2015
NORTH DAKOTA
CENTURY CODE
TITLE SUMMARIES

LEGISLATIVE COUNCIL
STATE CAPITOL
BISMARCK, ND 58505

TITLE 1
General Provisions
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which affected North Dakota Century Code Title 1.

TITLE 2
Aeronautics
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 2. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2056 provides that if both a county and a city or township levy a tax for airport or airport authority purposes, the total amount of the combined levy may not exceed the statutory limit of 4 mills. The bill also requires the governing body of a city or county levy a tax upon the property in the municipality in an amount sufficient to pay the principal and interest due on any revenue bonds issued before August 1, 2015. For revenue bonds issued by an airport authority after July 31, 2015, a majority vote of the qualified electors in each municipality involved, or a majority vote of the governing body of each municipality involved, must be received before the municipality may commit to the issuance of revenue bonds.

Senate Bill No. 2217 provides that an airport authority seeking approval from a city or county governing body for a property tax levy must file a financial report with each participating city or county auditor for the preceding calendar year. The bill requires that the report contain the ending balances of each fund held by the airport authority during the preceding year and be submitted at a time and in a format prescribed by the auditors.

Senate Bill No. 2144 provides that airport authorities may expend revenues from the airport levy in the political subdivision or the general fund levy authority made available by the political subdivision. The bill also limits the meaning of "municipality" for purposes of the Airport Authority Act to mean any county, city, or township.

House Bill No. 1006 provides an appropriation to the Aeronautics Commission and allows for any money derived from investment of the Aeronautics Commission special fund to be credited back to the fund.

TITLE 3
Agency
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 3.

TITLE 4
Agriculture
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 4. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

AGRICULTURAL LAW REWRITE

House Bill No. 1026, which relates to revision of ginseng laws, replaced Chapter 4-39 with Section 4.1-17-01.

House Bill No. 1027, which relates to revision of the North Dakota Milk Marketing Board laws, replaced Chapter 4-18.1 with Chapter 4.1-26.

Senate Bill No. 2025, which relates to revision of beekeeping laws, replaced Chapter 4-12.2 with Chapter 4.1-16.

APPROPRIATIONS

Senate Bill No. 2009 appropriates $11,581,056 to the Agriculture Commissioner for the purpose of defraying the expenses of the Department of Agriculture. The bill also increases the salary of the Agriculture Commissioner to $105,491 during the first year of the biennium and to $108,656, thereafter.

House Bill No. 1432 appropriates $1.5 million to the Agriculture Commissioner for the purpose of funding the state's participation in administrative or judicial processes, which are based on federal environmental legislation or regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors.

Senate Bill No. 2271 appropriates $400,000 to the Agriculture Commissioner for the establishment of a pilot program that provides technical assistance and support to surface owners and tenants regarding pipeline restoration and reclamation issues.

House Bill No. 1020 appropriates $261,240,266 for defraying the expenses of the North Dakota State University (NDSU) Extension Service, the Northern Crops Institute, the Upper Great Plains Transportation Institute, the agricultural research centers, and the Agronomy Seed Farm. Of the appropriation, $115,878,504 is from the general fund. The bill allows the Director of the NDSU Main Research Center and the Director of the NDSU Extension Service to adjust or increase full-time equivalent positions to carry out the mission of the center or service. All full- or part-time positions of the center or service must be separate from NDSU.

TAXATION ISSUES

Senate Bill No. 2056 provides boards of county commissioners with discretion in levying taxes for county fair associations.

Senate Bill No. 2217 provides that if a county fair association seeks a tax levy, the association must file a financial report with the county auditor, showing its ending balance for the preceding calendar year.

Senate Bill No. 2144 authorizes a board of county commissioners to provide funds for a county fair and a county pest control program from the county general fund and to seek voter-approved levy authority for extension work and soil conservation districts. The bill also authorizes county and city noxious weed control programs to request funding from their respective political subdivisions.

MISCELLANEOUS

House Bill No. 1239 extends the final filing date of nominating petitions for soil district supervisors from 60 to 64 days before the date of the election.

House Bill No. 1436 allows the Agriculture Commissioner, as well as NDSU and other appropriately licensed persons, to import, resell, and plant industrial hemp seed, cultivate the growing plant, and harvest any resulting crop, for any legally permissible purpose, including an authorized pilot program or other agricultural research involving the planting, cultivating, or marketing of industrial hemp.

Senate Bill No. 2053 repeals Chapter 4-21, which required that a bounty be paid by each county to any person who plants forest trees upon prairie land within the county, cultivates the trees, and keeps them growing in a thrifty condition.

Senate Bill No. 2061 updates references to various federal publications used in the regulation of milk and dairy products.

Senate Bill No. 2159 authorizes the State Board of Higher Education and the State Board of Agricultural Research to convey certain real property used by the Dickinson Research Extension Center in Stark County.

Senate Bill No. 2183 adds the President and General Manager of the North Dakota Mill and Elevator Association to the Northern Crops Council.

TITLE 4.1
Agriculture
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 4.1. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

AGRICULTURAL COMMODITIES

House Bill No. 1026 revises statutory provisions and authorizes the Agriculture Commissioner to implement rules relating to the management and harvesting of ginseng and places those provisions into Chapter 4.1-17.

House Bill No. 1027 revises Century Code provisions relating to the North Dakota Milk Marketing Board and places those provisions into Chapter 4.1-26.

Senate Bill No. 2025 revises Century Code provisions relating to beekeeping and places those provisions into Chapter 4.1-16.

COMMODITY ASSESSMENTS

House Bill No. 1238 provides that any person who sells cattle in this state must pay a refundable state assessment of $1 per animal, in addition to the assessment imposed by federal law.

TAXATION ISSUES

Senate Bill No. 2056 requires county weed boards request that their board of county commissioners levy a tax for noxious weed control purposes.

Senate Bill No. 2217 provides that if the county weed board seeks a tax levy in the county, the board must file a financial report with the county auditor, showing its ending balance for the preceding calendar year. The bill also provides that if a city weed board seeks a tax levy in the city, the board must file a financial report with the city auditor, showing its ending balance for the preceding calendar year.

Senate Bill No. 2144 authorizes a board of county commissioners to provide funds for a county fair and for a county pest control program from the county general fund and to seek voter-approved levy authority for extension work and soil conservation districts. The bill also authorizes county and city noxious weed control programs to request funding from their respective political subdivisions.

MISCELLANEOUS

Senate Bill No. 2261 clarifies that agricultural seed labeling laws are applicable to agricultural seed used for cover crops.

Senate Bill No. 2186 makes permanent a 2011 provision that increased the assessment on honeybee colonies from 5 cents to 10 cents.

TITLE 5
Alcoholic Beverages
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles may also contain provisions that affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1464 creates a class B misdemeanor offense for a person to sell, purchase, possess, or consume powdered alcohol products. The prohibition does not apply to the use of powdered alcohol products by specified institutions for research purposes.

Senate Bill No. 2324 creates a civil penalty of $200 for the second offense of a person in the business of selling alcoholic beverages or transporting goods directly shipping or transporting alcoholic beverages from an out-of-state location to a person who is not a licensed wholesaler in this state. A third and any subsequent violation remains subject to a $500 civil penalty for each illegal shipment. The bill also requires that a licensed alcohol carrier notify a direct shipper of the requirement to obtain a direct shipper permit before packages are provided to the carrier for delivery, if the carrier has received notice from the Tax Commissioner that the direct shipper is not licensed.

House Bill No. 1416 provides that if a retail licensee provided its employees with alcohol server training addressing intoxication, drunk driving, and underage drinking, the provision of this training may be considered as a mitigating factor if the retail licensee is found liable in a claim for relief made by an individual injured by an intoxicated individual served by the licensee. The provision of training may also be considered as a mitigating factor by a licensing authority for a retail licensee's fist violation.

Senate Bill No. 2333 allows an individual under age 21 to be in a licensed alcohol establishment at the discretion of the owner of the establishment and subject to certain limitations. The bill provides that the establishment must be located in a city with a population of 1,500 or less or outside any city, serve tabletop food, and be permitted by the local licensing authority to have individuals under the age of 21 on the premises. The bill also requires that any individual under age 21 be accompanied by a parent or guardian, be on the premiss for purposes of eating or due to an emergency situation, and not be on the premises past 10:00 p.m.

Senate Bill No. 2325 allows for the issuance of multiple brewer taproom licenses to the owner or operator of a brewery. The bill provides that a brewer with multiple taproom licenses must produce malt beverages at each location but may not produce more than 25,000 barrels of malt beverages among all locations per year.

House Bill No. 1434 changes the starting time for on sale service of alcoholic beverages on licensed premises from noon to 11:00 a.m. on Sundays and prohibits the sale of off-sale alcoholic beverages between the hours of 2:00 a.m. and noon on Sundays.

House Bill No. 1133 replaces the term "wholesalers" with "licensees" in the section allowing the Tax Commissioner to adopt rules necessary to carry out the provisions of Title 5.

TITLE 6
Banks and Banking
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 6. Bills primarily affecting other titles may also 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: Bank of North Dakota and the Department of Financial Institutions.

BANK OF NORTH DAKOTA

House Bill No. 1373 directs the Bank of North Dakota to administer, manage, promote, and market the North Dakota Achieving A Better Life Experience (ABLE) plan, which is based on federal legislation that allows for tax-free savings accounts for individuals with disabilities.

House Bill No. 1443 creates the infrastructure revolving loan fund, funded by funds from the Bank's current earnings and undivided profits and from funds from the strategic investment and improvements fund. The Bank is directed to make loans from the fund to political subdivisions for essential infrastructure projects.

House Bill No. 1014 provides for a North Dakota Financial Center, which will be a building owned by the Bank of North Dakota and the Bank will lease space to other state agencies. This provision becomes effective only if the Bank of North Dakota net income exceeds $125 million for calendar year 2015.

Senate Bill No. 2012 extends the medical facility infrastructure loan program and provides the medical facility infrastructure loan fund is a revolving fund to continue funding the loan program.

Senate Bill No. 2364 repeals the law that created the health information technology loan fund, through which loans were made to health care providers to purchase and upgrade electronic health record technology, train personnel in its use, improve security of information exchange, and for other purposes as established by the Health Information Technology Office in collaboration with the Health Information Technology Advisory Committee.

DEPARTMENT OF FINANCIAL INSTITUTIONS

House Bill No. 1180 provides that for purposes of Credit Review Board and agricultural mediation, mediation communication is confidential and not subject to open records requirements and that these communications may be released upon the written consent of all parties to the mediation or pursuant to an order issued by the court.

Senate Bill No. 2084 makes multiple revisions to the laws relating to depository financial institutions, including revisions modeled on federal law; a grant of authority allowing the Department of Financial Institutions to investigate certain holding companies and to examine the books and records of a technology service provider that provides services to entities under the supervision of the department; clarification regarding the allowed premium to be paid on bonds; authorizing the department to charge fees to credit unions for additional visitations, inspections, or examinations; and a revision to the change of control law.

TITLE 7
Building and Loan Associations
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 7.

TITLE 8
Carriage
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which affected North Dakota Century Code Title 8.

TITLE 9
Contracts and Obligations
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 9.

TITLE 10
Corporations
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 10.

House Bill No. 1136 enacts an updated Uniform Limited Liability Company Act proposed by the Commission on Uniform State Laws. The bill updates the cross-references from the previous Limited Liability Company Act under Chapter 10-32.

House Bill No. 1335 requires a cooperative and foreign cooperative to file an annual report with the Secretary of State, provides the method by which a cooperative can be reinstated following involuntary dissolution, and provides the method by which a limited partnership can involuntarily dissolve. The bill revises the resignation of a registered agent law to allow for removal of an appointed agent without consent, provides an effective date of no later than 90 days from the date of filing with the Secretary of State, revises the method of amending the articles of a corporation, revises the reference in law relating to the dissolution of a corporation or a foreign corporation, and revises the law on the procedure to change the name or address of a member to include foreign limited liability partnerships.

House Bill No. 1382 authorizes rural electric cooperatives to construct, own, and maintain electric transmission lines.

Senate Bill No. 2351 creates an exemption to the statutory prohibition on the ownership or leasing of farm and ranch land by corporations or limited liability companies, but only for operation of a dairy farm or swine production facility using 640 or fewer acres of land.

TITLE 11
Counties
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 11.

House Bill No. 1059 provides for training and certification of assessors and requires a county director of tax equalization to be certified as a Class I assessor. This bill authorizes any city with a population of under 5,000 or any township to retain a Class II certified assessor by resolution. A city or township that does not employ a certified assessor is required to use a certified assessor of the county.

House Bill No. 1169 provides that a transfer on death deed or revocation instrument authorized under Chapter 30.1-32.1 is not subject to the requirement of containing a statement of full consideration to be recorded and that the same instrument is entitled to record without regard to taxes.

House Bill No. 1182 eliminates the $10,000 threshold that applied to counties' small building projects or acquisition of election supplies.

House Bill No. 1194 provides that county voter-approved requirements for an extraordinary outlay under Section 11-11-18 do not apply to bank or credit union loans authorized in Title 21.

House Bill No. 1363 provides that liability coverage must be provided for public administrators through the county in which the noncorporate public administrator is appointed.

House Bill No. 1376 authorizes the board of county commissioners to expend county funds as a donation for a capital improvement project to a nonprofit health care facility within the county.

House Bill No. 1417 allows the county office building to be used for former members of the armed services' priority preference use of a designated room as an alternative to providing a room.

Senate Bill No. 2024 authorizes a township or city that unilaterally transferred its zoning authority to the county to reacquire that authority by mutual agreement between the board of county commissioners and the board of township supervisors or city governing body.

Senate Bill No. 2053 repeals obsolete Section 11-11.1-05, relating to a temporary mill levy available only in 1985.

Senate Bill No. 2056 provides that property tax levies requested by unelected governing bodies and boards are subject to adjustment by the board of county commissioners or city governing body. The bill also provides authority for boards of county commissioners and city governing bodies to request financial information from those bodies requesting approval of property tax levies.

Senate Bill No. 2144 provides for consolidation and revision of provisions governing property tax levy authority of counties, cities, park districts, soil conservation districts, and various boards and commissions.

Senate Bill No. 2206 provides for state assumption of a significant share of county social service costs beginning in 2016. The bill provides that the 2016 county social service board budget must be reduced by the amount of costs to be assumed by the state, with an allowable increase for county employee salary and benefits. The bill also contains property tax levy restrictions intended to pass through to taxpayers the property tax relief provided by state assumption of a share of county social service costs.

Senate Bill No. 2217 requires financial reports showing the ending fund balances held during that year to be filed with the county auditor if a tax levy is sought by job development authorities, industrial development organizations, boards of county park commissioners, boards of joint park commissioners, boards of directors of a rural ambulance service district, port authorities or municipalities, and commerce authorities.

TITLE 12
Corrections, Parole, and Probation
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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: criminal history background checks, law enforcement, and miscellaneous.

CRIMINAL HISTORY BACKGROUND CHECKS

House Bill No. 1105 authorizes the office of the Adjutant General to conduct criminal history background checks for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.

House Bill No. 1125 authorizes the Parks and Recreation Department to conduct criminal history background checks for volunteers and final applicants for employment, as determined by the Director of the department.

House Bill No. 1436 authorizes the Agriculture Commissioner to conduct a criminal history background check for any individual engaged in an activity under Section 4-41-03, relating to the planting, cultivating, or marketing of industrial hemp.

Senate Bill No. 2077 authorizes the Game and Fish Department to conduct a criminal history background check for volunteers and final applicants for employment, as determined by the Director of the department.

Senate Bill No. 2085 authorizes the North Dakota Board of Massage to conduct a criminal history background check for applicants, licensees, or investigations under Chapter 43-25.

Senate Bill No. 2145 authorizes the following entities to conduct criminal history background checks for various employees and applicants--board of a school district, board of a multidistrict special education unit, board of an area career and technology center, board of a regional education association, and the Superintendent of Public Instruction.

Senate Bill No. 2236 authorizes the North Dakota Medical Imaging and Radiation Therapy Board of Examiners to conduct criminal history background checks for licensees.

LAW ENFORCEMENT

House Bill No. 1118 authorizes probation and parole officers to have the power of a peace officer to enforce the law, conduct investigations, and make arrests for violations of the law on or within any premises under the control of the Department of Corrections and Rehabilitation.

Senate Bill No. 2215 defines biometric data to include fingerprints, palm prints, voice prints, retinal or iris images, facial recognition, and DNA profiles. The bill also replaces the term "fingerprint" with "biometric data". The bill addresses issues relating to the retention and sharing of the results of a criminal history background check.

MISCELLANEOUS

House Bill No. 1153 changes the name "Medical Examiners Board" to the "North Dakota Board of Medicine" throughout the Century Code.

TITLE 12.1
Criminal Code
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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 Criminal Code may be classified in these subject areas: criminal offenses and offenders, sentencing, and miscellaneous.

CRIMINAL OFFENSES AND OFFENDERS

House Bill No. 1029 separates the offenses of abuse of a child and neglect of a child into different statutory provisions and eliminates the Class B felony penalty for the offense of neglect of a child. The change affecting Title 12.1 includes the removal of cross-references to subsections in Section 14-09-22 which are amended in another section of the bill.

House Bill No. 1186 makes it an infraction for any person to sell or furnish to a minor electronic smoking devices or alternative nicotine products. The bill makes it an infraction to display or offer for sale cigarettes, cigarette papers, cigars, snuff, electronic smoking devices, or alternative nicotine products through a self-service display. The bill makes it a noncriminal offense for a minor to purchase, possess, smoke, or use electronic smoking devices or alternative nicotine products. The bill also requires any nicotine liquid container that is sold at retail in the state to meet federal child-resistant effectiveness standards.

House Bill No. 1307 makes it a Class A misdemeanor to threaten a public servant by filing a false or fraudulent lien against real or personal property of a public servant. The bill provides a second or subsequent offense is a Class C felony.

House Bill No. 1321 expands the definition of stalking to include the unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

House Bill No. 1347 amends the definition of disorderly conduct to include human trafficking or attempted human trafficking.

Senate Bill No. 2107 provides for the adoption of the Uniform Act on Prevention of and Remedies for Human Trafficking. The bill creates the offenses of trafficking an individual, forced labor, sexual servitude, patronizing a victim of sexual servitude, and patronizing a minor for commercial sexual activity. The bill also establishes immunity from certain offenses for victims of any of the human trafficking offenses.

Senate Bill No. 2250 increases the penalty for facilitating prostitution from a Class C felony to a Class A felony if the actor intentionally causes another to remain a prostitute by force, coercion, threat, or deception, or the prostitute is the actor's spouse, ward, or a person for whose care, protection, or support the actor is responsible. Otherwise, the offense is a Class C felony. The bill also decriminalizes the act of prostitution if the prostitute is a minor.

Senate Bill No. 2266 increases the penalty for the use of a minor in a sexual performance from a Class B felony to a Class A felony. The bill makes it a Class A felony if, with the intent to persuade, induce, entice, or coerce a minor to engage in a sexual performance, the adult portrays himself or herself to be a minor. The bill also increases the penalty for promoting or directing an obscene sexual performance by a minor from a Class B felony to a Class A felony and the penalty for promoting a sexual performance by a minor from a Class C felony to a Class B felony.

Senate Bill No 2332 increases the penalty from a Class B misdemeanor to a Class A misdemeanor for a second or subsequent offense within 10 years of hiring an individual to engage in sexual activity. The bill also authorizes the court to order the offender to participate in an offender education program on the negative consequences of the commercial sex industry, including health and legal consequences and the impact on communities, survivors, spouses, and children.

Senate Bill No. 2357 creates the offense of distribution of intimate images. Under this bill it is a Class A misdemeanor if the person knowingly or intentionally distributes to any third party any intimate image of an individual 18 years of age or older if the person knows the depicted individual has not given consent to the person to distribute the intimate image; the intimate image was created by or provided to the person under circumstances in which the individual has a reasonable expectation of privacy; and actual emotional distress or harm is caused to the individual as a result of the distribution.

SENTENCING

House Bill No. 1030 allows a court to depart from a mandatory minimum sentence if the court, in giving due regard to the nature of the crime, history and character of the defendant, and the defendant's chances of successful rehabilitation, finds a compelling reason on the record that imposition of the mandatory minimum sentence would result in manifest injustice to the defendant and that the mandatory minimum sentence is not necessary for the protection of the public.

House Bill No. 1367 creates a distinction between supervised and unsupervised probation. Under the bill, the length of supervised probation from later of the date of the order imposing probation, the defendant's release from incarceration, or termination of the defendant's parole is up to five years for a felony, two years for a Class A misdemeanor, and 360 days for a Class B misdemeanor. The bill also authorizes the court to impose additional probation if the defendant has not served the maximum sentence of imprisonment available to the court at the time of initial sentencing or deferment. The bill includes the option of up to five nonsuccessive periods of incarceration during any 12-month period, not to exceed 48 hours each, as an intermediate measure a court may use to avoid a revocation of probation.

House Bill No. 1368 provides when a court orders an offender to complete a domestic violence offender treatment program, the court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender treatment program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender treatment program would be inappropriate.

House Bill No. 1407 requires those offenders who are homeless and who are required to register as a result of having committed an offense against a child or a sex offense to register every three days with the sheriff or chief of police of the jurisdiction in which the offender is physically present.

Senate Bill No. 2156 provides a term of imprisonment must be imposed if an offender possesses or has within immediate reach and control a dangerous weapon, explosive, destructive device, or firearm while in the course of committing any felony offense under subsection 1, 2, or 7 of Section 19-03.1-23.

Senate Bill No. 2192 provides that an offender is not eligible for release from confinement until 85 percent of the sentence imposed has been served if the offender commits aggravated assault against a victim under 12 years of age or the victim suffers permanent loss or impairment of the function of a bodily member or organ.

Senate Bill No. 2275 authorizes a court to impose an additional five years of imprisonment if a defendant forces or coerces a victim of human trafficking to have an abortion against her will.

MISCELLANEOUS

House Bill No. 1239 replaces the term "poll watcher" with "election observer" in the criminal offense of interference with elections.

House Bill No. 1304 provides an individual's date of birth, as provided by any of the following, is presumed to be the individual's legal date of birth--a state government in the form of a birth certificate, other state-issued identification, or a certified copy of a birth certificate that includes the individual's date of birth; the United States government in the form of a tribal identification document, military identification, passport, passport card, permanent resident card, certificate of United States citizenship, certificate of naturalization, border crossing card, visa, or other entry document that includes the individual's date of birth; or a foreign government in the form of a passport, driver's license, or other foreign government-issued identity document that includes the individual's date of birth. The bill provides if there is a conflict between government-issued forms, a government-issued birth certificate or a certified copy of a birth certificate takes precedence.

Senate Bill No. 2204 provides a person who commits the crime of hindering law enforcement is subject to prosecution in this state if the conduct interferes with or hinders an investigation of a crime occurring within this state. The bill also provides the venue of a criminal action involving the crime of hindering law enforcement is in any county in which the conduct of hindering is committed or in any county in which a criminal offense is being investigated which is hindered by the false information or other interfering conduct.

