use Tax Agreement.

House Bill No. 1097 provides that a retailer required to file monthly sales tax returns must file the returns by an electronic method approved by the Tax Commissioner. This requirement becomes effective for reporting periods beginning after December 31, 2013.

Senate Bill No. 2126 makes it a criminal offense to employ an automated sales suppression device, zapper, or phantom-ware, which falsifies electronic records, transaction data, or transaction reports of electronic cash registers and other point-of-sale systems. If the holder of a sales tax permit is convicted of a criminal violation for this purpose, the Tax Commissioner is required to revoke the sales tax permit of the person and the person is ineligible to receive another permit for a period of 10 years.

House Bill No. 1464 increases from $93.75 to $110 per return as the maximum allowable deduction for retailers as compensation for collecting and remitting sales, use, and gross receipts taxes.

MINERAL TAXES

House Bill No. 1358 restructures the allocation of oil and gas gross production tax collections. The bill provides for allocation to hub cities and hub city school districts from the first one percentage point of the five percentage point gross production tax. Hub cities are to receive $375,000 per fiscal year for each full or partial percentage point of private covered employment in the mining industry, which is estimated to provide for allocations of $45,750,000 to hub cities for the 2013-15 biennium. Hub city school districts are to receive $125,000 per fiscal year for each full or partial percentage point of private covered employment in the mining industry, which is estimated to provide $15,250,000 of allocations to hub city school districts for the 2013-15 biennium. The oil and gas impact grant fund is to receive $240 million for the 2013-15 biennium from the first one percentage point of the five percentage point gross production tax.

Allocation of the remaining four percentage points of the five percentage point gross production tax is revised to provide that the first $5 million of tax collected from production in each county goes entirely to that county and revenue over $5 million during a fiscal year goes 25 percent to that county and 75 percent to the state.

For allocation within the county, for a county that received less than $5 million in gross production tax allocations in the previous fiscal year, the receipts of the county are allocated 45 percent to the county, 20 percent cities, and 35 percent to school districts and hub cities and hub city school districts are excluded from this allocation. For counties that received $5 million or more in gross production tax receipts in the previous fiscal year, revenues received by the county are allocated 60 percent to the county, 20 percent to cities, 5 percent to school districts, 3 percent to townships based on proportion of township road miles relative to township road miles in the entire county, 3 percent to townships distributed in equal amounts to each township in the county, and 9 percent for a special allocation to hub cities of which the total amount is allocated 60 percent to Williston, 30 percent to Dickinson, and 10 percent to Minot.

Compared to current law, House Bill No. 1358 is estimated to provide $140 million more funding for the oil and gas impact grant fund, $300 million additional allocations directly to political subdivisions, and a reduction of approximately $440 million in the state share of revenues. Funding to the legacy fund is unchanged and funding to the oil and gas research fund and the tribal share of oil tax revenues are unaffected by this bill.

The bill also provides an appropriation of $160 million to the Department of Transportation for allocation for road improvements in oil-producing counties that receive $5 million or more of gross production tax allocations for fiscal year 2012; $120 million to the Department of Transportation for allocation among counties that did not receive $5 million or more of gross production tax allocations in fiscal 2012; $8,760,000 to the State Treasurer for allocation to counties for allocation to or for the benefit of townships in oil-producing counties; $2 million to the Department of Commerce for a grant program for nursing homes, basic care facilities, and providers that serve individuals with developmental disabilities in oil-producing counties; $239,299,174 to the Board of University and School Lands for oil and gas impact grants; $9.6 million to the Department of Human Services for a grant program for critical access hospitals in oil-producing counties and counties contiguous to an

oil-producing county; $9.6 million to the Attorney General for grants to law enforcement agencies, crime related needs of the Attorney General's office, and development of a uniform law enforcement and custody manual; and $120,000 to Job Service North Dakota to upgrade statistical information on employees in oil and gas-related employment.

