2019
NORTH DAKOTA
CENTURY CODE
TITLE SUMMARIES

LEGISLATIVE COUNCIL
STATE CAPITOL
BISMARCK, ND 58505

TITLE 1
General Provisions
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1169 designates the third Monday in April of each year as Patriots' Day. The bill requires the Governor to issue an annual proclamation on Patriots' Day to commemorate the start of the American Revolutionary War and the battles of Lexington and Concord.

Senate Bill No. 2240 removes the phrase "habitual drunkard" in Section 1-04-07 relating to assignments of a mortgage by a foreign executor, administrator, or guardian.

TITLE 2
Aeronautics
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 2. A bill primarily affecting other titles also may affect this title, and the relevant portion of the bill is summarized in this memorandum.

House Bill No. 1066 creates an airport infrastructure fund in the state treasury. Subject to legislative appropriations, the Aeronautics Commission may use the fund to provide grants to airports for infrastructure projects.

TITLE 3
Agency
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 3. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 4.1
Agriculture
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 4.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to agriculture may be classified in these subject areas--meat inspection, the Agriculture Commissioner, commodity groups, the State Forester, dairy, and miscellaneous.

MEAT INSPECTION

House Bill No. 1146 adds domesticated rabbits to the definition of an "animal" for purposes of meat inspection.

House Bill No. 1400 defines meat as the edible flesh of an animal born and harvested for the purpose of human consumption; prohibits the misrepresentation, advertising for sale, packaging, or sale of cell-cultured protein products as meat; and requires cell-cultured protein products to be labeled as cell-cultured protein products.

Senate Bill No. 2080 updates a reference in Century Code regarding federal meat inspection regulations to the 2018 standard.

AGRICULTURE COMMISSIONER

House Bill No. 1383 amends the number and types of individuals required to sit on the Federal Environmental Law Impact Review Committee. The bill also creates an environmental impact mitigation fund to be used to provide landowners with funds for mitigating agricultural land impacted by development and requires the Federal Environmental Law Impact Review Committee to establish criteria for the disbursement of funds.

Senate Bill No. 2009 amends the annual salary of the Agriculture Commissioner and provides for the commissioner to be paid $116,836 through June 30, 2020, and $119,757 after that date.

Senate Bill No. 2224 creates a bioscience innovation grant program and a grant fund. The bill requires the program be administered through the bioscience innovation grant fund. The bill also creates a committee to determine grant funding awards and requires the Agriculture Commissioner to collaborate with the committee to adopt rules and criteria to administer the program.

COMMODITY GROUPS

Senate Bill No. 2035 amends provisions related to the election of county representatives for several agricultural commodity groups to require the commodity group publish notice in the county newspaper of the meeting of producers to elect a county representative.

Senate Bill No. 2144 amends requirements regarding the election of members to the North Dakota Dry Bean Council to allow the council to appoint an eligible producer to serve on the council until the seat is filled through a write-in process if no nominations are received by a set deadline. The bill also changes the date the term of an elected member begins from April 1 to May 1.

STATE FORESTER

Senate Bill No. 2064 removes the requirement the State Forester's office be located in Bottineau.

Senate Bill No. 2065 changes the amounts in the State Forester reserve account to prohibit charges for state nursery seedlings from exceeding estimated production costs if the balance of the reserve account is above $1.5 million. The bill also prohibits charges from exceeding estimated production costs until the balance of the reserve account drops below $1.2 million.

DAIRY

House Bill No. 1081 requires eggs sold or offered for sale to an individual, other than the end consumer, to be candled, labeled, and meet requirements determined by the Agriculture Commissioner.

Senate Bill No. 2079 updates references in Century Code to 2017 standards, procedures, ordinances, and publications issued by the United States Food and Drug Administration regarding milk.

MISCELLANEOUS

House Bill No. 1026 requires soil conservation district supervisors to participate in annual training as determined by the state soil conservation committee.

House Bill No. 1134 amends various provisions in the chapter addressing commercial feed. The bill adds definitions of "commissioner," "guarantor," "labeling," "mineral feed," "percent or percentage," "quantity statement," and "ton." The bill provides a commercial feed manufacturer's or retailer's license is not transferable; amends fee amounts for registering and renewing registrations for pet food and specialty pet food; allows a person to be exempt from the pet food registration requirements if the person meets certain criteria; requires commercial feed be labeled to advise consumers of the composition and content of the feed; requires certain commercial and customer-formula feed to be labeled with directions for safe and effective use; requires the person responsible for the payment of the inspection fee for commercial feed to provide a tonnage report to the Agriculture Commissioner; provides feed that contains a poisonous or harmful substance, that is naturally occurring and not added, is adulterated only if the substance is present in an amount deemed injurious to health; provides commercial feed is adulterated if certain criteria are met; allows designated officers and employees of the commissioner, at any time upon notification, to enter and inspect factories, warehouses, establishments, and vehicles used to manufacture, process, pack, hold, or transport commercial feed; requires sampling, analysis, and inspection of commercial feed to be conducted in accordance with generally recognized methods; creates a new section listing prohibited acts related to commercial feed; and creates a new section to allow the commissioner to administer the chapter and adopt rules to implement the chapter.

House Bill No. 1149 allows a county weed board, if certain standards and requirements are met, to certify gravel, scoria, topsoil, or sand surface mining operations are not contaminated with noxious weeds. The bill also allows county weed boards to charge fees, set by the Agriculture Commissioner, for inspecting, testing, analyzing, and certifying the operations.

House Bill No. 1166 amends the definition of a "brand" to include hot branding or freeze branding used on livestock.

House Bill No. 1349 creates a new chapter of Century Code to regulate the production and licensure of hemp. The bill also repeals the chapter related to industrial hemp.

Senate Bill No. 2036 requires the State Fair Association to fund facility operations and maintenance costs with State Fair Association funds, unless the costs are a result of a natural disaster.

Senate Bill No. 2152 amends provisions in the chapter addressing anhydrous ammonia facilities and provides for a definition of a "mobile storage container"; requires owners and operators of an anhydrous ammonia mobile storage container to apply to the Agriculture Commissioner for licenses and meet certain requirements for operation; and amends license fee amounts.

Senate Bill No. 2328 creates a new chapter in Title 4.1 and moves the provisions related to the Agricultural Products Utilization Commission from the current location in Century Code into the new chapter.

TITLE 5
Alcoholic Beverages
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to alcoholic beverages may be classified in these subject areas--retail and wholesale regulations and miscellaneous.

RETAIL AND WHOLESALE REGULATIONS

House Bill No. 1190 removes the ingredient utilization requirements for domestic wineries, removes the requirement a domestic winery must obtain a special events permit to participate in a Pride of Dakota event, and increases number of special events permits the Tax Commissioner may issue to a domestic winery from 20 events per calendar year to 40. The bill authorizes a domestic winery to purchase wine in bulk from within and outside the state, not exceeding 4,000 gallons per calendar year, and authorizes a licensed winery that produces no more than 25,000 gallons of wine per year to sell and deliver the wine produced by the winery directly to licensed retailers.

House Bill No. 1344 removes the requirement a meal must be purchased to remove an opened bottle of wine from a restaurant, and requires the licensee to reseal the bottle before the bottle is removed from the restaurant.

House Bill No. 1502 increases the number of event permits the Tax Commissioner may issue to a domestic distillery from 20 event permits per calendar year to 40 event permits per calendar year. The bill authorizes and creates guidelines for the direct sale of spirits produced by a domestic distillery to a licensed retailer.

Senate Bill No. 2343 prohibits a microbrew pub from selling more than 288 ounces of beer per day, per person, for off-premises consumption, in any size container not exceeding 3 gallons. The bill authorizes a microbrew pub and a brewer taproom to include nonprofit community events in the limit of 20 days per calendar year for special event permits. The bill authorizes a microbrew and a brewer taproom to transfer their product in bulk, from one facility to an affiliated facility.

MISCELLANEOUS

Senate Bill No. 2114 requires the court to sentence an individual under 21 years of age who violates the alcohol manufacture, purchase, or consumption prohibitions in Section 5-01-08 to an evidence-based alcohol and drug education program.

Senate Bill No. 2240 removes the term "habitual drunkard" from the list of individuals who delivery of alcoholic beverages to is unlawful.

Senate Bill No. 2246 expands the definition of "intoxicated" to include being under the influence of drugs and controlled substances for purposes of law enforcement providing assistance to a publicly intoxicated individual.

TITLE 6
Banks and Banking
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 6. Bills primarily affecting other titles 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 miscellaneous.

BANK OF NORTH DAKOTA

House Bill No. 1014, the agency appropriation for the Industrial Commission, provides for a rebuilders home loan program and a rebuilders home loan fund, both of which are administered by the Bank of North Dakota. Under this program the Bank is directed to make or participate in loans to North Dakota residents affected by river flooding in the state due to ice jams in the winter and spring of 2019.

House Bill No. 1092, which updates the law regulating the Bank of North Dakota, clarifies the North Dakota higher education savings plan and federal student loan program programs support the educational mission of the Bank.

House Bill No. 1333 establishes the innovation loan fund to support technology advancement and provides for the innovation technology loan program, which is administered by the Department of Commerce, in consultation with the Bank of North Dakota. The program includes establishment of the Innovation Loan Fund to Support Technology Advancement Committee, which establishes loan eligibility guidelines and recommendations on approval of qualified applicants. The Bank is charged with making final loan approval determinations.

Senate Bill No. 2015, the agency appropriation bill for the Office of Management and Budget, expands the eligible recipients of a loan under the Bank of North Dakota's infrastructure revolving loan fund program to include the Garrison Diversion Conservancy District and the Lake Agassiz Water Authority and provides the Red River Valley Water Supply Project is an authorized essential infrastructure project under the loan program.

Senate Bill No. 2036, which relates to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, repeals two obsolete sections of law relating to the Bank of North Dakota's beginning farmer loan guarantee program and the financial assistance for family farmers program.

Senate Bill No. 2098 revises the loan term requirements of the Bank of North Dakota's residential mortgage loan program, including removal of the codified maximum loan amount, term of the loan, and length of the loan.

Senate Bill No. 2099 amends the Bank of North Dakota's medical facility infrastructure loan program by removing the requirement the Governor establish a task force to review loan applications and make recommendations to the Bank of North Dakota regarding loan applications.

Senate Bill No. 2197 revises the interest rate charged by the Bank of North Dakota's loans to beginning farmers program and for Bank participation in loans to family farmers program. The bill provides a loan made to a beginning farmer may be at a fixed rate at 1 percent below the Bank's current base for 10 years and provides participation in a loan to a family farmer may be made at a fixed rate at the Bank's current base rate for up to 10 years, and the remaining term of the loan floating at the Bank's base rate.

Senate Bill No. 2296 amends the Bank of North Dakota loan guarantee program by directing the Bank to establish the types of projects and ventures eligible to be guaranteed under the program and increasing from $25 million to $50 million the mount of transfers from the strategic investment and improvements fund for Bank guarantee funds.

MISCELLANEOUS

Senate Bill No. 2093 expands the authority of the Commissioner of Financial Institutions to include examination of technology service providers to credit unions; amends the law regarding the regulation of annuity, safe deposit, surety, and trust companies to revise the capital requirements to require at least $1 million, of which no less than $500,000 must be in liquid assets, and to remove the requirement that examinations and investigations by the commissioner be performed without notice; and expands the scope of

the law regulating financial institution disclosure of customer information to provide financial institutions that do business in the state but are not physically located in the state are subject to the law.

Senate Bill No. 2179 provides if a financial service provider has a good-faith belief to suspect financial exploitation of an elderly adult or vulnerable adult occurred, was attempted, or is being attempted, the financial service provider may refuse to provide services or hold a financial transaction, may make a report to law enforcement, and may contact an identified individual. Additionally, the bill allows the financial service provider to refuse to accept a power of attorney if the provider has a good-faith belief to suspect the principal is or may be the victim or target of financial exploitation by the agent or individual acting for or with the agent.

TITLE 8
Carriage
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 8. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1418 authorizes and provides guidelines for a person to operate an on-demand autonomous vehicle network for the transportation of persons or goods, including for-hire transportation, public transportation, and transportation for multiple passengers who agree to share the ride.

TITLE 9
Contracts and Obligations
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 9. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1045 allows the use of blockchain technology to sign and secure records and specifies that smart contracts are valid and enforceable. The bill also provides definitions of "blockchain technology" and "smart contract."

House Bill No. 1351 revises the exceptions to the prohibition on contracts that restrain trade.

TITLE 10
Corporations
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 10. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1045 revises various provisions in Title 10 to recognize blockchain technology and smart contracts, electronic transaction definitions, and reporting requirements for limited liability companies and publicly traded corporations.

House Bill No. 1127 replaces the references to "deceptively similar" with "distinguishable in the records" relating to the names of cooperatives, corporations limited liability companies, domestic and foreign real estate investment trusts, limited partnerships, fictitious partnerships, and limited liability partnerships. The bill authorizes the Secretary of State to determine whether a name is distinguishable. The bill becomes effective when the Secretary of State notifies the Legislative Council the rules and technology are ready for the implementation of the Act.

House Bill No. 1388 expands the kinship requirement for a domestic corporation or limited liability company to engage in the business of farming or ranching to include second cousins.

Senate Bill No. 2011 provides for the creation of a special fund designated as the Securities Department Special Fund for the collection of all fees, civil penalties, or other money collected under Chapter 10-04. The money in the fund is reserved for use by the Securities Department to defray the expenses of the department and directs the Office of Management and Budget to transfer any balance in the fund, in excess of the amounts necessary for department expenditures pursuant to the department's biennial appropriation, to the general fund.

Senate Bill No. 2083 replaces the reference to "Standard and Poor's" with the "OTCQX or OTCQB markets operated by OTC Markets Group Incorporated" in the list of exempt transactions, removes the restriction on the return on filing fees for the filing of a federal covered security, and removes the restriction on the return of registration fees for an application to register as a broker-dealer, agent, investment adviser, or investment adviser representative.

Senate Bill No. 2200 excludes the growing or processing of marijuana under Chapter 19-24.1 within the definition of farming and ranching for purposes of corporate or limited liability company farming.

Senate Bill No. 2224, a bill that directs the Agriculture Commissioner to collaborate with a local association to develop and administer a bioscience innovation grant, also repeals Section 10-30.5-14 relating to the Research North Dakota venture investment program.

Senate Bill No. 2283 creates Chapter 10-04 to authorize the registration of securities by coordination and sets forth the documentation, registration, and fees required to register by coordination.

Senate Bill No. 2326 amends various sections within Chapters 10-19.1, 10-31, 10-32.1, 10-33, 10-35, and 10-36 and chapters in Title 45 and 47 to update references to "postmarks" and support the launch of the Secretary of State's online business reporting and filing system. The bill also clarifies a domesticated business must be domesticated in the state before being registered in state and updated the registration requirements for limited liability partnerships to require identification of minority owners.

TITLE 11
Counties
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 11. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to counties may be classified in these subject areas--duties of county officials, levy authority and taxation, zoning, and miscellaneous.

DUTIES OF COUNTY OFFICIALS

House Bill No. 1110 revises the authorized methods of a notary seal to include an official stamp.

House Bill No. 1271 removes the exception for transactions relating to a deed transferring title as a result of a transfer on death deed or revocation instrument from the requirement relating to filing a statement of full consideration with the county recorder.

House Bill No. 1338 authorizes the board of county commissioners and local park board to convey real property pursuant to Public Law Nos. 115-306 and 115-308.

Senate Bill No. 2035 amends notice requirements to shift the notice requirement from the county extension agent to the commodity group holding the election. The bill also changes the annual deadline the county auditor is required to have the county financial statements prepared from March 15 to November 15.

LEVY AUTHORITY AND TAXATION

House Bill No. 1268 increases the authorized mill rate for the maintenance of the rural ambulance service district from a mill rate of 10 mills to a mill rate of 15 mills upon the taxable property within the district.

Senate Bill No. 2192 authorizes counties to impose a lodging tax of up to 2 percent of the gross receipts of retailers within the county in the business of renting hotel or motel rooms and authorizes counties to impose a restaurant and lodging tax of up to 1 percent of the gross receipts of retailers renting hotel or motel rooms or selling prepared foods in restaurants within the county. The new tax may not be put in place to be collected by any establishment located in a city that imposes a city lodging or a city restaurant and lodging tax. If any city within the county imposes these taxes, the county tax may not apply.

ZONING

House Bill No. 1224 in relation to the zoning of territory adjacent to cities, the bill replaces the reference to "township" to the "township zoning board" as the authority having jurisdiction to zone land.

Senate Bill No. 2345 revises Section 11-33-02.1 relating to the definition of "animal feeding operation." The bill establishes additional zoning requirements for animal feeding operations. The bill restricts the county from establishing setbacks that exceed those established unless the county can demonstrate compelling, objective evidence specific to the county which requires the greater setback within the county, in which case the setbacks may exceed those established. The bill also authorizes a person intending to construct an animal feeding operation to petition the board of county commissioners for a determination whether the animal feeding operation would comply with zoning regulations.

MISCELLANEOUS

Senate Bill No. 2124 updates numerous provisions of Century Code to reflect the establishment of human service zones as the method for delivery of social services, including several provisions in Title 11.

Senate Bill No. 2190 repeals Section 11-14-11 relating to reports to township clerks.

TITLE 12
Corrections, Parole, and Probation
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 12. Bills primarily affecting other titles also 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. 1074 authorizes the State Treasurer to request the Bureau of Criminal Investigation to conduct criminal history background checks of each individual who has access to federal tax information.

House Bill No. 1084 authorizes a state school with a superintendent appointed by or reporting to the Superintendent of Public Instruction to request the Bureau of Criminal Investigation to conduct criminal history background checks of employees of a state school and for a final applicant seeking employment with the school.

House Bill No. 1102 extends the authority of the Department of Human Services to request the Bureau of Criminal Investigation to conduct criminal history background checks for foster care licenses and approvals to include identified relatives.

House Bill No. 1219, which creates Chapter 26.1-26.8 relating to public adjuster licensing and contracts between insured homeowners and residential contractors, extends the authority of the Insurance Department to request the Bureau of Criminal Investigation to conduct criminal history background checks to individuals applying for a resident public adjuster license under Chapter 26.1-26.8.

House Bill No. 1349, which creates Chapter 4.1-18.1 relating to the production and regulation of industrial hemp, replaces the reference to Chapter 4.1-18 with 4.1-18.1 in relation to the Agriculture Commissioner's authorization to request a criminal history background check from the Bureau of Criminal Investigation for each applicant who applies for a license to grow hemp.

House Bill No. 1376 authorizes the Housing Finance Agency to request the Bureau of Criminal Investigation to conduct criminal history background checks of potential employees.

LAW ENFORCEMENT

House Bill No. 1015, the agency appropriation for the Department of Corrections and Rehabilitation, extends the authorized disclosure of medical, psychological, or treatment records without prior application to a community behavioral health program, a vocational rehabilitation program, and a transitional living facility.

House Bill No. 1076 removes the ability of the Department of Corrections and Rehabilitation to transfer an individual who is between 16 and 18 years of age to an adult correctional facility.