Senate Bill No. 2215 replaces the term "fingerprint" with "biometric data" as it applies to requirements of sex offender registration. The term "biometric data" is defined in Section 12-60-16.1 to include fingerprints, palm prints, voice prints, retinal or iris images, facial recognition, and DNA profiles.

TITLE 13
Debtor and Creditor Relationship
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1101 identifies the scope of the money brokers law, prohibits agreements that constitute precomputed loans, and limits the disclosure of customer information; increases the collection agency's annual licensure fee from $300 to $400; limits a deferred presentment service provider's disclosure of customer information; identifies the scope of those regulated under the money transmitters law; identifies the scope of those regulated under the mortgage loan originators law; and limits a debt settlement provider's disclosure of customer information.

House Bill No. 1135 updates and revises the Uniform Voidable Transactions Act, including adding several new definitions, revising how insolvency is determined, making some previously fraudulent transfers voidable, establishing the burden of proof for defenses, clarifying which law is governing for claims for relief brought under this body of law, addressing how serial organizations are addressed under this body of law, and clarifying how the federal Electronic Signatures in Global and National Commerce Act applies to this body of law.

TITLE 14
Domestic Relations and Persons
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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: child support, discrimination, domestic violence, marriage and divorce, and minors.

CHILD SUPPORT

House Bill No 1111 requires a court order for the support of a minor child to identify the individual who is authorized to claim the child as a dependent for purposes of filing an income tax return. The bill makes technical changes to numerous sections affecting child support, including a clarification that, for purposes of supporting a child after the age of majority, a child who is currently enrolled in school is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation.

Senate Bill No. 2053, which makes technical changes throughout the North Dakota Century Code, amends several sections in Chapter 14-12.2 to keep the Uniform Interstate Family Support Act in compliance with federal requirements that the Act be adopted verbatim.

DISCRIMINATION

House Bill No. 1217 provides an applicant for or tenant of housing that is part of a state housing program may not be denied admission to, denied assistance under, terminated from participating in, or evicted from housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

House Bill No. 1463, which relates to an employer's discriminatory practices, requires an employer to make reasonable accommodations for an individual who is pregnant. The bill provides an employer is not required to provide an accommodation that would disrupt or interfere with the employer's normal business operations, threaten an individual's health or safety, contradict a business necessity of the employer, or impose an undue hardship on the employer, taking into consideration the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

DOMESTIC VIOLENCE

House Bill No. 1338 relates to the required disclosure of records to the Domestic Violence Fatality Review Commission. The bill provides upon request or investigative demand from a representative of the Commission, any hospital, physician, medical professional, medical facility, mental health professional, or mental health facility is required to disclose all records of that person with respect to any death that has occurred as a result of domestic violence, as determined by the Commission.

MARRIAGE AND DIVORCE

House Bill No. 1183 provides for several options on the marriage license application to change the middle name of either or both parties to a marriage.

House Bill No. 1399 provides for the termination of spousal support upon the remarriage of the spouse receiving support, unless otherwise agreed in writing by the parties. The bill also provides for the termination of spousal support, unless otherwise agreed in writing by the parties, upon an order of the court based upon evidence the spouse receiving support has been habitually cohabiting with another individual in a relationship analogous to a marriage for one year or more. The bill creates an exception for rehabilitative spousal support.

MINORS

House Bill No. 1029 separates the offenses of abuse of a child and neglect of a child into different statutory provisions and eliminates the Class B felony penalty for the offense of neglect of a child.

House Bill No. 1304 provides an individual's date of birth as provided by any of the following is presumed to be the individual's legal date of birth--a state government in the form of a birth certificate, other state-issued identification, or a certified copy of a birth certificate that includes the individual's date of birth; the United States government in the form of a tribal identification document, military identification, passport, passport card, permanent resident card, certificate of United States citizenship, certificate of naturalization, border crossing card, visa, or other entry document that includes the individual's date of birth; or a foreign government in the form of a passport, driver's license, or other foreign government-issued identity document that includes the individual's date of birth. The bill provides if there is a conflict between government-issued forms, a government-issued birth certificate or a certified copy of a birth certificate takes precedence.

House Bill No. 1314 provides a physician or other health care provider may provide emergency medical care or forensic services to a minor who is a victim of sexual assault without the consent of the minor's parent or guardian. The bill requires reasonable steps to notify the minor's parent or guardian of the care required.

TITLE 15
Education
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 15. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

INSTITUTIONS OF HIGHER EDUCATION

House Bill No. 1003 appropriates $927,191,121 to the State Board of Higher Education for the purposes of defraying the expenses of the Board and the institutions and entities under the control of the Board $876,181,711 of the appropriated amount comes from the general fund. The bill requires each institution and entity under the control of the Board to obtain electronic mail and various attendant services through a delivery system established by the Board and it requires the creation of a Workforce Education Advisory Council. The bill also prohibits tuition increases in excess of 2.5 percent, without the approval of the Budget Section The bill would have prohibited the State Board of Higher Education from providing a severance package or term of office for North Dakota University System office personnel. **The Governor vetoed this section of the bill.**

House Bill No. 1045 requires certain postsecondary educational institutions to notify the State Board of Higher Education within 30 days of any change in the institution's accreditation status. The bill requires that certain postsecondary educational institutions and career schools notify potential students and enrolled students of course or program compliance with the requirements set forth by applicable professional boards.

House Bill No. 1151 authorizes the State Board of Higher Education to award up to $7 million in matching grants to each research institution, of which the first $2 million must be used for student scholarships for academics, and up to $1 million in matching grants to the other institutions under the control of the Board.

House Bill No. 1051 provides that the State Board of Higher Education shall require each institution under its control to utilize, for all public business, systemwide electronic mail services provided by the Board. The bill also requires that the State Board of Higher Education develop and implement an electronic mail retention policy for the Board and the institutions.

Senate Bill No. 2015 would have required the State Board of Higher Education to adopt a policy providing that each Vice Chancellor in the University System office is considered to have resigned upon the appointment of a new Commissioner of Higher Education. **The Governor vetoed this section of the bill.**

STUDENTS ATTENDING INSTITUTIONS OF HIGHER EDUCATION

Senate Bill No. 2150 provides that any student enrolled at an institution under the control of the State Board of Higher Education has the right to be represented, at the student's expense, by an attorney or a nonattorney advocate, during any disciplinary proceeding or during any other procedure addressing an alleged violation of the institution's rules or policies.

House Bill No. 1471 provides that a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media.

House Bill No. 1127 defines a resident student to include certain veterans who were discharged or released less than three years before the date of enrollment at an institution of higher education.

MISCELLANEOUS

Senate Bill No. 2159 authorizes the State Board of Higher Education and the State Board of Agricultural Research to convey certain real property used by the Dickinson Research Extension Center in Stark County.

House Bill No. 1064 incorporates federal law changes in the definition of a salary, eligibility for normal retirement benefits, benefit limitations, and withdrawal from the Teachers' Fund for Retirement.

House Bill No. 1377 removes the statutory requirement that certain balances in the strategic investment and improvements fund be deposited into the legacy fund.

House Bill No. 1176 parallels House Bill No. 1377 and removes the statutory requirement that certain balances in the strategic investment and improvements fund be deposited into the legacy fund.

Senate Bill No. 2039 creates a scholarship endowment fund. The interest and earnings of the fund are dedicated to the awarding of scholarships to residents of this state who are attending institutions of higher education in this state. The fund is to receive a transfer from the foundation aid stabilization fund on December 1, 2016, of up to $200 million. These provisions are contingent upon voter approval of a constitutional amendment placed on the 2016 general election ballot by 2015 Senate Concurrent Resolution No. 4003, regarding use of the foundation aid stabilization fund.

Senate Bill No. 2031 removes an expiration date, thereby making permanent a provision authorizing school districts to use proceeds of general fund levies for the purpose of making contributions to the Teachers' Fund for Retirement.

TITLE 15.1
Elementary and Secondary Education
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 15.1. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

STATE AID TO SCHOOL DISTRICTS

Senate Bill No. 2031 increases the state aid per weighted student unit from $9,092 to $9,365 during the first year of the biennium and to $9,646 thereafter. The bill adjusts weighting factors for English language learners, includes $1 million in grants for the four school districts having the highest numbers of English language learners, and includes an additional school district size weighting factor for districts having fewer than 110 students in average daily membership. The bill also provides funding for enhancing the delivery of advanced placement courses, studying early childhood provider grants, instituting a performance review process for regional education associations, and fostering the development and use of open curricular and instructional materials. The bill requires school districts to include an average number of snow days in their calendars and directs the Superintendent of Public Instruction to serve as the chairman of a school district reporting review committee. The bill also calls for a study of content standards and assessments.

Senate Bill No. 2013 appropriates $1,820,982,952 from the general fund for defraying the expenses of the Department of Public Instruction. The total of all funds appropriated is $2,329,615,473. The bill includes $57 million for school district transportation payments, $17.3 million for special education contracts, and $14.8 million for rapid enrollment grants.

Senate Bill No. 2015 directs that the Superintendent of Public Instruction shall provide an additional $3 million in transportation grants to school districts if a sufficient amount remains in the integrated formula payments line item at the conclusion of the 2015-17 biennium.

SCHOOL BOARDS AND SCHOOL DISTRICTS

House Bill No. 1251 reduces the time period within which certain school district personnel must accept or reject a contract renewal, establishes the time period within which good faith contract negotiations must begin, and authorizes executive sessions within which a school board or an authorized subcommittee of the board may discuss negotiation strategies.

Senate Bill No. 2229 provides that the Board of Education of the City of Fargo may consist of five, seven, or nine members.

House Bill No. 1316 requires the board of a school district to evaluate the district superintendent twice during each school year and to place a copy of each evaluation report into the superintendent's personnel file.

House Bill No. 1470 provides that if a school district requires a school vehicle driver to receive a medical examination, the costs of the examination must be forwarded to the driver's insurance carrier for payment. Any remaining charges are the responsibility of the board.

Senate Bill No. 2092 requires reorganization plans to include the current budget for each participating school district together with the district's estimated ending fund balance and a list of the district's anticipated expenditures for goods and services, whether in a single transaction or in multiple transactions, if the total value of the goods or services exceeds $3,000.

Senate Bill No. 2326 requires the board of each school district to adopt a policy regarding the protection of student data. The bill also articulates the policies and rules that must be adopted by the Statewide Longitudinal Data System Committee, in order to ensure appropriate protections for student data.

SCHOOL CONSTRUCTION PROJECTS

Senate Bill No. 2039 requires a school district seeking construction approval from the Superintendent of Public Instruction to demonstrate that the district's student population has been stable or has increased during the preceding five school years and is expected to be stable or to increase during the ensuing five school years. In the alternative, a school district may demonstrate by clear and convincing evidence that, despite a declining student population, there are no feasible alternatives to the proposed construction project. Approved

construction projects may receive up to $20 million in loans. The Bank of North Dakota is authorized to provide up to $250 million in loans under the bill. The bill also creates a school construction assistance loan fund and provides that if the voters of this state approve the constitutional amendment placed on the 2016 general election ballot by 2015 Senate Concurrent Resolution No. 4003, the lesser of $200 million or 50 percent of the balance of the foundation aid stabilization fund on December 1, 2016, must be transferred into the school construction assistance loan fund on December 1, 2016, and a similar amount must be transferred into the scholarship endowment fund. The bill also would have required that any income, including interest payments on loans, from the coal development trust fund be deposited in the school construction assistance loan fund, rather than the general fund, after any amounts needed to replace uncollectable loans made from the fund were deducted. **The Governor vetoed this section of the bill.**

Senate Bill No. 2178, like Senate Bill No. 2039, requires a school district seeking construction approval from the Superintendent of Public Instruction to demonstrate that the district's student population has been stable or has increased during the preceding five school years and is expected to be stable or to increase during the ensuing five school years. In the alternative, a school district may demonstrate by clear and convincing evidence that, despite a declining student population, there are no feasible alternatives to the proposed construction project. Approved construction projects may receive up to $20 million in loans. The Bank of North Dakota is authorized to provide up to $250 million in loans under the bill.

SCHOOL DISTRICT PERSONNEL

Senate Bill No. 2152 provides that the board of a school district may delegate, to the district superintendent, the authority to suspend school personnel.

Senate Bill No. 2181 provides that the board of a school district shall exercise administrative oversight with respect to the school district business manager, unless the board establishes an alternate supervisory structure and delegates supervisory authority to the school district superintendent.

Senate Bill No. 2209 requires each school district to provide at least two hours of staff training annually with respect to youth suicide risk indicators, appropriate responses, and referral sources.

Senate Bill No. 2048 requires each school district to provide at least eight hours of staff training biennially regarding youth mental health. The bill also requires the Education Standards and Practices Board to ensure that applicants for teacher licensure demonstrate competency in youth mental health.

ACADEMIC REQUIREMENTS

House Bill No. 1087 requires students to take and achieve a passing score on a civics test, as a condition of receiving a high school diploma.

Senate Bill No. 2089 provides that at least one unit from among various courses required for a North Dakota academic scholarship must be obtained through an early entrance program at an accredited institution of higher education in this state.

STUDENTS

Senate Bill No. 2074 extends North Dakota academic scholarships and North Dakota career and technical education scholarships to students participating in an external experience such as a clinical, practicum, internship, cooperative program, or similar external experience, provided the external experience is equivalent to at least six credits and the student is enrolled in at least 12 credits.

Senate Bill No. 2075 provides that North Dakota academic scholarships and North Dakota career and technical education scholarships are valid for only six academic years after a student graduates from high school. However, the bill extends use of the scholarships to graduate programs.

House Bill No. 1471 provides that a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media.

EARLY CHILDHOOD EDUCATION

Senate Bill No. 2151 allows the Department of Commerce to distribute grants to early childhood consortia participants in the amount of $2,000 for each child who is eligible for free lunches and $1,000 for each child eligible for reduced price lunches. The program becomes effective on July 1, 2016. The appropriation for the program is $3 million.

MISCELLANEOUS

Senate Bill No. 2053 harmonizes calendar references in the definition of a "student with a disability" to references used in statutory sections pertaining to compulsory school attendance.

House Bill No. 1426 increases, from $100,000 to $150,000, the threshold expenditure for school construction projects requiring approval by the Superintendent of Public Instruction.

House Bill No. 1174 increases the per diem compensation for members of the Education Factfinding Commission from $110 to the rate established for members of the Legislative Assembly.

House Bill No. 1377 creates the political subdivision allocation fund and repeals the property tax relief fund.

TITLE 16.1
Elections
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1333 provides that an individual seeking to vote must present valid identification showing the individual's date of birth and residential address. The bill provides that acceptable identification may be a current driver's license or nondriver identification provided by the Department of Transportation, a form of official tribal identification, a long-term care certificate, or a military identification card or passport. The bill also provides that in the case of an individual who is unable to secure a valid form of identification due to a disability that prevents the individual from traveling, the individual may obtain an absentee ballot application if the application is signed by another qualified elector. The bill prohibits an individual from signing the absentee ballot application of more than four electors in an election.

Senate Bill No. 2039 provides that if the question of authorization of a school bond issuance is placed before the electors for a third or subsequent time, the board of the school district is required to resubmit its school construction proposal to the Superintendent of Public Instruction for the purpose of obtaining the superintendent's approval.

Senate Bill No. 2178 provides that if the question of authorization of a school bond issuance is placed before the electors for a third or subsequent time, the board of the school district is required to resubmit its school construction proposal to the Superintendent of Public Instruction for the purpose of obtaining the Superintendent's approval.

House Bill No. 1343 requires the Secretary of State to complete the review of a petition to recall an elected official in not less than five, nor more than seven business days, excluding Saturdays. The bill changes the deadline for the calling of a recall special election to no sooner than 95 days and no later than 105 days after the certification of a valid recall petition. The bill requires the Secretary of State to transmit information from the central voter file to the jury administrator of the federal court after each general election in presidential election years. The bill also requires the Secretary of State to provide local election officials information regarding the location of the election notice published by the Secretary of State. The bill repeals provisions requiring the Secretary of State to provide to county auditors notice of officers to be nominated and to be elected at each election.

House Bill No. 1239 provides that after submission to the appropriate election officer, a marked absent voter's ballot may not be returned to the voter for any reason other than to complete any missing information required on the affidavit on the back of the return envelope. The bill also provides the election board or canvassing board is not required to count or report any write-in vote for a candidate who received fewer than three write-in votes unless the number of votes qualifies the candidate to be nominated or elected. The bill allows an elector who spoils a ballot before casting the ballot in the ballot box to obtain another ballot.

House Bill No. 1445 reduces the minimum number of canvass reports that must be prepared by the election board from three to one.

Senate Bill No. 2327 requires the Director of the Department of Corrections and Rehabilitation to provide weekly reports to the Secretary of State regarding the status of convicted felons, including the restoration of civil rights. The bill requires the Secretary of State to use the information to update in the central voter file the status of each individual included in the reports.

House Bill No. 1474 removes from the conditions necessary to participate in a political party caucus the requirement that an individual must have voted or affiliated with a political party at the last general election or must intend to affiliate with the party and vote with the party at the next election. The bill provides that a vacancy in the office of political party precinct committeeman may be filled in the manner provided in the district party by-laws.

Senate Bill No. 2299 defines "conduit" for the purposes of campaign contribution reporting and requires a conduit that transfers contributions to a candidate, political party, or political committee to provide the recipient of the contribution a detailed statement that lists the name and address of each individual contributor, the amount of each contribution, and the date each contribution was received. The bill requires the conduit to include on the statement the occupation, employer, and principal place of business of each contributor that

contributed $5,000 or more in the aggregate during a reporting period applicable to the candidate, political party, or political committee.

House Bill No. 1309 prohibits measure committees from paying petition circulators on a basis related to the number of signatures gathered. The bill includes within the definition of a "measure committee" an initiative or referendum committee at any stage of organization and provides that a legislative or judicial candidate may establish a candidate committee. The bill requires a candidate who does not have a candidate committee to register the candidate's name and contact information with the Secretary of State. The bill requires judicial candidates to file contribution statements online. The bill requires the Secretary of State to make contribution and expenditure statements available on the Internet.

House Bill No. 1181 requires the Governor to call a special election to fill a vacancy in the office of United States Senator from this state. The bill requires the election to be held within 95 days of the vacancy unless the vacancy occurs within 95 days of the expiration of the term of office.

TITLE 17
Energy
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which affected North Dakota Century Code Title 17.

TITLE 18
Fires
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 18.

House Bill No. 1056 provides that a tax for a rural fire protection district may not exceed five mills per dollar of the taxable valuation of property in the district except that it may be increased to not exceeding 13 mills upon resolution adopted by the board of directors and approval by a majority of the qualified voters voting at an annual or special meeting.

House Bill No. 1059 provides an increase in time for rural fire protection district levy authority to repay indebtedness from 10 taxable years to the period of time necessary for repayment and increases the time that a levy can be authorized after a petition by the electors from 5 to 10 years or the period of time necessary for repayment.

Senate Bill No. 2144 provides that levy authority that was authorized by the rural fire protection district board of directors and the electors before January 1, 2015, remains in effect for the period authorized but not exceeding 10 taxable years, and authorizes revenues from a city's general fund levy authority to be used for Firefighters Relief Association contributions.

Senate Bill No. 2217 requires the board of directors of a rural fire protection district that is seeking approval of a property tax levy to file a financial report with the county auditor showing the ending balances of each fund held by the rural fire protection district during that year.

Senate Bill No. 2306 changes the Firefighters Relief Association plan benefits to allow for an active member who becomes disabled before the member's normal retirement date to be eligible to receive a disability pension. When the member reaches the member's normal retirement date, the member will receive the greater of the service pension or disability pension.

TITLE 19
Foods, Drugs, Oils, and Compounds
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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.

House Bill No. 1149 requires each professional licensing board responsible for the licensing of individuals authorized to prescribe or dispense controlled substances for human consumption to adopt rules under Chapter 28-32 to require licensed individuals under that board's jurisdiction who prescribe or dispense controlled substances to humans to utilize the prescription drug monitoring program.

House Bill No. 1153 changes the name of the Board of Medical Examiners to the North Dakota Board of Medicine in all affected titles in the Century Code.

House Bill No. 1367 corrects a reference in subsection 2 of Section 19-03.4-03 in Section 1 of 2015 Senate Bill No. 2030. In this subsection, a reference to "chapter" is changed to "title".

House Bill No. 1394 reduces the penalty for possession of one ounce or less of marijuana on or near school property from a Class B felony to a Class B misdemeanor.

Senate Bill No. 2029 removes the requirement that a court impose a period of probation of not less than 18 months for a person who has plead guilty or been found guilty of a felony violation for drug possession and provides a judge discretion with respect to the length of the probation within those statutory limits.

Senate Bill No. 2030 reduces the penalty for possession of paraphernalia intended for the use of a controlled substance from a Class C felony to a Class A misdemeanor and reduces the penalty for possession of paraphernalia for the use of marijuana from a Class A misdemeanor to a Class B misdemeanor. The bill also makes it a Class A misdemeanor to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal marijuana.

Senate Bill No. 2070 provides an individual is immune from prosecution for certain drug offenses under Chapter 19-03.1 if that individual contacted law enforcement or emergency medical services and reported the individual was, or that another individual was, in need of emergency medical assistance due to a drug overdose. The bill provides to receive immunity, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with emergency medical services and law enforcement personnel in the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in need of emergency medical services.

Senate Bill No. 2100 adds a number of substances to the list of controlled substances as recommended by the State Board of Pharmacy.

Senate Bill No. 2200 provides analytical reports issued by State Crime Laboratory which are posted electronically on the State Crime Laboratory information management system and certified by a law enforcement officer or individual who has authorized access to the State Crime Laboratory information management system through the criminal justice data information sharing system are prima facie evidence of the analytical findings.

TITLE 20.1
Game, Fish, Predators, and Boating
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 20.1. Bills primarily affecting other titles may also contain provisions that affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1356 allows the Director of the Game and Fish Department to designate an individual or have the designee authorize landowners to alleviate deer depredation as part of a winter management program under the private land habitat and access improvement program.

House Bill No. 1381 prohibits the use of an aerial drone to interfere with the lawful taking of wildlife.

House Bill No. 1156 requires an application for a deer lottery license to provide for an optional donation of any refund for an unsuccessful applicant to the private land open to sportsmen program.

House Bill No. 1081 allows the issuance of two spring turkey licenses, one elk license, and one moose license to the outdoor adventure foundation for youth who have cancer or a life-threatening disease. The bill reduces the number of deer licenses for this group from eight to seven and antelope licenses from four to two.

House Bill No. 1158, effective April 1, 2016, changes the procedure for county auditors and certain agents to issue and retain fees for hunting and fishing licenses and provides for implementation of a computerized online licensing system.

House Bill No. 1241 allows the use of short-barreled rifles for hunting.

Senate Bill No. 2093 changes the expiration of a guide and outfitter license from December 31 to March 31.

Senate Bill No. 2017 creates a fundraising elk license to be issued through a raffle to benefit Annie's House in Bottineau Winter Park until June 30, 2017.