House Bill No. 1198 eliminates stripper well property status for wells drilled and completed or reentered and recompleted after June 30, 2013. For wells drilled and completed or reentered and recompleted after June 30, 2013, wells must be evaluated on a individual basis for stripper well status based on the production from the well and are not eligible for the stripper well exemption unless the individual well produces 30 barrels or less per day outside the Bakken and Three Forks Formations and 35 barrels or less per day for wells in the Bakken or Three Forks Formations. The bill provides for a reduced oil extraction tax rate of 2 percent for the first 75,000 barrels of oil produced during the first 18 months after completion of a well drilled and completed outside the Bakken and Three Forks Formations after June 30, 2013.

The bill revises the statutory framework for the state-tribal oil and gas tax agreement. The bill eliminates the 5-year exemption for wells drilled on an Indian reservation after June 30, 2013. The bill increases the tribal share of revenue allowable under the agreement for production on nontrust lands from 20 percent of oil and gas gross production taxes to 50 percent of total oil and gas gross production and oil extraction taxes. The bill provides that the state-tribal agreement must require that the Three Affiliated Tribes report annually to the Budget Section of the Legislative Management to identify investment of at least 10 percent of tribal oil and gas gross production and oil extraction tax receipts in essential infrastructure and inform the Budget Section of fees, expenses, and charges the tribe imposes on the oil industry.

House Bill No. 1278 establishes a North Dakota outdoor heritage fund and a North Dakota Outdoor Heritage Advisory Board to advise the Industrial Commission regarding use of the outdoor heritage fund. The bill provides that the tax revenue from the first one percentage point of the five percentage point gross production tax, up to 4 percent of the amount available is to be deposited in the North Dakota outdoor heritage fund, but not in amount exceeding $15 million in a state fiscal year and not in an amount exceeding $30 million per biennium.

Senate Bill No. 2014 provides that within the oil extraction tax development fund, the portion to be allocated to the resources trust fund must be reduced by 5 percent and that amount must be transferred no less than quarterly into the renewable energy development fund, but not in an amount exceeding $3 million per biennium. In addition one-half of 1 percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the energy conservation grant fund, but not in an amount exceeding $1.2 million per biennium. The funding for renewable energy source development is to be administered by the Industrial Commission and the funding for programs for energy conservation development is administered by the Department of Commerce.

House Bill No. 1134 revises laws on flaring of gas from oil and gas wells. The bill does not change the time limit of one year when flaring is allowed but allows extension of that time if the well is equipped with an electrical generator that consumes at least 75 percent of the gas from the well; equipped with a system that intakes at least 75 percent of the gas and natural gas liquids volume from the well for beneficial consumption by means of compression to liquid for use as fuel, transport to a processing facility, production petrochemicals or fertilizer, conversion to liquid fuels, or separating and collecting over 50 percent of the propane and heavier hydrocarbons; or equipped with value-added processes as approved by the Industrial Commission which reduce the volume or intensity of the flare by more than 60 percent. The bill provides an oil and gas gross production tax exemption for a period of two years and 30 days if the gas is collected under one of the optional methods for which extended duration of flaring is permitted. The bill also provides a sales and use tax exemption for materials used in collecting gas at the well site for one of the methods of collecting gas for which an extended period of flaring is permitted.

House Bill No. 1333 provides that from the first one percentage point of the five percentage point oil and gas gross production tax, 4 percent of the amount is to be transferred to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding $5 million in a state fiscal year and not in an amount that would bring the balance in the fund to more than $75 million.

Senate Bill No. 2013 eliminates the requirement that the Board of University and School Lands serve as an appeals board to reconsider oil and gas impact grant applications denied by the Director of the Energy Infrastructure and Impact Office.

House Bill No. 1005 amends a portion of the statutory authority governing the state-tribal oil and gas tax agreement to make clear that the state's share of oil and gas gross production tax revenue is subject to distribution among political subdivisions as provided in the gross production tax law.