House Bill No. 1256 authorizes an individual to petition the court to seal a criminal record if the individual pled guilty to or was found guilty of a misdemeanor offense and the individual has not been charged with a new crime for at least 3 years from the date of release from incarceration, parole, or probation, or the individual pled guilty to or was found guilty of a felony offense and the individual has not been charged with a new crime for at least 5 years from the date of release from incarceration, parole, or probation. The bill also provides an individual may not petition the court to seal a record relating to felony offenses involving violence or intimidation during the period in which the offender is ineligible to possess a firearm or an offense for which an offender has been ordered to register under Section 12.1-32-15.

House Bill No. 1393 revises the type of Class B misdemeanor offenses that require reporting to the Attorney General to include offenses of domestic violence under Section 12.1-17-01.2.

MISCELLANEOUS

House Bill No. 1396 restricts an offender who has pled guilty or nolo contendere to, or has been found guilty of a felony under Section 14-09-22 from participating in electronic home detention or home-based global positioning system monitoring if a minor is present in the home. The bill also establishes a minimum mandatory sentence of 1 year imprisonment for a person who has pled guilty or nolo contendere to an offense under Section 14-09-22.

TITLE 12.1
Criminal Code
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 12.1. Bills primarily affecting other titles also 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, judicial process, and miscellaneous.

CRIMINAL OFFENSES AND OFFENDERS

House Bill No. 1039 changes the age of culpability for the commission of an offense from 7 to 10 years of age.

House Bill No. 1109 specifies a writing made in accordance with Chapter 31-15 is a statement made under oath or equivalent affirmation, and is subject to penalty of perjury if false.

House Bill No. 1393 removes domestic violence from the offense of simple assault and creates a separate offense for domestic violence. The bill provides a definition for "family or household member," the elements for the offense of domestic violence, and the penalties associated with a violation of the offense.

House Bill No. 1465 authorizes the appointment for a guardian ad litem for an individual who is a minor or has a developmental disability when that individual is a victim, or is a material or prosecuting witness in a criminal proceeding concerning prosecution for human trafficking. The bill makes it a violation of Section 12.1-41-06 if an individual hires, offers, or agrees to hire another individual with the intention of engaging in commercial sexual activity if the individual hired or offered for hire is a minor.

House Bill No. 1477 prohibits a person from selling, offering for sale, or distributing any flavored e-liquid or electronic smoking device containing flavored e-liquid to a minor. The bill subjects a person that is not a manufacturer and that violates the prohibition to a fine of $500 for each individual package of flavored e-liquid product or electronic smoking device containing flavored e-liquid sold or offered for sale.

House Bill No. 1503 makes it an infraction for an individual, without written permission from the owner or occupant of the property, to enter another's property and install a device for observing, recording, or photographing wildlife while the owner of the device is absent.

House Bill No. 1520 changes the age of culpability for the commission of an offense from 7 to 10 years of age, and authorizes the assessment of an individual 10 years of age or older for mental fitness or capacity.

Senate Bill No. 2036 requires a disorderly conduct restraining order to contain notice to the respondent that a violation of the order is a Class A misdemeanor punishable by imprisonment of up to 360 days or a fine of up to $3,000 or both.

Senate Bill No. 2044 prohibits an individual from causing a substantial interruption or impairment of a critical infrastructure facility or a public service. The bill makes it a Class C felony if the individual engaged in the conduct intentionally and a Class A misdemeanor if the individual engaged in the conduct knowingly or recklessly, otherwise the conduct is a Class B misdemeanor. The bill provides a definition for "critical infrastructure facility" and provides for a fine not to exceed $100,000 for an organization that acts as a conspirator with an individual who causes a substantial interruption or impairment of a critical infrastructure facility or a public service.

Senate Bill No. 2113 makes it an affirmative defense in a prosecution for surreptitious intrusion or interference with privacy if the defendant was acting in accordance with Section 50-10.2-02.1, relating to authorized electronic monitoring.

Senate Bill No. 2222 provides it is child abuse under Section 14-09-22(1) if any parent, adult family or household member, guardian, or other custodian of any female child willfully allows the female child to have surgical alteration of the genitals. The bill requires prosecution for a violation of this offense to be commenced within 3 years of the date of the offense or within 3 years after the offense is reported to law enforcement, whichever is later.

Senate Bill No. 2253 requires an individual who is required to register and is intending on traveling internationally to inform the agency with which the offender last registered the offender's residential address, the details of the intended travel at least 21 days before the travel.

Senate Bill No. 2262 creates a definition for the terms "re-encoder," "scanning device," and "skimmer" and makes it a Class B felony for an individual to use or attempt to use a re-encoder, scanning device, or a skimmer to obtain information from a payment card, driver's license, or state-issued identification card without consent from the card user. The bill makes any subsequent violation of this offense a Class A felony and subjects the offender to a civil penalty not to exceed $100,000. The bill creates a Class A misdemeanor for an individual to own or possess a skimmer, re-encoder, or a scanning device with the intent to commit any unlawful activity.

Senate Bill No. 2273 creates a Class A misdemeanor for the offense of sexual extortion. The bill enhances the penalty for a violation of the offense from a Class A misdemeanor to a Class B felony if the victim is a minor or vulnerable adult and the offender knowingly causes the victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any individual engaged in sexually explicit conduct or any intimate image of an individual, or a demand for money, by means of a threat to the victim's or another's person, property, or reputation or a threat to distribute or an enticement to delete an intimate image or video of the victim or another.

SENTENCING

House Bill No. 1050 authorizes a court to sentence an individual convicted of an infraction as though convicted of a Class B misdemeanor if the individual has within 1 year before the commission of the infraction been convicted previously at least twice of the same offense classified as an infraction.

House Bill No. 1051 provides if sentencing of a violent offender includes probation at the end of the sentence and the probation is revoked for any reason not related to the violent offense, the offender is not bound by the 85 percent sentence requirement.

House Bill No. 1164 provides a felony conviction under Section 19-03.1-23(1), relating to penalties for controlled substance offenses, is deemed a misdemeanor upon the successful completion of the term of imprisonment and a term of probation imposed as a part of the sentence if the sentence to imprisonment is for 1 year or less.

House Bill No. 1185 provides a felony conviction is deemed a misdemeanor if the person convicted is sentenced to imprisonment for 360 days or less except if an order is entered revoking a term of probation that was imposed as part of a sentence. The bill creates a process for the final disposition of an untried petition for revocation of probation for a defendant who is in state custody.

JUDICIAL PROCESS

House Bill No. 1252 authorizes the court to prohibit an individual who is sentenced to a term of imprisonment from contacting the victim of the offense during the term of imprisonment. The bill removes the court's ability to take into consideration, when determining whether to order restitution, the ability of a defendant to restore the fruits of the criminal action or to pay monetary reparations, or to otherwise take action to restore the victim's property. The bill authorizes a victim's spouse, parent, grandparent, child, sibling, grandchild, or guardian, and any person with a relationship to the victim which is substantially similar to a listed relationship, to exercise the rights granted to a victim under Chapter 12.1-34, if the victim is deceased, incompetent, incapacitated, or a minor.

House Bill No. 1256 changes the motion for which an individual convicted of prostitution or an offense listed in Section 12.1-41-12(1) may apply from a motion to expunge the record of conviction to a motion to seal the record of conviction.

Senate Bill No. 2068 authorizes the court to enter a civil judgment for unpaid restitution or reparation upon 30 days' notice to the victim's last known address.

Senate Bill No. 2071 authorizes the court to set the hearing date for the issuance of a sexual assault restraining order or a disorderly conduct restraining order later than 14 days after the issuance of a temporary restraining order if good cause is shown.

MISCELLANEOUS

House Bill No. 1097 removes the prohibitions on certain businesses being open and certain items being sold or offered for sale before noon on Sundays.

House Bill No. 1183 relates to controlled substances and provides for a cross reference correction within Section 12.1-32-02.1(1).

House Bill No. 1282 prohibits the state, a county, or city government from inquiring into or considering the criminal record or criminal history of an applicant seeking public employment until the applicant has been selected for an interview by the government entity.

House Bill No. 1425 requires a prosecuting attorney or law enforcement agency to provide a copy of a child sexual abuse victim's law enforcement report upon request of the victim if the victim is over the age of 18, and prohibits a criminal laboratory and evidentiary storage facility from destroying or disposing of any evidence to a criminal offense before the limitation period for prosecution for the offense has ended or the offense has been adjudicated.

Senate Bill No. 2037 changes the definition of "illegal transportation or disposal of radioactive waste material or hazardous waste" from the transportation or disposal into a nonhazardous waste landfill or the intentional and unlawful dumping into or on any land or water of radioactive waste material in violation of Section 23-20.2-09 to the transportation or disposal into a nonhazardous waste landfill or the intentional and unlawful dumping into or on any land or water of radioactive waste material in violation of Chapter 38-23.

Senate Bill No. 2203 changes the definition of "sexual assault" for sexual assault restraining orders to mean any nonconsensual offense in Chapter 12.1-20 for which sexual act or sexual contact is an element.

Senate Bill No. 2240 changes the term "chemical dependency counselor" to "addiction counselor" as used in the definition of "therapist" for the offense of sexual exploitation by a therapist.

Senate Bill No. 2281 requires a paid caregiver of a minor to receive written direction by the parent or guardian of the minor before the caregiver may use reasonable force to prevent or punish the minor's misconduct.

Senate Bill No. 2304 exempts Section 40-05-06 from the general prohibition that a city or county ordinance may not supersede a state offense.

TITLE 13
Debtor and Creditor Relationship
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 13. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1204 authorizes a collection agency to charge a transaction fee for processing a credit card payment if the collection agency discloses a no-cost payment option to the debtor.

Senate Bill No. 2093, which amends the law regulating money brokers and collection agencies, increases the amount of the required surety bond to $50,000; revises the deferred presentment service provider law regarding posting of a license and changes the licensure year to the calendar year; and revises the debt settlement provider law to change the licensure year to the calendar year.

TITLE 14
Domestic Relations and Persons
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 14. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to domestic relations and persons may be classified in these subject areas--abortion, adoption and child relinquishment, child abuse, child support, and minors.

ABORTION

House Bill No. 1336 requires as a part of the informed consent requirements before the performance of an abortion, the physician must inform the woman it may be possible to reverse the effects of an abortion-inducing drug and information and assistance is available in the printed materials that are provided to the woman. The bill also expands the information required to be included in the printed materials provided by the State Department of Health.

House Bill No. 1546 makes it a Class C felony for an individual to intentionally perform a human dismemberment abortion except in the case of a medical emergency. The bill includes an effective date that provides the prohibition on human dismemberment abortions becomes effective on the 30th day after the adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion or on the 30th day after the Attorney General certifies to the Legislative Council the issuance of the judgment in any decision of the United States Supreme Court or the Eighth Circuit Court of Appeals which would allow enforcement of the prohibition on human dismemberment abortions or the issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion. The bill also amends the effective date language of 2007 Session Laws Chapter 132.

ADOPTION AND CHILD RELINQUISHMENT

House Bill No. 1038, in a proceeding involving the relinquishment of children to identified adoptive parents, removes the requirement a person who furnishes information for a report of agreements and disbursements must provide a statement attesting to the correctness and truthfulness of the information to be included in the report filed with the court.

CHILD ABUSE

House Bill No. 1395 requires the sentence for child abuse to include an order to complete a parental capacity evaluation, mental health evaluation, and anger management assessment, and to complete treatment recommendations as ordered by the court as a condition of probation.

House Bill No. 1396 requires a court to sentence an individual who had pled guilty or nolo contendere to, or has been found guilty of, child abuse to a minimum of 1 year imprisonment.

CHILD SUPPORT

Senate Bill No. 2115 requires the child support agency to commence an action or proceeding regarding an obligation for the support of a child and allows a sheriff to charge and collect service of process fees, except for public assistance cases as determined by the child support agency. The bill requires the court to establish a child support obligation in a judgment for divorce unless the child support agency requests the issue of child support be reserved. The bill allows the court to issue a stay of any further accruals under a child support order if the court finds the stay would be in the best interests of the child and provides the obligation may be reinstated at any time by an order of the court or upon an affidavit of any party. The bill requires the civil penalties collected under Chapter 34-15 be deposited in the child support collection and disbursement fund and the money in the fund is appropriated on a continuing basis to the Department of Human Services to cover losses the department incurs in making child support disbursements.

Senate Bill No. 2267 requires a child support agency to inform the obligor of the possibility the income withholding date and the child support order date may not align and of any affirmative steps the obligor may take to avoid a delinquent payment as a result of the possible misalignment if a new or amended child support order is issued by a court in a case enforced by a child support agency.

MINORS

Senate Bill No. 2036 defines "harm" as negative changes in a child's health which occur when an individual responsible for the child's welfare inflicts, or allows to be inflicted, physical or mental injury upon the child, including injuries sustained as a result of excessive corporal punishment, or commits, allows to be committed, or conspires to commit, a sex offense against the child.

Senate Bill No. 2051 adopts the Uniform Nonparent Custody and Visitation Act, which allows a nonparent to seek custody or visitation of a child. The bill also repeals Section 14-09-05.1 relating to grandparental rights of visitation to an unmarried minor child.

MISCELLANEOUS

Senate Bill No. 2124 changes various statutory references from "county social services board" to "human service zone."

Senate Bill No. 2225 requires each parent and every adult child of an adult who is unable to support oneself to maintain that adult to the extent each are able. The bill also outlines when a creditor may recover for furnishing necessary health services to an adult who is unable to support oneself under the familial duty of support for health services.

TITLE 15
Education
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 15. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to education may be classified in these subject areas--institutions of higher education, board of university and school lands, student loans, and miscellaneous.

INSTITUTIONS OF HIGHER EDUCATION

House Bill No. 1003, the agency appropriation for the institutions of higher education and other entities under the control of the State Board of Higher Education, creates a new chapter in Title 15 comprising the Midwestern Regional Higher Education Compact. The bill also changes the requirements for campus building projects and other campus improvements, increases the maximum limit for matching grants provided to institutions for the advancement of academics, provides for matching grants for clinical legal education projects, places new requirements on professional student exchange program participants, restricts the use of proceeds from any sale of the Ray Richards Golf Course, renames the Agricultural Center on Lake Region State College campus, changes weighting factors applied to medical and legal courses, adjusts the formulae for base funding for determining state aid, increases the amount of student financial assistance grants, extends the sunset date for the provision exempting university system appropriations from the requirement that the Office of Management and Budget cancel unexpended appropriations at the end of the biennium, and repeals the sections providing for the technology occupations student loan program and the dual-credit courses pilot program.

House Bill No. 1013 requires the Commissioner of Higher Education to submit annual reports on the investment performance of each fund the Commissioner controls to the Budget Section.

Senate Bill No. 2147 changes the eligibility requirements for North Dakota students to participate in the Veterinary Medical Education Program at Kansas State University so the students must be appointed by the vice president for agricultural affairs at North Dakota State University.

Senate Bill No. 2164 requires each tuition and fee billing statement from an institution of higher education to identify the average amount of state aid per student per semester the institution receives.

Senate Bill No. 2202 excludes scholarships and grants from the criteria to be considered under the State Board of Higher Education policy on determinations of students' financial need.

Senate Bill No. 2249 creates the State Energy Research Center at the University of North Dakota Energy and Environmental Research Center to conduct research to advance future energy opportunities and benefit the state's economy and environment.

Senate Bill No. 2320 requires the State Board of Higher Education and the institutions under the board's control to adopt policies protecting free speech, assembly, and expression consistent with the specifications in the bill by August 27, 2019.

BOARD OF UNIVERSITY AND SCHOOL LANDS

Senate Bill No. 2036 repeals the continuing appropriation authority for the Board of University and School Lands to repay loans to the common schools trust fund for the developmentally disabled loan fund programs numbers 2 and 3 from the strategic investment and improvements fund.

Senate Bill No. 2081 revises the list of fees and other costs related to investments controlled by the Board of University and School Lands which must be paid for by funds from trust funds. The bill appropriates the funds necessary to pay the costs.

Senate Bill No. 2082 repeals Sections 15-04-02 and 15-04-04 regarding leases for cultivated grant lands.

STUDENT LOANS

House Bill No. 1092 revises the Bank of North Dakota's rulemaking authority for repayment of guaranteed loans and student eligibility for guaranteed loans.

House Bill No. 1171 creates a skilled workforce student loan repayment program and a skilled workforce scholarship program to be implemented by the State Board of Higher Education. The programs must be funded with up to $6 million from the Bank's current earnings and undivided profits.

House Bill No. 1429 changes responsibility for the student loan forgiveness program for grade school teachers in areas with teacher shortages from the State Board of Higher Education to the Superintendent of Public Instruction. The bill sunsets the program on July 1, 2023.

MISCELLANEOUS

House Bill No. 1044 allows distributees to elect to have an eligible rollover distribution from the Teachers' Fund for Retirement.

Senate Bill No. 2055 requires the Budget Section of the Legislative Assembly to comply with Section 15 of the bill, which creates a new section to Chapter 54-35, when considering requests from the Board of University and School Lands and the State Board of Higher Education. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2216 revises the responsibilities of the Center for Distance Education and State Board of Career and Technical Education. The bill also amends the costs for students to participate in the Center for Distance Education programs. The bill also repeals the authority of the Superintendent of Public Instruction to approve enrollments in and courses offered by the Center for Distance Education.

Senate Bill No. 2224 repeals Chapter 15-69 regarding centers of excellence grants.

TITLE 15.1
Elementary and Secondary Education
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 15.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to elementary and secondary education may be classified in these subject areas--teachers and licensure, school districts, the Superintendent of Public Instruction, school board membership, school vehicle drivers, and miscellaneous.

TEACHERS AND LICENSURE

House Bill No. 1287 amends the criteria for teacher licensure to allow individuals to receive a teaching license if the individual successfully completes an alternative teacher certification program and meets other required criteria. The bill also establishes criteria for approved alternative teacher certification programs, and provides for renewal of teacher licenses under the program if certain requirements are met.

House Bill No. 1347 changes references in Section 15.1-15-02 on renewal and nonrenewal of teacher contracts from "first-year teacher" to "probationary teacher;" defines a "probationary teacher" to mean an individual teaching for less than 2 years; allows the board of a school district to waive probationary status; and requires the board of a school district to offer a teacher mentoring program for probationary teachers.

House Bill No. 1531 amends Section 15.1-18-10 regarding specialty area teacher qualifications to allow an individual to teach in any subject if certain requirements are met, except in the subject areas of elementary education, special education, mathematics, science, language arts, and social studies. The bill also allows the board of a school district to authorize an individual to teach in a specialty area for 1 year at a time, up to a maximum of 3 years, if an otherwise qualified applicant cannot be located and other criteria are met.

Senate Bill No. 2013 amends the salary of the Superintendent of Public Instruction; amends Section 15.1-18-10, as amended in Senate Bill No. 2265, regarding specialty area teacher qualifications to remove a passing score on the Praxis content test as an option to meet the necessary requirements to receive a permit to teach in a specialty area; and amends the eligibility requirements for the North Dakota scholarship to allow a student who is in the final semester or quarter before graduation to retain scholarship eligibility even if enrolled less than full time.