TITLE 21
Governmental Finance
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 21.

House Bill No. 1063 requires the investment goals and objectives and asset allocation of each fund in Section 21-10-06 to include rate of return objectives, including liquidity requirements and acceptable levels of risk, and any allocation changes.

House Bill No. 1193 adds to the list of legal investments for political subdivisions, state, and local securities and commercial paper issued by a United States corporation rated in the highest quality category by at least two nationally recognized rating agencies and which matures in 270 days or less.

House Bill No. 1194 expands the definition of revenues to include anticipated amounts from state or federal grants or loans or proceeds from issuance of debt instruments, for purposes of political subdivision borrowing against revenues, and authorizes political subdivisions to borrow from banks or credit unions.

House Bill No. 1284 requires a bond election ballot form in the prescribed form must be used in school district bond elections and include information on the property tax impact estimated if the bond issue is approved.

Senate Bill No. 2144 authorizes any county to issue bonds to purchase real estate and construct buildings and improvements for the conduct of a county fair and updates cross references in Section 21-03-07.

Senate Bill No. 2181 repeals Sections 21-06-05 and 21-06-06 relating to the destruction of school district documents, which are replaced by updated provisions in the bill.

House Bill No. 1033 would have repealed Section 21-10-12 relating to a definition of legacy fund earnings. **The Governor vetoed this bill.**

TITLE 22
Guaranty, Indemnity, and Suretyship
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 22.

TITLE 23
Health and Safety
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 23. Bills primarily affecting other titles may also 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: pollution and waste, medical services and medical providers, local governments, vital records, and miscellaneous.

POLLUTION AND WASTE

House Bill No. 1113 revises the law relating to the licensing and regulatory radiation program, including changes to the procedures for radioactive materials licenses, including the hearing process, clarification regarding which laws apply to land used for the disposal of technologically enhanced naturally occurring radioactive material; revision of the penalty for violation of the laws governing radioactive materials, and repeal of a law that required certain records to be confidential.

House Bill No. 1114, as these terms relate to solid waste management and land protection laws, amends the definitions of the terms "litter" and "resource recovery", clarifies that violation of the littering and open burning law may result in a civil penalty, rewrites the penalty provision relating to violation of the solid waste management and land protection laws, including civil and criminal penalties, and repealed the law requiring related official correspondence be sent by certified mail and the law prohibiting private ownership of hazardous waste facilities, requiring private landfills to carry liability insurance, and establishing officer and director liability.

House Bill No. 1390 directs the State Department of Health to permit commercial oilfield special waste recycling facilities for recycling drill cuttings from oilfield drilling activities, directs the State Department of Health to operate pilot projects for commercial oilfield special waste recycling facilities, requires that commercial oilfield special waste recycling facilities be licensed by the State Department of Health, and authorizes inspections of commercial oilfield special waste recycling facilities.

MEDICAL SERVICES AND MEDICAL PROVIDERS

House Bill No. 1255 directs the State Department of Health to create and maintain a primary call list and a secondary call list of air ambulance service providers operating in this state; sets the qualifications to be listed on these lists; directs the State Department of Health to distribute these lists to all emergency medical services personnel, all hospitals, each 911 coordinator, and each public safety answering point operating in this state; directs the State Department of Health to establish air ambulance service response zones for rotary wing aircraft and directs dispatchers to follow call priority when dispatching air ambulance services; requires air ambulance service providers to disclose price information and directs the State Department of Health to compile and distribute this information and requires that hospitals inform patients of this information as appropriate; and directs the State Health Council to adopt rules establishing air ambulance service provider requirements.

House Bill No. 1323 replaces the current law providing for primary stroke centers with new law directing the State Health Officer to establish and maintain a comprehensive stroke system, including designation of comprehensive stroke centers, primary stroke centers, and acute stroke-ready hospitals; treatment protocols; and a stroke system of care task force.

Senate Bill No. 2284 provides a hospital may not require a victim of sexual assault to submit to a forensic examination or to report an alleged sexual assault to law enforcement and provides a hospital without staff specially trained to perform a sexual assault forensic examination may coordinate with a community-based sexual assault nurse examiner program or develop a program in order to ensure all victims of sexual assault who want a sexual assault forensic examination or sexually transmitted infection treatment receive that examination or treatment.

Senate Bill No. 2334 revises the directive that the State Health Council adopt rules regarding newborn metabolic and genetic disease screening tests and clarifies the State Health Council shall specify a panel of metabolic diseases and genetic diseases for which a newborn screening must be performed.

House Bill No. 1370 requires that facilities at which mammography examinations are performed provide a patient notice if that patient has dense breast tissue and that this dense breast tissue may make it more difficult to detect cancer on a mammogram and that this dense breast tissue may increase the patient's risk of breast cancer.

Senate Bill No. 2176 amends the autism spectrum disorder database law, including revising who is qualified and required to report a case of autism spectrum disorder to the database and revising what is required to be included in the database.

Senate Bill No. 2104 provides that a health care professional may prescribe, distribute, and dispense an opioid antagonist, such as Narcan, if that prescriber meets certain requirements; authorizes a person who meets certain requirements to receive, possess, and administer an opioid antagonist; and limits the liability of such a prescriber or the person who uses the opioid antagonist.

Senate Bill No. 2259 authorizes the manufacturer of an investigational drug, biological product, or device to make available that product to an eligible patient, prohibits an occupational board from taking disciplinary action against a health care provider who makes such a product available to a patient, prohibits the state from blocking or attempting to block an eligible patient's access to such a product, and clarifies this body of law does not create a cause of action resulting from the use of such a product.

Senate Bill No. 2121 as the term is used in the medical peer review record law, expands the definition of "health care organization" to include a pharmacist and a pharmacy.

LOCAL GOVERNMENTS

Senate Bill No. 2238 authorizes county social services boards to provide for the use of a military casket or urn if the deceased was a veteran.

Senate Bill No. 2056 as part of a bill that addresses city and county governing bodies consideration of property tax levy requests of unelected governing bodies, revises the law relating to levy requests by vector control districts.

Senate Bill No. 2144 as part of a bill that makes multiple changes relating to consolidation, revision, and elimination of provisions governing property tax levy authorities of counties, cities, park districts, soil conservation districts, and various boards and commissions, changes provisions in Title 23 relating to county funding and levies for abandoned cemeteries, county or community hospitals, and hospital districts.

Senate Bill No. 2217 as part of a bill that requires the filing of a financial report with the county auditor showing the ending balances of each fund held by an unelected governing body seeking approval of a property tax levy, requires such a report for nursing home authorities, vector control districts, hospital districts, and health districts.

VITAL RECORDS

House Bill No. 1116 revises the Health Statistics Act, regarding birth and death records, including requiring that filing of forms for births that take place outside of a hospital must be done within 30 days of the birth; providing how the surname of a child born outside of marriage is determined; providing that for a delayed registration of birth, a report of a live birth may not be registered for a deceased individual one year or more after that individual's date of birth and decreases from two years to one year the period of time after which the State Department of Health may dismiss an application of delayed registration of death; decreasing from 15 days to 10 days the number of days after death within which a medical certification must be filed with the State Department of Health; authorizing a person with personal or real property interests to access the certified death record, including Social Security number; revising the fetal death registration law; revising the law relating to correction and amendment of vital records; increases from 100 years to 125 years the period of time following birth after which a birth record becomes an open record; and authorizing the State Department of Health to use electronic means to conduct its official duties.

MISCELLANEOUS

Senate Bill No. 2079 extends through July 31, 2017, the moratoriums on expansion of basic care bed and nursing facility bed capacity and amends the licensed nursing facility bed transfer of nursing facility beds or basic care beds law to allow these transfers to be used for either purpose instead of being limited to the original use.

Senate Bill No. 2132 amends the petroleum tank registration fee law to revise the date upon which the fund balance is evaluated to determine the registration fee.

House Bill No. 1153, as part of a bill that changes the name of the State Board of Medical Examiners to the North Dakota Board of Medicine, corrects references in Title 23.

TITLE 24
Highways, Bridges, and Ferries
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 24. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2144 consolidates four separate county road and bridges levies for various purposes and provides for every county to periodically prepare a construction program for the county road system. The bill allows for the board of county commissioners to levy a tax up to 10 mills for county roads and bridges and if authorized by a majority of the county electors to levy an additional 10 mills. The bill requires 20 percent of the proceeds of the county levy of the initial 10 mills collected within a city to be transferred to the city. The bill eliminates the statutory designation of the percentage of county road system mileage within each county, which became obsolete.

Senate Bill No. 2013 allows the Director of the Department of Transportation to allow the North Dakota Museum of Art to use the motor vehicle-related equipment of central vehicle management.

TITLE 25
Mental and Physical Illness or Disability
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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.

House Bill No. 1040 revises the involuntary commitment proceeding law to update the language and to expand the statutory authority of physician assistants and advanced practice registered nurses to authorize physician assistants and advanced practice registered nurses to act as independent expert examiners in involuntary commitment proceedings.

House Bill No. 1108 changes statutory references to "developmentally disabled persons" to "individual with a developmental disability" or "individuals with developmental disabilities" throughout the Century Code.

House Bill No. 1153 changes the name "Medical Examiners Board" to the "North Dakota Board of Medicine" throughout the Century Code.

House Bill No. 1366 requires the School for the Deaf to collaborate with school districts to ensure that children who are deaf or hearing impaired and families of children who are deaf or hearing impaired receive appropriate services and have access to appropriate resources.

Senate Bill No. 2047 requires the Department of Human Services to adopt rules defining which professionals may provide clinical supervision and review and which may develop, update, and sign an individual treatment plan within a psychiatric residential treatment facility for children.

Senate Bill No. 2334 requires the Health Council to specify a panel of metabolic diseases and genetic diseases for which newborn screening must be performed. The bill provides the screening panel must include disorders and diseases selected by the State Health Officer with input from an advisory committee that is approved by the Health Council. The bill also imposes duties upon a responsible physician with regard to newborn screening including providing the parents and guardians of a newborn written information on the nature of newborn screening and confirmatory-diagnostic testing and subjecting newborns to screening in the manner prescribed by the State Department of Health.

TITLE 26.1
Insurance
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 26.1. Bills primarily affecting other titles may also 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: auto, bail bonds, health, life insurance and annuities, state bonding fund and state fire and tornado fund, surplus lines, insurers and insurance policies, and miscellaneous.

AUTO

House Bill No. 1144 creates insurance coverage requirements for transportation network companies and drivers.

Senate Bill No. 2179 allows an insurer that issues an automobile insurance policy to issue the required proof of insurance in an electronic format.

Senate Bill No. 2312 as part of a bill that revises the definition and regulation of unconventional vehicles, this bill provides that for purposes of the law relating to automobile insurance, the term "policy" includes coverage of an unconventional vehicle and provides that for purposes of the law relating to automobile accident reparations, the term "motor vehicle" does not include an unconventional vehicle.

BAIL BONDS

Senate Bill No. 2010 revises the law relating to bail bond agents, providing a bail bond agent is required to monitor the status of bonds to make timely return of the collateral security; increases the salary of the Insurance Commissioner to $102,689 through June 30, 2016, and $105,770 thereafter; and changes an outdated reference from "verified report" to "annual tax statement."

Senate Bill No. 2270 increases the fees a bail bond agent may charge as a premium, commission, or fee for a bond and provides that in addition to these fees, the bail bond agent may charge for mileage reimbursement.

HEALTH

House Bill No. 1072 provides if a health insurance policy provides coverage for cancer treatment medications that are injected or are intravenously administered by a health care provider and also provides coverage for patient-administered cancer treatment medications, the copayment, deductible, and coinsurance amounts for the patient-administered treatment may not exceed the amounts for health care provider administered treatment.

House Bill No. 1255 establishes ambulance services classifications for accident and health insurance policies.

Senate Bill No. 2231 if the federal government determines the state's high-risk pool for health insurance, which is provided through the Comprehensive Health Association of North Dakota (CHAND), does not meet minimum essential coverage under the federal Affordable Care Act, the CHAND board is authorized to modify the benefit plan coverage for the purpose of enabling the plan coverage, design, and operation to qualify as minimum essential coverage under the federal law.

LIFE INSURANCE AND ANNUITIES

House Bill No. 1142 in conjunction with House Bill No. 1143, changes the method for calculating life insurance policy reserves and nonforfeiture benefits to using principle-based reserving. This change in methodology will take place once at least 42 states representing at least 75 percent of the total United States written premium adopt these revisions to the standard valuation law, after which the law will be phased in over a three-year period.

House Bill No. 1143 in conjunction with House Bill No. 1142, changes the method for calculating life insurance policy reserves and nonforfeiture benefits to using principle-based reserving. This change in methodology will take place once at least 42 states representing at least 75 percent of the total United States written premium adopt these revisions to the standard valuation law, after which the law will be phased in over a three-year period.

STATE BONDING FUND AND STATE FIRE AND TORNADO FUND

Senate Bill No. 2132 clarifies all assessments, interest, profits on investments, and all other income collected under the state bonding fund law must be paid into the state bonding fund.

Senate Bill No. 2178 under the law relating to the state fire and tornado fund, provides if the board of a school district entered a contract with a nonprofit corporation in this state during the period beginning November 1, 2013, and ending December 31, 2013, and if in accordance with the terms of that contract the nonprofit corporation acquired and constructed a school facility that the nonprofit corporation in turn leases back to the district for use in the provision of educational services, that facility is designated as a public facility owned by the school district for purposes of insurability under the state fire and tornado fund.

SURPLUS LINES

House Bill No. 1146 reverts to the state's surplus lines of insurance law in effect prior to enactment of 2011 House Bill No. 1123, which provided for enactment of the Surplus Lines Insurance Multistate Compliance Compact.

Senate Bill No. 2187 amends the state's surplus lines insurance law, changing the deadlines for surplus lines producers, clarifying the existing penalty for not filing by the deadline, and clarifying the names of the forms and reports required in the surplus lines market.

INSURERS AND INSURANCE POLICIES

House Bill No. 1384 authorizes and regulates the sale of portable electronics insurance.

Senate Bill No. 2283 authorizes and regulates the sale of travel insurance.

House Bill No. 1132 amends the law relating to insurance holding company systems to reflect changes made to the National Association of Insurance Commissioners model holding company law which were made as part of the Solvency Modernization Initiative.

House Bill No. 1310 amends the law regarding territorial limits of operation of a county mutual company and regarding the composition of a county mutual company's net written premiums.

House Bill No. 1313 governs the demutualization of domestic mutual insurable companies.

House Bill No. 1311 authorizes insurance companies to deliver, store, and present documents by electronic means.

House Bill No. 1365 provides the standards for required proof of mailing for property and casualty insurance and automobile insurance notices of cancellation and nonrenewal, providing in addition to a certificate of mailing, proof of mailing may be established by proof or acknowledgment of United States Postal Service mailing using IMb tracing or a similar method of first-class mail tracking which identifies the named insured, the insured's last-known address, and the date of mailing.

House Bill No. 1312 revises the allowable risk limitations for title insurance companies.

Senate Bill No. 2105 provides detail and clarification to the circumstances under which the legally required payment for covered loss in the case of the complete destruction of property under a property and casualty insurance policy may be less than the full value of the policy.

Senate Bill No. 2129 under the state's risk-based capital law, increases the ratio when a company action level event occurs for a life and health insurer or fraternal benefit society if the company has a negative trend in its risk-based capital. The change brings the ratio to the level that exists for property and casualty insurers.

Senate Bill No. 2130 under the state's reinsurance credit laws, allows the deduction of collateral requirements for assuming reinsurers that are neither authorized nor accredited in this state if the assuming reinsurer becomes certified.

Senate Bill No. 2131 requires insurers to maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing, and reporting on the material and relevant risks of the insurer and required insurers to conduct an own risk and solvency assessment.

MISCELLANEOUS

House Bill No. 1153 changes the name of the State Board of Medical Examiners to the North Dakota Board of Medicine and corrects references throughout this title.

House Bill No. 1158 as part of a bill that changes the procedure for county auditors and certain agents to issue and retain fees for hunting and fishing licenses which becomes effective April 1, 2016, this bill makes a related change to the law regarding bonds of agents appointed to distribute hunting and fishing licenses and stamps.

TITLE 27
Judicial Branch of Government
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 27. Bills primarily affecting other titles may also 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: chambers, child abuse, temporary court of appeals, juveniles, parental rights, crime laboratory witness expenses, human trafficking, electronic smoking devices, sobriety and drug court programs, presumption of age, small claims court jurisdiction, deprived child and child custody, and salaries and expenses appropriation.

COURTS

House Bill No. 1166 removes the limitation that not more than 70 percent of the chambers of district judges may be located in cities with a population over 10,000.

House Bill No. 1076 changes the expiration date of multiple sections within Chapter 27-02.1, relating to extending the sunset date for the temporary court of appeals, from January 1, 2016, to January 1, 2020.

CHILD ABUSE

House Bill No. 1029 makes technical corrections to a cross-reference in the definition of abused child.

JUVENILES

House Bill No. 1119 repeals Chapter 27-22 and Sections 27-20-39 through 27-20-43, relating to the transfer and supervision of children in other states or from other states and to the interstate compact on juveniles.

House Bill No. 1347 adds victims of human trafficking, as defined in Title 12.1, to the definition of a "deprived child" under Section 27-20-02.

House Bill No. 1186 adds the purchase, possession, smoking, use of electronic smoking devices, or alternative nicotine products by an individual under 14 years of age to the definition of an "unruly child" under Section 27-20-02.

Senate Bill No. 2028 removes the requirement of a juvenile court to transfer a child who is 14 years of age or older to an adult court for an alleged delinquent act involving the manufacture, delivery, or possession with intent to manufacture or deliver certain controlled substances.

Senate Bill No. 2064 requires a juvenile court, when determining the permanency plan of a child 16 years of age or older who will not be returning home, to ask the child if they have a desired alternative planned permanent living arrangement, to explain why an alternative planned permanent living arrangement is the best permanency plan, and to identify compelling reasons why returning home is not in the best interest of the child. The bill also requires an affidavit prepared by the administrative county, or an agency or tribal council of an Indian reservation, to be submitted along with the petition to request continuing foster care services for a child between the ages of 18 and 21 years. The bill also requires that a continued foster care agreement for a child between the ages of 18 and 21 be willfully entered into between the child, the foster care provider, and the Department of Human Services or the tribal council of an Indian reservation. The bill also creates a definition for a "sibling of the child entering foster care" and requires legal custodians to notify parents and grandparents of a sibling of a child entering foster care within 30 days after the removal of the child from the custody of the parents for the purpose of placement into foster care.

PARENTAL RIGHTS

Senate Bill No. 2063 requires that at least 10 days before a request for the termination of parental rights is heard, the Department of Human Services be provided a copy of the petition and summons.

CRIME LABORATORY WITNESS EXPENSES

Senate Bill No. 2003 would have created a new section to Chapter 27-05 requiring the district court to pay the mileage and travel expenses of staff members from the State Crime Laboratory who are subpoenaed to testify as expert witnesses in any case before the district court, other than cases involving a Class AA felony. **The Governor vetoed this section of the bill.**

SOBRIETY AND DRUG COURT PROGRAMS

Senate Bill No. 2052 removes the requirements from Sections 27-20-10 and 27-20-31 that a juvenile court must require a child to participate in the 24/7 sobriety program if the child is subject to informal adjustment, or if the child is found to have an alcohol concentration of at least two one-hundredths of 1 percent within two hours after driving or being in physical control of a motor vehicle. The bill places the 24/7 sobriety program participation requirements for children in a new section to Chapter 27-20. The bill adds provisions authorizing testing sites to notify the juvenile court when a child fails to comply with the program requirements, and authorizing the juvenile court to waive participation in the 24/7 sobriety program if the court requires participation in a juvenile drug court program.

LEGAL DATE OF BIRTH

House Bill No. 1304 adds a new section to Chapter 27-20 which creates a presumption that an individual's legal date of birth is the date of birth provided by various types of official state, federal, or foreign government issued identification documentation. The bill also allows for the presumption of age to be rebutted by clear and convincing evidence to the contrary.

SMALL CLAIMS COURT JURISDICTION

House Bill No. 1141 adds disputes over the disposition of earnest money or other money deposits not exceeding $15,000 arising from a contract to purchase real property to the list of proceedings that must be commenced in small claims court. The bill requires that the small claims court in the county where the real property is located has jurisdiction over the proceedings, unless both parties agree in writing to proceed in a different county.

DEPRIVED CHILD AND CHILD CUSTODY

House Bill No. 1210 creates provisions concerning the taking of a child into custody and the disposition of a deprived child, which require a court to allow for a reasonable amount of time for the transition of a child into custody or back to a parent or biological family member, unless there is a compelling reason to the contrary.

SALARIES AND EXPENSES APPROPRIATION

House Bill No. 1002 provides an appropriation for defraying the expenses of the judicial branch of government. The bill creates four additional district court judge positions to be assigned by the Supreme Court. The bill also adjusts the annual salaries of the Supreme Court justices and district court judges in the state.

TITLE 28
Judicial Procedure, Civil
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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. 1086, which relates to absolute exemptions from process, levy, or sale, provides the "in lieu of the homestead exemption" in Section 28-22-02 is not available if the debtor has opted to take the "in lieu of the homestead exemption" in Section 28-22-03.1. The bill also increases the amount of the exemption in Section 28-22-03.1 from $7,500 to $10,000.

Senate Bill No. 2331 increases the statute of limitations on claims for relief on actions alleging childhood sexual abuse from 7 to 10 years. The bill also provides in a claim for relief under Section 28-01-25.1, the plaintiff is not required to establish which act in a continuous series of sexual abuse acts by the defendant caused the injury. The bill provides an additional three years to commence prosecution if DNA evidence obtained at the time of offense conclusively identifies the suspect.

TITLE 29
Judicial Procedure, Criminal
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 29. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to judicial procedure, criminal, may be classified in these subject areas: appeals, federal agents, statute of limitations, human trafficking, unmanned aerial vehicles, and stolen property.

APPEALS

Senate Bill No. 2098 removes the requirement that a statement filed with a notice of appeal by the prosecuting attorney, asserting that an appeal is not meant to delay proceedings and that the evidence is a substantial proof of fact material in the proceeding, must be filed with the clerk of district court.

FEDERAL AGENTS

House Bill No. 1467 adds United States Customs and Border Protection officers to the definition of "federal agent" for purposes of authority to make arrests in this state. The bill also removes the requirement that United States Customs and Border Protection officers must have the same training in the law provided to police officers before they may arrest a person without a warrant.

STATUTE OF LIMITATIONS

Senate Bill No. 2331 changes the statute of limitations for commencing a claim for relief resulting from childhood sexual abuse from 7 to 10 years after the plaintiff knew or reasonably should have known that a potential claim existed. The bill provides that a plaintiff does not have to establish which act in a continuous series of sexual abuse acts caused the injury in order to obtain relief. The bill establishes that in claims involving the sexual abuse of minors, if DNA evidence, which conclusively identifies a suspect, is obtained at the time of the offense, then prosecution can be commenced within three years after the suspect is identified, even if the 10-year statute of limitations has expired.