Senate Bill No. 2048 provides that State Water Commission rules governing financial assistance for water projects must consider project revenues, local cost-sharing, and ability to pay. The rules may provide for repayment of a portion of funds allocated from the resources trust fund.

Senate Bill No. 2105 relates to reimbursement of coal severance tax allocations to a non-coal-producing county. The bill provides that during the first month of each calendar year beginning January 2014 the State Treasurer shall distribute funds to offset 50 percent of the county share of coal severance tax revenue allocated to a non-coal-producing county.

FUELS TAXES

House Bill No. 1410 provides a special fuels tax exemption for liquified natural gas sold or used for an agricultural, industrial, or railroad purpose.

Senate Bill No. 2294 increases the penalties for use for dyed diesel fuel in a licensed motor vehicle. The bill also requires the Tax Commissioner to prescribe the size and contents of a consumer advisory sticker to be affixed to pumps dispensing dyed special fuel to advise consumers of the administrative fee for a violation. The bill requires a retailer of dyed special fuel to affix the prescribed sticker to every pump dispensing dyed special fuel on the retailer's premises.

Senate Bill No. 2012 provides that instead of depositing special fuels tax receipts in the highway tax distribution fund, special fuels excise taxes collected on sales of diesel fuel to a railroad, in the amount of up to $250,000 per year, must be deposited in the highway-rail grade crossing safety projects fund.

Senate Bill No. 2018 eliminates the two cents per gallon withheld from agricultural fuel tax refunds for deposit in the agricultural fuel tax fund and the one cent per gallon withheld from agricultural fuel tax refunds to be withheld and deposited in the ethanol production incentive fund. The bill increases from four cents to seven cents per gallon the amount of the refund of fuel tax for fuel used for agricultural purposes to be deposited in the agricultural research fund. The bill also changes the name of the agricultural fuel tax fund to the agricultural products utilization fund.

EMERGENCY SERVICES COMMUNICATION FEES

Senate Bill No. 2261 creates a prepaid wireless emergency 911 fee of 2 percent on the gross receipts of sellers from all sales at retail of prepaid wireless services in North Dakota. The fees collected are to be deposited in the prepaid wireless emergency 911 fee fund to be used for the implementation, maintenance, or operation of the emergency services communication system.

House Bill No. 1049 delays by two years deadlines for some requirements for public safety answering points. The bill extends to July 1, 2015, deadlines for public safety answering points to provide staffing continuously by at least one public safety telecommunicator, transfer emergency calls to another public safety answering points within 60 minutes upon becoming inoperative, and having up-to-date mapping and longitude and latitude for direct responders.

TOBACCO PRODUCTS TAXES

Senate Bill No. 2106 prohibits operation of a cigarette-making machine in this state unless the operator has a valid federal permit or is using the machine exclusively for personal purposes. The bill requires a person who is considered a tobacco product manufacturer under federal law and who is operating a cigarette-making machine to register with the Attorney General, maintain a tamper-proof counting device to record rolls or tubes processed, and pay tobacco products taxes on the cigarettes produced.

MISCELLANEOUS TAX PROVISIONS

House Bill No. 1106 makes several technical changes to tax laws. The bill requires publication of notice of county, township, and city equalization meetings, provides for correct transfer of certain tax revenues, makes statutory provisions for treatment of limited liability partnerships and other passthrough entities, and eliminates obsolete statutory language in tax statutes.

House Bill No. 1043 corrects language under the mill levy reduction grant provisions of Chapter 57-64 relating to correction of the Century Code chapter reference for assessment of railroad property by the State Board of Equalization.

House Bill No. 1006 increases the salary of the Tax Commissioner from $101,010 to $105,050 beginning July 1, 2013, and to $108,200 effective July 1, 2014.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 58
Townships
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 58. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1252 revises the statutory limitation on the compensation authorized to be paid to the township treasurer from $60 per day to up to $60 per day.