Senate Bill No. 2015 amends Section 15.1-18-10, as amended in Senate Bill No. 2013, regarding specialty area teacher qualifications to require an individual to enroll in the North Dakota teacher support system approved mentor program to receive a permit to teach in a specialty area.

Senate Bill No. 2306 allows the Education Standards and Practices Board to issue provisional teaching licenses to military spouses for 40 days, unless otherwise provided by another professional or occupational licensing board for the licensure of military spouses, if certain requirements are met. The bill also requires the Education Standards and Practices Board to grant a teaching license to an applicant who is a military spouse, if the individual meets certain requirements for licensure of military spouses.

SCHOOL DISTRICTS

House Bill No. 1125 prohibits school districts cooperating under a cooperative plan from being required to provide unduplicated grade level services or share administrative personnel if the cooperating districts have taxable property located in the same city.

House Bill No. 1335 prohibits the board of a school district from establishing a dress code policy that prohibits students from wearing traditional tribal regalia or objects of cultural significance during a graduation ceremony.

House Bill No. 1434 amends provisions relating to the dissolution of a school district to require dissolving school district property be attached to another operating high school district in the same county, or to a non-high school district in the same county if there are no other high school districts in the county.

House Bill No. 1454 exempts school districts from being prohibited from entering a contract in an amount greater than $50,000 unless certain criteria are met. The bill provides the limitations do not apply if the contract is for a cooperative purchase made pursuant to a joint powers agreement.

Senate Bill No. 2052 allows the board of a school district to develop a school safety plan and exempts aspects of the plan from open records laws to maintain the security measures developed under the plan. The bill also authorizes the board of a school district to levy up to five mills for a school safety plan fund.

Senate Bill No. 2101 requires each school district to implement the state student information system administered by the Information Technology Department unless the school district meets certain exemption requirements.

Senate Bill No. 2149 requires each school within a school district to designate an individual as a behavioral health resource coordinator, requires the Superintendent of Public Instruction to maintain the contact information of the designated behavioral health resource coordinator, and requires the Superintendent to collaborate with regional education associations to disseminate behavioral health instructional materials to schools.

Senate Bill No. 2181 amends the definition of "bullying" to include conduct received or sent through electronic devices if certain criteria are met. The bill requires school districts to adopt a bullying policy that requires law enforcement be notified if school district personnel have reasonable suspicion a crime may have occurred on or off school district property.

SUPERINTENDENT OF PUBLIC INSTRUCTION

House Bill No. 1088 repeals the requirement the Superintendent of Public Instruction purchase automated external defibrillators for distribution to schools and school districts in the state.

House Bill No. 1089 removes the requirement that the Superintendent of Public Instruction work with the Director of the Division of Juvenile Services within the Department of Corrections and Rehabilitation to develop personnel policies for individuals employed as teachers at North Dakota Vision Services - School for the Blind and School for the Deaf. The bill requires that the Superintendent work with the Director of the Department of Corrections and Rehabilitation directly when developing the policies.

House Bill No. 1429 requires the Superintendent of Public Instruction to administer a teacher loan forgiveness program for individuals teaching in areas of critical need or shortage. The bill also sets forth the criteria and qualifications for the program.

Senate Bill No. 2025 requires the Superintendent of Public Instruction facilitate a process to review and update annually the statewide prekindergarten through grade twelve education strategic vision and provide reports.

Senate Bill No. 2171 adds teachers of computer and cyber science to the list for which the Superintendent of Public Instruction may adopt rules governing the issuance of credentials.

SCHOOL BOARD MEMBERSHIP

House Bill No. 1501 allows the Governor to suspend a school board member pending the results of an audit.

Senate Bill No. 2230 prohibits eligibility for public school board membership in a school district located on tribal land from being less restrictive than eligibility qualifications prescribed by tribal law or resolution for public office. The bill defines "tribal land."

SCHOOL VEHICLE DRIVERS

House Bill No. 1369 provides that the costs associated with a medical examination required by the board of a school district to determine the medical and physical ability of an individual to adequately transport students in a school vehicle are the responsibility of the individual's insurance carrier. Any costs that remain after the application of insurance coverage are the responsibility of the board. The bill also provides any additional examinations are the responsibility of the individual after the application of insurance coverage.

House Bill No. 1385 requires school bus drivers to complete a defensive driving course within 1 year of being hired and once every 5 years thereafter.

MISCELLANEOUS

House Bill No. 1027 updates references in Century Code from the No Child Left Behind Act to the Every Student Succeeds Act, which is the current federal education legislation.

House Bill No. 1052 amends the definitions regarding home education to define "home education," "parent," and "supervise."

House Bill No. 1082 prohibits an educational agency or employees, contractors, or agents of any educational agency in the state that receives federal education funding from assisting another employee, contractor, or agent in obtaining a new job if there is confirmation or an investigation of the individual is underway for sexual misconduct involving a minor or student. The bill also provides for exceptions and penalties.

House Bill No. 1461 requires public elementary schools to include phonetic awareness, decoding, and spelling in the development and processing of assessments and reading screenings. The bill also creates a dyslexia screening pilot program to be implemented in eligible school districts, regional education associations, and special education units that meet certain requirements.

Senate Bill No. 2150 allows required audits of regional education associations to be conducted by the State Auditor.

Senate Bill No. 2182 amends the eligibility requirements for students to receive a North Dakota career and technical education scholarship or academic scholarship to include two units of an education pathway as approved by the Superintendent of Public Instruction.

Senate Bill No. 2215 creates the Kindergarten Through Grade Twelve Education Coordination Council to assist in the implementation, dissemination, and communication of the statewide strategic education vision and evaluate progress toward meeting the identified goals and strategies, among other duties.

Senate Bill No. 2265 requires the Superintendent of Public Instruction to create a process to reinstate and recertify Title 1 credentials for certain individuals; requires school districts to provide for a minimum number of instructional hours for students; increases professional days in a school calendar from 2 to 3 days; requires schools to make up certain instructional hours if school is dismissed due to weather; requires school districts to apply for a waiver if the district intends to operate under a school calendar that consists of 4 days of instruction per week; adds behavior prevention or mitigation techniques to the list of categories from which a school district may offer youth behavioral health professional development training to teachers and administrators; amends the new section created in Senate Bill No. 2230, relating to a prohibition on eligibility for public school board membership in a school district located on tribal land from being less restrictive than eligibility qualifications prescribed by tribal law or resolution for public office, to restrict the applicability of the section to qualifications for public office relating to criminal convictions; allows an individual, under certain circumstances, to teach any subject except elementary education, special education, mathematics, science, language arts, and social studies if the individual meets certain teaching requirements; amends requirements for high school unit instructional time to replace hours of instruction with hours of student engagement; prohibits the Superintendent from forwarding state aid payments to school districts until enrollment reports have been filed with the Superintendent; makes factor adjustments in the section relating to the determination of average daily membership for school districts to add a factor for the number of students by which the fall enrollment of a school district exceeds the average daily membership of the prior year, increase the factor for the number of students by which the fall enrollment of a school district exceeds the average daily membership of the prior year, and provide for annual increases in the factor; amends various factors in the calculation of the state aid baseline funding formula; requires the deduction of 60 mills from the state school aid formula beginning in the 2025-26 school year; increases the deduction for local property tax in the state school aid formula; allows the board of a school district to determine the length of a period, day, and week and requires the school district to reschedule hours if the district falls below the minimum hours due to weather-related closures; requires the Superintendent to pay the cost of cross-border attendance from funds appropriated by the Legislative Assembly for state aid to schools; and requires school districts that admit students from another school district and meet certain criteria to charge 200 percent of the tuition payment required or $4,000, whichever is greater. The bill also repeals provisions relating to a school district's ability to apply to the Superintendent for permission to reconfigure the number of required instructional days.

TITLE 16.1
Elections
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 16.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to elections may be classified in these subject areas--campaign finance, initiated and referred measures, and elections.

CAMPAIGN FINANCE

House Bill No. 1521 addresses several provisions of Article XIV of the Constitution of North Dakota which was created by an initiated measure approved by the voters in November 2018. Several sections of the bill implement the transparency requirements in Article XIV by amending sections regarding campaign finance reporting. The bill provides new definitions and reporting requirements, guidelines for adjusting reporting thresholds for inflation, and new penalties for failing to comply with reporting requirements.

INITIATED AND REFERRED MEASURES

House Bill No. 1035 requires the Secretary of State to have the fiscal impact statement for each constitutional amendment or initiated or referred measure printed on the ballot.

House Bill No. 1036 requires the Legislative Council to coordinate the preparation of fiscal impact statements for each referred measure that will be placed on the ballot.

House Bill No. 1037 requires persons engaged in certain activities related to ballot measures to report details regarding in-state contributors which previously had to be reported only for out-of-state contributors.

ELECTIONS

House Bill No. 1059 allows an election board to appoint part-time election inspectors, judges, and poll clerks, provided at least one inspector and two elections judges are on the premises of the polling place during all times when the polling place is open.

House Bill No. 1201 changes the time period during which a public official may not be recalled. Under the bill, a public official may not be recalled if the recall special election would be held within 1 year of the next regularly scheduled election in which the official could be re-elected.

Senate Bill No. 2067 requires notices of appeal of judgments in election contest actions to be filed with the Supreme Court rather than trial courts.

Senate Bill No. 2307 revises several matters relating to the administration of elections. The bill addresses the hours during which certain polling places must be open, information maintained in the central voter file, election integrity, and election recounts. The bill authorizes the Secretary of State to generate a voter list or a report generated from the central voter file to be transmitted to other states, or a consortium of states, for maintaining the integrity of elections.

Senate Bill No. 2308 allows a candidate to decide not to have the candidate's name placed on the ballot for up to 48 hours after the deadline for filing the candidate's petition or certificate of endorsement. The bill also revises provisions regarding counting and canvassing write-in votes.

TITLE 17
Energy
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 17. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2207 requires members of the Ethanol Council to be employed by a producer in North Dakota and eliminates the requirement the members be North Dakota residents.

Senate Bill No. 2254 provides wind turbines and associated facilities that are part of certain electric energy conversion facilities may not be considered improvements for purposes of construction liens.

TITLE 18
Fires
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 18. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1288 requires the State Fire Marshal to provide the Department of Human Services and designees of the State Fire Marshal education regarding fire safety requirements of licensed early childhood program premises.

Senate Bill No. 2270 amends various sections in Chapter 18-01 regarding the State Fire Marshal to allow insurance companies to report required fire losses to the State Fire Marshal through an electronic record; removes the requirement property damage caused by fire must exceed $25 before an authorized person is required to report the cause, origin, circumstances of the fire, and the name of the owner and occupant of the property damaged by the fire, to the State Fire Marshal; requires reports be submitted in a form compatible with the national fire incident reporting requirements; changes a definition from a "building fire" to an "unwanted fire" and amends the definition of an "unwanted fire"; adds a penalty for disobeying the lawful orders of a public officer or firefighter at an unwanted fire; amends the definition of a "fire inspection" to include a procedure performed in accordance with standards set forth in administrative rules; requires rules adopted by the State Fire Marshal regarding standards for the equipment, handling, and transportation of liquified petroleum gas to comply with national standards such as those promulgated by the Internal Code Council and the National Fire Protection Association; requires fire alarm systems for school buildings to be installed according to administrative rule requirements; requires the Internal Fire Code to be used as a reference and aid in interpreting the laws under the chapter; and repeals the section of Century Code addressing compensation of fire chiefs and executive officers of municipalities for reporting to the State Fire Marshal.

TITLE 19
Foods, Drugs, Oils, and Compounds
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 19. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to foods, drugs, oils, and compounds may be classified in these subject areas--controlled substances and miscellaneous.

CONTROLLED SUBSTANCES

House Bill No. 1050 removes the criminal penalty for a person who is 21 years of age or older and intentionally ingests, inhales, injects, or otherwise takes into the body marijuana. The bill also amends the criminal penalty associated with the possession of marijuana to an infraction for possession of less than one-half ounce, a Class B misdemeanor for possession of at least one-half ounce but not more than 500 grams, and a Class A misdemeanor for possession of more than 500 grams and reduces the penalty associated with possession of marijuana paraphernalia to an infraction. The bill also authorizes a person sentenced to the legal and physical custody of the Department of Corrections and Rehabilitation as the result of an offense relating to the possession of marijuana to be placed in a drug and alcohol treatment program and upon successful completion, to release the person from imprisonment to begin any court-ordered probation.

House Bill No. 1113 revises the definition of marijuana to exclude hemp as defined in Title 4.1. The bill also adds several substances to the list of controlled substances as recommended by the State Board of Pharmacy. The bill was declared to be an emergency measure.

House Bill No. 1119 replaces the term "cannabinoid tincture" with "cannabinoid solution;" removes the requirement for application fees of qualifying patients, designated caregivers, and agents to be paid by personal check and to provide their social security numbers on an application; and requires the Division of Medical Marijuana to destroy or redact documents containing social security numbers obtained in an application. The bill also allows a minor patient to provide either a certified copy of birth record or a copy of the minor's North Dakota identification as part of the application process, and provides an individual responsible for making medical decisions of a qualifying patient is no longer required to reside in the state. The bill removes the requirements for a designated caregiver applicant to provide a certified copy of a birth record and to provide the name, address, and phone number of the health care provider of the qualifying patient and removes the requirement for an entity to resubmit the legal name, articles of incorporation or articles of organization, and bylaws or operating agreement to obtain a registration certificate. The bill was declared to be an emergency measure.

House Bill No. 1164 provides an individual who is convicted of a felony drug offense in violation of Section 19-03.1-23 and is sentenced to a drug court program, upon successful completion of the drug court program, is deemed to have been convicted of a misdemeanor. The bill also requires upon successful completion of the drug court program, the court is required to dismiss the case and seal the file of an individual who is convicted of a misdemeanor in violation of Section 19-03.1-23 and is sentenced to a drug court program.

House Bill No. 1183 removes the mandatory minimum sentences for a person who willfully manufactures, delivers, or possesses with intent to manufacture or deliver a controlled substance. The bill also updates the cross-references relating to the removal in Sections 19-03.1-23.4, Section 19-03.1-36(1)(e)(3), Section 19-03.1-36(1)(e), Section 19-03.1-45(1), and repeals Section 19-03.1-23.2, which authorized the court to impose a deferred imposition of sentence or suspended sentence upon a finding of extenuating or mitigating circumstances.

House Bill No. 1283 removes the requirement of a health care provider to state a patient is likely to receive a therapeutic or palliative benefit from the medical use of marijuana, authorizes a veteran receiving treatment from a federal Veterans' Affairs entity to submit a copy of the Veterans' Affairs medical records in lieu of a written certification, and adds physician assistants to the definition of health care provider.

House Bill No. 1349 creates a new chapter relating to the production and regulation of industrial hemp and amends the definition of marijuana in Section 19-24.1-01 to exclude hemp. The bill established a licensing procedure for any person desiring to grow or process hemp. The bill was declared to be an emergency measure.

House Bill No. 1417 removes the requirement of a health care provider to state a patient is likely to receive a therapeutic or palliative benefit from the medical use of marijuana. The bill authorizes a qualifying patient with the debilitating medical condition of cancer may be authorized by the patient's health care provider to purchase up to 6 ounces of dried leaves or flowers in a 30-day period and patients over the age of 19 to purchase up to 2.5 ounces of dried leaves or flowers in a 30-day period without a special authorization from the patient's health care provider. The bill was declared to be an emergency measure.

House Bill No. 1519 adds anorexia nervosa, bulimia nervosa, anxiety disorder, tourette syndrome, ehlers-danlos syndrome, endometriosis, interstitial cystitis, neuropoathy, migraine, rheumatoid arthritis, autism spectrum disorder, and a brain injury to the list of debilitating medical conditions under the medical marijuana program and provides for a legislative management study of the list of debilitating medical conditions. This bill was declared to be an emergency measure.

Senate Bill No. 2210 authorizes the State Department of Health to authorize compassionate care centers to use additional structures within 500 feet of the structure described in the original application to certify a compassion center. The bill also increases the number of allowed marijuana plants from 1,000 plants to the amount of marijuana sufficient to meet the qualifying patient population demands, and codifies the certification fee a manufacturing facility is required to pay the department. This bill was declared to be an emergency measure.

Senate Bill No. 2240 amends numerous sections of Century Code to update outdated language, including replacing the reference to "chemical dependency" with "a substance use disorder" in Section 19-03.3-05.

MISCELLANEOUS

House Bill No. 1286 amends the standard of proof for forfeiture proceedings to clear and convincing evidence. The bill provides forfeiture proceedings are separate and distinct from any related criminal action and may not be initiated until the owner of the property has been convicted of or pled guilty to a criminal offense, or the individual has died, fled the jurisdiction, been deported by the United States government, been granted immunity or a reduced sentence in exchange for testifying or assisting a law enforcement investigation or prosecution, has abandoned the property, or it can be established beyond a reasonable doubt the property was used in the commission of a crime or constituted the proceeds of criminal activity. The bill also sets forth hearing standards and authorizes a political subdivision to deposit only the forfeited property or proceeds from the sale of forfeited property if the political subdivision has created a civil asset forfeiture fund and requires a political subdivision with a fund to establish an application process to accept and process appropriation applications from law enforcement agencies within the political subdivision. The bill sets forth the owner of property or any other person with a legal interest in property subject to forfeiture may petition the court to determine whether the forfeiture is constitutionally excessive and establishes a reporting requirement for every civil forfeiture judgment issued by a district court to include specific information and be provided to the Attorney General.

House Bill No. 1382 restricts a pharmacy from initiating home delivery or mail order delivery of a prescription refill unless the pharmacy obtains prior consent from the patient or the patient's authorized representative or the pharmacy provides the patient with notice of the upcoming delivery through more than one communication attempt and the patient or the patient's authorized representative does not respond indicating the patient does not want the refill. The bill also requires the pharmacy, the health plan, or the pharmacy benefits manager to refund all payments received by the pharmacy related to an unwanted refill within 30 days of the patient's notification of the unwanted refill.

House Bill No. 1400 prohibits a person from advertising, selling, or misrepresenting cell cultured protein as a meat food product.

House Bill No. 1469 provides a pharmacy benefits manager or health plan may not require step therapy protocol for coverage of a recommended prescription drug, or sequence of prescription drugs, approved by the United States Food and Drug Administration if the recommendation is prescribed to treat the individual's diagnosis of metastatic cancer and the use of the drugs is consistent with the United States Food and Drug Administration-approved indications or is supported by peer-reviewed medical literature.

TITLE 20.1
Game, Fish, Predators, and Boating
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 20.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to game, fish, predators, and boating may be classified in these subject areas--hunting and miscellaneous.

HUNTING

House Bill No. 1209 allows hunters to use dogs and artificial light to recover big game if specified requirements are met.

House Bill No 1246 revises the eligibility criteria for gratis licenses to hunt big game so the criteria are consistent for all types of big game. The revisions also clarify each entity eligible for a gratis license may submit only one application for a license.