HUMAN TRAFFICKING

Senate Bill No. 2232 adds the crime of human trafficking to the list of claims that must be commenced within seven years after the commission of the offense. The bill also adds the crime of human trafficking to the list of claims where the statute of limitations does not begin to run until the victim has reached the age of 15 if the victim was under the age of 15 at the time the offense was committed.

UNMANNED AERIAL VEHICLES

House Bill No. 1328 creates limitations on the use of unmanned aerial vehicles for surveillance purposes.

STOLEN PROPERTY

House Bill No. 1367 creates an exception for consumer goods and goods covered by a proven certificate of title from the requirement that peace officers must hold in their custody allegedly stolen or embezzled property, subject to an order for disposal by a magistrate judge.

TITLE 30
Judicial Procedure, Probate
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 30.

TITLE 30.1
Uniform Probate Code
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 30.1.

The legislation relating to the uniform probate code may be classified in these subject areas: guardianship.

GUARDIANSHIP

Senate Bill No. 2168 requires that a petition for appointment of a guardian for an incapacitated person state the extent of the guardianship authority sought, unless the petitioner is undecided on the extent of authority in any area, in which case the petition must state the specific areas in which the authority is sought. The bill requires that less intrusive alternatives to guardianship be considered, and requires that a statement from a physician or health care provider on the physical, mental, and emotional limitations of the proposed ward be submitted with the petition. The bill requires that a petition include the name and address of current appointed conservators, attorneys in fact, and representative payees. The bill requires that a proposed guardian attend the hearing on the petition. The bill requires the guardian ad litem to explain to a proposed ward the right to legal representation, to advocate for the best interests of the proposed ward, not to represent the proposed ward in a legal capacity, and to submit a written report to the court responding to the petition. The bill requires the court to consider the mandatory reports from a guardian ad litem, visitor, and physician or clinical psychologist when determining whether appointment of a guardian is appropriate and allows for the individual who prepared the report to be subpoenaed to appear at the hearing. The bill makes confidential any reports or treatment information submitted to the court by a guardian ad litem, visitor, physician, or clinical psychologist. The bill also requires a guardian appointed by court order to inventory all assets the ward owns or has an interest in and provide the inventory list to the court with 90 days from the date of the court order. The guardian must provide a copy of the inventory list to the ward. Additionally, the bill makes a guardianship appointment or reappointment effective for up to five years and requires the court to reassess the necessity of a guardianship at least 90 days before the expiration of the appointment or reappointment. The court is required to hold a hearing on the necessity of a continued guardianship at which point the court may reappoint, allow the guardianship to expire, or appoint a new guardian. The bill requires a petitioner to serve a copy of the order appointing a guardian to parties given notice of the hearing under Section 30.1-28-09. The bill changes the requirements of the appointment of an emergency guardian from a maximum of 60 days to a maximum of 90 days. The bill requires the court to appoint a guardian ad litem as soon as a petition for emergency guardianship is submitted and requires reasonable notice of the time and place of a hearing on the petition to be given to the spouse of an incapacitated individual. The bill allows for the appointment of an emergency guardian without notice to the guardian ad litem if the court determines the alleged incapacitated individual may suffer substantial harm before a hearing can be held. Notice must be given to the alleged incapacitated individual, or the individual's spouse, within 48 hours of the emergency appointment and the court must then hold a hearing within 10 days after the appointment. The bill creates a duty for the guardian to meet with the ward following the hearing, unless represented by an attorney, to explain the contents of the court order and the extent of the guardian's authority. The bill requires the guardian to file an annual report with the court regarding the exercise of powers and duties by the guardian in the areas of authority specified in the court's order of appointment. The bill requires the report to describe changes of residence and the reasons for the change, medical treatment received or withheld by the ward, expenditures of income affecting the ward, sale or transfer of property affecting the ward, and any exercise of legal authority by the guardian affecting the ward. The report must be filed with the clerk of court and copies sent to any interested person designated by the court in its order. The bill removes the ability of a court to appoint a conservator or other protective order in relation to the estate and affairs of a person if the court determines that the person is unable to manage the person's property and affairs effectively due to advanced age.

TITLE 31
Judicial Proof
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 31.

TITLE 32
Judicial Remedies
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 32. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to judicial remedies may be classified in these subject areas: liability of political subdivisions, distribution of intimate images, external defibrillators, and name change requirements.

LIABILITY OF POLITICAL SUBDIVISIONS

Senate Bill No. 2315 changes the liability limits of political subdivisions for injuries to multiple individuals from $500,000 to $1 million during a single occurrence.

Senate Bill No. 2144 allows a political subdivision to fund risk financing, as deemed necessary by the governing body, through revenue derived from the political subdivision's general fund tax levy. The bill also requires that unobligated amounts in a political subdivision's insurance reserve fund be transferred to the general fund, and the insurance reserve fund be closed by the last day of 2015. The bill allows the governing body of a political subdivision to levy and collect an annual tax from the taxable valuation of property within the political subdivision, within the constraints of Section 57-15-28.1, to pay a judgment or a settlement on a claim against the political subdivision by the state or an agency of the state.

DISTRIBUTION OF INTIMATE IMAGES

Senate Bill No. 2357 allows an individual to bring a private action for damages against anyone who knowingly or intentionally distributes an intimate image of the individual to any third party without the individual's consent.

EXTERNAL DEFIBRILLATORS

Senate Bill No. 2348 replaces the requirement that individuals using external defibrillators receive training from the American Heart Association or American Red Cross with training in the most nationally recognized course.

NAME CHANGE REQUIREMENTS

House Bill No. 1305 adds the requirement that an individual seeking a name change include proof in the petition to the district court that the individual is a citizen or permanent resident alien of the United States.

TITLE 33
County Justice Court
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 33.

TITLE 34
Labor and Employment
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1202 provides that if an employee separates from employment, a private employer may withhold payment for paid time off if the paid time off was awarded by the employer but not yet earned by the employee and if before the award of the paid time off, the employer provided the employee written notice of the limitation on the payment of awarded paid time off.

House Bill No. 1257 provides for application and procedures of unlawful employment practice claims relating to unequal pay for men and women.

Senate Bill No. 2285 provides that the obligation of an employer to indemnify employees for certain losses and expenses does not require the employer to indemnify for expenses incurred to purchase or rent tools of the trade or any other equipment that is also used by the employee outside the scope of employment.

House Bill No. 1047 provides that for purposes of the licensing of employment agents and agencies, a person licensed or certified by the Department of Human Services to provide employment-related services is not considered to be an employment agent or employment agency to the extent the employment-related services are being provided for the clientele identified by the department in the issuance of the license or certificate.

Senate Bill No. 2053, as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, makes a change to an obsolete date reference relating to appointment of a Labor Commissioner to administer the Department of Labor and Human Rights.

TITLE 35
Liens
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 35.

House Bill No. 1111 provides that in the case of a vessel lien, the lien is perfected when notice of the lien is filed with the Secretary of State.

House Bill No. 1330 extends from August 1, 2015, to August 1, 2016, the deadline for the Secretary of State to certify that the information technology components of the electronic filing in the central indexing system are ready for implementation.

TITLE 36
Livestock
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 36.

TITLE 37
Military
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 37. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1131 applies the preference for veterans in employment to superintendents of schools and teachers; the Chancellor and Vice Chancellor of the State Board of Higher Education; and presidents, executive deans, vice presidents, assistants to the president, provosts, instructors, and coaches of State Board of Higher Education institutions.

House Bill No. 1208 honors as veterans individuals who have served in the National Guard, armed forces reserves, or active duty armed forces who are not otherwise defined as veterans. The bill does not create any benefit or preference.

House Bill No. 1104 ties retirement for officers in the National Guard to the removal of federal recognition due to age, increases the limit for education grant for a qualifying member of the National Guard for an accredited postsecondary institution in this state to the rate of the one with the highest tuition and fee rate, and extends the time for filing for payment of adjusted compensation for domestic and foreign service until June 30, 2017, or if mobilized on that date, until six months after the period of mobilization.

House Bill No. 1107 increases the population limitation of political subdivisions eligible for primary public safety answering point services from State Radio from 20,000 to 25,0000 people and allows for the provision of services during emergencies through mutual aid agreements.

Senate Bill No. 2323 requires the Adjutant General to collect information on individuals in this state who served in a theatre or area of armed conflict since Vietnam and to make the information available to the public.

House Bill No. 1112 allows the Governor and the Adjutant General to seek Emergency Commission approval to borrow funds from the Bank of North Dakota and state disaster relief grant funds if there is an emergency and not a presidential disaster declaration and provides for local costs to be established in accordance with procedures established by the state emergency response plan.

TITLE 38
Mining and Gas and Oil Production
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 38. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1068 requires the Industrial Commission to give due consideration to the effect of rules, orders, and policies on locations under federal or tribal jurisdiction and provide sufficient information to indicate the effect of including these locations. The bill requires the Industrial Commission to allow access by the tribal government to the geographic information system database for pipelines located within the exterior boundary of the Fort Berthold Reservation.

Senate Bill No. 2190 allows money in the abandoned oil and gas well plugging and site reclamation fund to be transferred to the environmental quality restoration fund for the State Department of Health to use for environmental emergencies relating to oil and gas development and to return the amount transferred from subsequent deposits.

Senate Bill No. 2377 distinguishes commercial leonardite separate from coal for regulatory and tax purposes.

House Bill No. 1358 includes associated above ground equipment within the definition of underground gathering pipeline. The bill requires operators of new underground gathering oil or produced water pipelines to provide the Industrial Commission engineering construction design drawings and specifications, a list of independent inspectors and a plan for leak protection and monitoring. The bill requires a certificate of hydrostatic or pneumatic testing by an independent inspector for these pipelines. The bill provides authority for requiring bonds for these pipelines. The bill allows a landowner to request a mandatory review of the temporarily abandoned status of a well that has been in that status for at least seven years. The bill allows the release of information on volumes injected into a saltwater injection well and information from a spill report for a spill of more than 10 barrels of fluid not contained on the well site. The bill allows up to $1.5 million per biennium in the abandoned oil and gas well plugging and site reclamation fund to be used for reclamation and restoration of land and water resources impacted by oil and gas development before August 1, 1983, in the priority of eligible land and water, publicly owned land, administrative expenses, and demonstration projects of reclamation and water quality control program methods. The bill allows a landowner who has obtained information in the geographic information system database to share the information. The bill provides for a transfer of $1.5 million from the abandoned oil and gas well plugging and site reclamation fund to the oil and gas research fund for a special project for the analysis of crude oil and produced water pipeline construction and provides for adoption of rules for leak detection and monitoring.

House Bill No. 1136 requires a person who is engaged in geophysical exploration within this state to file a registered agent with the Secretary of State unless otherwise qualified to do business as a limited liability company or other business association.

Senate Bill No. 2053 removes payment of taxes on a mineral interest as using a mineral interest for purposes of avoiding termination of a mineral interest.

House Bill No. 1476 removes the requirement that the Industrial Commission classify oil or gas wells as stripper wells that are reentered and recompleted as horizontal wells, due to elimination of the oil extraction tax exemption for horizontal reentry wells.

TITLE 39
Motor Vehicles
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles may also 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: driving under the influence, title and registration, snowmobiles and unconventional vehicles, drivers licenses and rules for drivers, insurance, commercial drivers and vehicles, and miscellaneous.

DRIVING WHILE UNDER THE INFLUENCE

Senate Bill No. 2154 provides that when an individual is subjected to imprisonment after a first or second conviction for driving under the influence and during that imprisonment the individual successfully completes an alcohol treatment program the individual must be released from imprisonment and must begin court-ordered probation and if none was ordered, the individual must serve supervised probation that includes the 24/7 sobriety program.

Senate Bill No. 2052:

- Requires a law enforcement agency to accept, the same as if ordered by the court, an individual as part of the 24/7 sobriety program if the individual provides documentation the Department of Transportation has issued the individual a temporary restricted license conditioned on participation in the program;
- Clarifies that when determining the amount of time the individual must participate in the 24/7 sobriety program, the sentencing court may credit for the time the individual has already participated in the 24/7 sobriety program which was done for the purpose of pretrial release or to obtain a temporary restricted operator's license;
- Provides the 24/7 sobriety program is a condition of probation and a court may not order participation in the program as part of the sentence;
- Allows the court discretion in whether to order a juvenile to participate in the 24/7 sobriety program;
- Limits the look-back period to 15 years for Class C felony application to fourth and subsequent DUI offenses;
- Provides, for purposes of the administrative sanctions of suspension or revocation of an operator's license, the DUI charge and the test refusal are deemed to be a single violation;
- Provides a test is not admissible in any proceeding if the law enforcement officer fails to inform the individual with the required implied consent information;
- Requires the law enforcement officer to inform the individual that the individual may remedy the refusal if the individual agrees to take a chemical test after having first refused the onsite screening test;
- Provides all but 10 days of the minimum mandatory sentence required for a defendant charged with a third or subsequent DUI offense may be suspended on the condition the defendant successfully complete a drug court program approved by the Supreme Court;
- Changes the mandatory participation in 24/7 sobriety program for second and third DUI offenses from one year to 360 days and change the probation length for third offenses from one year to 360 days; and
- Makes technical changes to remove arcane language and correct inconsistent time frames.

TITLE AND REGISTRATION

Senate Bill No. 2117 repeals the authority for issuance of the Lewis and Clark license plates.

Senate Bill No. 2142 removes the fee for a veterans' license plate if the individual was awarded the purple heart and removes motor vehicle registration fees for one vehicle for a veteran awarded a purple heart.

House Bill No. 1360 requires the issuance of patriotic plates that must include a flag of the United States decal plate, bald eagle decal plate, or boonie stomper decal plate for an additional $25 fee of which $20 is deposited in highway tax distribution fund and $5 is deposited in the veterans' postwar trust fund. The bill allows a disabled veteran to have a standard plate that does not identify the veteran as a veteran or disabled veteran and a disabled veterans spouse that has not remarried and who is receiving Department of Veterans' Affairs dependency and indemnity compensation retains the exemption for one vehicle.

SNOWMOBILES AND UNCONVENTIONAL VEHICLES

Senate Bill No. 2198 allows an individual 10 or 11 years of age to operate a snowmobile on private land and elsewhere if in the presence of a parent or guardian, the individual completed a snowmobile safety training course, and the individual has received a snowmobile safety certificate.

Senate Bill No. 2164 removes the unsatisfied judgment fund fee for snowmobiles and increases the snowmobile trail tax from $35 to $45. The bill raises the out-of-state public trails and lands access permit from $15 to $25. The bill raises the registration from an amount equal to the tax collected on 30 to 40 gallons of motor vehicle fuel multiplied by the number of snowmobiles and transfers the money to the state snowmobile fund.

Senate Bill No. 2312 provides for the regulation of unconventional vehicles.

DRIVERS LICENSES AND RULES FOR DRIVERS

Senate Bill No. 2166 changes the violation for operating a modified motor vehicle from criminal to noncriminal with one demerit point and $20 fee and clarifies the modified vehicle requirements by separating bumper modifications from other modifications.

House Bill No. 1123 changes what a minor who has lost operators license privileges by having more than five points or an alcohol or drug offense while operating a motor vehicle must do to be issued an operators license, to include meeting the requirements of a restricted license and completing driver education through an Internet course or successfully completing a commercial driver training school. The bill allows the waiver of the skills test for a license applicant who has passed a test in another state conducted by that state or a commercial driver training school that meets this state's statutory requirements. The bill allows the waiver of a skills test if the applicant has completed classroom instruction and behind-the-wheel instruction with a certificate of course completion from a licensed commercial driver training school or a school program. The bill provides for instructor requirements that include residency and language regulations adopted by the Department of Transportation.

INSURANCE

Senate Bill No. 2211 changes driving without liability insurance to a noncriminal violation with a fee of $150 for a first offense and $300 for a second or subsequent offense in three years.

House Bill No. 1391 reduces from three years to one year the time an individual must provide the Department of Transportation special proof of insurance for driving without liability insurance.

House Bill No. 1206 requires a liability policy for special mobile equipment and requires an owner to provide evidence of coverage to a police officer. The bill makes the penalty for a first violation $150 and a second or subsequent violation in three years $300. The bill requires the court to report the violation to the Secretary of State.

COMMERCIAL DRIVERS AND MOTOR VEHICLES

House Bill No. 1121 allows skill test results electronically submitted by another state to meet requirements for a commercial driver's license and allows a commercial learner's permit to be renewed for an additional 180 days without retaking the knowledge test, and after that period, the individual may retake the knowledge test.

Senate Bill No. 2112 defines covered farm vehicle, foreign commercial driver, and imminent hazard for the purposes of commercial driver's licenses.

MISCELLANEOUS

House Bill No. 1144 creates regulations for a transportation network company and drivers.

Senate Bill No. 2352 allows a police officer, without the consent of the owner, to move a vehicle or personal property that is blocking a highway and, if done with reasonable care, there is no liability for the police officer. If there is a public necessity, the police officer may damage the vehicle or property when removing it from the highway.

Senate Bill No. 2255 changes the regulation of common household goods carriers by requiring a permit, registration with the Secretary of State, and proof of workers compensation insurance instead of a certificate of public convenience and necessity and tariffs. The bill creates an annual filing fee of $35 for a household goods carrier permit.

Senate Bill No. 2248 requires a Class B authorized emergency vehicle to display a white light, in addition to the previously required amber light, while exercising exemptions from laws relating to parking, speed limit, or turning.

Senate Bill No. 2118 allows a chiropractor or physician assistant to provide a written or electronic statement needed for a mobility impaired parking privilege, in addition to previously allowed authority of a physician or advance practice registered nurse.

House Bill No. 1062 updates the highway patrolmen's retirement plan for federal compliance for qualified military service and provides for automatic updating of federal compliance provisions regarding the Internal Revenue Code.

Senate Bill No. 2013 prohibits private use of state vehicles driven for the North Dakota Art Museum.

House Bill No. 1012 removes the requirement of approval of the Governor for Director of the Department of Transportation in making rules for branch offices. The bill allows for the extension of contracts for five years and requires the Department to consider new vendors at least one year before the end of a contract. The bill allows the Director to enter into direct negotiations for branch office services.

TITLE 40
Municipal Government
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 40.

House Bill No. 1133 provides for a tax lien of record clearance requirement for the new and expanding business income tax exemption and authorizes the Tax Commissioner to offset future tax distributions if there was a previous overpayment of the tax distributed to the city.

House Bill No. 1245 allows a veto by the mayor of an ordinance or resolution to be overridden by a two-thirds vote of the city council and changes the reference to a male inhabitant aiding in the enforcement of city ordinances to a resident.

House Bill No. 1340 provides that if protests of special assessment projects bar proceeding with assessments, the governing body may still proceed using funding other than special assessments.

House Bill No. 1376 authorizes a municipality to expend city funds as a donation for a capital improvement project to a nonprofit health care facility within the city.

House Bill No. 1382 requires that an electric transmission provider must provide written notice of its intention to interconnect with a transmission line of a municipal utility or power agency.

House Bill No. 1392 requires a governing body of a city over 10,000 population to adopt written policies for cost allocation among properties benefited by a special assessment and authorizes the board of county commissioners to dispose of any property if a city is dissolved.

Senate Bill No. 2031 makes permanent the 2013 changes to references to a school district tax levy for a public recreation system regarding the 2013 changes to school district authorization of property tax levies.

Senate Bill No. 2035 provides that before a city or county may grant a property tax exemption or option to make payments in lieu of taxes the governing body must consult the Department of Commerce. If the Department of Commerce determines the cost of the project would exceed $1 billion, the Department of Commerce shall hold a public hearing and give notice of the hearing to each affected taxing district and any business for which the project would be a competitor.

Senate Bill No. 2056 allows a city to require filing of financial and budget records by any board, authority, committee, or commission seeking approval of a property tax levy by the city governing body. The bill also makes clear that a library board must obtain city governing body approval of the amount levied for library purposes.

Senate Bill No. 2144 provides for consolidation and revision of provisions governing property tax levy authority of counties, cities, park districts, soil conservation districts, and various boards and commissions.

Senate Bill No. 2217 requires a library board and job development authority to file a financial report for the preceding calendar year showing the ending fund balances of each fund held if the board is seeking approval of a property tax levy.

Senate Bill No. 2329 increases the maximum allowable size of renaissance zones to not more than 34 square blocks, except in a city with a population of greater than 5,000 the zone may exceed 34 square blocks at a rate of one additional block per additional 5,000 population with a maximum size of 49 square blocks. The bill increases the total amount of credits allowed for investments in renaissance fund organizations to $10,500,000.

Senate Bill No. 2371 allows a city to establish administrative boards or committees for the purpose of adjudicating a violation of a noncriminal ordinance or noncriminal city code.

TITLE 41
Uniform Commercial Code
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 41.

House Bill No. 1134 revises the Uniform Commercial Code - Funds Transfers law addressing the state law's relationship to the federal Electronic Fund Transfer Act.

House Bill No. 1189 revises the Uniform Commercial Code - Bank Deposits and Collections law to provide that for purposes of stop orders for certain situations that previously required a writing, a record will now be allowed.

TITLE 42
Nuisances
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which affected North Dakota Century Code Title 42.

TITLE 43
Occupations and Professions
Summary of Bills Enacted by 2015 Legislative Assembly

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

LOAN AND LOAN REPAYMENT PROGRAMS

House Bill No. 1049 directs the Bank of North Dakota to develop and implement a loan program for individuals participating in internships at licensed substance abuse treatment facilities in order to obtain licensure as addiction counselors and directs the Board of Addiction Counseling Examiners to evaluate initial licensure coursework requirements and clinical training requirements to ensure the requirements to not serve as an undue barrier to licensure.

House Bill No. 1004 adds an additional requirement to the veterinarian loan repayment program, requiring the applicant be employed full-time in the private practice of veterinary medicine.

House Bill No. 1396 repeals the medical personnel loan repayment program and the physician loan repayment program and replaces them with a new loan repayment program for health care professionals willing to provide services in areas of this state with a defined need for services.

Senate Bill No. 2205 rewrites the dentists' loan repayment program to apply for dentists providing dental services in cities or surrounding areas in this state which the State Health Council identifies as having a defined need for dental services.

ABSTRACTERS

House Bill No. 1148 increases the fees an abstracter is allowed to charge for identified services.

ACUPUNCTURISTS

Senate Bill No. 2191 provides for the regulation of the practice of acupuncture and the licensure of acupuncturists by the State Board of Integrative Health Care and authorizes the board to adopt rules allowing students to practice under licensed supervision.

ATHLETIC TRAINERS

Senate Bill No. 2295 revises the law relating to the regulation of the practice of athletic training, amending the definition of "athletic training," defining "physical activity," and updating the scope of practice for athletic trainers.

CHIROPRACTORS

House Bill No. 1099 makes multiple revisions to the law regulating the practice of chiropractors, including revising the licensure examination requirements, authorizing the State Board of Chiropractic Examiners to temporarily suspend a license during a disciplinary proceeding, and exempting from the licensure requirements any chiropractor who is licensed or credentialed in another jurisdiction who is teaching or demonstrating, or practicing in connection with teaching or participating in an educational seminar.