Senate Bill No. 2180 requires a township that regulates the construction, erection, reconstruction, repair, or alteration of buildings and structures and issues building permits to respond to a building permit application within 60 days of receiving the application either by approving the application and delivering the building permit or by providing the applicant written notice of the grounds for rejection of the application. The bill provides that if the building or structure for which a permit is requested meets all applicable zoning regulations and the board of township supervisors or other appropriate official fails to respond within 60 days, the application is deemed to be approved and the township must return any permit fee submitted with the application.

House Bill No. 1332 repeals a provision relating to the determination of an individual's eligibility to vote in a township election.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 59
Trusts
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 59. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 60
Warehousing and Deposits
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 60. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 61
Waters
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 61. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

The legislation relating to waters may be classified in these subject areas: State Water Commission and State Engineer, appropriation of water, drainage projects, water districts, and miscellaneous.

STATE WATER COMMISSION AND STATE ENGINEER

House Bill No. 1020 appropriates $827,695,805 to the State Water Commission. The bill also appropriates any additional amounts in the resources trust fund and water development trust fund that become available, subject to Budget Section approval, to the State Water Commission. The bill requires the Bank of North Dakota to provide a loan of $40 million to the Western Area Water Supply Authority for construction of the Western Area Water Supply Project. The bill provides that, except for construction of ring dikes and levees, construction relating to Fargo flood control project components located south of the city of Fargo's extraterritorial zoning jurisdiction may not begin until after July 1, 2014. The bill provides that funds designated by the 61st, 62nd, and 63rd Legislative Assemblies for Fargo flood control are available only for levee and dike protection until the Fargo flood control project receives federal authorization, a project partnership agreement is executed, a federal appropriation is provided for project construction, and a budget for the Fargo flood control project is approved by the State Water Commission. The bill provides that it is the intent of the 63rd Legislative Assembly that the state provide one-half of the local cost-share of constructing a federally authorized Fargo flood control project and that total Fargo flood control project funding to be provided by the state not exceed $450 million. The bill provides $100 million for Fargo flood control projects. The bill provides that of the funds appropriated, $11 million is for the Red River Valley Water Supply project and $60 million is from the resources trust fund for the purposes of paying off or defeasing outstanding bond issues. The bill increases the ceiling of the community water facility loan fund from $10 million to $25 million and expands the source of funding for the fund from future undivided profits of the Bank of North Dakota to include other state funds. The bill expands the duties of the Water Topics Overview Committee to include preparation of a schedule of priorities with respect to water projects and to study policies regarding the development and financing of municipal projects, including water treatment plants; pipelines, including pipeline expansion, public and industrial use of water, cost analysis of future project development, and ongoing maintenance cost of current and future projects; and technology, including the use of technology for permitting and electronic metering.

House Bill No. 1015 amends Section 5 of House Bill No. 1020 relating to the Western Area Water Supply Authority loan from the Bank of North Dakota to delete the requirement that the terms and conditions of the loan must be negotiated by the Western Area Water Supply Authority and the Bank of North Dakota and any previous loans may be added to and merged into this loan as agreed to by the authority and the Bank and that the authority may repay the loan from specific project features to provide that the loan must be added to and merged into previous loans as agreed to by the Industrial Commission and the Bank of North Dakota.

Senate Bill No. 2233 requires the Water Topics Overview Committee to work collaboratively with the State Water Commission to develop policies to further define the State's role in major flood control projects and in the prioritization of water projects. The bill requires the committee to review water supply routes and alternatives for the Red River Valley water supply project during the 2013-14 interim. The bill provides a declaration of water policy and goals and objectives for water project development; the Mouse River enhanced flood control project; the lower Heart River, Morton County, enhanced flood control project; the Southwest Pipeline Project; the Garrison Diversion unit; and the Fargo-Moorhead flood control project. The bill establishes an infrastructure revolving loan fund within the resources trust fund to provide loans for water supply, flood protection, or other water development and water management projects. Ten percent of oil extraction moneys deposited in the resources trust fund is to be made available on a continuing basis for making loans from the fund. The bill provides a schedule for how industrial water depot and lateral revenues received by the Western Area Water Supply Authority are to be applied. The bill requires the Western Area Water Supply Authority to develop industrial water depot and lateral retail water rates and to present the rates