House Bill No. 1366 changes the maximum power of a telescopic sight on a crossbow to eight for an individual with a special permit to hunt with a crossbow and who is blind, a paraplegic, or has lost the use of one or both arms.

House Bill No. 1412 expands the exception to the prohibition on using artificial light to hunt. Night vision, thermal vision, and infrared light are added to the exception under the bill. Also, hunters on foot may use artificial light, night vision, thermal vision, or infrared light with a power source of not more than six volts when hunting coyote, fox, beaver, or raccoon unless the raccoon is treed or at bay.

House Bill No. 1462 amends the types of hunting licenses the Director of the Game and Fish Department is required to authorize for the Outdoor Adventure Foundation, places restrictions on the licenses, and requires organizations that receive special allocation hunting licenses to provide annual reports. The bill also provides penalties for failing to submit the report and for violations of state hunting, fishing, or trapping laws during hunts conducted with special allocation hunting licenses.

Senate Bill No. 2138 expands the types of medical professionals who may provide a statement supporting an individual's application for a special permit to shoot wildlife from a stationary motor vehicle.

MISCELLANEOUS

Senate Bill No. 2017 allows the investment of up to $15 million of the balance of the game and fish fund under the supervision of the State Investment Board.

Senate Bill No. 2055 requires requests to the Budget Section for certain land acquisitions by the Game and Fish Department or for use of money in the game and fish fund to comply with criteria and guidelines in Section 15 of the bill. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2293 creates an aquatic nuisance species program fund to be funded by aquatic nuisance species fees for each motorboat licensed or operated in the state and a surcharge on most resident fishing licenses, nonresident fishing licenses, and nonresident waterfowl hunting licenses. Money in the fund must be used for aquatic nuisance species education, inspection, and monitoring programs.

Senate Bill No. 2342 creates restrictions on noise from boats and makes a violation of the restrictions a Class 1 noncriminal offense.

TITLE 21
Governmental Finance
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 21. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1067 increases the threshold for requiring a municipality to advertise for bids to sell or enter a contract for the sale of any issue of bonds from $100,000 to $1,000,000. The bill also removes the exception from advertising bids for certificates of indebtedness which are sold to the Board of University and School Lands, the Bank of North Dakota, the Public Finance Authority, or other trust funds administered by public officials, or if the certificates of indebtedness do not exceed $100,000.

House Bill No. 1368 expands the membership of the State Investment Board to include one member of the Legacy and Budget Stabilization Fund Advisory Board to serve as a nonvoting member and directs the Legacy and Budget Stabilization Fund Advisory Board to develop a process to select which member will serve on the State Investment Board.

Senate Bill No. 2015, the agency appropriation for the Office of Management and Budget, directs the Legislative Assembly to recognize legacy fund earnings transferred to the general fund at the end of each biennium as part of the general fund beginning balance for the subsequent biennium rather than as revenue of the biennium in which the transfer is made at the end of the biennium. This section of Senate Bill No. 2015 was vetoed by the Governor on May 2, 2019.

Senate Bill No. 2041 provides an alternative to the 60 percent voter approval requirement for the issuance of park district general obligation bonds. The bill allows park districts to issue general obligation bonds upon the approval and publication of a resolution by the governing body of the park district. The bill provides a 60-day protest period during which property owners can bar the issuance of the bond if protests are received by the owners of no fewer than 5 percent of the assessed valuation of the taxable property within the park district.

TITLE 22
Guaranty, Indemnity, and Suretyship
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 22. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 23
Health and Safety
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 23. Bills primarily affecting other titles 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--emergency medical services, environmental health, health care, hospital, and nursing facilities, needle exchange, vital records and end of life, and miscellaneous.

EMERGENCY MEDICAL SERVICES

House Bill No. 1268, as part of a bill that establishes an ambulance service operation funding formula, removes the emergency medical services state financial assistance requirement that recipients of the financial assistance provide local matching funds commensurate with at least $10 per capita within the emergency medical services funding area.

House Bill No. 1337 codifies the Emergency Medical Services Personnel Licensure Interstate Compact.

ENVIRONMENTAL HEALTH

House Bill No. 1200 prohibits a political subdivision from adopting or enforcing an ordinance that regulates the use or disposition of an auxiliary container, prohibits or restricts an auxiliary container, or imposes a fee, charge, or tax on an auxiliary container. Additionally, the bill defines the term "auxiliary container" to include a bag, cup, bottle, straw, or other packaging designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility. With the transition of environmental health duties to the Department of Environmental Quality on April 29, 2019, the sections in this bill relating to Title 23 are repealed and have been codified in Title 23.1.

Senate Bill No. 2037, as part of a bill that creates two new chapters of law relating to the disposal and storage of high-level radioactive waste and subsurface storage and retrieval of nonhydrocarbons, repeals Chapter 23-20.2, relating to the disposal of nuclear waste material.

Senate Bill No. 2345, as part of a bill that revises the regulation of animal feeding operations, amends the law providing for the regulation of odors. This amendment includes new definitions of the terms "business", "campground", "church", "park", "public building", and "school"; distinguishes between the regulation of odors in counties and townships that do and do not regulate the nature, scope, or location of an animal feeding operation; and provides an animal feeding operation is not subject to zoning regulations adopted by a county or township after the date an application for the operation is submitted to the State Department of Health, if construction of the operation begins within 3 years from the date the application is submitted. With the transition of environmental health duties to the Department of Environmental Quality on April 29, 2019, the sections in this bill relating to Title 23 are repealed and have been codified in Title 23.1.

HEALTH CARE, HOSPITAL, AND NURSING FACILITIES

House Bill No. 1126 authorizes a basic care facility to retain a resident who is in need of end-of-life services if the facility wraps around the individual's family or the individual's designee, volunteers, or staff services to support the individual through end of life.

House Bill No. 1355 extends the moratorium on the expansion of basic care and long-term care bed capacity; extends from 48 to 72 months the period of time following an Indian tribe's acquisition of or following transfer within which a basic care or long-term care bed must be relicensed; extends from 24 to 48 months the period of time a long-term care nursing facility may hold a delicensed bed; and provides for how this new law will apply to long-term care beds transferred or in the layaway program before July 1, 2019.

House Bill No. 1433 limits the circumstances under which a hospital may use maintenance of certification status in determining whether to grant a physician staff privileges, clarifies the circumstances under which a hospital may consider maintenance of certification status, and prohibits a hospital from considering maintenance of certification participation or status as a standard of care consideration in the course of a quality improvement assessment.

Senate Bill No. 2154 requires a hospital to adopt a discharge planning process, identify patients who are likely to suffer adverse health consequences if discharged without adequate discharge planning, involve a patient

throughout the discharge planning process, and as appropriate, involve the patient's informal caregiver or legal representative in the discharge planning process. Additionally, the bill provides as appropriate, a hospital is required to educate or train a patient, the patient's informal caregiver, or the patient's representative to prepare the patient for posthospital care.

Senate Bill No. 2317 directs the State Department of Health to make health care facility construction or renovation determinations within 60 days if the project does not exceed $1 million, authorizes the department to approve innovation waivers for health care facility construction or renovation projects if the waiver will not adversely affect health and safety, and authorizes the department to waive all of a portion of a nursing facility license standard if the waiver will not adversely affect health and safety.

NEEDLE EXCHANGE PROGRAM

Senate Bill No. 2198 directs the State Department of Health, in collaboration with the Department of Human Services Behavioral Health Division, to design and administer a syringe exchange program and clarifies the participation in a syringe exchange program does not constitute the crime of possession of a controlled substance.

Senate Bill No. 2240, as part of a bill updating outdated language references to substance abuse disorder, updates language in the law relating to the syringe or needle exchange program.

VITAL RECORDS AND END OF LIFE

House Bill No. 1004 increases from $5 to $15 the maximum amount the State Department of Health may charge for searches, certified copies, noncertified copies, and filing of vital records, and increases from $2 to $10 the maximum amount the department may charge for additional copies of a death or fetal death record. In addition, the bill requires the department to submit to the children's trust fund $2 for each certified copy of a birth record. Under the bill, all other vital record fees are deposited in the department's operating fund, and all fees collected in excess of the fees appropriated must be transferred to the general fund at the end of each biennium.

Senate Bill No. 2196 directs the Forensic Pathology Department at the University of North Dakota School of Medicine and Health Sciences to appoint a drug fatalities review panel to review the deaths of individuals which are identified as prescription drug, illicit drug, or alcohol overdoses or which pertain to a trend or pattern of deaths identified as drug or alcohol overdoses. The State Department of Health and the School of Medicine and Health Sciences are directed to provide for or arrange for administrative services to assist the panel.

Senate Bill No. 2208, which amends the law relating to the final disposition of the dead, provides circumstances under which a funeral director or mortician has the authority to control final disposition and recover reasonable charges, and clarifies a crematorium or funeral establishment that provides for the lawful disposition of a body in good-faith reliance upon instructions of a decedent or an individual believed to have control over final disposition is not subject to criminal prosecution.

MISCELLANEOUS

Senate Bill No. 2092 revises the protocol followed by the State Department of Health in the case of a domestic or wild animal that has bitten or otherwise exposed an individual to rabies or which has been bitten or otherwise exposed to rabies; adds law enforcement officers to the class of individuals who may request a veterinarian examine a confined animal; and eliminates the civil cause of action the owner of a wild animal may bring against the department if the wild animal was wrongfully seized and tested for rabies.

Senate Bill No. 2124, as part of the bill that provides for the establishment and operation of human service zones, revises the duties of county social service boards, human service zones, and the department of human services as those duties relate to indigent burials and to children with special health care needs.

Senate Bill No. 2184, as part of a bill that modifies workers' compensation law, corrects a statutory cross reference.

TITLE 23.1
Environmental Quality
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 23.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1024 moves responsibility for the petroleum release compensation fund from the manager of the state fire and tornado fund to the Department of Environmental Quality and allows for a transition period during which the department is to establish a new schedule of tank registration fees. The bill requires the fees to be placed in the Department of Environmental Quality operating fund. The bill also moves responsibility for boiler inspections from the Insurance Department to the Department of Environmental Quality.

House Bill No. 1200 prohibits political subdivisions from adopting or enforcing ordinances that regulate, prohibit, restrict, or impose fees or taxes on auxiliary containers and provides exceptions to the prohibition. The bill defines auxiliary containers as certain bags, cups, bottles, straws, and other packaging.

House Bill No. 1263 requires a commercial towing service to provide notice to law enforcement when the service tows an abandoned vehicle. The bill also provides a means for an owner of an abandoned vehicle to reclaim the vehicle and provides a process for a commercial towing service to dispose of an abandoned vehicle that was not reclaimed.

Senate Bill No. 2107 requires the Department of Environmental Quality to establish and administer an environmental laboratory certification program. The bill requires the department to establish reasonable fees for certifying environmental laboratories and to adopt and enforce rules.

Senate Bill No. 2108 provides technical corrections to statutory language regarding coal combustion residuals and allows interested persons to commence or intervene in civil actions to compel compliance with requirements for coal combustion residuals.

Senate Bill No. 2109 authorizes the Department of Environmental Quality to adopt procedures for appeals of the department's permit decisions, temporarily grandfathers certain applicants for hazardous waste permits, and makes a technical correction. The bill also removes the Environmental Review Advisory Council and repeals the chapters providing for the municipal waste landfill release compensation fund and grants for lake protection and rehabilitation projects.

Senate Bill No. 2345 revises the state and local regulation of animal feeding operations. The bill amends a provision in Title 23.1 regarding the regulation of odors and requires animal feeding operations that submit applications to the Department of Environmental Quality to provide information regarding local zoning determinations applicable to the operation. The bill also exempts certain animal feeding operations from local zoning regulations.

TITLE 24
Highways, Bridges, and Ferries
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 24. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1012 provides if the director of the Department of Transportation enters a cooperative agreement with a private entity for the construction of an item on the state highway system which will benefit the private entity and the traveling public, the private entity's cost-share of the items requested to be added to the state highway system must be paid in advance of the construction by the private entity before the Department of Transportation may construct the project.

House Bill No. 1404 designates State Highway 22 as the Veterans Memorial Highway.

House Bill No. 1432 authorizes a county to purchase used road machinery at public auction or as surplus property from the Office of Management and Budget without going through the bidding process.

Senate Bill No. 2268 creates a corridors of commerce program and a corridors of commerce fund to construct, reconstruct, improve, and maintain highways that improve freight transportation and facilitate commerce. The bill establishes the eligibility requirements for funding and provides the program and the fund are to be administered by the Department of Transportation.

TITLE 25
Mental and Physical Illness or Disability
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 25. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1084 authorizes the North Dakota Vision Services - School for the Blind and the School for the Deaf to require an employee, final applicant for employment, or any individual otherwise providing services to the school, to submit to a statewide and nationwide criminal history record check.

House Bill No. 1102, as part of a bill that amends the law relating to foster care homes for children, updates terminology from "residential child care facility" to "qualified residential treatment program."

House Bill No. 1259 makes it an infraction for a person to knowingly attempt to gain admission to a public place or obtain a reasonable housing accommodation by falsely claiming a pet is a service animal.

House Bill No. 1453 updates the law relating to civil commitment by removing outdated or inconsistent language and creating a definition for the term "substantial likelihood."

House Bill No. 1517 directs the Department of Human Services to ensure active program management is maintained for eligible individuals residing at the Life Skills and Transition Center.

Senate Bill No. 2055, codifies the establishment of the Budget Section. The bill, which also provides for the membership and the powers and duties of the Budget Section, updates Budget Section approval for services provided by the Life Skills and Transition Center. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2087 amends the record retention law applicable to civil commitment of sexually dangerous individuals, decreasing from 50 to 25 years the period of retention and provides if the subject of a case file or court record has died before the expiration of the 25-year retention period, the holder of the records is required to retain the records in accordance with the policy of that entity holding the records.

Senate Bill No. 2124, as part of the bill that provides for the creation of human service zones, updates the duties of county social service boards and human service zones as the duties relate to care of individuals with developmental disabilities.

Senate Bill No. 2240, as part of a bill that updates outdated language references to substance abuse disorder, updates language in the law relating to the civil commitment law.

Senate Bill No. 2361 as part of a bill that revises the titles used by social workers, updates title references in the general definition sections for the terms "Tier 2 mental health professional" and "Tier 3 mental health professional."

TITLE 26.1
Insurance
Summary of Bills Enacted by 2019 Legislative Assembly

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

The legislation relating to insurance may be classified in these subject areas--life and health insurance, property and casualty insurance, newly regulated insurance products and services, insurance producers, county mutual insurance companies, surplus lines insurance, and miscellaneous.

LIFE AND HEALTH INSURANCE

House Bill No. 1106 authorizes the Insurance Commissioner to pursue a Section 1332 State Innovation Waiver to establish an invisible reinsurance pool for the individual health insurance market. Under the waiver, the reinsurance program would cover 75 percent of paid claims between $100,000 and $1 million. A portion of the funding for the program would come from the federal government due to the reduction in advanced premium tax credits being passed back to the state and a portion of the funding would come from assessments against the group health insurance market, with a premium tax credit for the amount of the assessment paid by the insurer. The bill provides for the establishment of the Reinsurance Association of North Dakota (RAND) as a nonprofit legal entity and establishment of a RAND Board of Directors.

House Bill No. 1028 clarifies the Insurance Department has regulatory authority over a Public Employees Retirement System (PERS) self-insurance health plan and provides which insurance regulations apply to the self-insurance health plan and third-party administrator, authorizes the Insurance Commissioner to adopt rules to implement regulation of a PERS self-insurance health plan, and clarifies a PERS self-insurance health plan is not regulated as a multiple employer welfare arrangement.

House Bill No. 1116 updates the Life and Health Insurance Guaranty Association law based on model language adopted by the National Association of Insurance Commissioners by adding accident and health insurers to the assessment base and adding health maintenance organizations as member insurers of the association, excluding structured settlements from membership in the association; clarifying long-term care riders on life insurance policies or annuity contracts are treated as the same type of benefit as the related life insurance policy or annuity contract; and setting assessments in the event of a long-term care insurer insolvency.

House Bill No. 1433 provides a health care insurer may not deny reimbursement to or prevent a physician from being a preferred provider based solely on a physician's decision to not participate in maintenance of certification. The bill also provides a health care insurer may not discriminate with respect to reimbursement levels based solely on a physician's decision to not participate in any form of maintenance of certification.

House Bill No. 1468 provides if a group life insurance policy insurers the life of a newborn, the certificate holder may not include a provision delaying coverage of the newborn unless the waiting period is prominently disclosed in the certificate or rider or is otherwise disclosed by the group policyholder to that certificate holder at the time the certificate holder becomes eligible or enrolls for the coverage.

Senate Bill No. 2102 provides for Insurance Department regulation of discount medical plans, including registration requirements, exceptions to registration, surety bond requirements, and reporting, disclosure, and investigation requirements.

Senate Bill No. 2118 regulates short-term limited-duration health insurance plans, including defining the term to provide the length of a short-term limited-duration health insurance plan may not exceed 6 months and with renewals and extensions may not exceed 12 months.

Senate Bill No. 2124, as part of a bill that provides for the establishment and operation of human service zone areas, amends the definition of "qualified service provider" as that term applies to long-term care insurance.

PROPERTY AND CASUALTY INSURANCE

House Bill No. 1123 provides a protocol for an insured of real property to assert a fire protection class that differs from the class identified by the insurer.

House Bill No. 1140 amends the definition of the terms "renewal" and "termination" as the terms apply to the law regulating property and casualty insurance and automobile insurance and warranties. Under the bill, a

renewal includes an alteration that results in substantially equivalent coverage and such an alteration is not a termination.

House Bill No. 1156 provides travel insurance, event cancellation coverage insurance, and unmanned aircraft liability insurance are exceptions to the general rule that an insurance policy begins at 12:01 a.m. on the day on which coverage begins and ends at 12:01 a.m. on the day of expiration of the policy.

NEWLY REGULATED INSURANCE PRODUCTS AND SERVICES

House Bill No. 1181 provides for the regulation of guaranteed asset protection waivers, which are agreements through which creditors agree for a separate charge to cancel or waive all or part of amounts due on a borrower's finance agreement if there is a total physical damage loss or unrecoverable theft of a motor vehicle.

House Bill No. 1219 provides for the licensure and regulation of public adjusters and for the regulation of contracts between insured homeowners and residential contractors.

House Bill No. 1391 provides for the regulation of self-service storage insurance, including licensure of the owner of the storage facility, regulation of the sale of the insurance policies, and granting of authority for the Insurance Commissioner to investigate and conduct investigations.

INSURANCE PRODUCERS

House Bill No. 1144 authorizes insurance producers to charge a fee for any services rendered in connection with the sale, solicitation, negotiation, placement, or servicing of an insurance contract if specified conditions are met. If a producer charges a fee for services rendered for risk management services, that producer owes the person charged a higher standard than the ordinary standard. Additionally, for personal or commercial lines, the bill authorizes insurance producers to charge a person a fee for paying agency-billed premiums and fees by credit card or other electronic means.

Senate Bill No. 2167 provides an insurance producer or consultant may claim continuing education credits for active participation, which is defined to include attendance at a formal meeting of a professional insurance association, service on a board or a committee of a professional insurance association, and participation in industry, regulatory, or legislative meetings held by a professional insurance association.