CONTRACTORS

House Bill No. 1136 as part of a bill that rewrites the limited liability company and foreign liability company law, a cross reference is updated in the law regulating contractors.

Senate Bill No. 2188 revises the law relating to the regulation of contractors, including increasing from $2,000 to $4,000 the threshold amount of a job that requires that a person be licensed as a contractor, repealing the existing penalty clause and reinserting this language in a different section of law, and establishing the crime of construction fraud.

Senate Bill No. 2278 revises regulation of contractors, including updating the law relating to the application for and renewal of a contracting license; increasing the licensure fees; increasing the financial parameters of class A, B, C, and D licenses; and providing license fees are to be used by the Secretary of State to pay for the cost of regulation of contractors.

COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS

Senate Bill No. 2097 amends laws regulating the practice of cosmetology, manicuring, and esthetics, and regulating the State Board of Cosmetology, including changing the membership of the board; amending the definition of "cosmetology," replacing the term "manager operator" with the term "master cosmetologist," amending the term "noninvasive," providing a nurse practicing within the scope of the nurse's license is exempt from regulation under the cosmetology law, clarifying who may own and operate a salon, expanding the circumstances under which the board may issue a license without an examination, amending the educational requirements for licensure, and increasing the fee for late licensure renewal.

ELECTRICIANS

House Bill No. 1229 provides that if a person associates with a Class B or master electrician and that association ends, that person is jointly and severally liable for any electrical services contracts entered under that association and this bill phases out the undertaking fund.

MASSAGE THERAPISTS

Senate Bill No. 2085 amends provisions of law regulating massage therapists and the North Dakota Board of Massage, including changing the membership of the board; revising the board's duties, including directing the board to inspect massage establishments, directing the board to prepare a biennial report, and directing the board to require applicants to submit to a criminal history record check; authorizing the board to conduct a criminal history record check on a licensed massage therapist; decreasing and revising the continuing education requirements for massage therapists; and providing that disciplinary complaints must be signed by a complainant.

MEDICAL IMAGING AND RADIATION THERAPY

Senate Bill No. 2236 creates the North Dakota Medical Imaging and Radiation Therapy Board of Examiners and the regulation of medical imaging and radiation therapy. This bill provides that after December 31, 2015, a person may not perform or offer to perform medical imaging or radiation therapy procedures on humans in this state unless licensed by the board.

MILITARY

Senate Bill No. 2053 as part of the technical corrections bill, makes a technical correction to the law regarding professional licensure of military spouses.

NURSES

House Bill No. 1108 as part of a bill that changes statutory references to "developmentally disabled person" to "individual with a developmental disability," this change is made in the Nurse Practices Act.

PHARMACISTS AND DRUG DISTRIBUTORS

Senate Bill No. 2086 revises the law providing for wholesale drug pedigrees, providing that third-party logistics providers must be licensed as third-party logistics providers instead of as wholesale distributors, defining the term "outsourcing facility" and providing when compounding may be provided by an outsourcing facility, and expanding the class of items that may have a prescription or order that is valid for more than one year.

Senate Bill No. 2104 as part of a bill that authorizes the prescription, distribution, possession and use of opioid antagonists, such as Narcan, this bill authorizes the State Board of Pharmacy to establish limited prescriptive authority for individuals to distribute opioid antagonist kits.

Senate Bill No. 2173 revises the law granting pharmacists limited prescriptive authority, providing an advanced practice registered nurse may supervise a pharmacist with limited prescriptive authority, providing a pharmacist with limited prescriptive authority is not limited to an institutional setting, revising the collaborative agreement requirements, and removing the requirements that the Board of Medical Examiners and the Board of Pharmacy jointly establish a prescriptive practices committee and replacing this requirement with a directive that those boards and the Board of Nursing jointly adopt rules regarding pharmacists limited prescriptive practices.

PHYSICIANS

House Bill No. 1153 changes the name of the State Board of Medical Examiners to the North Dakota Board of Medicine and corrects references throughout this title.

PODIATRISTS

House Bill No. 1098 authorizes the North Dakota Board of Podiatric Medicine to subpoena witnesses for the purpose of investigating the practice of a podiatrist who is under investigation, to employ independent investigators, to hold confidential conferences with any complainant or podiatrist with respect to any complaint, and to issue a formal complaint against a podiatrist.

Senate Bill No. 2128 amends the definition of the term "podiatric medicine" as that term is used in the law regulating the practice of podiatric medicine.

Senate Bill No. 2067 increases the maximum amount of the initial and renewal licensure fees for podiatrists.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

House Bill No. 1426 increases from $100,000 to $150,000 the threshold amount for which a public work project requires the services of a registered professional engineer.

Senate Bill No. 2185 revises the State Board of Registration for Professional Engineers and Land Surveyor's process for taking disciplinary actions and the requirements for a person filing a complaint with the board.

PSYCHOLOGISTS

House Bill No. 1274 amends provisions of law regulating psychologists and the State Board of Psychologist Examiners, including changing the membership of the board, revising the annual renewal timeline and process, revising the regulation of applied behavioral analysts and the practice of applied behavioral analysis, revising the licensure and registration laws, revising the disciplinary laws and complaint and investigation laws, and revising the postdoctoral supervised psychological employment requirements.

REAL ESTATE APPRAISERS

House Bill No. 1100 makes multiple revisions to the law regulating real estate appraisers, including repealing the North Dakota Real Estate Appraiser Qualifications and Ethics Board's authority to enter reciprocity agreements with other states; clarifying that in a disciplinary proceeding, an allegation from the public is not a complaint until the board determines there is reasonable cause to initiate a disciplinary proceeding; and providing the temporary permit application process does not require the permittee to submit to a statewide and nationwide criminal history record check.

REAL ESTATE BROKERS AND SALESPERSONS

House Bill No. 1074 increases the criminal penalty for acting or advertising as a real estate broker or real estate salesperson without being licensed by the Real Estate Commission and allows the commission to establish the renewal application deadline date.

WATER WELL CONTRACTORS

Senate Bill No. 2189 revises the law relating to the regulation of water well contractors and the North Dakota Board of Water Well Contractors, including revising the board meeting dates, officers, and per diem rates; setting the surety bond requirement at $15,000 for water well contractors and $2,000 for a monitoring well,

pump and pitless unit, or geothermal system installation contractors; revising the criminal penalties for the violation of the law; and providing civil penalties for violation of the law.

MISCELLANEOUS

Senate Bill No. 2335 amends the mandatory reporting law for physicians, physician assistants, naturopaths, and nurses, to provide that, if the injury is a result of a sexual offense, the reporting may not require the patient's name, address, or any identifying information without the patient's written release.

TITLE 44
Offices and Officers
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1013 provides that a record of the value of property paid or delivered to the Administrator of the State Abandoned Property office is an exempt record. This provision was declared to be an emergency measure and become effective upon filing of the bill with the Secretary of State on April 30, 2015.

House Bill No. 1264 provides that an image taken by a law enforcement officer or a firefighter with a body camera or similar device and which is taken in a private place is an exempt record.

House Bill No. 1337 allows a public entity to withhold public records requested from the entity until the requester provides payment for any outstanding balance for prior requests. The bill provides that if a public entity receives five or more requests from the same requester within seven days, the public entity may treat the requests as one request in computing the time it takes to locate and excise the records. The bill prohibits the disclosure to an inmate of any information contained in a personnel record of a law enforcement officer of a state or local law enforcement agency or in the personnel record of a correctional employee of a correctional facility unless authorized by the employing agency. The bill exempts from open records requirements information that could be used to identify a victim of domestic violence, human trafficking, or sexual offenses which is maintained by a law enforcement facility. The bill revises the definition of "investigatory work product" for purposes of open records requirements.

Senate Bill No. 2015 provides that any record of the Legislative Council relating to a request for public records made by the Legislative Council on behalf of a member of the Legislative Assembly is a public record. The bill requires the Legislative Council to maintain a written or digital record of any request for public records made on behalf of a member of the Legislative Assembly which identifies the member of the Legislative Assembly who made the request.

House Bill No. 1343 changes the deadline for the calling of a special recall election from not sooner than 90 days and no later than 100 days after the certification of a recall petition to not sooner than 95 days and not later than 105 days after certification of the petition.

TITLE 45
Partnerships
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1136 as part of a bill that rewrites the law related to limited liability companies, makes multiple cross-reference changes in the partnership laws.

House Bill No. 1335 as part of a bill that makes multiple changes to the law relating to corporations, this bill creates new law relating to involuntary dissolution of a limited partnership, revises the law relating to revocation of registration of a foreign limited liability partnership, and increases the registration fee for foreign limited liability partnerships from $100 to $110.

TITLE 46
Printing Laws
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which affected North Dakota Century Code Title 46.

TITLE 47
Property
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 47. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1192 provides that a security deposit may not be required by a lessor for a service animal or companion animal for a person with a disability but may otherwise require a pet security deposit.

House Bill No. 1191 allows a landlord to require reliable supporting documentation for establishing disability status of a tenant of a rental dwelling to have a service animal or assistance animal. This documentation may be provided by a physician or medical professional and must confirm the tenant's disability and relationship between the disability and need for the accommodation unless the disability is readily apparent or known.

House Bill No. 1217 allows more types of proof by a tenant which may be submitted to a landlord for the tenant's termination of a lease without penalty or liability due to domestic abuse, which include a court order, protection order, ex parte temporary protection order, order prohibiting contact, restraining order, or other record filed with the court.

House Bill No. 1220 allows a closing agent to accept a cashier's check for loan funds if delivered by a local financial institution in the county or a contiguous county and requires the closing agent to deposit the cashier's check in an escrow account with a local financial institution that makes the funds available for immediate withdrawal, before the disbursement of funds.

Senate Bill No. 2180 removes the prohibition on the holder of an unrecorded conveyance on questioning the good faith of the first recording party unless it can be shown the first recording party had actual knowledge of the unrecorded conveyance.

House Bill No. 1418 changes the rules for warrants issued by the state as to unclaimed property and makes the warrant void and canceled after two years. The issuing agency may issue a new warrant if the payee or legal holder presents the void or canceled warrant for payment.

TITLE 48
Public Buildings
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 48.

House Bill No. 1128 removes the bond requirement that each mechanical and electrical contractor providing work on a public improvement project that utilizes the construction management at-risk delivery method must provide a separate bond for the contractor's portion of the improvement.

House Bill No. 1426 increases the threshold that requires procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement from $100,000 to $150,000.

Senate Bill No. 2015 requires Legislative Council authorization during the legislative interim for the use of Legislative Assembly rooms and halls including the Pioneer Room and three additional meeting rooms in the judicial wing.

Senate Bill No. 2149 provides that plans, drawings, and specifications of an architect or engineer for a public improvement contract must be stamped and sealed by the date of the initial bid advertisement and that the advertisement must be published in a daily newspaper having a general circulation in the area where the project is located. The bill also specifies that a governing body electing to utilize a construction management at-risk delivery process for a proposed public improvement include a licensed contractor.

Senate Bill No. 2171 allows a governing body to negotiate a contract amendment up to an additional $150,000 with the general, electrical, or mechanical contractor whose contract would represent the largest portion of the project cost if a bid for the general, electrical, or mechanical portions of a project is not received.

Senate Bill No. 2233 provides that an agency construction manager selected for a public improvement is required to publicly advertise and open bids from subcontractors.

TITLE 49
Public Utilities
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 49. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1375 removes the cap of $18 per month for residence service essential telecommunications services prices for companies with over 50,000 subscribers.

Senate Bill No. 2123 requires the Public Service Commission to impose an application fee of up to $10,000 for a certificate of public convenience and necessity by a utility other than an electric utility and allows an additional amount with the approval of the Emergency Commission. The bill requires the commission to pay the expenses of processing an application from the fee.

Senate Bill No. 2124 clarifies that the Public Service Commission issues notice of the filing of a service area agreement within 30 days of the filing.

House Bill No. 1385 defines Internet protocol-enabled service and Voice over Internet Protocol service and exempts these services from regulation except for listed taxes, fees, and services.

Senate Bill No. 2135 allows the extension of the suspension of a tariff for more than six months if the Public Service Commission and utility agree.

House Bill No. 1124 clarifies the filing of an updated 10-year plan by a utility is required every other year after the year of initial submission.

Senate Bill No. 2347 defines tangible marking materials that must be removed by an excavator after completion of the excavation.

Senate Bill No. 2144 repeals Chapter 49-17.2 on regional railroad authorities.

Senate Bill No. 2120 defines construction for purposes of determining when an energy conversion and transmission facility siting certificate or permit is not required for construction within the same footprint as a previous certificate or permit. The bill changes the application fees for these certificates and permits to increase the threshold to $10,000 and removes route adjustment before or during construction for gas or liquid transmission lines from the threshold requirement.

Senate Bill No. 2008 raises the salary of the Public Service Commissioners from $102,418 to $105,491 for the first year of the biennium and $108,656 for the second year.

TITLE 50
Public Welfare
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 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, early childhood services, abuse and neglect, long-term care and related facilities, county social services, and miscellaneous.

DEPARTMENT OF HUMAN SERVICES' PROGRAMS

House Bill No. 1111 provides the assignment of rights to child support is effective as to all accrued support obligations with respect to a foster care child.

Senate Bill No. 2012 requires the Department of Human Services to publish a quarterly report of all behavioral health services provided by or supported by the department. The bill removes the expiration date on the autism spectrum disorder voucher program.

Senate Bill No. 2062 provides when administering the temporary assistance to needy families program, the Department of Human Services must require each household to participate in developing an individual employment plan and provide for sanctions, including termination of assistance to the household, if adult or minor household members age 16 or older fail to cooperate in developing an employment plan. The bill removes the household assets limits for temporary assistance for needy families and allows the Department of Human Services to establish limits.

Senate Bill No. 2073 authorizes the executive director of the Department of Human Services to amend the interagency agreement between the department and the Department of Corrections and Rehabilitation for training and assistance for the provision and enforcement of safety and security procedures at the State Hospital.

Senate Bill No. 2081 creates immunity for a person providing foster care for children in a licensed or approved facility from civil liability for any act or omission resulting in damage or injury to or by a child in foster care if, at the time of the act or omission, the person providing foster care for children applied the reasonable and prudent parent standard in a manner that protects child safety, while also allowing the child in foster care to experience age or developmentally appropriate activities.

Senate Bill No. 2237 provides for confidentiality of client records and client information relating to substance abuse treatment programs which are protected under the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.], or which are specifically excluded from disclosure by other state or federal law, and which are received by the Department of Human Services through inspections of programs.

MEDICAL ASSISTANCE

House Bill No. 1041 provides when implementing medical assistance expansion under the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152], the contract between the Department of Human Services and a private carrier must provide a reimbursement methodology for all medications and dispensing fees which identifies the minimum amount paid to pharmacy providers for each medication, provides full transparency of all costs and all rebates in aggregate, allows an individual to obtain medication from a pharmacy that provides mail order service, ensures pharmacy services obtained in jurisdictions other than this state and its three contiguous states are subject to prior authorization and reporting to the department for eligibility verification, and ensures the payments to pharmacy providers do not include a required payback amount to the private carrier or one of the private carrier's contractors or subcontractors which is not representative of the amounts allowed under the reimbursement methodology.

House Bill No. 1255 relates to medical assistance reimbursement for ambulance services. For purposes of classifying ambulance services for medical assistance coverage, the bill provides an emergency response is one that, at the time the ambulance is called, the ambulance responds immediately. The bill further provides an advanced life support assessment is an assessment performed by an advanced life support crew as part of an emergency response that was necessary because the patient's reported condition at the time of the dispatch was such that only an advanced life support crew was qualified to perform the assessment.

Senate Bill No. 2043 directs the Department of Human Services to adopt rules governing payments to licensed community paramedics, advanced emergency medical technicians, and emergency medical technicians for health-related services provided to recipients of medical assistance, subject to necessary limitations and exclusions. The bill provides a physician or an advanced practice registered nurse must supervise any care provided by a licensed community paramedic, an advanced emergency medical technician, or emergency medical technician. The bill also authorizes the department to negotiate additional rebates from drug manufacturers to supplement the rebates required by federal law governing the medical assistance program.

Senate Bill No. 2046 requires the Department of Human Services to allow licensed marriage and family therapists to enroll and be eligible for payment for behavioral health services provided to recipients of medical assistance, subject to limitations and exclusions the department determines necessary.

Senate Bill No. 2050 prohibits the Department of Human Services from requiring an individual to apply for services under the state's medical assistance program as a condition of being eligible to apply for services under the service payments for elderly and disabled program.

Senate Bill No. 2320 requires the Department of Human Services to establish a medication therapy management program available to medicaid-eligible individuals in the medical and hospital benefits coverage group. Under the bill, the purpose of the medication therapy management program is to coordinate health care and improve the health of individuals in the identified health populations and to manage health care expenditures.

EARLY CHILDHOOD SERVICES

House Bill No. 1247 requires the Department of Human Services to adopt rules to require an early childhood service provider and the provider's staff members who are responsible for the care or teaching of children under the age of one to annually complete a department approved sudden infant death syndrome prevention training course.

Senate Bill No. 2080, which relates to early childhood services, changes the maximum number of children at one time in a group child care facility and a child care center from 18 to 30. The bill also makes clarification and technical changes to other statutes affecting early childhood services.

ABUSE AND NEGLECT

House Bill No. 1029 separates the offenses of abuse of a child and neglect of a child into different statutory provisions and eliminates the Class B felony penalty for the offense of neglect of a child. This bill affects Title 50 in that it removes a cross reference to a specific subdivision in Section 14-09-22 relating to the definition of abused child.

LONG-TERM CARE AND RELATED FACILITIES

House Bill No. 1109 amends the health care facility residents' rights law to create an exception to the right to receive at least a 30-day written advance notice of any transfer or discharge if the resident has urgent medical needs that require a more immediate transfer or discharge or a more immediate transfer or discharge is required to protect the health and safety of residents and staff within the facility.

House Bill No. 1234 provides for purposes of determining nursing home rates, the double room limit effective July 1, 2015, is $156,783 and the single room limit is $235,176.

House Bill No. 1277, which relates to nonallowable costs in setting nursing home rates, requires the Department of Human Services to exclude sales tax revenue received from a political subdivision or local taxing authority as an offset to costs for facilities located in communities with a population below 12,500 people.

House Bill No. 1353, which relates to nonallowable costs in setting nursing home rates, provides an individual who receives the maximum of $15,000 of education assistance is required to commit to a minimum of 6,656 hours of employment after completion of the educational program for each year education assistance was provided by the facility. The bill provides the number of hours of employment required may be prorated for an individual who receives less than the maximum of $15,000 of education assistance.

House Bill No. 1359 directs the Department of Human Services to adopt procedures by rule for determining rates for the care of residents of basic care facilities that qualify as vendors of an aged, blind, and disabled persons program. The bill provides for the rate year beginning July 1, 2016, the department is directed to establish the limits by using the average of the highest and lowest rates from the 2014 rate year. The direct care limit must be 95 percent of the average and the indirect care limit must be 90 percent of the average. Beginning with the July 1, 2017, rate year, the department is directed to adjust the limits by using the cost percentage change from the prior two rate years, within the limits of legislative appropriations. The bill also authorizes the department to issue a provisional license to an assisted living facility if the facility has one or more deficiencies or a pattern of deficiencies related to quality of care or compliance with licensing requirements. The bill also provides a tenant of an assisted living facility who is in need of hospice services and who exceeds tenancy criteria, as determined by the facility, may remain in the facility only if the tenant contracts with a third party, such as a hospice agency, or utilizes family support, or both, to meet those needs.

Senate Bill No. 2065 relates to the conditions under which a state long-term care ombudsman may access the records of a resident in a long-term care facility. Under the bill, the ombudsman may access the records if the ombudsman has the permission of the resident or the legal representative of the resident; if access to the records is necessary to investigate a complaint and the resident is unable to consent to the review and has no legal representative; or if a legal representative of the resident refuses to give the permission and the ombudsman has reasonable cause to believe the legal representative is not acting in the best interests of the resident and the state long-term care ombudsman approves access.

Senate Bill No. 2082 amends the definition of "eligible beneficiary" for basic care assistance to include a resident of the state who has applied for and is eligible to receive and receives benefits under Section 50-24.1-37 for long-term services and supports pursuant to an asset test established under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] and Section 50-24.1-02.

COUNTY SOCIAL SERVICES

Senate Bill No. 2144 provides for the consolidation and revision of provisions governing property tax levy authority of counties, cities, park districts, soil conservation districts, and various boards and commissions. For purposes of Title 50, the bill authorizes the board of county commissioners to apply to the Department of Human Services for a grant if that county has expended revenue exceeding the amount generated by a levy of 20 mills for support of human services programs in the county for the current or immediately preceding budget year due to extraordinary human services program impact.

Senate Bill No. 2206 requires the Department of Human Services to assume county costs of social services programs. The bill requires the department to pay the local expenses of administration incurred by a county after December 31, 2015, for family preservation programs; a county's share of the cost of the electronic benefits transfers for the supplemental nutrition assistance program; and the computer processing costs incurred by the county, which exceed the county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996.

Senate Bill No. 2217, with regard to the authority of a board of county commissioners to levy an annual tax for human services purposes, requires a county social service board seeking approval of a property tax levy under Chapter 50-06.2 to file with the county auditor of each county within the health district a financial report for the preceding calendar year showing the ending balances of each fund held by the board during that year.

MISCELLANEOUS

House Bill No. 1108 changes statutory references to "developmentally disabled persons" to "individual with a developmental disability" or "individuals with developmental disabilities" throughout Century Code.

House Bill No. 1136, as it applies to a registrant that is a foreign entity, changes a cross reference to reflect a newly created section in Chapter 10-32.1.

House Bill No. 1256 defines "brain injury" to mean any injury to the brain which occurs after birth and which is acquired through traumatic or nontraumatic insults. The bill provides the term does not include hereditary, congenital, nontraumatic encephalopathy, nontraumatic aneurysm, stroke, or degenerative brain disorders or injuries induced by birth trauma. The new definition replaces the term "traumatic brain injury" to all applicable sections in Century Code.

TITLE 51
Sales and Exchanges
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1163 creates a new chapter governing remedies for bad faith assertions of patent infringement.

House Bill No. 1186 as part of a bill that regulates electronic smoking devices and alternative nicotine products, this bill adds electronic smoking devices and alternative nicotine products to the items not allowed to be sold to minors.

House Bill No. 1346 provides that North Dakota law relating to retail installment sales contracts applies if the seller does not comply with the federal Truth in Lending Act and provides that the Attorney General or a state's attorney may enforce the North Dakota law.

Senate Bill No. 2182 updates the law regarding transient merchants, unlawful sales or advertising practices, and home solicitation sales, providing the Attorney General or a state's attorney may enforce the transient merchants law, expanding the scope of the unlawful sales or advertising practices to include unconscionable acts or acts that will cause substantial injury, and revising home solicitation sales notice of cancellation requirements.