to the Industrial Commission for approval. The bill requires the Western Area Water Supply Authority to follow State Water Commission requirements for funding through the resources trust fund or Bank of North Dakota state-guaranteed loans. The bill changes the Western Area Water Supply Authority default provisions to provide that the Industrial Commission may review the ability of water depot and lateral sales to meet expenses of the authority and if the Industrial Commission is uncertain of that ability, the commission is required to provide written notification to the State Water Commission and direct the Bank of North Dakota to consider revision of the terms of the loan repayments.

House Bill No. 1269 appropriates $10,350,000 from the resources trust fund to the State Water Commission for the purpose of providing grants to advance the Stutsman County rural water project, North Central rural water consortium project, and the McLean-Sheridan rural water project. The bill also appropriates $21 million from the resources trust fund to the State Water Commission to advance construction of the Southwest Pipeline Project. The bill became effective February 19, 2013.

Senate Bill No. 2053 authorizes the State Water Commission to sell property acquired for the Northwest Area Water Supply Project that is no longer necessary for project purposes.

House Bill No. 1206 requires the State Water Commission to develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes.

House Bill No. 1067 provides that the State Water Commission is a state agency rather than a public corporation.

APPROPRIATION OF WATER

House Bill No. 1061 increases the penalty for misappropriation of water, except for irrigation appropriation permits, from $5,000 for each day of violation to $25,000 for each day of violation. The bill requires the State Engineer to inform the Tax Commissioner of violations of industrial use permits. The bill became effective April 24, 2013.

House Bill No. 1063 repeals several sections dealing with water conservation that relate to control of water and wildlife conservation projects and the penalty for draining a meandered lake.

DRAINAGE PROJECTS

Senate Bill No. 2199 increases the allowable assessment for maintenance of federally constructed projects from $2 per acre annually on agricultural land to $4 per acre. The bill increases the allowable assessment for maintenance of assessment drains from $2 per acre to $4 per acre on agricultural land that carried the highest assessment when the drain was originally established or received the most benefits under a reassessment of benefits and increases the assessment on other agricultural lands from $1 to $4 per acre. The bill also increases the allowable assessment on nonagricultural property from $1 for each $500 of taxable valuation to $2 for each $500 of taxable valuation. The bill provides that if a water resource board determines that a complaint involving removal of an obstruction to a drain is frivolous, the board may assess the cost of the frivolous complaint against the complainant and that following removal of an obstruction to a drain or noncomplying dike or dam, the board may assess its costs against the property of the responsible land owner. The bill increases the allowable levy for cleaning out and repairing a drain from $2 per acre for agricultural land to $4 per acre and increases the allowable assessment on non-agricultural property from $1 to $2 for each $500 of taxable valuation. The bill provides that if in the discretion of the board, a complaint involving closing a noncompliant drain is frivolous, the board may assess the cost of the frivolous complaint against the complainant. The bill also allows a water resource board to assess the costs of closing or filling an unauthorized drain against the property of the responsible land owner.

House Bill No. 1062 deletes the provision that a person aggrieved by action of a Water Resource Board involving a noncompliant dike, dam, or other device, or noncomplying drain may appeal the decision to the district court of the county in which the land is located and that a hearing is not a prerequisite to an appeal.

Senate Bill No. 2052 provides that if a water resource board fails to respond within 45 days after a permit to construct or modify a dam, dike, or other device has been forwarded to the board following initial review by the State Engineer, it shall be deemed the board has no changes, conditions, or modifications to the permit.

WATER DISTRICTS

House Bill No. 1440 requires cities planning to expand water service through annexation to develop a city water service area plan. A city is required to file the plan with the State Water Commission and upon filing may proceed with water service to the annexed area. The bill provides a mediation and appeals process if a water service agreement between a water district and city is not executed within 60 days after the city notifies the district that a city water service area plan has been developed.