COUNTY MUTUAL INSURANCE COMPANIES

House Bill No. 1176 updates the law regulating county mutual insurance companies. The bill increases from 30 to 40 counties the territory in which a county mutual insurance company can operate, increasing the qualifying minimum value to property and surplus to start a county mutual insurance company, requiring that county mutual insurance companies join the North Dakota Insurance Guaranty Association, and removes the authority of a county mutual insurance company to start a reinsurance company.

SURPLUS LINES INSURANCE

House Bill No. 1075 updates the law relating to surplus lines insurance. The bill changes the surplus lines insurance producer filing requirements from a rolling basis to a quarterly basis, replaces the diligent search witnessed affidavit requirement with a diligent search certified statement, removes insurance producer accounting requirements for insurance premium attributable to other states, and provides a cap of $500 for insurance producer late filing penalties.

MISCELLANEOUS

House Bill No. 1024 repeals the law authorizing the Insurance Department to inspect boilers and transfers this duty to the Department of Environmental Quality.

House Bill No. 1137 expands the law that allows for electronic delivery of property and casualty insurance notices and documents to cover notices and documents for all lines of insurance.

House Bill No. 1138 revises the insurance annual privacy notice requirements to provide the requirements may not require an insurer to provide an annual privacy notice if the insurer complies with nonaffiliated third party sharing rules and has not changed the insurer's policies and practices with regard to disclosing nonpublic personal information.

House Bill No. 1139 provides a consumer assistance record and a consumer complaint record in the possession of the Insurance Department is a confidential record; however, the Insurance Commissioner may disclose the subject matter of the document and may use the record for regulatory or legal actions of department.

House Bill No. 1142 provides in interpreting Title 26.1, a person may not apply or give weight to the American Law Institute's "Restatement of the Law, Liability Insurance."

Senate Bill No. 2010, as part of the agency appropriation of the Insurance Commissioner, sets the salary of the Insurance Commissioner, revises the permissible donation an insurance producer may make to a nonprofit entity to remove the prohibition of providing an inducement to obtain a quote of insurance; authorizes the Insurance Commissioner to contract with the North Dakota Insurance Reserve Fund for the services of assistants to operate the state bonding fund and authorizes the Insurance Commissioner to pay for these services out of money in the reserve fund of the state bonding fund; provides payments for administrative expenses of the state bonding fund must be made from the reserve fund of the state bonding fund or must be made within the limitations of legislative appropriations; provides payments for administrative expenses of the state fire and tornado fund may be made from the reserve fund of the state bonding fund; and provides the North Dakota Insurance Reserve Fund may use the services of producers.

Senate Bill No. 2076, based on the National Association of Insurance Commissioners' model corporate governance annual disclosure law, requires each North Dakota domestic insurance company to provide to the Insurance Department an annual disclosure of the company's corporate governance structure, policies, and practices.

Senate Bill No. 2077 provides the prosecution for an insurance fraud felony must be commenced within 3 years after the date of discovery of the fraud, and for an insurance fraud misdemeanor must be commenced within 2 years of the date of discovery of the fraud. Additionally, the bill revises the calculation used to determine whether insurance fraud is classified as a Class B or C felony.

TITLE 27
Judicial Branch of Government
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 27. 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 branch of government may be classified in these subject areas--Supreme Court, district court, juvenile court, and miscellaneous.

SUPREME COURT

House Bill No. 1068 repeals Sections 27-04-01, 27-04-03, 27-04-04, 27-04-06, 24-04-07, and 24-04-08, which set forth the duties of the Supreme Court reporter and established the state law library within the Supreme Court.

Senate Bill No. 2073 creates Chapter 20-20.1 relating to guardianship of children and updates references to repealed sections of Century Code relating to guardianship of children as recommended by the Supreme Court. The bill establishes the juvenile court as having exclusive original jurisdiction of guardianship proceedings for a minor.

DISTRICT COURT

House Bill No. 1070 requires the Commission on Legal Counsel for Indigents to pay witness fees, mileage, and travel expenses of witnesses who are subpoenaed by legal counsel employed by the commission.

House Bill No. 1118 requires the clerk of each county to include tribal registries, if made available by a federally recognized Indian tribe in the state, in the master list used for jury service.

House Bill No. 1516 increases the threshold for clerk of court to deposit fees in civil cases to be paid to the State Treasurer from $650,000 in a biennium to $750,000.

Senate Bill No. 2185 authorizes the court to consider whether the parent of a child has pled guilty or nolo contendere to, or has been found guilty of engaging in a sexual act under Sections 12.1-20-03 or 12.1-20-04, the sexual act led to the birth of the parent's child, and termination of the parental rights of the parent is in the best interests of the child when considering whether to terminate the parental rights of a parent.

JUVENILE COURT

House Bill No. 1478 amends Section 27-20-24 relating to juvenile hearings to specify a juvenile hearing is open to the public only if the purpose of the hearing is to declare a person in contempt of court.

House Bill No. 1520 requires the juvenile court to establish a detention screen tool and requires law enforcement to use the detention screening tool on juveniles to assure the appropriate use of detention. The bill requires the juvenile court to include in the order of disposition any actions or steps to ensure the delinquent child receives appropriate treatment or rehabilitation, accountability to the victim, and safety of the community. The bill also requires the delinquent child to receive an age-appropriate social assessment to determine the level of required treatment in a case involving a sexual offense and authorizes a victim of the delinquent child or the victim's guardian to view the juvenile court files and records of the victim's case and specifies a violation of Section 27-20-51 is a Class B misdemeanor.

Senate Bill No. 2036, Sections 5 and 6 of this bill relating to technical corrections, pertain to the Uniform Juvenile Court Act. The overstruck reference to Section 27-20-21 was superseded by Rule 3 of the North Dakota Rules of Juvenile Procedure on March 1, 2010. Pursuant to Section 3 of Article VI of the Constitution of North Dakota, the ability to promulgate rules of procedure is vested with the Supreme Court and a court-promulgated procedural rule prevails when in conflict with a legislatively enacted rule of procedure. The new underscored language simply replaces the superseded language with a reference to the Supreme Court rule in Sections 5 and 6 of this bill.

Senate Bill No. 2053 includes an assistant superintendent or designee of a school to inspect law enforcement and correctional facility records and files of a child alleged or found to be delinquent, unruly, or deprived.

Senate Bill No. 2069 directs the director of the juvenile court to receive and examine requests for review of a child's placement at a qualified residential treatment program under the Family First Prevention Services Act.

Senate Bill No. 2074 authorizes the Commission on Legal Counsel for Indigents and its public defender offices to retain juvenile court records after all other references have been deleted or destroyed.

Senate Bill No. 2088 replaces the reference to Section 27-20-22 with "supreme court rule" relating to the conduct of hearings in juvenile proceedings.

MISCELLANEOUS

House Bill No. 1002, the agency appropriation for the judicial branch, amends various sections of Chapter 27-02.1 to extend the provisions relating to a temporary court of appeals through January 1, 2024.

Senate Bill No. 2066 provides a quorum of the Court Facilities Improvement Advisory Committee consists of at least three members rather than at least four members.

Senate Bill No. 2124 updates numerous provisions of Century Code to reflect the establishment of human service zones as the method for delivery of social services, including several provisions in Title 27.

Senate Bill No. 2153 authorizes the Department of Corrections and Rehabilitation, the Supreme Court, and the Indian Affairs Commission to negotiate and enter a memorandum of understanding with the tribal governments in this state for the purpose of creating a program to provide treatment and rehabilitation to tribal juveniles who have been adjudicated in tribal court under tribal or federal law.

TITLE 28
Judicial Procedure, Civil
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 28. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1275 prohibits an administrative agency from adopting a rule that prescribes a criminal penalty unless authorized by statute.

House Bill No. 1422 requires the Legislative Council to publish the Administrative Code and code supplement on the legislative branch website. The bill also requires the Secretary of State to send electronic notification of quarterly updates to the code without charge to certain individuals and entities.

House Bill No. 1521 defines "commission" as the North Dakota Ethics Commission established by Article XIV of the Constitution of North Dakota and adds "commission" to various references throughout the Administrative Agencies Practice Act. The bill requires the North Dakota Ethics Commission to comply with Chapter 28-32 with respect to certain rulemaking and adjudicative proceedings.

Senate Bill No. 2205 requires an officer to give a purchaser of real property under execution a certificate of sale and, if the property is subject to redemption, a statement to that effect, including the applicable redemption period.

Senate Bill No. 2215 removes the Educational Technology Council from the list of entities exempt from the definition of administrative agency and adds the Kindergarten Through Grade Twelve Education Coordination Council to that list.

Senate Bill No. 2264 exempts the Board of University and School Lands from the definition of administrative agency with respect to the adjudicative proceeding requirements and procedures under Sections 28-32-21 through 28-32-51.

TITLE 29
Judicial Procedure, Criminal
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 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.

House Bill No. 1183, a bill relating to controlled substance offenses, updates a cross reference within Section 29-29.5-08(2) relating to confidential informants.

House Bill No. 1234 revises the definition of "federal agent" to include the Bureau of Indian Affairs Police and requires any agreement relating to reciprocal jurisdiction to be made pursuant to Chapter 54-40.2.

House Bill No. 1425 extends the statute of limitations for the prosecution of a violation of Sections 12.1-20-03, 12.1-20-08, or 12.1-20-11 relating to sexual abuse of a minor from 10 to 21 years after the commission of the offense.

House Bill No. 1444 authorizes the county commission to settle any judgment for fines or costs arising from criminal proceedings. The bill also authorizes the county commission, in the absence of a compromise or settlement, to contract with a private debt collection company to collect any remaining balance.

Senate Bill No. 2068 authorizes the court to impose a requirement for restitution or reparation to be paid in criminal cases. The bill also authorizes the court to enter a civil judgment in favor of a person to whom restitution or reparation is ordered.

Senate Bill No. 2272 relates to the issuance of a tracking warrant for location information. The bill creates a new chapter requiring a government entity to possess a warrant before obtaining the location information of an electronic device.

TITLE 30
Judicial Procedure, Probate
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 30. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2124 updates numerous provisions of Century Code to reflect the establishment of human service zones as the method for delivery of social services, including several provisions in Title 30.

TITLE 30.1
Uniform Probate Code
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 30.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1271 provides a transfer on death deed must use the phrase "transfer on death deed" or the abbreviation "TOD" in the title of the deed, and provides an auditor's certificate of transfer and statement of full consideration are not required to record a transfer on death deed or a revocation instrument.

House Bill No. 1284 creates a process for allowing a party of an inheritable estate to purchase the interest of another party's fractional interest in the inheritable estate.

House Bill No. 1378 creates a process whereby an individual may authorize a supporter to provide, in a less restrictive manner than a guardianship or conservatorship, the individual with decisionmaking assistance to maximize the individual's ability to make informed, voluntary choices via a supported decisionmaking agreement. The bill provides the formalities, supporter liability, and termination requirements of an effective supported decisionmaking agreement.

Senate Bill No. 2070 adds a guardian or conservator of a decedent at the time of the decedent's death to the priority list of persons that have priority for appointment as personal representative.

Senate Bill No 2072 requires a testamentary guardian to file with the court and within 45 days of the filing of acceptance, a criminal history record check report and an affidavit. With respect to the probating of a will, the bill grants the court exclusive jurisdiction to approve the acceptance of a testamentary appointment of a guardian, and to transfer a case to juvenile court in the event of an objection to the testamentary appointment under Section 30.1-27-07. The bill grants the juvenile court exclusive original jurisdiction over proceedings to consider objections to the testamentary appointment under Section 30.1-27-07 and over the court appointment of a guardian of a minor. The bill authorizes a person interested in the welfare of a minor to petition the juvenile court for the appointment of a guardian under Section 27-20.1-05 under limited circumstances. The bill requires a court to appoint a guardian ad litem promptly upon the filing of an acceptance of a testamentary appointment and provides for the duties of a guardian ad litem. The bill provides upon approval of the guardian's acceptance of the appointment of the guardian of a minor and issuance of the letters of guardianship, the court is required to transfer the guardianship file to the juvenile court where the minor resides.

Senate Bill No. 2124 changes the term "county social services" to "human service zones" as used in the definition of "alternative resource plan," and changes "county social service agencies" to "human service zones" as used for who may be guardians for incapacitated persons.

TITLE 31
Judicial Proof
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 31. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1109 enacts the Uniform Unsworn Domestic Declarations Act, which permits the use of unsworn declarations made under penalty of perjury in state court. Unsworn declarations may be used in lieu of affidavits, verifications, or other sworn court filings if the declarations were made under penalty of perjury.

Senate Bill No. 2003, the agency appropriation for the Attorney General's office, limits the amount the Attorney General is required to reimburse counties for prosecution witness fees and expenses at $25,000 per county per biennium.

TITLE 32
Judicial Remedies
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 32. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1284 authorizes the court to obtain an appraisal to determine the fair market value of property subject to partition which is held by two or more cotenants, at least one of the cotenants has an estate of inheritance, and at least one of the cotenants has requested a sale of the property. Upon a determination of the fair market value of the property, the bill requires the court to notify all parties to the partition action and a cotenant may purchase all interests of the cotenants requesting a sale of the property. If one cotenant offers to purchase the interests of the cotenants, the court is required to equitably allocate the interests among the purchasing cotenants.

Senate Bill No. 2063 standardizes the arbitration of family law. The bill is based, in part, on the Revised Uniform Arbitration Act (RUAA), though it departs from the RUAA in areas in which family law arbitration differs from commercial arbitration, such as standards for arbitration of child custody and child support, arbitrator qualifications and powers, and protections for victims of domestic violence.

Senate Bill No. 2205 authorizes the redemption period in a foreclosure action to be waived to make an exception for the requirement of notice before a foreclosure action of an abandoned property. The bill establishes the affidavit process under which the affidavit becomes prima facie evidence of abandoned property.

TITLE 34
Labor and Employment
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 34. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1193 prohibits a political subdivision from enacting, maintaining, or enforcing a living wage mandate in an amount greater than the applicable minimum wage rate in this state.

Senate Bill No. 2115 revises the law providing for the directory of new hires by providing civil money penalties collected are to be deposited in the child collection and disbursement fund and are appropriated to the Department of Human Services for the purpose of covering losses the department incurs in making child support disbursements.

Senate Bill No. 2145 clarifies the authority of the Labor Commissioner in investigating wage collection claims includes requiring the attendance of a witness and the production of a record or object. The bill removes the July 1, 2019, sunset of the 2-year trial period that limited wage collection claims to those that are at least $125 but do not exceed $15,000.

TITLE 35
Liens
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 35. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1312 amends the definitions of "material" and "operating" under the chapter regarding well or pipeline construction liens. The definition of material is amended to include types of fuel and lubricants. The definition of operating is amended to mean operations in connection with or necessary to the development, production, or reclamation of oil or gas.

TITLE 36
Livestock
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 36. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2177 amends seizure requirements under the chapter relating to the treatment of animals. The bill provides if a law enforcement officer petitions the court for an order to seize a bovine animal, horse, or mule, for neglect or abuse upon a recommendation from a licensed veterinarian, the law enforcement officer must provide a copy of the petition to the Chief Brand Inspector, and the Chief Brand Inspector must conduct an ownership inspection of the animal.

Senate Bill No. 2239 requires the State Board of Animal Health to develop and maintain animal tracking databases, provides the information obtained in the databases be subject to open records laws as provided for under Section 36-01-36, and creates Section 36-01-36 to require the State Board of Animal Health to maintain the confidentiality of information collected and maintained unless certain requirements are met.

TITLE 37
Military
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 37. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to military may be classified in these subject areas--emergency services, Adjutant General, veterans' affairs, and miscellaneous.

EMERGENCY SERVICES

House Bill No. 1021 amends the membership and authority of the Statewide Interoperability Executive Committee concerning the statewide interoperable radio network. The bill also authorizes the Information Technology Department to provide a cost-share for radios purchased by political subdivisions to connect with the statewide interoperable radio network and requires the Chief Information Officer to establish registration and audit processes for network users.

House Bill No. 1091 removes the specifications for which Department of Emergency Services components comprise the Division of Homeland Security within the department. The bill also increases the maximum number of members who may serve on the Department of Emergency Services Advisory Committee from 11 to 12.

House Bill No. 1203 makes applying to the Emergency Commission for funds after a declaration of disaster or emergency an optional, rather than mandatory, action of the Governor.

House Bill No. 1435 was superseded, in part, by House Bill No. 1021. However, House Bill No. 1435 also limits the items the Chief Information Officer may purchase with state funds for the statewide interoperable radio network and subjects the Chief Information Officer's authority to operate and maintain the network to direction by the Statewide Interoperability Executive Committee.

Senate Bill No. 2055 revises the purposes for which money in the state disaster relief fund may be used. The bill also requires agencies to provide information regarding any expenditure of the money to appropriation committees or the Budget Section of the Legislative Management. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2096 revises the authority for the state to enter interstate mutual aid agreements or compacts, and codifies the Northern Emergency Management Assistance Compact.

ADJUTANT GENERAL

House Bill No. 1101 requires the Adjutant General to establish and operate a North Dakota National Guard member, veteran, family, and survivor support program and provides for a continuing appropriation for that purpose.

Senate Bill No. 2016, the agency appropriation for the Adjutant General's office, increases the amount of a tuition waiver for a National Guard member at a North Dakota state-controlled school from 25 percent of tuition to 35 percent of tuition. The bill also subjects tuition grants for National Guard members enrolled in postsecondary schools in North Dakota which are not controlled by the state to legislative appropriations and rules adopted by the Adjutant General.

Senate Bill No. 2097 makes technical corrections, updates citations to federal laws, reduces the amount of commissioned service each Assistant Adjutant General must have from 5 to 3 years, and extends the deadline for National Guard and Reserve members and veterans to apply for adjusted compensation.

VETERANS' AFFAIRS

House Bill No. 1054 makes technical corrections and updates the name of the North Dakota Veterans' Coordinating Council to the North Dakota Veterans' Legislative Council.

House Bill No. 1129 revises the duties of the Commissioner of Veterans' Affairs and removes citations to federal laws.

House Bill No. 1131 appropriates private gifts, grants, and bequests made to the Department of Veterans' Affairs and allows any person to purchase a commemorative memorial coin from the department.

MISCELLANEOUS

House Bill No. 1046 revises the deadline by which members of the National Guard must apply for certain tuition waivers and grants for higher education.

House Bill No. 1095 expands eligibility for protection against discrimination in hiring or employment under Chapter 37-29 to National Guard members from any state.

House Bill No. 1316 updates language in Section 37-18-11 and adds protection for information extracted from a separation document issued by the United States Department of Defense.

Senate Bill No. 2314 changes the definition of "veteran" for purposes of Chapters 37-14 and 37-19.1 and changes eligibility requirements for county veterans' service officers.

TITLE 38
Mining and Gas and Oil Production
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 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.