Senate Bill No. 2214 requires any entity that owns or licenses computerized data containing personal information and that experiences a security breach, affecting personal information of more than 250 individuals, must notify the Attorney General of the security breach.

TITLE 52
Social Security
Summary of Bills Enacted by 2015 Legislative Assembly

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

House Bill No. 1060 authorizes Job Service North Dakota to enter an interagency agreement with the Department of Commerce for the sharing of certain information regarding recipients of economic development assistance obtained by Job Service North Dakota in the course of administering the unemployment insurance program and authorizes the Tax Commissioner to share with the Department of Commerce certain information regarding recipients of economic development assistance obtained under the income or sales tax laws.

House Bill No. 1212 expands the eligibility for unemployment insurance benefits to allow certain victims of stalking to qualify for benefits.

Senate Bill No. 2144 as part of a bill relating to consolidation, revision, and elimination of property tax provisions, this bill repeals the chapter of law providing for the Old-Age and Survivor Insurance System and fund.

TITLE 53
Sports and Amusements
Summary of Bills Enacted by 2015 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, racing, and lottery.

CHARITABLE GAMING

House Bill No. 1161, which relates to the game of twenty-one, provides an organization may set the minimum limit for the original wager at not more than $3 on one active table. The bill provides if there is more than one active table at a site, the organization may set a higher minimum wager on additional tables.

House Bill No. 1231 amends the charitable gaming law to include 50-50 raffle systems in the games for which distributors and manufacturers are regulated. The bill requires a manufacturer of 50-50 raffle systems to apply annually for a license and pay a license fee of $500. The bill also requires distributors of raffle boards to affix a state gaming stamp to each raffle board sold or otherwise provided to a licensed organization.

House Bill No. 1235 legalizes electronic quick shot bingo. The bill describes electronic quick shot bingo as a bingo game played on portable hand-held bingo devices utilizing electronic bingo card images.

House Bill No. 1448 relates to the monthly rent that may be charged for conducting pull tabs on a site where twenty-one or paddlewheels is conducted. The bill provides if pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional $175. If pull tabs is conducted involving only a dispensing device or both a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional $325.

Senate Bill No. 2099 increases the maximum wager for sports pools from $5 to $25.

Senate Bill No. 2184 increases the maximum amount of a single cash raffle prize and total cash raffle prizes in one day from $4,000 to $25,000.

RACING

House Bill No. 1091 provides the registration of North Dakota bred horses for qualification for breeders' fund award or purse supplements is the responsibility of the Racing Commission. The bill provides the administrative cost of maintaining the registry is to be paid from the breeders' fund. The bill removes the provision that the registry may be maintained by a private contractor.

Senate Bill No. 2071 allows the North Dakota Racing Commission to accept letters of credit as security for a license applicant.

LOTTERY

Senate Bill No. 2003 increases the disbursement from the lottery operating fund to the compulsive gambling prevention and treatment fund from $50,000 per quarter to $80,000 per quarter.

TITLE 54
State Government
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 54. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

SOVEREIGNTY AND JURISDICTION OF STATE

House Bill No. 1456 encourages the passage of federal legislation to return lands and mineral rights, defined as excess lands in operation of Oahe Dam, to the state of North Dakota.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE MANAGEMENT

House Bill No. 1001 is the appropriation bill for the legislative branch. The bill increases the daily compensation for members of the Legislative Assembly effective July 1, 2015, from $167 to $172 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $467 to $481, increases the additional monthly compensation during the biennium for the majority and minority leaders and the Chairman of the Legislative Management from $335 to $345, increases the daily compensation for attendance at meetings of the Legislative Management from $167 to $172. Effective July 1, 2016, the bill increases the daily compensation for members of the Legislative Assembly from $172 to $177 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $481 to $495, increases the additional monthly compensation during the biennium for the majority and minority leaders and the Chairman of the Legislative Management from $345 to $355, and increases the daily compensation for attendance at meetings of the Legislative Management from $172 to $177. The bill also provides that the Director of the Legislative Council may use available funds to provide for salary adjustments and to assist with staff recruitment, retention, and recognition of exceptional performance.

Senate Bill No. 2300 replaces the Advisory Commission on Intergovernmental Relations with the authority of Legislative Management to appoint various task forces on intergovernmental issues. Each task force is to be created to facilitate discussion and possible resolution of issues related to study directives found in legislative bills or resolutions. The majority of the members on each task force must be members of the Legislative Assembly and the remainder are to be appointed by Legislative Management. Each task force may request staff services from the Legislative Council and members of each task force who are also members of the Legislative Assembly are entitled to receive compensation for their service at the same rate compensation is provided to members of interim committees. The bill provides that other members of the task force may receive compensation for their meeting attendance from the organizations they represent. The bill requires that each task force report its findings and recommendations to the Legislative Management.

Senate Bill No. 2057 provides for the regular review and evaluation of state economic development tax incentives. The bill requires a review of each of the selected incentives every six years by an interim committee designated by the Legislative Management. The bill also provides for specific factors to be taken into consideration when reviewing incentives and grants the committee the ability to request data and analysis from any state agency or instrumentality. The bill also requires the committee to report its findings and recommendations to the Legislative Management.

House Bill No. 1441 provides that if a convention of the states is called pursuant to Article V of the United States Constitution, the Legislative Assembly or an official designated by the Legislative Assembly shall certify each delegate and alternate delegate from this state to the convention. The bill requires that each delegate execute an oath affirming that the delegate will not vote to allow consideration of, or vote to approve, any unauthorized amendment proposed for ratification to the United States Constitution. The bill also provides the definition of an "unauthorized amendment" and requires the Legislative Assembly to provide guidance to delegates upon request as to whether a proposed amendment is within the permitted subject matter of the convention.

House Bill No. 1199 provides that legislators may be compensated for expenses incurred during a regular or special session upon submission of a voucher and appropriate documentation verifying those expenses rather than requiring that legislators wait to receive compensation until the month following the month in which the expenses were incurred.

Senate Bill No. 2020 expands the duties of the Water Topics Overview Committee to not only developing policies defining the state's role in major flood control projects, but also reviewing and updating any existing policies as necessary. The bill requires the committee report on its project prioritization process, program expenditures, and fund balances and also serves to eliminate obsolete language.

House Bill No. 1061 removes language pertaining to topics that have already been studied from the statutory duties of the Water Topics Overview Committee and clarifies that the committee may meet with the State Water Commission.

STATE EMPLOYEES AND OFFICERS

House Bill No. 1387 requires a state employer grant up to 160 hours of sick leave requested by a state employee to care for the employee's newborn child or a child placed with the employee and requires an employer give priority to an employee's request to use annual leave for the same purposes. The bill also requires the Office of Management and Budget provide a temporary parking permit to an employee who is employed by an agency located on the Capitol grounds and is pregnant or authorized to bring an infant to work. The permit allows the employee to park in any areas not otherwise permitted or designated as emergency or fire zones for the duration of the employee's pregnancy or period during which the employee is bringing an infant to work. The bill also increases the amount of sick leave an employee may use for the care of a parent, spouse, or child to 400 hours in any 12-month period.

House Bill No. 1244 increases from six weeks to six months the period of time during which a state employer must grant a state employee's request for sick leave following the birth or placement of a child. The bill also increases the amount of sick leave an employee may request under Section 54-06-14 to care for a newborn child or child placed with the employee from 160 hours to six weeks.

House Bill No. 1403 requires a state employer grant a state employee's request to use sick leave for the consequences of domestic violence, a sex offense, stalking, or terrorizing. The bill provides that the amount of sick leave granted may be limited to 40 hours per calendar year at the discretion of the employee's supervisor.

House Bill No. 1428 requires each state agency, department, and institution to adopt and enforce a policy on employee harassment. The bill outlines policy requirements and specifies that any agency, department, or institution failing to adopt its own policy shall be subject to the policy adopted by the North Dakota Human Resource Management Services Division.

GOVERNOR AND LIEUTENANT GOVERNOR

Senate Bill No. 2001 is the appropriation bill for the Governor's office. The bill increases the salary of the Governor from $125,331 to $129,091 through June 30, 2016, and to $132,964 thereafter. The bill increases the salary of the Lieutenant Governor from $97,296 to $100,215 through June 30, 2016, and to $103,221 thereafter.

House Bill No. 1027, as it applies to Title 54, removes a cross-reference to Section 4-18.1-04 and replaces it with a new section as the bill repeals those portions of the Century Code pertaining to the North Dakota Milk Marketing Board and rewrites the provisions in a new chapter.

SECRETARY OF STATE

Senate Bill No. 2002 is the appropriation bill for the Secretary of State's office. The bill increases the salary of the Secretary of State from $99,698 to $102,689 through June 30, 2016, and to $105,770 thereafter.

Senate Bill No. 2252 clarifies that the Secretary of State is not responsible for determining the validity of a signature on any document or record filed with the Secretary of State. The bill also provides that an authorized agent may sign on behalf of the person whose signature is otherwise required on documents submitted to the Secretary of State online and any document submitted on paper relating to a filing by a business entity may also be signed by an authorized agent. The bill also provides that any person knowingly signing a false document, or signing a document without authority to do so, is subject to penalties.

STATE AUDITOR

Senate Bill No. 2004 is the appropriation bill for the State Auditor's office. The bill increases the salary of the State Auditor from $99,698 to $102,689 through June 30, 2016, and to $105,770 thereafter. The bill expands the powers and duties of the State Auditor by requiring performance audits of the blended component units and discretely presented component units of state agencies as deemed necessary. The bill also provides for the creation of a higher education audit division to perform all audit-related functions of the State Board of Higher Education.

Senate Bill No. 2262 increases the auditing threshold of certain political subdivisions from $200,000 of annual receipts to $300,000 of annual receipts when the State Auditor is considering requiring annual reports from the political subdivisions rather than conducting a biennial audit of those political subdivisions.

STATE TREASURER

Senate Bill No. 2005 is the appropriation bill for the State Treasurer's office. The bill increases the salary of the State Treasurer from $91,406 to $96,972 through June 30, 2016, and to $99,881 thereafter.

ATTORNEY GENERAL

Senate Bill No. 2003 is the appropriation bill for the Attorney General's office. The bill increases the salary of the Attorney General from $143,685 to $152,436 through June 30, 2016, and to $157,009 thereafter. The bill repeals Section 54-59-21, relating to the criminal justice information sharing board, and creates the criminal justice data information sharing system and a criminal justice information advisory board. The bill also allows for any Assistant or Special Assistant Attorney General appointed to represent the State Board of Higher Education access to any record under the control of the board for legal purposes. The bill also allows for the principal and interest derived from the tobacco settlement trust fund to be used for purposes of enforcing the Master Settlement Agreement and any disputes arising from the agreement. The bill would have required that notice be sent to an individual requesting an Attorney General opinion that the request had been received and also would have required that if an opinion would have been issued, it would have been provided to the requester within 180 days. **The Governor vetoed this section of the bill.**

Senate Bill No. 2219 allows the Attorney General to establish a statewide human trafficking commission composed of designees from state, local, and tribal agencies, as well as individuals from nongovernmental or other organizations and individuals possessing expertise that would benefit the commission. The bill tasks the commission with various duties including developing a plan to provide victim services, collecting and evaluating human trafficking data and providing an annual report, promoting public awareness on topics related to human trafficking, developing a public awareness sign containing the national human trafficking resource center hotline, coordinating training for employees who may have contact with victims or perpetrators of human trafficking, and coordinating training on human trafficking investigation and prosecution.

Senate Bill No. 2199 allows for amounts deposited in the Attorney General assets forfeiture fund related to human trafficking to be appropriated for grants to organizations providing prevention and treatment services for human trafficking victims.

House Bill No. 1281 provides for the creation of a blue alert notice system which serves to provide public notice and aid in the apprehension of an individual suspected of various offenses against a law enforcement officer.

Senate Bill No. 2052 requires a law enforcement agency to accept an individual into the 24/7 sobriety program, the same as if ordered by the court, if the individual provides documentation to the Department of Transportation has issued the individual a temporary restricted license conditioned on participation in the program.

INDUSTRIAL COMMISSION

House Bill No. 1014 is the appropriation bill for the Industrial Commission and agencies under the management of the Industrial Commission. The bill extends the housing incentive fund through June 30, 2017, and limits the amount the State Housing Finance Agency may assess grant recipients for origination fees to no more than 5 percent of the project award. The bill also provides that members of the Lignite Research Council appointed by the Governor are not subject to the citizenship and state residency requirements provided in Section 44-03-04.

Senate Bill No. 2343 requires the Industrial Commission to provide a report to the Legislative Assembly or the Budget Section if the Legislative Assembly is not in session, on the fiscal effect of any order, regulation, or policy regarding the control of gas and oil resources estimated to have a fiscal effect in excess of $20 million in a biennium. The reporting requirements do not apply to spacing unit orders.

NORTH DAKOTA OUTDOOR HERITAGE FUND

House Bill No. 1409 provides the purposes for which the Industrial Commission shall give priority status in awarding grants from the North Dakota outdoor heritage fund. The bill also specifies the purposes for which grant funds may not be used unless the commission determines exceptional circumstances exist. The bill expands the powers of the Industrial Commission to allow the commission to place conditions on an offer or a grant and to approve expenditures for staffing or an outside consultant to design and implement an approved project. The bill also removes the requirement that the Governor appoint one member from Ducks Unlimited North Dakota and one member from the North Dakota chapter of Pheasants Forever to the North Dakota Outdoor Heritage Fund Advisory Board.

House Bill No. 1197 prohibits a governmental entity from providing funds to a nongovernmental entity that is a nonprofit organization for the purposes of acquiring, for wildlife or conservation purposes, an interest or an easement in real property. The bill provides that a recipient using public funds for these purposes may be subject to civil action for the return of the funds. The prohibition does not apply to a governmental entity that derives a benefit from partnering with a nongovernmental entity.

STATE LIBRARY

Senate Bill No. 2013 establishes a State Library operating fund as a special fund in the state treasury. The bill provides that money received for book replacement, cataloging services, and other miscellaneous library services shall be deposited in the fund and expended pursuant to legislative appropriation for the provision of library services.

Senate Bill No. 2091 allows the President of the North Dakota Library Association the option of selecting a designee in place of personally serving as a member of the Library Coordinating Council.

ALCOHOLISM AND DRUG ABUSE

House Bill No. 1256 replaces the term "traumatic brain injury" with "brain injury" throughout the Century Code, including in the section of law pertaining to the duties of the Department of Human Services.

LOCAL GOVERNMENT POWERS TRANSFER

Senate Bill No. 2024 allows a township or city that unilaterally transferred its zoning authority to the county to enter into a mutual agreement with that county to reacquire the zoning authority.

INDIAN AFFAIRS COMMISSION

House Bill No. 1005 is the appropriation bill for the Indian Affairs Commission. The bill repeals Section 54-60-14, relating to the North Dakota American Indian Business Development Office within the Department of Commerce, and places language from the repealed section into Chapter 54-36, pertaining to the Indian Affairs Commission. The bill amends language carried over from the repealed section to place the North Dakota American Indian Business Development Office with the Indian Affairs Commission, rather than within the Department of Commerce, and provides that the Indian Affairs Commission shall cooperate with the Department of Commerce in regard to the administration of the office.

AGREEMENTS BETWEEN PUBLIC AGENCIES AND INDIAN TRIBES

Senate Bill No. 2226 requires legislative confirmation of agreements approved by the Governor and the governing bodies of the tribes involved if the agreement is a tax collection agreement. The bill requires that agreements between the Tax Commissioner and one or more tribes also receive confirmation by a majority of the members of the House of Representatives and the Senate. The bill provides that the agreement does not become effective until its legislative confirmation date, or its effective date, whichever is later, and must expire not more than 16 years after its effective date. The bill provides that the agreement must be filed with the

specified parties after approval by the Governor, the tribe or tribes affected by the agreement, and if required, legislative confirmation.

OFFICE OF MANAGEMENT AND BUDGET AND FISCAL POLICIES

House Bill No. 1085 requires each executive branch state agency receiving federal funds to provide a biennial report to the Office of Management and Budget outlining the agency's plan to operate if the agency's federal funds are reduced by 5 percent or more of the total federal funds the agency receives. The bill provides for certain exceptions to state agency reporting requirements and does not apply to entities under the control of the State Board of Higher Education. The bill requires the Office of Management and Budget provide a report summarizing the reports received from state agencies to the Legislative Management by October 15 of each even-numbered year.

House Bill No. 1003 provides that an Assistant or Special Assistant Attorney General appointed to represent the State Board of Higher Education or an institution under the control of the State Board of Higher Education may access and examine any record under the control of the State Board of Higher Education. The bill also requires that estimates of financial requirements for budget units under the control of the State Board of Higher Education must be made using the same forms, supporting information, and documentation as other budget units and that detailed comparative statements of budget units under the control of the State Board of Higher Education must include the same information presented for other budget units. The bill also extends the provisions related to the Office of Management and Budget's ability to cancel unexpended appropriations through July 31, 2017, and provides for the circumstances under which the Office Management and Budget may cancel unexpended appropriations.

House Bill No. 1138 provides for the adoption of the Compact for a Balanced Budget to ensure the legislature's use of the power to originate a Balanced Budget Amendment under Article V of the United States Constitution will be exercised conveniently and with reasonable certainty as to any consequences.

House Bill No. 1034 clarifies the use of the foundation aid stabilization fund and the budget stabilization fund for state school aid payments in the event of a general fund revenue shortfall. The bill provides that the foundation aid stabilization fund is to be used to offset the first 2.5 percent of a general fund allotment and any general fund revenue shortfall in excess of 2.5 percent must be offset with a transfer from the budget stabilization fund. The bill provides that in the event the budget stabilization fund is depleted, any remaining general fund allotment may be offset with funds from the foundation aid stabilization fund.

House Bill No. 1093 revises how highway tax distribution funds are allocated to incorporated cities in counties that do not have any cities with a population of 10,000 or more.

House Bill No. 1066 clarifies the time at which the balance of the budget stabilization fund will be reviewed for purposes of determining whether the fund balance exceeds 9.5 percent of the current biennial state general fund budget. The bill also provides that in calculating any general fund amount exceeding $65 million, amounts that otherwise would have been transferred to the general fund from the budget stabilization fund under Section 54-27.2-01 shall first be taken into account.

Senate Bill No. 2053 removes an obsolete date reference in the section of law requiring the Director of the Budget to develop a searchable database of expenditures.

House Bill No. 1033 would have provided additional definitions for the legacy fund and required that any legacy fund earnings transferred to the general fund pursuant to Article X, Section 26, of the Constitution of North Dakota be transferred immediately back to the legacy fund to become part of the principal of the fund. The bill also would have provided that it was the intent of the Legislative Assembly that the earnings of the legacy fund continue to accumulate as part of the principal of the fund until oil and gas tax collections for the biennium decrease by at least 25 percent from collection from the previous biennium or until the earnings of the legacy fund for a biennium exceed 33 percent of oil and gas tax collections for the same biennium. The bill also would have required that the Director of the Office and Management and Budget determine, by December first of each even-numbered year and upon the request of the Legislative Management, the amount of the principal balance of the legacy fund available for expenditure. **The Governor vetoed this bill.**

RECORDS MANAGEMENT

House Bill No. 1051 clarifies that the State Board of Higher Education and the institutions under the control of the State Board of Higher Education are included in the state's record retention policies.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

Senate Bill No. 2022 is the appropriation bill for the Public Employees Retirement System (PERS) and the Retirement and Investment Office. The bill increases the membership of the PERS Board from seven to nine members through the addition of two members of the Legislative Assembly, appointed by the Chairman of the Legislative Management, and allows the State Health Officer to select a designee in place of personally serving on the board. The bill outlines additional requirements for uniform group insurance contracts including maximum term limits for initial or renewed contracts and the procedures the board must follow when determining whether to renew an existing contract or to solicit bids for a new contract. The bill provides for the limited instances in which a carrier may disclose insured or provider data to a health care delivery entity.

House Bill No. 1038 requires that the Public Employees Retirement System Board provide health benefits coverage under a policy that provides coverage for health services delivered by means of telehealth, which is the same as the policy coverage for health services delivered by in-person means. The mandate is limited to the Public Employees Retirement System Board and expires in two years.

House Bill No. 1072 requires that the Public Employees Retirement System Board provide medical benefits coverage under a contract for insurance or a self-insurance plan which provides coverage of cancer treatment medications, whether the medication is patient-administered or delivered intravenously or injected by a health care provider, as provided under Chapter 26.1-36.

Senate Bill No. 2015 provides for the normal retirement date for members first enrolled after December 31, 2015, except for a National Guard security officer, firefighter, peace officer, or correctional officer employed by the Bureau of Criminal Investigation or by a political subdivision, or a Supreme Court or district court judge and provides the method for calculating early retirement benefits for these individuals. The bill also provides the method in which a participating member may elect to terminate membership in the defined contribution retirement plan and to become a participating member in the Public Employees Retirement System.

Senate Bill No. 2102 transfers the membership of each National Guard security officer or firefighter out of the National Guard security officer or firefighter retirement plan and into the retirement plan for peace officers employed by the Bureau of Criminal Investigation as of August 1, 2015. The bill increases the monthly contribution amount of National Guard and firefighter's salaries from 4 to 6 percent until the monthly reporting period beginning January 2016, at which time the contribution amount will decrease to 5.5 percent of the member's monthly salary. The bill also allows National Guard security officers or firefighters an alternative retirement option based upon reaching a combined total years of service and years of age equal to 85.

House Bill No. 1062 clarifies the timeline in which an employee of a participating political subdivision or governmental unit must be enrolled in the state retirement plan. The bill also clarifies that the three eligible years of employment required for the normal retirement date for a National Guard security officer, firefighter, peace officer, or correctional officer must only be earned generally within the Public Employees Retirement System and is not limited to three eligible years within each specific profession's retirement system. The bill specifies the formula to be used to calculate the benefits of a temporary employee employed after July 31, 2015. The bill updates citations to the Internal Revenue Code and updates federal compliance provisions for qualified military service and maintains the qualified status of the plan with the Internal Revenue Service. The bill provides that an eligible employee receives the basic life insurance benefits coverage and employee assistance benefits coverage upon employment. The bill clarifies that political subdivisions may only join the Public Employees Retirement System insurance plan if eligible under federal law. The bill also clarifies the requirements a temporary employee must meet to participate in the uniform group insurance program. The bill provides that if a political subdivision elects a high-deductible health plan, the political subdivision may not offer the uniform group insurance program. The bill also provides that the Public Employees Retirement System will not establish a health savings account for an employee who is ineligible under federal or state law or an employee who fails to provide the necessary information in order to establish the account.

COMMISSION ON UNIFORM STATE LAWS

House Bill No. 1136 provides for a Uniform Limited Liability Company Act proposed by the Commission on Uniform State Laws. The bill updates statutory cross-references to the previous Limited Liability Company Act under Chapter 10-32, which the bill repeals.

Senate Bill No. 2277 provides that the Attorney General may appoint a member of the Commission on Uniform State Laws whose term may not extend beyond the term of the Attorney General making the appointment. The bill also requires that individuals first appointed to the commission after July 21, 2011, be residents of this state.