MISCELLANEOUS

Senate Bill No. 2308 requires the State Department of Health to administer and enforce a permitting program for septic system servicers. The bill becomes effective January 1, 2014.

Senate Bill No. 2049 changes the name of the Water-Related Topics Overview Committee to the Water Topics Overview Committee and makes it a permanent statutory Legislative Management committee. The bill clarifies that a majority of the members of an irrigation board constitutes a quorum for the transaction of business and that a concurrence of at least a majority of the board is necessary on any question requiring a vote. The bill authorizes irrigation districts to enter contracts with the Garrison Diversion Conservancy District and clarifies that Garrison diversion irrigation projects must be undertaken under the direction of a registered professional engineer. The bill also extends 2011 legislation authorizing the Board of Directors of the Garrison Diversion Conservancy District to establish special assessment districts for irrigation works through July 31, 2015.

House Bill No. 1060 revises the composition of the Devils Lake Outlets Management Advisory Committee.

Senate Bill No. 2374 revises the filing deadlines for election of directors of the Garrison Diversion Conservancy District, county directors of the Southwest Water Authority, and city directors of the Southwest Water Authority.

House Bill No. 1177 requires weather modification authorities to establish the rate of compensation for commissioners and that actual expenses incurred by commissioners may be reimbursed at the official reimbursement rates of the appointing authority. Under current law, commissioners are entitled to necessary expenses incurred in the discharge of their duties.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 62.1
Weapons
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 62.1. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1283 exempts from the prohibition of carrying a firearm at a public gathering an individual with a class 1 license in a church building or other place of worship with the approval of primary religious leader or the governing body. The bill requires the church or place of worship to inform local law enforcement of the authorized individual.

House Bill No. 1224 changes the penalty for having a loaded firearm in a vehicle while in the field engaged in lawful hunting of big or small game from a criminal penalty to a class 2 noncriminal penalty.

Senate Bill No. 2145 removes the requirement that a municipal judge be licensed to practice law in this state to be exempt from carrying a firearm at a public gathering.

House Bill No. 1241 allows the possession of a firearm or dangerous weapon at a gaming site at which bingo is not the primary gaming activity and at the restaurant part of an establishment if individuals under 21 years of age are not prohibited from that part of the establishment.

Senate Bill No. 2239 allows an individual to carry a stun gun concealed without a concealed weapons permit.

House Bill No. 1260 changes the venue for the petition for the restoration of firearms rights from the district court of the county where the individual resides to the the district court of the county where the offense occurred if the offense was committed in this state. The bill provides for the venue to be in the district court where the individual resides if the offense did not occur in this state. In addition, the bill requires the petitioner to notify the state's attorney's office of the county where the petition is filed must be notified.

House Bill No. 1327 requires the bureau of criminal investigation to conduct a statewide and nationwide criminal history record check for an applicant for a concealed weapons license. In addition, the bill requires each applicant to provide written consent to conduct the check, to maintain, release, and disclose information and to provide two sets of fingerprints. The bill excludes pepper spray and stun guns from the definition of dangerous weapon. The bill defines all firearms that are designed to be readily modified between rifle and pistol forms as handguns. The bill prohibits dangerous weapons at public gatherings. The bill allows an instructor, test administrator, official or participant in an educational, training, cultural, or competitive event involving the use of a dangerous weapon to be exempt from the public gathering prohibition if the individual has the permission of the person with authority over the function or premises. The bill expands the prohibitions on altering identification marks on a handgun to all firearms. The bill makes changes to the application process for class 1 firearms licenses and class 2 firearms and dangerous weapons license including the removal of the the requirement for the signature of the chief local law enforcement officer.