Senate Bill No. 2037 creates two new chapters to provide for the regulation of high-level radioactive waste and high-level radioactive waste disposal. The bill requires the Industrial Commission to serve as the point of contact for the federal Department of Energy on any matter related to the storage or permanent disposal of high-level radioactive waste within the state, and authorizes the Industrial Commission to issue a notice of disapproval regarding a proposed high-level radioactive waste facility in accordance with federal law when the Legislative Assembly is not in session. The bill provides for the permitting process and requirements for the testing, exploration, excavation, drilling, boring, or operation of a high-level radioactive waste facility, and creates a high-level radioactive waste fund and a high-level radioactive waste advisory council. The bill provides regulations for the underground storage and retrieval of nonhydrocarbons and repeals Chapter 23-20.2 relating to the disposal of nuclear and other waste material.

Senate Bill No. 2123 authorizes the Industrial Commission to enter public and private contracts for the reclamation of saltwater handling facility sites and treating plant sites. The bill authorizes money in the abandoned oil and gas well plugging and site reclamation fund to be used for the reclamation of saltwater handling facilities and treating plants, and authorizes the Industrial Commission to seek reimbursement from the operator of a pipeline facility, production facility, saltwater handling facility, and treating plant, for the cost of plugging, replugging, and reclamation. The bill authorizes the Industrial Commission to confiscate any equipment and salable oil at a pipeline facility, production facility, saltwater handling facility, and treating facility as compensation for the commission's costs of plugging or reclamation.

Senate Bill No. 2240 removes the term "habitual drunkard" from the definition of "estate" as used within sales and leases by personal representatives.

Senate Bill No. 2344 provides a framework for the underground storage of carbon dioxide. The bill authorizes a person conducting unit operations for enhanced oil recovery, utilization of carbon dioxide for enhanced recovery of oil, gas, and other minerals, disposal operations, or any other operation authorized by the Industrial Commission under Chapter 38-08 to utilize subsurface geologic formations in the state for such operations or any other permissible purpose under Chapter 38-08. The bill provides definitions for "land" and "pore space" as used in Chapter 38-11, and provides regulations for the injection of substances to facilitate production of oil, gas, or other minerals.

TITLE 39
Motor Vehicles
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles 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--drivers licenses and rules for drivers, title and registration, judicial process, and miscellaneous.

DRIVERS LICENSES AND RULES FOR DRIVERS

House Bill No. 1058 repeals the law prohibiting an individual from having an unattended motor vehicle parked with the engine running.

House Bill No. 1065 increases the minimum dollar amount threshold for reporting a vehicular accident from $1,000 to $4,000.

House Bill No. 1098 prohibits the Department of Transportation from issuing a commercial driver's license to an individual who obtains a commercial learner's permit unless the individual has completed the entry-level driver training requirements provided by Title 49, Code of Federal Regulations, Part 380, Subpart F. The bill extends the effective period of a commercial learner's permit from not exceeding 180 days to not exceeding 1 year.

House Bill No. 1179 requires the Department of Transportation to issue a temporary restricted driver's license to an offender whose driver's license has been suspended for operating a vehicle while under the influence of an intoxicating liquor and who is participating and compliant with the 24/7 sobriety program.

House Bill No. 1199 exempts a non-lead vehicle in a platoon from the prohibition on following another vehicle too closely, provides a definition for the term "platoon," and requires the Department of Transportation, in coordination with the Highway Patrol, to develop an operational plan that provides guidelines for operating a platoon.

House Bill No. 1296 makes it a Class C felony for the driver of a motor vehicle to willfully flee or attempt to elude a pursuing police vehicle during or after the commission of a felony. The bill also makes it a Class C felony for the driver of a motor vehicle to willfully flee or attempt to elude a pursuing police vehicle if at any time during the flight or pursuit, the driver willfully operates the vehicle in a manner constituting an inherent risk of death or serious bodily injury to a third person.

House Bill No. 1405 prohibits an individual from parking a vehicle in a space designated for charging and parking a vehicle unless the individual's vehicle is connected for electric charging purposes. The bill also prohibits an individual from obstructing or blocking access to a space designated for charging a vehicle.

House Bill No. 1418 authorizes the operation of autonomous vehicles and provides an autonomous vehicle must be operated in compliance with federal and state law; may be operated on the public highways if in full compliance with all vehicle registration, title, and insurance requirements; and provides an individual using an autonomous vehicle is not driving or in actual physical control of the autonomous vehicle and, therefore, is exempt from licensing requirements.

Senate Bill No. 2121 adds a knowledge test administered by another state or knowledge test results electronically submitted by another state as satisfactory proof of having passed the knowledge test required for the issuance of a commercial driver's license. The bill disqualifies the holder of a learner's permit or commercial driver's license from operating a commercial motor vehicle for 60 days if the holder receives a second conviction of two serious traffic violations in a separate incident within a 3-year period while operating a noncommercial vehicle and the conviction results in the revocation, cancellation, or suspension of the learner's permit or commercial driver's license. The bill provides for a third or subsequent conviction of any serious traffic violation, the commercial driver's license must be disqualified from operating a commercial vehicle for a period of 120 days.

Senate Bill No. 2133 requires a motorist to yield to other on-track equipment in addition to yielding to a railroad train.

TITLE AND REGISTRATION

House Bill No. 1093 changes the expiration date for motorcycle registration to March 31, sets the effective date for the renewal of motorcycle registration as April 1, and authorizes the Department of Transportation to prorate the initial registration fee.

House Bill No. 1094 prohibits a registrant from requesting ampersands on a personalized license plate and prohibits the renewal of a personal plate marked with a restricted character.

House Bill No. 1291 eliminates the multiyear option for the registration of semitrailers and farm trailers and replaces the option with a permanent trailer registration at the cost of $120.

House Bill No. 1407 requires an owner or transferor of a motor vehicle who transfers title to a vehicle to deliver the endorsed certificate of title to the transferee within 30 days instead of within 15 days. The bill provides distinct requirements for an insurer, a tax exempt organization, a licensed motor vehicle dealer, and an individual to establish satisfactory proof of ownership of a motor vehicle. The bill authorizes the Department of Transportation to cancel the old certificate and issue a new certificate of title to the transferee upon satisfactory proof of ownership in accordance with the requirements.

Senate Bill No. 2321 authorizes volunteer emergency responders and firefighters to be issued red personalized vehicle license plates at no initial or annual cost to the volunteer. The bill provides for procedural guidelines for returning the plates upon termination of the registrant's eligibility for the plates.

JUDICIAL PROCESS

House Bill No. 1050 gives a court the discretion to order an individual who is not on court-ordered probation and who is in the legal and physical custody of the Department of Corrections and Rehabilitation, to be placed in an alcohol treatment program designated by the department. If the individual successfully completes the alcohol treatment program, the court may order the individual to serve the remainder of the sentence of imprisonment on supervised probation.

House Bill No. 1164 provides a defendant who is convicted of a felony for operating a vehicle while under the influence of an intoxicating liquor in violation of Section 39-08-01 and is sentenced to a drug court program, is upon successful completion of the drug court program, deemed to have been convicted of a misdemeanor. The bill requires upon successful completion of the drug court program, the court is required to dismiss the case and seal the file of a defendant who is convicted of a misdemeanor for operating a vehicle while under the influence of an intoxicating liquor in violation of Section 39-08-01 and who is sentenced to a drug court program.

House Bill No. 1334 requires the court to seal the criminal record of an individual who has pled guilty or been found guilty of operating a vehicle while under the influence of an intoxicating liquor if the individual has not pled guilty or been found guilty of a subsequent violation of operating a vehicle while under the influence of an intoxicating liquor within 7 years of the first violation.

FEES

House Bill No. 1327 increases the fee for failing to stop at a stop sign and failing to yield at a yield sign from $20 to $40.

Senate Bill No. 2061 creates an electric and plug-in hybrid vehicle road use fee to be collected at the beginning of each annual registration period for each electric vehicle, plug-in hybrid vehicle, and electric motorcycle registered.

Senate Bill No. 2119 removes the fee for mobility-impaired parking certificates.

Senate Bill No. 2244 increases the fees for nondriver identification cards, ability testing for noncommercial and commercial operator's licenses, noncommercial and commercial operator's license applications, reinstatement after suspension or revocation of license, commercial operator's license endorsements, and for copies of driving records and accident reports. The bill was vetoed by the Governor. The veto was sustained.

MISCELLANEOUS

House Bill No. 1011 authorizes the Superintendent of the Highway Patrol to allow a nonmember of the Highway Patrol to participate in job shadowing activities for the purpose of education, community outreach, and to promote public trust.

House Bill No. 1055 changes the definition of "motor vehicle body damage" for purposes of body damage disclosure, from damage to the motor vehicle which equals or exceeds the greater of $8,000 or 40 percent of the predamage retail value of the motor vehicle to damage to the motor vehicle which equals or exceeds the greater of $10,000 or 25 percent of the predamage retail value of the motor vehicle.

House Bill No. 1135 designates a parking space as being reserved for the mobility impaired if the parking space has two of the following indications: blue paint on the curb or edge of the paved portion of the street; a sign bearing the symbol of accessibility for the mobility impaired; or notice that unauthorized use of the parking space is subject to a fee of $100.

House Bill No. 1143 makes it a Class A misdemeanor to intentionally or knowingly manufacture, install, or sell counterfeit or nonfunctioning motor vehicle airbags.

House Bill No. 1198 authorizes a Class A emergency vehicle involved in an incident or an emergency to display a steady red and blue lamp and authorizes a Class A emergency vehicle to use an oscillating, rotating, or revolving red light or combination of red and white lights.

House Bill No. 1223 authorizes the Highway Patrol to exercise general police powers outside the highway system when responding to calls for assistance from another law enforcement agency.

House Bill No. 1263 prohibits a commercial towing service from removing an abandoned vehicle from private property unless requested by the owner, lessee, tenant, or occupant of the property. The bill requires a commercial towing service to notify the law enforcement agency having jurisdiction in the location from which an abandoned motor vehicle is towed of the towing within 12 hours and provides that an owner, secured party, or lienholder of an abandoned motor vehicle that has been towed has 30 days to reclaim the vehicle. The bill authorizes a commercial towing service to obtain a certificate of title to an abandoned motor vehicle that has been towed if the motor vehicle has not been been reclaimed by the owner, secured party, or lienholder.

House Bill No. 1280 authorizes an insurance carrier to void a motor vehicle liability policy for which an application was made after injury or damage occurred and provides an insurance carrier is not obligated to pay a claim on account of injury or damage that occurred before the application was made.

House Bill No. 1415 requires the Department of Transportation to register with the selective service system any male who is at least 18 years of age and under the age of 26 when the male submits an application for an initial, renewal, or duplicate instruction permit, operator's license, or nondriver identification card.

House Bill No. 1534 provides an individual suspected of operating a vehicle while under the influence of an intoxicating liquor and refuses to submit to a chemical test at the direction of a law enforcement officer is not guilty of operating a vehicle while under the influence of an intoxicating liquor if the individual was not advised of the consequences of refusing a chemical test. The bill removes the ability of an individual to remedy a refusal of an onsite screening test by submitting to a chemical test for the same incident.

Senate Bill No. 2045 requires a Highway Patrol member to be a vested contributor before the member may purchase service credits.

Senate Bill No. 2049 changes the definition of final average salary to the higher of the final average salary calculated on December 31, 2019, or the average salary earned in the three highest periods of 12 consecutive months employed during the last 180 months of employment for purposes of calculation under the Highway Patrolmen's Retirement System.

Senate Bill No. 2103 replaces the term "temporary employee" with "probationary employee" relating to the initial hiring period served by newly appointed patrolmen, changes the 12-month probationary period for newly appointed patrolmen to a 6-month probationary period with the possibility of a 6-month extension, and authorizes the superintendent of the Highway Patrol to appoint a designee to assist with disciplinary actions against members of the patrol.

Senate Bill No. 2120 authorizes the Department of Transportation to not renew the dealer license of an applicant who has made fewer than eight retail motor sales during the previous year.

Senate Bill No. 2151 changes the interstate permit, bridge length permit, overwidth vehicle permit, and overlength vehicle permit, from being annual permits to being 12-month permits.

Senate Bill No. 2157 authorizes a student to enroll in a driver's training course through a high school program if the student will be at least 14 years of age by the completion date of the classroom portion of the driver's

training course. The bill prohibits a student from participating in the behind-the-wheel driver's portion of the driver's training course until the student is at least 14 years of age.

Senate Bill No. 2194 increases the motorcycle engine size allowed to be used by an individual 14 or 15 years of age who has a motorcycle learner's permit from 250 cubic centimeters displacement to 510 cubic centimeters displacement.

TITLE 40
Municipal Government
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 40. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1147 authorizes a municipal judge to utilize contemporaneous audio or audiovisual transmission of a proceeding and to change the venue of a proceeding upon consideration of convenience, judicial efficiency, available facilities, and the administration of justice.

House Bill No. 1183 relates to controlled substances and provides for a cross-reference correction within Section 40-05-02(29).

House Bill No. 1244 increases the maximum fine for a violation of a city ordinance to $1,500. The bill revises the jurisdiction of the municipal court relating to violations of Section 39-08-01 to specify the municipal court does not have jurisdiction to hear, try, or determine a violation if the individual has twice been previously convicted of a violation of Section 39-08-01 or an equivalent ordinance within 7 years, or if the individual has three times previously been convicted within 15 years preceding the commission of the offense charged. The bill also increases the fine for contempt of municipal court to $1,500.

House Bill No. 1338 authorizes the board of county commissioners and local park board to convey real property pursuant to Public Law Nos. 115-306 and 115-308. This bill contained an emergency clause.

House Bill No. 1360 creates an exemption to the requirement of a vote of the park district for the awarding of a contract in an emergency situation or for cooperative purchases with the Office of Management and Budget. The bill provides all contracts exceeding $50,000 must be awarded to the lowest responsible bidder. This bill contained an emergency clause.

House Bill No. 1471 prohibits a city that exercises extraterritorial zoning under Chapter 40-47 from imposing building permit fees on any section of unincorporated territory which are higher than the building permit fees within the city exercising the jurisdiction.

Senate Bill No. 2040 limits property owned by a political subdivision from being included when determining whether a protest against the formation of a special improvement district contain the names of the owners of a majority of the area included within the improvement district or a separate property area unless the political subdivision filed a protest.

Senate Bill No. 2055, which codifies the establishment of and the powers and duties of the Budget Section and which updates codified references to the Budget Section, updates Budget Section approval for special assessments levied for flood control purposes. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2124 updates numerous provisions of Century Code to reflect the establishment of human service zones as the method for delivery of social services, including several provisions in Title 40. This bill contains an emergency clause.

Senate Bill No. 2178 modifies the termination of a municipal judge's term to terminate upon the last date of the month in which all municipal cases have been transferred to district court or the expiration of the judge's term, whichever occurs first. This bill contains an emergency clause.

Senate Bill No. 2193 updates outdated references to "tourist court accommodation" to a more general, "other accommodations" in relation to city lodging and restaurant tax.

Senate Bill No. 2232 provides a vote that occurred to approve a levy for a city public recreation system before the city public recreation system merged with a park district is no longer valid to authorize levying mills for a city public recreation system. The bill also provides a vote of the qualified electors is not required to discontinue a levy if the levy authority is no longer required as a result of a merger between a park district and a city public recreation system.

Senate Bill No. 2304 authorizes a city to establish an ordinance that regulates the operation or equipment of a motor vehicle regulating traffic, except those listed in Section 39-06.1-05, to exceed the limit for an equivalent category of violation in Section 39-06.1-06 by up to 100 percent.

Senate Bill No. 2358 creates an exception to the term limitations for a municipality for water distribution for contracts to purchase water from the water supply system created by the Red River Valley Water Supply Project. The bill removes the requirement for voter approval of the supply contract if the contract is executed in relation to the initial construction of the system.

TITLE 41
Uniform Commercial Code
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 41. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 42
Nuisances
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 42. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 43
Occupations and Professions
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 43. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to occupations and professions may be classified in these subject areas--addiction counselors, applied behavior analysts, appraisal management companies, chiropractors, clinical laboratory personnel, contractors, cosmetologists, electricians, funeral services, massage therapists, medical imaging and radiation therapists, nurses, optometrists, pharmacists and pharmacies, physical therapists, physicians and physician assistants, professional engineers and land surveyors, real estate professionals, social workers, water well contractors, and miscellaneous.

ADDICTION COUNSELORS

Senate Bill No. 2339 broadens the authority of the Board of Addiction Counseling Examiners to license applicants who are licensed and in good standing in another jurisdiction.

APPLIED BEHAVIOR ANALYSTS

Senate Bill No. 2236 removes the regulation of the practice of applied behavior analysis from the North Dakota State board of Psychologist Examiners and places the regulation under the State Board of Integrative Health Care.

APPRAISAL MANAGEMENT COMPANIES

Senate Bill No. 2075 amends the law related to licensure of appraisal management companies to bring this law into compliance with the amended federal rule that set the minimum requirements for appraisal management companies, including removal of the 10 percent appraiser ownership threshold for appraisal management company good standing, thus requiring all appraiser owners need to be in good standing regardless of the percentage of ownership.

CHIROPRACTORS

House Bill No. 1279 amends the law relating to the membership and terms of members of the State Board of Chiropractic Examiners by increasing the board membership from five to seven members, adding one certified chiropractic clinical assistant and one consumer member; providing chiropractor members of the board must be in good standing with the board; providing a board member may not serve for more than two consecutive 5-year terms; and removing the board member nominating authority of the North Dakota Chiropractic Association.

CLINICAL LABORATORY PERSONNEL

Senate Bill No. 2170 provides the law regulating clinical laboratory personnel does not apply to an individual performing exempt tests identified by rules adopted by the North Dakota Board of Clinical Laboratory Practice if the individual is supervised by an individual licensed by the board, by a licensed physician, by a licensed advanced practice registered nurse, or by another category or professional approved by the board by rule.

CONTRACTORS

Senate Bill No. 2235 updates the law relating to the Secretary of State's regulation of contractors, including changing the licensure year from a fiscal year to a contractor year, which is March 2 through March 1.

COSMETOLOGISTS

House Bill No. 1345 provides the purpose of the State Board of Cosmetology regulation of cosmetology, cosmetology does not include natural hair braiding or threading.

ELECTRICIANS

House Bill No. 1157 updates the law regulating electricians by providing for the licensure of power limited electricians; clarifying the exemptions from regulation by the State Electrical Board, including the exemption of installation of a nonelectrical system and the exemption of installation of a power limited system installed within a residential dwelling or is installed with a factory connector or cord powered by an existing electrical receptacle; clarifying the scope of practice of and the public liability insurance requirements of a Class B

electrician; clarifying the authority of a city to regulate electricians; and providing a process to address disagreements between an electrician and an inspector regarding inspections of installations.

Senate Bill No. 2056 updates outdated provisions of law relating to the State Electrical Board and clarifies the board may use funds to educate and encourage potential electricians into the trade.

FUNERAL SERVICES

House Bill No. 1078 expands who may be licensed by the State Board of Funeral Service to include intern embalmers.

House Bill No. 1318 provides the irrevocable amount of a preneed funeral service contract may not exceed the amount to pay for a funeral and recognized as an allowable asset exclusion used for determining eligibility for medical assistance at the time the contract is entered.