INFORMATION TECHNOLOGY DEPARTMENT

House Bill No. 1021 is the appropriation bill for the Information Technology Department. The bill allows the Information Technology Department to request unemployment insurance wage data from Job Service North Dakota for education and workforce development program evaluations. The bill prohibits Job Service North Dakota from disclosing any data identifying an individual. The bill also requires certain state agencies to obtain centralized desktop support services from the Information Technology Department. The bill requires the Office of Management and Budget, in consultation with the Information Technology Department, establish policies and guidelines for the delivery of desktop support services.

Senate Bill No. 2326 repeals various sections of Chapter 15.1-02 relating to the statewide longitudinal data system and creates new sections within Chapter 54-59 pertaining to the statewide longitudinal data system. The new sections to Chapter 54-59 pertain to the membership, duties, and powers of the Statewide Longitudinal Data System Committee, as well as the committee's ability to receive funds. The bill requires the Statewide Longitudinal Data System Committee to report to one or more committees designated by Legislative Management regarding its recommendations. The bill also provides that the Information Technology Department shall provide staff support to the Statewide Longitudinal Data System Committee and may request from any state agency various information including any educational information the committee determines is required for a longitudinal data system to comply with state or federal law.

Senate Bill No. 2364 provides that committee members of the Health Information Technology Advisory Committee are entitled to reimbursement for mileage and expenses as provided by law. The bill removes the reference to a "statewide" interoperable health information infrastructure as services relating to the health information infrastructure may cross state lines. The bill also removes the reference to the federal Health Insurance Portability and Accountability Act (HIPAA) and provides that any information contained in the health information exchange that is not otherwise confidential under federal or state law is an exempt record under Chapter 44-04. The bill repeals Section 6-09-42, relating to the health information technology loan fund, and any cross-references to that section. Language pertaining to the establishment of a health information technology loan program has also been removed as the source for these loans has been eliminated.

House Bill No. 1052 provides that the Chief Information Officer of the North Dakota University System, rather than the Commissioner of the State Board of Higher Education, coordinate with the Information Technology Department and report to the Information Technology Committee. The bill also provides that the State Board of Higher Education, rather than the Information Technology Department, is the institution tasked with providing the project startup report for any major project of the State Board of Higher Education.

DEPARTMENT OF COMMERCE

House Bill No. 1018 is the appropriation bill for the Department of Commerce. The bill adds "educators" to the list of individuals for whom the Division of Workforce Development shall administer a program to increase the use of internships, apprenticeships, and work experience opportunities.

Senate Bill No. 2136 modifies the timeline pertaining to state-granted business incentive recipient reports. The bill requires the incentive recipient file a report with the grantor for the previous 12 months prior to the 60th day following the anniversary of receiving the incentive. The bill provides that the grantor shall mail the recipient a warning letter if the report is not timely filed.

WORKFORCE DEVELOPMENT GRANTS

House Bill No. 1129 expands the allowable uses of grant funds awarded to tribally-controlled community colleges. The bill provides that funds may now be used for the enhancement of existing programs which assist students in obtaining certificates or degrees in workforce areas high in demand.

COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

House Bill No. 1022 is the appropriation bill for the Commission on Legal Counsel for Indigents. The bill requires the Legislative Council to provide compensation for any member of the Legislative Assembly who is also a member of the Commission on Legal Counsel for Indigents. The bill provides that per diem compensation and reimbursement for travel and expenses shall be allowed at the rate provided by law.

TITLE 55
State Historical Society and State Parks
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 55. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to the State Historical Society and state parks may be classified in these subject areas: Yellowstone-Missouri Rivers confluence and the Heritage Center alcoholic beverage policy.

YELLOWSTONE-MISSOURI RIVER CONFLUENCE

House Bill No. 1379 repeals Chapter 55-06 relating to the Yellowstone-Missouri Rivers Confluence Commission. The bill also gives the State Historical Board the power to preserve and enhance sites of historical importance in the Yellowstone-Missouri Rivers confluence areas.

HERITAGE CENTER ALCOHOLIC BEVERAGE POLICY

Senate Bill No. 2015 requires the State Historical Society, which has jurisdiction over the Heritage Center, to create a policy regarding the consumption of alcoholic beverages at the Heritage Center. The policy must authorize consumption during invitation only events where the beverages are dispensed by a qualified licensee.

TITLE 57
Taxation
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 57. Bills primarily affecting other titles may also 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, motor vehicle excise, and gross receipts taxes; mineral taxes; fuels taxes; emergency services communication fees; and miscellaneous tax provisions.

PROPERTY TAXES

Senate Bill No. 2005 extends the 12 percent state-paid property tax credit through tax year 2016. The bill appropriates $250 million for allocations of state-paid property tax relief credit funds for the 2015-17 biennium.

House Bill No. 1059 extends the 12 percent state-paid property tax relief credit indefinitely. The bill also provides an equivalent credit for rural electric cooperatives and modifies the transmission line per mile tax rate and allows certain transmission line tax payments to qualify for the state-paid property tax relief credit. The bill expands the homestead tax credit program by increasing the maximum homestead value to which the credit may apply from the first $100,000 of true and full value to the first $125,000 of true and full value, effective January 1, 2016. The bill also replaces the various types of property tax assessors with two classes of assessors. The bill requires that class I assessors obtain 180 hours of education and class II assessors obtain 80 hours of education. The bill requires that all assessors be certified under the new training requirements within two years of appointment, or by July 31, 2017, whichever is later. The bill also amends House Bill No. 1056 to extend the duration excess fire district levies may be effective to 10 years from the date the excess levy was authorized, or for the period of time necessary for repayment of indebtedness incurred which was intended to be repaid from the increased levy, whichever expires later.

House Bill No. 1056 relocates the provision for a 5-mill levy limitation for rural fire protection districts and an increased levy limitation of up to 13 mills upon a resolution adopted by the board of directors after receipt of a petition signed by at least 20 percent of the electors in the district. The bill replaces the increased levy authority approval by 20 percent of electors with a requirement that increased levy authority may be obtained upon approval by a majority of the qualified electors voting on the question at an annual or special meeting of electors called by the board of directors. The bill requires publication of notice of the meeting and provides the procedure for holding the election and tallying the ballots. The bill limits the duration the increased levy may be effective to the time period authorized by the electors but not exceeding five taxable years if the increased levy was authorized before August 1, 2015, and to a period not exceeding 10 taxable years if the increased levy was authorized after July 31, 2015. House Bill No. 1059 further extended the duration excess levies may be effective, regardless of the date authorized, to 10 taxable years or the period of time necessary for repayment of indebtedness incurred which was intended to be repaid from the increased levy, whichever expires later.

Senate Bill No. 2144 combines various levies for counties, cities, townships, and other political subdivisions and repeals unnecessary or consolidated levy provisions. The bill consolidates multiple levies into a combined levy for county general fund purposes and city general fund purposes. The county general fund levy is limited to a rate not exceeding 60 mills per dollar of taxable valuation of property and the city general fund levy is limited to a rate not exceeding 105 mills. For cities and counties that levied more than these amounts for taxable year 2015, a transitional period is provided to allow counties and cities to phase down to the new limits. The bill structures the phase down to allow cities and counties to levy the same number of mills in taxable year 2016 as the county or city levied in 2015. For taxable year 2017, counties and cities may levy up to the statutory amount, plus 75 percent of the amount of the 2015 levy exceeding the statutory limit. For taxable year 2018, the allowable amount is reduced to the statutory amount, plus 50 percent of the amount of the 2015 levy exceeding the statutory limit, and for taxable year 2019, the amount allowed in excess of the statutory limit is further reduced to 25 percent of the amount of the 2015 levy exceeding the statutory limit. The bill also reduces the number of special fund levies that are available in addition to the consolidated levy for county, city, and township general fund purposes. The bill also modifies the levy authority for park districts and limits the levy to a rate not exceeding 38 mills per dollar of taxable valuation of the property of the district, subject to certain exceptions. The bill also limits the duration of a variety of levies for which voter approved excess levy authority, granted after January 1, 2015, may extend to a maximum period of 10 taxable years. The maximum duration for township general fund levies and excess township road levies are further restricted

to extend for a period of no more than five taxable years. The bill also provides the procedure for assumption of debt in the case of dissolution of a civil township and modifies the parameters of various other levies including levies for capital projects, capital improvements, and medical services.

Senate Bill No. 2206 provides for state assumption of a significant share of county social service costs beginning in 2016 and requires that the 2016 county social service board budget be reduced by the amount of costs to be assumed by the state, with an allowable increase for county employee salary and benefits. The bill also provides for property tax levy restrictions intended to pass the property tax relief provided by state assumption of a portion of county social service costs on to taxpayers. It is estimated that the bill would result in property tax savings for counties in the amount of $23,212,165 for the 2015-17 biennium.

Senate Bill No. 2143 increases the state matching grant for county senior citizen services and programs from a state match of 85 percent to a state match of 87.5 percent of the amount generated by levy of up to one mill in property taxes in the county for senior citizen services and programs to a state match of the amount appropriated by the county for senior citizen services and programs. The bill also 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, which is described in the sales, use, motor vehicle, and gross receipts taxes section of this title summary.

Senate Bill No. 2031 provides property tax relief through state funding of a portion of elementary and secondary education. The bill includes a 3 percent increase in the state's per-pupil payment in each year of the 2015-17 biennium and continues the provision for state funding of up to 115 mills of local property tax. The bill also repeals Chapter 57-64 relating to mill levy reduction allocations and grants.

Senate Bill No. 2037 eliminates the limitation for certain centrally assessed wind turbine electric generation units to be valued at 1.5 percent of assessed value, to determine the taxable valuation of the property, for the duration of the initial purchased power agreement for the unit. The bill also requires that centrally assessed units with a nameplate capacity of 100 kilowatts or more, on which construction is completed after December 31, 2014, or which are 20 years or more from the date of first assessment, be subject to taxes in lieu of property tax. The bill provides that these units are subject to a tax of $2.50 per kilowatt times the rated capacity of the wind generator and a tax of one-half of one mill per kilowatt-hour of electricity generated by the wind generator during the taxable period. The bill also provides for an income tax credit for installation of qualifying energy devices and a sales tax exemption for machinery or equipment used to produce coal from a new mine, which are described in the income taxes and sales, use, motor vehicle excise, and gross receipts taxes sections of this title summary.

House Bill No. 1057 relocates the statutory provision that property owners receive notice if the assessment on the owner's property increased by 10 percent and $3,000 from the assessment in the prior year. The notice requirements in the bill are made uniform to apply to city, township, and county boards of equalization and provide that the entity making the increase is the entity that must notify the owner. The bill also requires that local boards of equalization provide reasonable advance notice to a property owner and opportunity for that property owner to appear if the board is considering increasing the assessment on the property by 15 percent or more over the prior year's assessment.

Senate Bill No. 2217 requires any taxing entity authorized to levy property taxes, or have property taxes levied on its behalf, to file a financial report with the city or county auditor in the year for which the levy will apply showing the ending balances of each fund or account held by the taxing entity during the preceding calendar year. The bill also amended a section of law relating to fire protection district levy authority, though this section was later repealed by House Bill No. 1056 and Senate Bill No. 2144.

Senate Bill No. 2055 provides reporting requirements for electric generation company reports for location and rated capacity of wind generators and grid-connected generators within counties. The bill requires the reports be filed at the same time transmission and distribution company reports are required to be filed. The reporting requirements take effect starting in 2016.

Senate Bill No. 2195 increases the maximum amount that may be placed in a township's special road fund from $30,000 to $100,000 and adds snow removal to the list of approved purposes for which moneys from the fund may be expended.

House Bill No. 1082 extends the property tax exemption for a leasehold interest in state property to all property for which the state makes payments in lieu of taxes.

Senate Bill No. 2113 provides that the property tax credit for disabled veterans terminates at the end of the taxable year of the death of the applicant.

INCOME TAXES

Senate Bill No. 2349 provides a corporate income tax rate reduction of 5 percent and an individual income tax rate reduction of 10 percent. The reductions are uniform across income tax brackets for corporations and individuals. The bill is estimated to provide 2015-17 biennium income tax relief of $21 million for corporations and $87 million for individual income taxpayers.

Senate Bill No. 2292 allows businesses that apportion income to voluntarily elect an alternative method to the equally weighted three-factor apportionment formula, beginning in tax year 2016. The bill allows corporations to elect to apportion income using a double-weighted sales factor in tax years 2016 and 2017, a sales factor which is six times the weight of other factors in tax year 2018, and using only the sales factor in tax years 2019 and forward. The bill provides that alternative apportionment elections are binding for five consecutive taxable years. The bill also removes language in the Multistate Tax Compact, codified in Chapter 57-59, relating to provisions requiring or allowing an equally weighted three-factor apportionment formula and repeals the optional computation provision of the Multistate Tax Compact, as codified in Section 57-59-02.

House Bill No. 1014 extends the effective period for the housing incentive fund income tax credit through tax year 2016 and increases the maximum amount of tax credits allowed to contributors from $20 million to $30 million per biennium.

Senate Bill No. 2069 makes changes to the income tax withholding requirements for oil and gas royalty payments to nonresidents. The bill provides for withholding on the gross royalty amount, rather than the net amount, and provides for withholding at a single rate for individual and corporate taxpayers. The bill sets the withholding rate at three-fourths of 1 percent less than the highest individual income tax rate for withholding periods beginning after December 31, 2015.

Senate Bill No. 2286 expands the income tax credit for charitable gifts to qualified endowments by expanding the definition of a qualified endowment to include a permanent, irrevocable fund held by an organization incorporated or established in a state bordering North Dakota. The organization must be a tax-exempt organization located within five miles of a North Dakota city with a population of 5,000 or more in which there is no hospital and established for the benefit of a hospital, nursing home, medical center, or a bank or trust company holding a fund on behalf of such an organization.

House Bill No. 1462 makes changes to the income tax credit for charitable contributions to nonprofit private institutions of higher education or the North Dakota independent college fund to allow contributions by passthrough entities to qualify for the credit. The bill also expands the credit to allow for contributions made to nonprofit private institutions of primary education to qualify for the credit but limits the credit amount to 50 percent of the aggregate amount contributed by the taxpayer during the year. House Bill No. 1462 was amended by Senate Bill No. 2015, to further provide that the credit amount may not exceed 20 percent of the taxpayer's total income tax for the year, or $2,500, whichever is less.

Senate Bill No. 2015 provides for further limitations on the income tax credit allowed for charitable contributions to nonprofit private institutions of primary education under House Bill No. 1462 by limiting the allowable credit to an amount not exceeding 20 percent of the taxpayer's total income tax for the year, or $2,500, whichever is less. The bill also makes changes to oil extraction tax exemptions, which are described in the mineral taxes section of this title summary.

Senate Bill No. 2340 extends the corporate and individual income tax credit through tax year 2017, for purchasing manufacturing machinery and equipment for the purpose of automating a manufacturing process and expands the credit to include purchases of manufacturing machinery and equipment acquired through a lease-purchase agreement. The bill reduces the aggregate amount of credits allowed for all taxpayers from $2 million per calendar year to $500,000 per calendar year for years 2016 and 2017 but allows any unused credits to be carried forward to the next succeeding calendar year. The bill also modifies the method in which credits are allocated if the cap is reached from one based on the date of the qualified purchase to an allocation method which prorates the credits among all qualified claimants.

Senate Bill No. 2037 extends the income tax credit equal to 3 percent of the installation costs each year for five years for qualifying wind energy devices. The credit, which was scheduled to expire for devices installed after December 31, 2014, is extended to include the cost of installing a wind energy device on which construction was commenced before January 1, 2015, and which is installed before January 1, 2017. The bill also provides for payments in lieu of property taxes for certain centrally assessed wind turbine electric generating units and a sales tax exemption for machinery or equipment used to produce coal from a new mine, which are described in the property taxes and sales, use, motor vehicle excise, and gross receipts taxes sections of this title summary.

House Bill No. 1228 extends the duration for which the unused portion of the credit earned for wind energy devices installed after September 30, 2008, and before January 1, 2012, may be carried forward from 20 years to 30 years.

House Bill No. 1108 changes statutory references to "developmentally disabled persons" to "individual with a developmental disability" or "individuals with developmental disabilities" throughout Century Code.

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

House Bill No. 1406 authorizes the Governor to enter into a state-tribal sales, use, and gross receipts tax agreement with the Standing Rock Sioux Tribe. The bill outlines the parameters for an agreement including provisions relating to the rate of tax imposed, conforming tribal taxes to the state sales tax base, allocation of revenues, authority for the Tax Commissioner to administer and collect the tax and allowances for the provision of these services, authority for the Tax Commissioner to offset future distributions to the tribe in the case of an overpayment, and the proper venue for resolving any disputes arising from an agreement. The bill also requires that the Standing Rock Sioux Tribe report annually to the Budget Section of the Legislative Management identifying projects totaling investment in essential infrastructure of at least 10 percent of tribal receipts arising from the agreement. The bill provides that use tax provisions are not applicable to these agreements, nor are taxes imposed under county or city home rule authority. The bill also contains changes to the definition of "prepared food" for sales and use tax purposes and provisions regarding the taxability matrix completed by member states to maintain North Dakota's compliance with the Streamlined Sales and Use Tax Agreement. The bill eliminates North Dakota's representation on the Streamlined Sales Tax State and Local Advisory Council. The bill also outlines the meaning of best practices as adopted by the Streamlined Sales Tax Governing Board in relation to administering sales and use taxes and provides the timelines for states to complete the best practice matrix.

House Bill No. 1067 provides that the State Treasurer shall determine the population of counties and cities before the first day of the fiscal year using the most recent actual or estimated census data published by the United States Census Bureau for the purpose of making state aid distribution fund revenue allocations to counties and cities for each quarterly period of the fiscal year.

Senate Bill No. 2143 increases the state matching grant for county senior citizen services and programs, as described in the property tax section of this title summary, and 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. 1020 provides that $500,000 of taxes collected under Chapter 57-39.5, relating to farm machinery gross receipts tax, must be transferred annually to the State Treasurer for deposit into the agricultural research fund. The bill also eliminates the seven cents per gallon withheld from agricultural fuel tax refunds, which is described in the fuels taxes section of this title summary.

Senate Bill No. 2096 eliminates the sales tax on the sale of Internet access services beginning July 1, 2017.

Senate Bill No. 2035 creates a sales and use tax exemption for materials used to construct a fertilizer or chemical processing facility. The bill defines fertilizer or chemical processing facility and requires that any facility seeking to use the exemption receive an air quality permit, or notice of completion for an air quality permit application, from the State Department of Health before July 1, 2019. The bill requires the documentation be submitted to the Tax Commissioner prior to the facility receiving an exemption. To receive the exemption at the time of purchase, the facility owner must receive a certificate from the Tax Commissioner stating the materials the facility owner intends to purchase qualify for the exemption. If a certificate is not received before the purchase, the facility owner must pay the tax and apply for a refund. The exemption is retroactively effective and applies to taxable events occurring after December 31, 2014.

Senate Bill No. 2318 creates a sales and use tax exemption for materials used to construct or expand a system for compressing, gathering, collecting, storing, transporting, or injecting carbon dioxide for use in enhanced recovery of oil or natural gas. The bill also provides for a coal conversion facilities privilege tax exemption for carbon dioxide capture systems, which is described in the mineral taxes section of this title summary.

House Bill No. 1130 provides for a motor vehicle excise tax exemption for vehicles donated to a nonprofit organization with an established program to later donate those vehicles to individuals needing a vehicle for employment purposes. The bill provides that the Tax Commissioner shall issue a certificate of exemption to

qualifying nonprofit organizations and also provides for situations in which a nonprofit organization's certificate of exemption may be rescinded.

Senate Bill No. 2363 allows for the transfer of a motor vehicle title without payment of motor vehicle excise tax when the transfer is by way of gift between a grandparent and grandchild, either directly or through a trust.

House Bill No. 1089 creates a sales and use tax exemption for enterprise information technology equipment and computer software purchased for use by a qualifying business in a qualified data center. To receive the exemption at the time of purchase, the qualified business must receive a certificate from the Tax Commissioner stating the equipment or software the business intends to purchase qualifies for the exemption. If a certificate is not received before the purchase, the qualified business must pay the tax and apply for a refund. The bill limits the exemption to the first four facilities approved by the Tax Commissioner as qualified data centers. The exemption is retroactively effective and applies to taxable events occurring after December 31, 2014, and through December 31, 2020.

House Bill No. 1319 provides a sales tax exemption for gross receipts from tickets or admissions to athletic, musical, dramatic, or scholastic events of institutions of higher education in which the primary performers or participants are students of an institution of higher education. The bill also provides that gross receipts from these activities are not subject to the $10,000 per event cap.

Senate Bill No. 2094 expands the sales tax exemption for manufacturing or recycling machinery and equipment to include molds purchased by a customer and used directly by a manufacturer in the manufacturing process. To receive the exemption at the time of purchase, the customer must receive a certificate from the Tax Commissioner stating the mold qualifies for the exemption. If a certificate is not received before the purchase, the customer must pay the tax and apply for a refund.

Senate Bill No. 2036 extends the sales tax exemption available on gross receipts from the initial sale of beneficiated coal that is not subject to tax under Chapter 57-60. The exemption was scheduled to expire on July 1, 2015. The bill extends the sales and use tax exemption available for certain purchases made by power plants classified as electrical generating plants which convert beneficiated coal into electric power. This exemption was scheduled to expire on July 1, 2017. The bill also extends the severance tax exemption for coal used in certain plants and provides an exemption from the coal conversion facilities privilege tax for beneficiated coal produced for use within a coal conversion facility, which are described in the mineral taxes section of this title summary.

Senate Bill No. 2037 expands the items included in the definition of machinery and equipment used to produce coal from a new mine for purposes of a sales tax exemption and allows for purchases of machinery or equipment made after December 31, 2010, to produce coal either directly or indirectly, to qualify for a refund of sales or use tax paid. The bill restricts the interest allowed on any refunds of sales and use tax paid to interest on purchases made before July 1, 2015. The bill applies retroactively to purchase of machinery or equipment made after December 31, 2010. The bill also provides for payments in lieu of property taxes for certain centrally assessed wind turbine electric generating units and an income tax credit for installation of qualifying wind energy devices, which are described in the property taxes and income taxes sections of this title summary.

House Bill No. 1110 addresses administrative difficulties in determining whether sales or use tax was paid on the purchase price of an item purchased by a lease or rental company or whether the tax was not paid by the company at the time of purchase with the intent of collecting the tax on the lease or rental charges applied to each customer leasing or renting the property. The bill requires a retailer to separately state on the invoice or other supporting document that sales or use tax was paid by the retailer at the time of purchase if the retailer is not applying tax to the lease or rental charges due from the consumer.

Senate Bill No. 2115 allows the Tax Commissioner to authorize a retailer to deduct and retain compensation on sales and use tax returns filed or paid after the due date, if the Tax Commissioner determines the taxpayer showed good cause for the delay. The bill also allows the Tax Commissioner to make changes to assessments in certain situations which are described in the miscellaneous tax provisions section of this title summary.