House Bill No. 1015 corrects a reference in House Bill No. 1327 to allow the bureau of criminal investigations to deny a class 1 or class 2 concealed weapons permit if the applicant has been or is a danger to self or others as demonstrated by evidence.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 63
Weeds
Summary of Bills Enacted by 2013 Legislative Assembly

There was no 2013 legislation enacted which primarily affected North Dakota Century Code Title 63. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 64
Weights, Measures, and Grades
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 64. Bills primarily affecting other titles also may affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1008 provides a general fund appropriation of $13,387,469 to the Public Service Commission and removes fees for the calibration of certain weighing and measuring devices.

House Bill No. 1043 defines one surveyor's chain as being equal to sixty-six United States survey feet and updates other measurement definitions.

Prepared by the North Dakota Legislative Council staff
May 2013

TITLE 65
Workforce Safety and Insurance
Summary of Bills Enacted by 2013 Legislative Assembly

This memorandum summarizes 2013 legislation primarily affecting North Dakota Century Code Title 65. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to workers' compensation may be classified in these subject areas: administration and benefits.

ADMINISTRATION

House Bill No. 1081 removes the requirement that Workforce Safety and Insurance (WSI) and the Risk Management Division of the Office of Management and Budget report to the Budget Section of the Legislative Management regarding the single WSI account for state entities.

House Bill No. 1043 makes a technical correction, changing a reference to "Office of Independent Review" to the "Decision Review Office."

House Bill No. 1021 is the appropriation bill for WSI.

BENEFITS

House Bill No. 1052 strengthens the notice employers are required to give employees under the workers' compensation preferred provider program.

House Bill No. 1063 amends the definition of "compensable injury" to provide pain is a symptom and may be considered in determining whether there is a substantial acceleration or substantial worsening of a preexisting injury, disease, or other condition, but pain alone is not a substantial acceleration or a substantial worsening.

House Bill No. 1080 makes multiple changes to the workers' compensation law, revising the definition of "wages" to allow WSI to consider federal wages when determining the average weekly wage of a North Dakota National Guard member injured while serving on state active duty and to allow WSI to consider noncovered wages received post-injury by an injured employee when WSI is determining vocational rehabilitation options; providing if a death claim is made in North Dakota and in another jurisdiction, that claim is handled in the same manner as nondeath claims; revising the process for determining when a claim is approved in another jurisdiction; providing if an injured employee spends more than 180 consecutive days incarcerated, in order to have benefits reinstated the injured employee is required to reapply; updating the permanent partial impairment scheduled awards for amputations and loss of sight to be consistent with changes made in 2011; updating language to reflect WSI's transition from contracting for vocational rehabilitation services to providing those services in house; harmonizing the usage of the terms "injured employee" and "claimant"; revising the law addressing consequences for noncompliance, making the consequences more consistent; and clarifying an injured employee is required to seek appropriate work regardless of whether the injured employee received a vocational plan.

Senate Bill No. 2080 makes several changes to the workers' compensation law, including a revision of the law relating to the circumstances under which WSI may make premiums due immediately and may decline employer coverage due to premium delinquency or uninsured status; provides for a penalty WSI may assess if an employer is uninsured in violation of the required coverage; revises the law relating to assignment of a claim for compensation; expands the law relating to coverage of volunteers to include volunteer health practitioners; revises the premium rates WSI may charge for employer coverage; provides WSI more flexibility in setting the premium for providing vocational training or work evaluation; and revises the extraterritorial coverage provisions to require covered employers to report all wages earned in this state.

Senate Bill No. 2134 expands the definition of "law enforcement officer" to include an individual licensed to perform peace officer law enforcement duties who is employed by the Parks and Recreation Department.

Senate Bill No. 2178 increases the maximum amount WSI may spend to provide a specially equipped motor vehicle or vehicle adaptations for an injured worker with a catastrophic injury from $100,000 to $150,000.

Senate Bill No. 2298 revises the law relating to the weight WSI gives the opinion of a claimant's treating doctor, providing a presumption may not be established in favor of any doctor's opinion and directing WSI to resolve conflicting medical opinions by considering identified factors.