MASSAGE THERAPISTS

House Bill No. 1172 clarifies the North Dakota Board of Massage Therapy biennial report must comply with the general form and style requirements applicable to reports filed with the Governor and the Secretary of State.

MEDICAL IMAGING AND RADIATION THERAPISTS

Senate Bill No. 2036, which relates to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, corrects law relating to the authority of the North Dakota Medical Imaging and Radiation Therapy Board.

NURSES

House Bill No. 1099 adds to the list of people exempt from regulation by the North Dakota Board of Nursing, to include a person who provides medication, other than by the parenteral route, who is an employee of a qualified service provider agency who meets specified criteria, including training and supervision by a registered nurse.

House Bill No. 1102 revises the list of people exempt from regulation by the North Dakota Board of Nursing, to include a person who provides medication, other than by the parenteral route, changing a reference from "residential child care facility" to "qualified residential treatment program."

OPTOMETRISTS

Senate Bill No. 2323 updates the law directing the North Dakota State Board of Optometry to regulate the practice of optometry, including updating the board's disciplinary authority and removing obsolete provisions regarding examinations and licensure requirements.

PHARMACISTS AND PHARMACIES

House Bill No. 1498 expands the definition of "administration" as that term applies to the State Board of Pharmacy regulation of pharmacists so the term now includes provision of drugs to an individual receiving emergency services in a health care facility, upon an order or by established written protocol and removes the reference to injection. Additionally, the bill removes the codified number of hours of education required of a pharmacist to qualify to administer drugs.

Senate Bill No. 2155 provides an exemption from the regulation of the practice of pharmacy for a registered nurse to dispense oral contraceptive pills, transdermal contraceptive patches, and vaginal contraceptive rings pursuant to an order of an authorized prescriber in the course of working in a Title X clinic.

Senate Bill No. 2231 revises the requirements a pharmacist is required to follow for limited prescriptive practices to initiate or modify drug therapy following diagnosis or established protocols by a physician or advanced practice registered nurse, including the requirements of a collaborative agreement.

Senate Bill No. 2327 provides notwithstanding the wholesale drug pedigree law, without a wholesale drug pedigree license, an outsourcing facility may compound and sell in the state a compounded calcium gluconate product intended for the emergency treatment of hydrofluoric acid exposure.

PHYSICAL THERAPISTS

Senate Bill No. 2125 makes several amendments to the North Dakota Board of Physical Therapy regulation of the practice of physical therapy, including increasing the membership of the board by removing one of the

two physician members, adding a physical therapist assistant member, and adding an additional public member; updating the law to reference physical therapist assistants; clarifying the board has the authority to review and investigate complaints the board receives against licensees; revising the number of examination attempts an applicant may undertake; setting a fee amount for licensure through the physical therapy licensure compact; clarifying an applicant who has been educated outside of the United States is subject to a criminal background check; providing patient care management includes communicating the overall plan of care with the patient; providing it is a ground for disciplinary action to cheat on the examination; and providing a physical therapist who graduated from a doctorate program may use the title "doctor of physical therapy."

PHYSICIANS AND PHYSICIAN ASSISTANTS

House Bill No. 1175 updates the law relating to the North Dakota Board of Medicine regulation of physician assistants, including the scope of practice of a physician assistant, prohibited use of titles, and disciplinary proceedings.

Senate Bill No. 2059 provides an exemption from North Dakota Board of medicine licensure for the practice of medicine by allowing for limited practice by a physician practicing with a sports team that is traveling in the state or practicing at a national sport training center in this state or providing services at an event or competition in this state.

Senate Bill No. 2094 provides for the regulation of the practice of medicine via telemedicine, including a definition of the term "telemedicine," clarification the practice of medicine is deemed to occur in the state the patient is located, codification of the standard of care applicable to the practice of telemedicine, and limitations on the prescription of controlled substances via the use of telemedicine. This bill also changes the regulation of the practice of fluoroscopy services from the North Dakota Board of Medicine to the North Dakota Medical Imaging and Radiation Therapy Board.

Senate Bill No. 2173 adopts the Interstate Medical Licensure Compact and provides fees levied under the compact must be paid by the board through the board's funding mechanism and the board may not request funds deposited in the general fund for the fees.

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

House Bill No. 1356 increases from $150,000 to $200,000 the threshold over which a political subdivision may not engage in the construction of public works involving the practice of professional engineering, unless the engineering drawings and specifications and estimates have been prepared by and the construction administration and construction observation services are executed under the supervision of a registered professional engineer.

House Bill No. 1387 revises the State Board of Registration of Professional Engineers and Land Surveyors licensure requirements for land surveyor interns, with a July 1, 2028, phase-in date. The new land surveyor intern requirements include a 2-year or 4-year course of study.

REAL ESTATE PROFESSIONALS

House Bill No. 1250 authorizes the North Dakota Real Estate Commission to license an organization of a broker.

House Bill No. 1281 revises the North Dakota Real Estate Commission licensure requirements of a salesperson by increasing the prerequisite course of study hours from 45 to 90 hours and abolishing the 15-hour post-licensure requirement.

SOCIAL WORKERS

Senate Bill No. 2361 makes multiple changes to the law directing the North Dakota Board of Social Work Examiners to regulate the practice of social work, including revising the classifications of social worker titles to provide for licensed baccalaureate social workers, licensed clinical social workers, and licensed master social workers; revising the licensure requirements and scope of practice for social workers; increasing the membership of the board, adding an additional licensed clinical social worker; updating the disciplinary authority of the board, including recovery of costs; clarifying licensure requirements for the practice of social work in this state through electronic social work services; and permissive and required reporting.

WATER WELL CONTRACTORS

House Bill No. 1377 provides a monitoring well contractor may serve as a member of the North Dakota Board of Water Well Contractors and decreases from 6 to 2 hours the number of continuing education hours required of water well pump and pitless unit installers.

MISCELLANEOUS

Senate Bill No. 2143 clarifies under the health care professional student loan repayment program, there is a maximum annual loan repayment amount and a maximum repayment amount over the term of 5 years.

Senate Bill No. 2240, as part of a bill that updates outdated language references to substance abuse disorder, updates language relating to the regulation of the practice of podiatric medicine and the regulation of the practice of medicine.

Senate Bill No. 2306 expands the definition of the term "board" as that term applies to the law regulating the occupational or professional practice of foreign practitioners and the practice of military members and military spouses; revises the law regarding the occupational and professional licensure of military spouses, providing a board shall grant a provisional license or temporary permit to a military spouse who is licensed by a foreign jurisdiction; and requires a board to inquire whether an applicant for licensure is a member of the military or a military spouse.

Senate Bill No. 2326 provides a business entity that has a registration requirement with the Secretary of State only may seek to obtain an occupational or professional certificate, permit, or license required of the state after the registration is filed with the Secretary of State.

TITLE 44
Offices and Officers
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 44. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to offices and officers may be classified in these subject areas--open records and miscellaneous.

OPEN RECORDS

House Bill No. 1132 makes records revealing information from background interviews regarding candidates for employment as law enforcement officers exempt records for purposes of open records laws.

House Bill No. 1392 makes confidential any records received by the Board of University and School Lands from private entities for purposes of the board's audit of mineral royalty payments. The bill includes exceptions for certain disclosures to other state agencies and prosecuting officials.

Senate Bill No. 2209 makes certain cybersecurity information exempt records for purposes of open records laws.

Senate Bill No. 2218 makes certain records identifying an individual who provided information to a public service agency regarding human services exempt records for purposes of open records laws.

Senate Bill No. 2221 makes records revealing a communication between a member of the Legislative Assembly and any other person not subject to open records laws when the record is in the possession of a public officer or employee.

Senate Bill No. 2340 clarifies which cybersecurity and critical infrastructure records are confidential or exempt from open records requirements and provides for the records to retain confidential or exempt status after they are disclosed pursuant to a mandatory disclosure requirement. The bill also requires requests for certain records to be referred to federal agencies.

MISCELLANEOUS

House Bill No. 1110 amends provisions regarding notaries public to make the provisions consistent with the updated revised uniform law on notarial acts.

House Bill No. 1201 revises the circumstances under which an elected official of a political subdivision is not subject to a recall.

TITLE 45
Partnerships
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 45. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1127 replaces the references to "deceptively similar" with "distinguishable in the records" relating to the names of cooperatives, corporations, limited liability companies, domestic and foreign real estate investment trusts, limited partnerships, fictitious partnerships, and limited liability partnerships. The bill authorizes the Secretary of State to determine whether a fictitious partnership name is distinguishable in the Secretary of State's records from another name and to adopt rules for making those determinations.

Senate Bill No. 2326 amends various sections within Chapters 10-19.1, 10-31, 10-32.1, 10-33, 10-35, and 10-36 and Chapters in Title 45 and 47 to update references to "postmarks" and support the launch of the Secretary of State's online business reporting and filing system. The bill also clarifies a domesticated business must be domesticated in North Dakota before being registered in state and updated the registration requirements for limited liability partnerships to require identification of minority owners.

TITLE 46
Printing Laws
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 46. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1117 provides if a legal notice is required by law to be published in a newspaper, the newspaper must publish the notice on a statewide legal notices website and on the newspaper's website in a location open and free to the public. The bill provides if an insubstantial error in the notice occurs due to the placement on the website and the error is the newspaper's fault, the error does not affect the notice's validity and effectiveness.

TITLE 47
Property
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 47. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to property may be classified in these subject areas--real property, mineral rights, trademarks and trade names, and miscellaneous.

REAL PROPERTY

House Bill No. 1110 requires an officer taking acknowledgment of a recording instrument affecting the title to or possession of real property to endorse on the instrument or attach to the instrument a certificate that complies with requirements in Chapter 47-19 regarding certificates of acknowledgment. The bill also provides for the requirements of Section 44-06.1-19 regarding notary public journals.

House Bill No. 1150 allows a lessor of real property to demand a security deposit in an amount up to 2 months rent from a potential lessee who has had a judgment entered against the potential lessee for violating the terms of a previous rental agreement.

House Bill No. 1251, which relates to real property transfers, requires certain property disclosures for the sale, exchange, or purchase of real property if a real estate broker, associate, or salesperson assists a party to the transaction and the property that is the subject of the transfer is an owner-occupied primary residence located in the state.

MINERAL RIGHTS

Senate Bill No. 2212 requires oil and gas production and royalty payment records for the lease of the person obligated to pay royalties under the lease to be sent electronically to the Board of University and School Lands upon written request if the royalty owner, assignee, or designated representative is the Board of University and School Lands. The bill allows the Board of University and School Lands to bring legal proceedings in the district court of Burleigh County or the county in which the oil or gas well is located. The bill allows the Board of University and School Lands to recover court costs, fees, and expenses incurred in inspecting and copying the records of the person obligated to pay royalties if successful in proceedings brought in court. The bill requires the court to assess a civil penalty of $2,000 per day for each day the person obligated to pay royalties under the lease failed to send the required records to the board.

Senate Bill No. 2344 creates a new section regarding the injection of substances to facilitate the production of oil, gas, or other minerals to the chapter addressing subsurface pore space. The bill provides subsurface pore space does not limit the right of a mineral estate to drill or recomplete a well under Chapter 38-08, and the injection of substances into pore space to facilitate production is not unlawful. The bill clarifies the section does not impair contractual obligations for the use of surface estates for disposal operations if certain conditions are met, and that the owner of a surface estate where a disposal well is located does not lose a claim for trespass, nuisance, or other tort if the operator of the disposal well operates in violation of the section.

TRADEMARKS AND TRADE NAMES

House Bill No. 1127 requires a trade name be distinguishable in the records of the Secretary of State from other names reserved or registered with the Secretary of State unless written consent is provided by the holder of the indistinguishable name. The bill also requires the Secretary of State to determine whether a trade name is distinguishable and authorizes the Secretary of State to adopt rules regarding the making of trade name determinations.

Senate Bill No. 2326 provides for technical corrections to a section regarding the duration and renewal of trademark registration.

MISCELLANEOUS

Senate Bill No. 2055 requires requests for unclaimed property considered by the Budget Section to comply with the newly created section in Chapter 54-35 regarding criteria applicable to state agency requests. The Legislative Assembly overrode the Governor's veto of this bill.

TITLE 48
Public Buildings
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 48. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1056 directs the prisoner of war and missing in action flag to be flown daily on the State Capitol grounds in three locations--immediately south of the State Capitol, in front of the All Veterans Memorial, and on the east side of the Heritage Center.

House Bill No. 1136 authorizes a governing body to award a contract for portions of a public improvement project receiving responsible bids and to then readvertise for bids on the portions of the public improvement project that did not receive bids.

House Bill No. 1356 increases the threshold for bidding construction and procuring plans, drawings, and specifications from an architect or engineer of a public improvement from $150,000 to $200,000 and authorizes the state or a political subdivision to consult an engineer or architect during the construction of a public improvement if there is reason to believe engineering or architectural services are necessary to protect the health, safety, or welfare of the public. The bill also increases the threshold for a governing body to bid for the construction of a public improvement from $150,000 to $200,000.

Senate Bill No. 2015, the agency appropriation for the Office of Management and Budget, increases the authorized expenditure of the Capitol building fund for projects or planning to $250,000 per biennium, authorizes the Capitol Grounds Planning Commission to accept or reject gifts, including landscaping and improvements to the Capitol grounds, and requires any gifts of money accepted under Section 48-10-03 be deposited in the Capitol building fund to be appropriated on a continuing basis.

Senate Bill No. 2055, which codifies the establishment of and the powers and duties of the Budget Section and which updates codified references to the Budget Section, updates Budget Section approval for approval of a change or expansion or any additional expenditure for a public improvement. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2188 removes the 8-year maximum restriction on renting, leasing, and licensing of concessions for cafes, restaurants, and confectioneries on public buildings and grounds.

TITLE 49
Public Utilities
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 49. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to public utilities may be classified in these subject areas--energy conversion and transmission facilities and miscellaneous.

ENERGY CONVERSION AND TRANSMISSION FACILITIES

House Bill No. 1383 prohibits the Public Service Commission from identifying prime farmland, unique farmland, or irrigated land as exclusion or avoidance areas when evaluating and designating geographical areas for site, corridor, or route suitability. The bill prohibits the Public Service Commission from conditioning the issuance of a certificate or permit on an applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat. The bill provides an applicant may provide payment to mitigate any assessed adverse direct environmental impacts of a proposed site, corridor, route, or facility, provide the payment to the Agriculture Commissioner, and requires the Agriculture Commissioner to deposit any money paid to mitigate the adverse direct environmental impacts of a proposed site, corridor, route, or facility into the environmental impact mitigation fund. The bill requires a state agency with jurisdiction over any aspect of a proposed facility to present the position of the agency at least 30 days before the public hearing on an application for a certificate, permit, or waiver.

Senate Bill No. 2100 authorizes the Public Service Commission to adopt rules governing the decommissioning of commercial solar energy conversion facilities.

Senate Bill No. 2261 prohibits the Public Service Commission from conditioning the issuance of a certificate or permit for an electric energy conversion facility or an electric transmission facility on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat.

MISCELLANEOUS

House Bill No. 1255 authorizes railroad police to issue a citation to an individual committing an infraction or noncriminal offense on or relating to railroad property.

House Bill No. 1362 establishes the procedure and guidelines for when a utility constructs, operates, or repairs, a facility over, under, or across a railroad right of way. The bill covers the crossing fee, flagging expense, insurance requirements, operational relocation, removal of equipment, and tax liability when a utility constructs, operates, or repairs, a facility over, under, or across a railroad right of way.

Senate Bill No. 2008 increases the annual salary of the Public Service Commissioners to $110,829 through June 30, 2020, and to $113,600 thereafter.

Senate Bill No. 2009 removes warehouse companies engaged in the marketing, storage, or handling of agricultural products from the general jurisdiction of the Public Service Commission.

Senate Bill No. 2038 corrects the codification issues caused by the conflict between House Bill No. 1144 (2017) and Senate Bill No. 2286 (2017) by incorporating the sections addressing gas or liquid transmission facilities incorrectly placed in Chapter 49-22 into Chapter 49-22.1, which governs gas or liquid facility siting.

Senate Bill No. 2122 provides when an application is filed under Title 49 for which there is no application fee, the applicant is required to pay the cost of publishing any notice issued by the Public Service Commission.

TITLE 50
Public Welfare
Summary of Bills Enacted by 2019 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--medical services, behavioral health and substance abuse, child abuse and neglect and vulnerable adults, early childhood services, foster care and adoption, health care facilities, child support, Department of Human Services programs, and miscellaneous.

MEDICAL SERVICES

House Bill No. 1033 authorizes the Department of Human Services to establish an intensive care coordination pilot project under the home and community-based services options for older adults and individuals with physical disabilities.

House Bill No. 1034 directs the Department of Human Services to establish guidelines for long-term care services providers to deliver home and community-based services to allow individuals to remain in their homes and communities.

House Bill No. 1099 allows for the implementation of residential habilitation and community support services in a residential setting or private residence under the Medicaid Home and Community-Based Services 1915(c) waiver, which serves older adults and individuals with physical disabilities. The bill also revises the law governing the delegation of routine medications and revises the definition of "agency foster home for adults."

House Bill No. 1115 is a comprehensive review and update of the medical assistance for needy persons law. The bill makes housekeeping changes; adds several defined terms; repeals and relocates several sections; updates the law to reflect current practice and to comply with federal law; removes obsolete language; adds language that prohibits the Department of Human Services from requiring additional documentation on certain claims if Medicare is the primary payer and Medicaid is secondary; provides a condition of eligibility is that individuals eligible for Medicare Part A, B, or D apply for that Medicare coverage; removes barriers to receipt of home and community-based care; provides expenditures relating to the department processing county jail medical claims are not the responsibility of the federal government or the state, but are the responsibility of the applicable county jail; and clarifies the process of submitting a request for review by clarifying the limitations of when a provider may not request a review.

House Bill No. 1194 directs the Department of Human Services to facilitate care coordination agreements, which are agreements between a health care provider and a tribal health care organization which will result in 100 percent federal funding for eligible medical assistance provided to an American Indian; creates a tribal health care coordination fund, into which the department is required to deposit 60 percent of any federal funding received in excess of the state's regular share of federal medical assistance funding which results from care coordination agreements; directs the department to distribute money from the fund to tribal governments in proportion to the federal funding received from the care coordination agreement request for services originating from within that tribal nation; and provides tribal governments are required to use the money distributed from the fund for health-related purposes.

House Bill No. 1318 revises the medical assistance law that limits the resources a recipient may have for funeral expenses by removing the dollar amount cap and providing the funeral funds must be in an irrevocable itemized funeral contract.

House Bill No. 1374 directs the Department of Human Services to establish a pharmacy management program to be used by the medical assistance program for Medicaid Expansion for prescription drug coverage.

House Bill No. 1515 directs the Department of Human Services to seek federal approval to expand medical assistance coverage for pregnant women with income below 162 percent of the federal poverty level.