MINERAL TAXES

House Bill No. 1476 provides for a restructuring of oil extraction tax rates and exemptions. The bill provides that current law regarding tax rates and the application of triggered incentives will remain in effect through December 31, 2015, subject to two exceptions:

1. Beginning December 1, 2015, if triggered rate exemptions are in effect, a 24-month exemption from the oil extraction tax will no longer be available for wells drilled and completed a horizontal well; and
2. Oil produced from new wells, drilled and completed after April 21, 1987, will no longer be eligible for a reduced tax rate of 4 percent but will instead be taxed at the full rate of 6.5 percent. The remaining term of all other rate reductions or exemptions eliminated by the bill may not be carried forward past December 31, 2015.

Beginning on January 1, 2016, the rate of extraction tax on all oil will be reduced from 6.5 percent to 5 percent. This rate is subject to change depending on the average price of a barrel of crude oil. If the average price of a barrel of crude oil exceeds the trigger price of $90 for three consecutive months, the rate will increase to 6 percent on all oil extracted. The rate will remain at 6 percent until the average price of a barrel of crude oil falls below the trigger price of $90 for three consecutive months, at which time the rate will revert back to 5 percent on all oil extracted.

The bill eliminates several oil extraction tax exemptions. Production that will remain exempt from the oil extraction tax after December 31, 2015, includes:

1. Production that is exempt from the gross production tax imposed by Chapter 57-51;
2. Production from stripper well property or an individual stripper well;
3. Incremental production from a secondary recovery project, for five years from the date incremental production begins;
4. Incremental production from a tertiary recovery project that does not use carbon dioxide, for 10 years from the date incremental production begins; and
5. Incremental production from a tertiary recovery project which uses carbon dioxide, for 5 years from the date incremental production begins if the project is located outside the Bakken and Three Forks Formations and 10 miles or more outside an established field with a pool including the Bakken or Three Forks Formation. A subsequent change was made for the tertiary recovery exemption under Senate Bill No. 2015, described below.

Production that will continue to be subject to a reduced oil extraction tax rate after December 31, 2015, includes production from wells drilled and completed outside the Bakken and Three Forks Formations and 10 miles or more outside an established field that includes either formation. The first 75,000 barrels of oil produced during the first 18 months after completion are subject to a reduced tax rate of 2 percent on the gross value at the well of oil extracted.

Exemptions that the bill eliminates after December 31, 2015, include exemptions that are dependent on the average monthly comparison price of a barrel of oil dropping below the trigger price in current law for five consecutive months, specifically:

1. A 15-month exemption on the initial production from a vertical well;
2. A 24-month exemption on the initial production from a horizontal well;
3. An exemption on all oil recovered during the testing period prior to well completion;
4. A 12-month exemption on production from a qualifying well that was worked over;
5. A 10-year exemption on production from a certified two-year inactive well; and
6. A nine-month exemption on production from a certified horizontal reentry well.

In addition, a 60-month exemption on the initial production from wells drilled and completed before July 1, 2013, on nontrust lands within the boundaries of an Indian reservation or on lands held in trust by the United States for an individual Indian or tribe, and wells drilled and completed before July 1, 2013, on lands held by an Indian tribe if the interest was in existence on August 1, 1997, will no longer be in effect after December 31, 2015.

Rate reductions that will no longer be in effect after December 31, 2015, include rate reductions dependent on the average monthly comparison price of a barrel of oil dropping below the trigger price in current law for five consecutive months. These reductions currently bring the 6.5 percent tax rate down to 4 percent on:

1. Oil produced from a vertical well completed after April 27, 1987, following the first 15 months of exempt production;
2. Oil produced from a horizontal well completed after April 27, 1987, following the first 24 months of exempt production;
3. Oil produced from a qualifying secondary or tertiary recovery project certified by the Industrial Commission after June 30, 1991; and
4. Incremental oil produced from a qualifying secondary or tertiary recovery project, following the initial 5-year or 10-year exemption period.

In addition, production on which a rate reduction is dependent on the average price of a barrel of oil falling below $55 for one month will no longer be in effect after December 31, 2015. This reduction currently brings the 6.5 percent tax rate down to 2 percent on the first 75,000 barrels, or the first $4.5 million of gross value at the well, whichever is less, of oil produced during the first 18 months after completion. This rate reduction only applies to horizontal wells drilled and completed after April 30, 2009, and before July 1, 2015.

Senate Bill No. 2015 further amends House Bill No. 1476 to remove any references to whether carbon dioxide is used in a tertiary recovery project for purposes of determining the duration for which the oil extraction tax exemption will apply to incremental production. The bill also provides that incremental production from a horizontal well drilled and completed within the Bakken and Three Forks Formations is not exempt from oil extraction tax from July 1, 2015, through June 30, 2017, but is thereafter exempt for a period of five years from July 1, 2017, or the date incremental production begins, whichever is later.

House Bill No. 1176 provides for adjustments to the distribution formula for oil and gas gross production tax collections. The bill makes the following changes to the distribution of revenues from the first 1 percent of the oil and gas gross production tax:

1. For the period beginning September 1, 2015, and ending August 31, 2017, a total of $375,000 shall be allocated per fiscal year to hub cities located in oil-producing counties for each full or partial percentage point of oil and gas related employment, and for allocations for the period beginning August 31, 2017, a total of $375,000 shall be allocated per fiscal year to hub cities located in oil-producing counties for each full or partial percentage point of private employment engaged in the mining industry;
2. For the period beginning September 1, 2015, and ending August 31, 2017, a total of $250,000 shall be allocated per fiscal year to hub cities located in non-oil-producing counties for each full or partial percentage point of oil and gas related employment, and for allocations for the period beginning August 31, 2017, a total of $250,000 shall be allocated per fiscal year to hub cities located in non-oil-producing counties for each full or partial percentage point of private employment engaged in the mining industry;
3. For the period beginning September 1, 2015, and ending August 31, 2017, a total of $125,000 shall be allocated per fiscal year to hub city school districts located in oil-producing counties for each full or partial percentage point of oil and gas related employment, and for allocations for the period beginning August 31, 2017, a total of $125,000 shall be allocated per fiscal year to hub city school districts located in oil-producing counties for each full or partial percentage point of private employment engaged in the mining industry;
4. A total of $1.5 million per fiscal year shall be allocated to an oil-producing county that received between $5 million and $30 million of allocations, for further distribution to school districts;
5. An amount not exceeding $140 million for the 2015-17 biennium shall be credited to the oil and gas impact grant fund, and an amount not exceeding $100 million per biennium thereafter; and
6. An amount of 8 percent of revenues from the first 1 percent of oil and gas gross production tax, but not in an amount exceeding $20 million per fiscal year, or $40 million per biennium, shall be credited to the North Dakota outdoor heritage fund.

For distribution of revenues from the remaining 4 percent of the oil and gas gross production tax, the bill makes the following changes:

1. Of the annual revenue collected in each oil-producing county in excess of $5 million, 30 percent, rather than the current 25 percent, shall be allocated to each oil-producing county which will reduce the state's share to 70 percent;

2. In determining the percentage of an oil-producing county's revenues that will be distributed to various political subdivisions, a county's classification as a county receiving less than $5 million in allocations, or $5 million or more in allocations, is based on the allocations a county received in state fiscal year 2014, rather than the most recently completed state fiscal year; and

3. Hub city school districts must be omitted from distributions otherwise made to school districts from allocations to an oil-producing county that received less than $5 million in allocations in state fiscal year 2014.

The bill also expands the reporting requirements for boards of county commissioners in each county receiving an allocation. The bill requires that in addition to reporting the county's statement of revenues and expenditures, the board must also report the amounts allocated to the county's general fund and to townships within the county, and include the amounts expended from these allocations and the purposes of the expenditures. The bill also creates similar reporting requirements for each school district receiving an allocation.

Senate Bill No. 2226 imposes additional requirements on state-tribal oil and gas tax agreements by requiring that agreements be confirmed by a majority of members elected to the House of Representative and the Senate, by limiting agreements to a duration of no more than 16 years following the agreement's effective date, and by requiring that each agreement contain an expiration date which falls on March 31 of an odd-numbered year. The bill expands the scope of the parties who may enter into an agreement by allowing the Governor to enter into agreements with the Standing Rock Sioux Tribe and the Turtle Mountain Band of Chippewa Indians. The bill provides that any aspect of an agreement which currently applies within the exterior boundaries of a reservation also applies in an equal manner to trust properties outside reservation boundaries, which are described as those lands held in trust by the United States for any Indian tribe or owned by an Indian tribe or tribal member subject to a restriction against alienation imposed by the United States. The bill also designates the venue for any dispute arising from a revenue sharing agreement. The changes are effective for agreements entered into after July 31, 2015.

House Bill No. 1377 creates a political subdivision allocation fund for purposes of allocating oil and gas tax revenues to political subdivisions in oil-producing counties. The bill directs that biennial revenues from oil and gas taxes designated for deposit in the state general fund be deposited as follows through June 30, 2017:

1. The first $200 million will continue to be deposited into the state general fund;

2. The next $300 million, rather than the next $341,790, will be deposited into the tax relief fund rather than into the property tax relief sustainability fund, which the bill eliminates;

3. The next $100 million will continue to be deposited into the state general fund;

4. The next $100 million will continue to be deposited into the strategic investment and improvements fund;

5. The next $22 million will continue to be deposited into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than $25 million; and

6. Rather than depositing all additional revenues into the strategic investment and improvements fund, only 70 percent of additional revenues shall be deposited into the fund with the remainder deposited into the newly created political subdivision allocation fund.

The bill provides that revenues designated for deposit after June 30, 2017, shall be deposited as follows:

1. The first $200 million into the state general fund;

2. The next $300 million into the tax relief fund;

3. The next $100 million into the state general fund;

4. The next $100 million into the strategic investment and improvements fund;

5. The next $22 million into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than $25 million; and

6. Any additional revenues shall be deposited into the strategic investment and improvements fund.

House Bill No. 1409 increases the funding for the North Dakota outdoor heritage fund from 4 percent to 8 percent of the remaining amount available from a one-fifth share of oil and gas gross production tax revenues. The bill also increases the maximum allowable allocation to the fund per state fiscal year from an amount not exceeding $15 million to an amount not exceeding $20 million. The per biennium limit is also increased from an amount not exceeding $30 million to an amount not exceeding $40 million.

House Bill No. 1032 increases transfers of oil and gas gross production tax revenues to the abandoned oil and gas well plugging and site reclamation fund from $5 million to $7.5 million per fiscal year and increases the maximum allowable balance of the fund from $75 million to $100 million if the triggered exemption for new wells under Section 57-51.1-03 is not in effect for the period of July 1, 2015, through December 31, 2015.

Senate Bill No. 2039 provides that any income, including interest payments on loans, from the coal development trust fund be deposited in the school construction assistance loan fund, rather than the general fund, after any amounts needed to replace uncollectible loans made from the fund are deducted.

Senate Bill No. 2318 provides that a carbon dioxide capture system located at a coal conversion facility and any equipment directly used for enhanced recovery of oil or natural gas is exempt from all ad valorem taxes, and exempt from the coal conversion facilities privilege tax. The exemption does not apply to the land on which the capture system or equipment is located. The bill also creates a sales and use tax exemption for materials used to construct or expand systems relating to the use of carbon dioxide for enhanced oil or gas recovery, which is described in the sales, use, motor vehicle excise, and gross receipts taxes section of this title summary.

Senate Bill No. 2036 provides an exemption from the coal conversion facilities privilege tax for beneficiated coal produced for use within a coal conversion facility. The bill also extends the severance tax exemption available for coal purchased for improvement through beneficiation which is then used in an agricultural commodity processing facility or in any facility owned by the state or a political subdivision. This exemption was scheduled to expire on July 1, 2015. The bill also extends sales and use tax exemptions, which are described in the sales, use, motor vehicle excise, and gross receipts taxes section of this title summary.

Senate Bill No. 2172 allows for oil and gas gross production tax and oil extraction tax revenue collected by the Tax Commissioner to be allocated by the State Treasurer according to the distribution and allocation rules in place at the time the revenues were received by the Tax Commissioner rather than applying the distribution and allocation rules that were in place at the time the taxable production was produced.

Senate Bill No. 2377 provides that for purposes of taxation, commercial leonardite is treated in the same manner as coal.

House Bill No. 1013 eliminates the requirement that grant recommendations made by the Director of the Energy Infrastructure and Impact Office be made not less than once each calendar quarter.

FUELS TAXES

House Bill No. 1020 eliminates the seven cents per gallon withheld from agricultural fuel tax refunds which had previously been deposited into the agricultural research fund. The bill also provides for transfers of farm machinery gross receipts tax revenues, which is described in the sales, use, motor vehicle excise, and gross receipts taxes section of this title summary.

Senate Bill No. 2008 provides an exemption to the requirement of depositing special fuels tax receipts in the highway tax distribution fund, requiring that special fuels excise taxes collected on sales of diesel fuels to a railroad, in the amount of up to $275,000 per year, must be deposited in the rail safety fund. The bill limits deposits into the rail safety fund to a portion of collections received after June 30, 2015, and before July 1, 2019.

EMERGENCY SERVICES COMMUNICATION FEES

Senate Bill No. 2101 revises the definition of an emergency services communication system to clarify that it is composed of two systems, the "911 system" and the "radio system," and defines those systems. The bill provides for the definition of "public safety services" and applies the term in place of references to specific types of responders to address the fact that a broader range of emergency services and responders may be

needed to respond to 911 calls. The bill also refers to the 911 system in broader terms by striking various references to "enhanced" 911.

MISCELLANEOUS TAX PROVISIONS

Senate Bill No. 2006 increases the salary of the Tax Commissioner from $108,202 to $111,448 through June 30, 2016, and to $114,791 effective July 1, 2016.

House Bill No. 1060 allows the Tax Commissioner to share confidential sales, use, and income tax information with the Department of Commerce for the purpose of evaluating tax incentives. The bill provides for safeguards in restricting the use and further disclosure of that information by the Department of Commerce.

Senate Bill No. 2115 allows the Tax Commissioner to accept a reduced amount of tax for purposes of legal settlements of final and nonreviewable tax assessments if information is received from the taxpayer that the assessed amount of tax exceeds the actual amount due. The bill also allows the Tax Commissioner to assess tax in addition to the amount stated in the final and nonreviewable assessment if the Tax Commissioner receives information that the tax was under-assessed. The bill also makes minor changes to retailer compensation provisions, which are discussed in the sales, use, motor vehicle excise, and gross receipts taxes section of this title summary.

House Bill No. 1133 provides that a taxpayer is not required to remit tax, nor is the Tax Commissioner required to provide a refund, if the amount of tax is less than $5. The bill also removes obsolete language and makes various technical changes to income, use, motor vehicle excise, and special fuels tax laws.

TITLE 58
Townships
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 58.

Senate Bill No. 2144 consolidates several township levy provisions for specific purposes into the township general fund and allows electors to approve an additional 18 mills for general fund purposes for up to five taxable years and provides that a levy authority that was authorized by the board of directors and the electors before January 1, 2015, remains in effect for the period authorized but not exceeding five taxable years.

TITLE 59
Trusts
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 59. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1221 changes the allocation to income and principal for receipts after July 31, 2015, from interests in minerals and other natural resources for trustees and allows a trustee to petition the court to permanently modify the manner used to allocate receipts.

TITLE 60
Warehousing and Deposits
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 60. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2291 provides that all scale tickets for grain must be converted into cash, noncredit-sale contracts, credit-sale contracts, or warehouse receipts, within 45 days after the grain is delivered to a public warehouse, unless the person to whom the scale ticket is issued signs a form waiving all rights to trust benefits under Section 60-04-03.1.

Senate Bill No. 2301 authorizes the Public Service Commission to issue two-year licenses to public warehouses that have been in operation for more than six years. The bill sets license fees for annual and two-year licenses.

TITLE 61
Waters
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 61. Bills primarily affecting other titles may also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1239 changes the filing deadline for a petition to be on the ballot for elections as a Director of the Garrison Diversion Conservancy District or the Southwest Water Authority to allowing filing at least 64 days before the day of the election.

Senate Bill No. 2053 adds McKenzie and Williams Counties as member counties of the Garrison Diversion Conservancy District.

House Bill No. 1096 changes the definition of domestic use, prohibits the State Engineer from issuing a water permit for more water than can be used except for incorporated municipalities or rural water districts, and provides clarification of the language relating to conditional use permits and water permits. The bill requires notice of seven days for a public hearing on reservation of water. The bill clarifies the language relating the reservation of water for future use by allowing the State Engineer to withdraw various waters of the state from additional appropriations until sufficient data or information is available and places pending permit applications on deferred status. The bill retains the provision that a weather modification permit may be issued if the applicant has registered with the Aeronautics Commission any aircraft intended to be used but eliminates the requirement for registration of the pilots.

Senate Bill No. 2144 consolidates property tax levy authority and allows the weather modification authority to annually request the board of county commissioners to provide funding from revenues derived from its general fund levy for support of the authority. The bill removes the specific county levy authority for being part of the Garrison Diversion Conservancy District.

Senate Bill No. 2217 requires a weather modification authority and a water resource board to file a financial report with the county auditor if the authority is seeking approval of a property tax levy.

House Bill No. 1097 requires a request for hearing to appeal a decision of the State Engineer to be made within 30 days of the action or decision. The bill provides that an unresolved administrative order or complaint must be resolved before the permit is issued unless the State Engineer resolves the issue in issuing the permit. The bill requires an owner of a high-hazard or medium-hazard dam to periodically test and update an emergency action plan.

Senate Bill No. 2056 allows a weather modification authority to request, rather than certify, a levy.

Senate Bill No. 2020 requires the Bank of North Dakota to extend a line of credit of $200 million at the rate of no more than 1.75 percent to the State Water Commission to provide funding for certain projects authorized by the Legislative Assembly. The bill also provides for requirements and prohibitions on the State Water Commission in making a cost-share policy. The bill prohibits the State Water Commission from deducting North Dakota outdoor heritage fund money from the cost of a project before determining the local cost-share.

House Bill No 1095 allows a person filing a complaint for a noncomplying dam, dike, other device, or a drain to appeal to the State Engineer within 150 days of the submittal date of the original complaint if no decision has been made.

Senate Bill No. 2015 would have limited "quick take" eminent domain for water resource districts when there was a legislative appropriation, to instances in which the funds were appropriated for a specific project. **The Governor vetoed this section of the bill.**

TITLE 62.1
Weapons
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 62.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2274 requires that, when certification is required by federal law, a chief law enforcement officer must provide certification for certain firearms within 30 days or provide the reason for denial. The officer may not require access to a private premises as a condition of certification. The bill provides for a district court appeal process on denial.

House Bill No. 1241 allows an individual to hunt with a short barreled rifle, removes single application Tasers from the definition of dangerous weapon except for felons and does not allow Tasers in bars, and allows dangerous weapons and firearms in off sale alcoholic beverage establishments. The bill defines a public gathering, a place where firearms and dangerous weapons are not allowed, as an athletic or sporting event, a school, a church, and a publicly owned or operated building except publicly owned and operated rest areas or restrooms. The bill removed political functions, musical concerts, and parks from public gatherings covered by the prohibition. The bill allows law enforcement to carry a loaded firearm in a motor vehicle while hunting and allows any individual to carry a loaded handgun in a motor vehicle with a concealed weapons license, but the individual may not carry a loaded rifle or shotgun in a motor vehicle if in the field hunting or trapping. The bill clarifies that a handgun may not be carried by an individual unless unloaded and either in plain view or secured at day or unloaded and secured at night subject to many exceptions including holding a concealed weapons permit. The bill removes a duplicative definition of dangerous weapon for the purpose of concealed weapons licenses. The bill removes any loaded or unloaded rifle or unloaded handgun while carried in a vehicle from being considered concealed for purposes of violating the prohibition on carrying a concealed weapon without a permit. The bill requires the Director of the Bureau of Criminal Investigation to disclose the reason for a denial or revocation of a concealed weapons permit. The bill removes the requirement that a National Firearms Act licensee provide a copy of the license to the county sheriff and the Director of the Bureau of Criminal Investigation within five days of receipt of the forms.

House Bill No. 1450 defines a handgun as unloaded if it has a removable magazine or clip but the chamber does not contain a shell. The bill adds college and university property to the places an individual may not ask about a firearm that is out of sight in a locked vehicle as to employment or entry.

House Bill No. 1457 regulates the disposal of firearms obtained by any law enforcement agency in this state.

TITLE 63
Weeds
Summary of Bills Enacted by 2015 Legislative Assembly

There was no 2015 legislation enacted which primarily affected North Dakota Century Code Title 63.

TITLE 64
Weights, Measures, and Grades
Summary of Bills Enacted by 2015 Legislative Assembly

This memorandum summarizes 2015 legislation primarily affecting North Dakota Century Code Title 64.

Senate Bill No. 2125 provides that, without the consent of the Public Service Commission, a weighing or measuring device that does not meet the Commission's design or tolerance requirements may not be used in commerce.

TITLE 65
Workforce Safety and Insurance
Summary of Bills Enacted by 2015 Legislative Assembly

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

The legislation relating to workers' compensation and Workforce Safety and Insurance (WSI) may be classified in these subject areas: benefits and administration.

BENEFITS

House Bill No. 1102 makes multiple revisions to the state's workers' compensation law, including expanding the definition of "health care provider"; expanding the assumption for injuries incurred by full-time paid firefighters and law enforcement officers; decreasing the maximum partial disability rate; clarifying which children may qualify for a scholarship; authorizing WSI to share information with state and federal entities; removing the requirement WSI implement rehabilitation services pilot programs; and limiting a volunteer firefighter's, emergency disaster volunteer's, volunteer health practitioner's, or community emergency response team member's eligibility and payment amount for benefits.

Senate Bill No. 2060 establishes a protocol for chronic opioid therapy coverage and monitoring which must be followed in order for WSI to cover the therapy.

ADMINISTRATION

House Bill No. 1103 expands the methods of premium payment WSI will accept, increases from $2,000 to $5,000 the per premium period penalty an employer may be subject to for failure to acquire workers' compensation coverage in this state or for failure to furnish WSI with requested information, and expands the circumstances through which an out-of-state employer may be found to have significant contacts with this state, requiring that the employer acquire workers' compensation coverage in this state.

House Bill No. 1120 revises the WSI modified workers' compensation coverage requirements for prison industries work programs through Roughrider Industries, directing that workers' compensation coverage be provided through the WSI account for state entities, and that excess coverage or reinsurance be provided through WSI to address state reimbursement for liability in excess of collected premiums.

House Bill No. 1159 provides that the act of filing a claim with WSI authorizes a health care provider, hospital, or clinic to disclose to WSI information or render an opinion regarding the injured employee's workers' compensation claim.

House Bill No. 1255 provides classification of emergency response ambulance services and of advanced life support assessment for WSI purposes.

House Bill No. 1153, as part of a bill that changes the name of the State Board of Medical Examiners to the North Dakota Board of Medicine, corrects those references in this title.

House Bill No. 1256, as part of a bill that changes references to "traumatic brain injury" to "brain injury", corrects references in this title.