Senate Bill No. 2027 redefines the term "brain injury" as that term is used in the law relating to traumatic brain injuries by providing the term means damage to the brain or the coverings of the brain which produces an altered mental state and results in a decrease in cognitive, behavioral, emotional, or physical functioning, but the term does not include an insult or a degenerative or congenital nature.

Senate Bill No. 2106 updates the law relating to the children's health insurance program (CHIP) by moving from a managed care model to a Medicaid "look alike" fee-for-service model; allowing for a 3-month lookback period for eligibility; and providing an effective date of January 1, 2020.

Senate Bill No. 2243 amends the medical assistance limitations on prior authorization by allowing prior authorization for stimulant medication used for the treatment of attention deficit disorder and attention deficit hyperactivity disorder if the prescriber is an individual who prescribes this medication at a rate two times higher than the rate of the top 10 prescribers excluding the top prescriber and allowing prior authorization if prior authorization is required by the Centers for Medicare and Medicaid Services.

Senate Bill No. 2347 provides for a Medicaid fraud control unit as a division of the Attorney General's office with the duty to investigate and prosecute under applicable criminal and civil laws fraud and patient abuse or neglect by providers or any other person, provides for civil liability for false medical assistance claims, and provides relief for a retaliatory action brought against a person who tries to stop a false medical assistance claim.

BEHAVIORAL HEALTH AND SUBSTANCE ABUSE

House Bill No. 1100 authorizes the Behavioral Health Division of the Department of Human Services to establish nonrefundable application fees for administration and enforcement of licensing and certification activities.

House Bill No. 1103 requires the Department of Human Services to license medication units, which are facilities established as part of an opioid treatment program from which a licensed practitioner dispenses or administers an opioid treatment medication or collects samples for drug testing or analysis. The bill also changes from 2 to 3 years the term of a license to operate as a substance abuse treatment program.

House Bill No. 1105 expands the voluntary treatment program, a program that provides out-of-home treatment services for Medicaid-eligible children with a serious emotional disorder without requiring parents to relinquish custody, by allowing the program services to prevent out-of-home placement of a Medicaid-eligible child with a behavioral health condition. Additionally, the bill allows public programs with a substance use disorder treatment program license, excluding the regional human service centers, to apply to be a substance use disorder voucher provider.

Senate Bill No. 2198 provides for purposes of the law relating to the Department of Human Services, the term "behavioral health" includes suicide prevention services for individuals with mental, emotional, or substance use disorders, and psychiatric conditions.

Senate Bill No. 2240, which updates outdated terminology relating to substance abuse disorders and updates references in the law relating to prenatal exposure to alcohol abuse.

Senate Bill No. 2313 expands the duties of the Department of Human Services to include development of a system of services and supports to provide behavioral health services and support in the community for children at risk of, or identified as having, a behavioral health condition and to provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school; provides for creation of a children's cabinet to assess, guide, and coordinate the care for children across the state's branches of government and the tribal nations; provides for creation of the Commission on Juvenile Justice; and repeals the law that provided for the Task Force on Children's Behavioral Health.

CHILD ABUSE AND NEGLECT AND VULNERABLE ADULTS

House Bill No. 1107 makes multiple changes to the vulnerable adult protection services law by clarifying duties of the Department of Human Services, updating language to meet federal requirements, clarifying when information may be accessed or requested, and defining confidentiality of records. In addition, the bill amends the long-term care ombudsmen law to mirror these changes in the vulnerable adult protection services law.

House Bill No. 1108 makes multiple changes to the child abuse and neglect law. The bill refines the definition of "assessment" by replacing that definition with the terms "child protection assessment" and "family services assessment;" expands the list of professionals who are mandatory reporters by adding family service specialist and child care licensor and restoring licensed social worker, who were removed from the list in error in 2017; adds permissive language to allow a family services assessment option in response to a report of suspected child abuse and neglect; extends immunity from liability for those reporting, assisting, or furnishing information in a family services assessment; prevents a decision that services are required from being made as a result of a family services assessment if the person responsible for a child's welfare complies with the resulting referred services for the child; requires the Department of Human Services to provide appropriate referral services in a

family services assessment to the caregiver and the children as necessary for the well-being of the children; and establishes evidence-based screening tools used during a child protection assessment are privileged and not subject to discovery or introduction into evidence in any civil or administrative action.

House Bill No. 1520 amends the child abuse and neglect law by directing the Department of Human Services to make a referral to law enforcement if the department determines a report implicates a person other than a person responsible for the child's welfare, directing law enforcement to provide a report to the department in the case of a sexual offense committed by a minor; directing the department to provide risk assessment, safety planning, and any appropriate evidence-based screening for minors who are subject to or who committed a sexual offense; and clarifying the term "sexually abused child" includes a minor who was subject to a sexual offense committed by another minor.

Senate Bill No. 2273, as part of a bill that creates the crime of sexual extortion, adds the crime sexual extortion to the list of sexual offenses a minor might be subjected to in order to be considered a "sexually abused child."

Senate Bill No. 2289 prohibits a caregiver of a vulnerable adult from unreasonably or arbitrarily denying or restricting visitation to a family member, friend, or clergy member or denying or restricting communication or interaction between a vulnerable adult and one of these individuals; establishes a protocol for a family member, friend, or clergy member to petition for visitation of a vulnerable adult; and provides the circumstances under which an expedited hearing must be held for the petition.

EARLY CHILDHOOD SERVICES

Senate Bill No. 2043 revises the process used by the Department of Human Services to suspend an early childhood service license, self-declaration, or registration document. The bill clarifies child abuse and child neglect are separate accusations; directs the department to notify the owner, operator, holder of a self-declaration, or in-home provider if an owner, operator, holder of a self-declaration, in-home provider, staff member, or adult or minor household member of the program is the subject of a child abuse and neglect assessment under certain circumstances; provides upon the conclusion and disposition of a child abuse and neglect assessment for which a determination services are required is found, the department is required to provide notification of the disposition to the parent of each child who at the time of the determination is receiving early childhood services; and clarifies law enforcement may request a delay in department notifications.

Senate Bill No. 2245 directs the Department of Human Services to consider issuing a provisional or restricted license before revoking an early childhood services license or self-declaration, and updates the definition of "neglected child" as that term applies to the child abuse and neglect laws by codifying the elements of a deprived child as that term is used in the Uniform Juvenile Court Act.

FOSTER CARE AND ADOPTION

House Bill No. 1102 amends the law regarding foster care facility levels of care licensure and criminal history record investigation requirements for facility providers and staff. The bill brings state law into compliance with federal law, removes obsolete law, and clarifies existing law; authorizes the Department of Human Services to determine the maximum number of licensed qualified residential treatment program beds in the state based upon a needs assessment; expands the authority of law enforcement to take fingerprints of potential foster care providers for the purpose of conducting criminal history record investigations; and authorizes the department to conduct criminal history record investigations for identified relatives and any adult living in that home.

Senate Bill No. 2112 adds a physician assistant and advanced practice registered nurse to the list of professionals who can diagnose a child with being at high risk for a physical, emotional, or mental disability for purposes of assistance for adopted children with special needs.

HEALTH CARE FACILITIES

House Bill No. 1124 requires the Department of Human Services to include in the ratesetting system for nursing homes those costs associated with computer software and any related technology, including cloud-based services. The bill provides these expenses are allowed as a direct passthrough.

Senate Bill No. 2113 requires a skilled nursing care facility, basic care facility, assisted living facility, or swing-bed hospital approved to furnish long-term care services to permit a resident or the resident representative to conduct authorized electronic monitoring of the resident's room through an authorized electronic monitoring device if specified conditions are met.

CHILD SUPPORT

House Bill No. 1256, as part of a bill that establishes a protocol for sealing of criminal records, changes a child support law reference from an "expunged" criminal conviction to a "sealed" criminal conviction.

Senate Bill No. 2115 revises the child support enforcement laws by making billing practices more consistent statewide, requiring parties to provide to the Child Support Division of the Department of Human Services the party's email address, allowing a child support obligation to be held in suspense temporarily and a process to restart the monthly accrual of child support, updating the law to be consistent with changes to the federal Affordable Care Act, and allowing the division to use civil money penalty collections to cover losses the division incurs in making child support disbursements.

DEPARTMENT OF HUMAN SERVICES PROGRAMS

House Bill No. 1032 directs the Department of Human Services to establish annually a sliding fee schedule based on family size and income to determine a recipient's participation fee percentage for services received through the services payments for elderly and disabled (SPED) program.

House Bill No. 1517 directs the Department of Human Services to establish regional crisis support services for individuals with an intellectual or developmental disability and directs the department to conduct the standardized assessment of eligible individuals residing at the Life Skills and Transition Center.

Senate Bill No. 2055, as part of a bill that codified the powers and duties of the Budget Section, updates the role of the Legislative Assembly and the Budget Section relating to the power to terminate participation in the supplemental nutrition assistance program (SNAP) and the low-income home energy assistance program (LIHEAP) if federal funding decreases or is limited. The Governor vetoed this bill, and the veto was overridden.

Senate Bill No. 2105 updates the law relating to independent living centers and services to comply with the federal Workforce Innovation and Opportunity Act, including updating definitions and creating definitions for the terms "individual with a disability" and "individual with a significant disability" by revising the membership and duties of the Statewide Independent Living Council, and establishing duties of the Vocational Rehabilitation Division of the Department of Human Services relating to independent living centers and services.

Senate Bill No. 2124 shifts delivery of social services from counties to human service zones. The bill provides for the creation of up to 19 human service zones to provide lines of accountability between state program and policy and the administration of social services; provides for zone directors to report to and participate in a Department of Human Services human service zone leadership team; provides for zone boards, composed of a representative from each county in the zone; provides the department provide consistent budgeting guidelines, human resource policies, and policies and guidelines for standard and consistent program delivery; and provides for full-time equivalent position transfer authority.

Senate Bill No. 2247 updates the law providing for the developmental disabilities system reimbursement project. The bill updates the membership of the steering committee and the powers and duties of the Department of Human Services and the steering committee relating to the project.

MISCELLANEOUS

House Bill No. 1285, which updates the abandoned infant law, authorizes the Department of Human Services to adopt rules expanding approved locations to abandon an infant to include more than hospitals and directs the State Department of Health, in coordination with the Department of Human Services, to develop and implement a public awareness campaign regarding the abandoned infant law.

Senate Bill No. 2012, as part of the agency appropriation for the Department of Human Services, directs the Division of Behavioral Health to establish and implement a program for the certification of peer support specialists; directs the department to establish and implement a community behavioral health program to provide comprehensive community-based services for individuals who have serious behavioral health conditions; directs the department to contract with a private, nonprofit agency that does not provide brain injury services to facilitate and provide support services to the Brain Injury Advisory Council; extends the sunset of the medical assistance Medicaid Expansion program from July 31, 2019, to July 31, 2021; and provides effective January 1, 2020, the pharmacy services component of the medical assistance Medicaid Expansion program is not required to be provided through a private health insurance carrier.

Senate Bill No. 2225 repeals the law that provides a parent or child of an individual eligible for county general assistance has the duty to support that individual and provides a county may recover from the parent of adult children of an indigent individual for necessaries furnished by the county.

TITLE 51
Sales and Exchanges
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 51. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1161 prohibits a person from knowingly causing any telephone caller identification system to transmit misleading or inaccurate caller identification information with the intent to defraud or cause harm, or use or display a telephone number the caller does not own or has not received consent to use from the owner of the telephone number. The bill provides the right to a civil course of action for a victim of the offense and makes a violation of the offense a Class A misdemeanor.

House Bill No. 1195 creates guidelines for agreements containing an automatic renewal provision, clause, plan, or arrangement, including requiring a person selling merchandise for a specified period under an agreement containing a provision for automatic renewal to present the terms of the automatic renewal offer in a clear and conspicuous manner and provide a cost-effective, timely, and simple procedure for cancellation. The bill authorizes the Attorney General to enforce the enacted guidelines for agreements containing an automatic renewal provision, clause, plan, or arrangement. The bill applies to contracts entered after July 31, 2019

House Bill No. 1339 creates a law regulating commercial manufacturer warranty work including compensation rates for warranty work, deadlines for manufacturer payment of commercial equipment dealers for warranty work, and the retail rates a commercial equipment dealer may charge for warranty parts and for labor.

TITLE 52
Social Security
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 52. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2325 amends Section 52-02.1-02 regarding agreements entered by Job Service North Dakota to establish a training arrangement with an employer to provide program services to allow an employer that is not a primary sector employer to qualify for program services if the employer contracts to provide employees to a private sector business and meets other requirements.

TITLE 53
Sports and Amusements
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 53. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1394 provides for a site where pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed $100 per machine for the first five machines in the same venue. For each additional machine in the same venue, the monthly rent may not exceed $50 per machine up to a maximum of $1,125 per month for all electronic pull tab devices.

Senate Bill No. 2003 increases the disbursement from the lottery operating fund to the Attorney General multijurisdictional drug task force grant fund from $105,625 per quarter to $200,000 per quarter.

Senate Bill No. 2036 removes references to "deferred prosecution" in Section 53-06.1-06 regarding individuals permitted to conduct games of chance.

Senate Bill No. 2162 changes the term "charity local permit" to "restricted event permit" in various provisions regarding charitable gaming.

Senate Bill No. 2305 makes technical corrections to language pertaining to the lottery by changing references from "subscription" to "online play" and from "person" to "individual."

TITLE 54
State Government
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 54. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE MANAGEMENT

House Bill No. 1001 is the agency appropriation for the legislative branch. The bill increases the daily compensation for members of the Legislative Assembly effective July 1, 2019, from $177 to $181 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $495 to $505, increases the additional monthly compensation during the biennium for the Majority and Minority Leaders and the Chairman of the Legislative Management from $355 to $362, and increases the daily compensation for attendance at meetings of the Legislative Management from $177 to $181. Effective July 1, 2020, the bill increases the daily compensation for members of the Legislative Assembly from $181 to $186 during any legislative session, increases the monthly compensation during the biennium for members of the Legislative Assembly from $505 to $518, 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 $181 to $186.

House Bill No. 1230 creates a definition of "airworthy" and authorizes a state agency, department, or institution, in an emergency circumstance, to lease a manned aircraft without approval from the Legislative Assembly or the Budget Section if an aircraft currently leased or owned is not airworthy until the aircraft deemed not airworthy is determined to be airworthy. The bill also authorizes a state agency, department, or institution to purchase a replacement aircraft without approval from the Legislative Assembly or the Budget Section if an aircraft is destroyed beyond repair and only insurance proceeds are used for the purchase.

House Bill No. 1422 removes the requirement the Secretary of State is to distribute copies of the Administrative Code to various entities. Under the bill, the Secretary of State is required to notify those entities of quarterly updates available on the legislative branch website.

Senate Bill No. 2055, which is a bill that codifies the establishment of and the powers and duties of the Budget Section and which updates codified references to the Budget Section, updates Budget Section approval for authorization to purchase or lease aircraft, consulting and planning fees for capital improvements, cyclical cashflow financing of state government, apportionment of reductions in spending authority caused by an initiative or referendum action, and the purchase or lease of equipment, software, or implementation services by the Information Technology Department. The Legislative Assembly overrode the Governor's veto of this bill.

Senate Bill No. 2312 suspends the Committee on Tribal and State Relations until July 31, 2021.

STATE EMPLOYEES AND OFFICERS

House Bill No. 1141 provides an exemption from positions in the classified service for officers and employees of the Bank of North Dakota.

House Bill No. 1354 authorizes the executive officer in charge of a state agency to grant a paid leave of absence to a full-time employee of that agency who is an emergency medical services personnel volunteer or volunteer firefighter if the leave of absence is for the purpose of allowing the employee to respond to an emergency.

House Bill No. 1376 authorizes the executive director of the Housing Finance Agency to require an applicant for employment to submit to a criminal history record check by the Bureau of Criminal Investigation.

House Bill No. 1470 requires an employer to grant an employee's request for family leave of absence because of the death of the employee's child provided the leave concludes within 6 months of the child's death. The bill also directs the employer to compensate the employee for leave used for the bereavement of a child or care of a parent, spouse, or child on the same bases as the employee would be compensated if the leave had been taken due to the employee's own illness or other medical or health reason.

Senate Bill No. 2124 updates numerous provisions of Century Code to reflect the establishment of human service zones as the method for delivery of social services, including Section 54-46-13 relating to the adoption of rules concerning human service zone records. This bill contained an emergency section.

Senate Bill No. 2328 repeals Chapter 54-60.3 relating to the Agricultural Products Utilization Commission. The bill places the commission under the authority of the Agriculture Commissioner.

GOVERNOR'S OFFICE

House Bill No. 1501 authorizes the Governor, in consultation with the Superintendent of Public Instruction, to suspend an elected or appointed school board member from the individual's duties if the Governor determines suspension is in the best interest of the state pending the results of an audit that is ordered due to financial irregularities or allegations of embezzlement. This bill contained an emergency section.

Senate Bill No. 2001, the agency appropriation for the Governor's office, creates the Theodore Roosevelt Presidential Library and Museum Endowment Fund for the purpose of using the interest and earnings to pay interest expenses on a loan from the Bank of North Dakota. The bill also authorizes the Governor to provide grants to a private entity for the construction, operation, and maintenance costs of the presidential library. This bill contained an emergency section.

STATE AUDITOR

House Bill No. 1077 directs the State Auditor to perform work on mineral royalties for the federal government in accordance with the Mineral Lands and Mining Act.

Senate Bill No. 2004, the agency appropriation for the State Auditor, restricts the State Auditor from contracting for work required by the federal government without the prior approval of the Legislative Audit and Fiscal Review Committee and requires state agencies to use nongeneral fund money to pay for audits performed by the State Auditor. The bill also directs the State Auditor to perform audits of state agencies as determined by the Legislative Assembly or upon approval by the Legislative Audit and Fiscal Review Committee. The bill requires the State Auditor to seek the approval of the Legislative Audit and Fiscal Review Committee before conducting a performance audit. This bill contains an emergency section.

ATTORNEY GENERAL

House Bill No. 1069 creates an exception to the attorney-client privilege for the disclosure of any files, records, or information regarding representation of a party by the Commission on Legal Counsel for Indigents to the party being represented, the attorney who provided the representation, and newly assigned counsel with consent of the represented party.

House Bill No. 1311 directs the Human Trafficking Commission to promote training on missing and murdered indigenous people with the North Dakota State's Attorneys' Association, the North Dakota Peace Officers Standards and Training Board, and state and local law enforcement agencies.

House Bill No. 1313 directs the Attorney General to implement a missing person repository within the criminal justice information sharing system.

House Bill No. 1507 requires the Human Trafficking Commission to establish an educational training program with a focus on the accurate and prompt identification and reporting of suspected human trafficking for lodging establishment employees.

House Bill No. 1541 directs the Human Trafficking Commission to provide information to education personnel and the general public about human trafficking, victim remedies and services, and trafficking prevention. The bill requires the Human Trafficking Commission to present annually regarding human trafficking awareness and prevention at professional development conferences directed toward teachers, administrators, and support staff.

Senate Bill No. 2003 sets the Attorney General's salary at $159,409 through June 30, 2020, and $163,394 thereafter.

Senate Bill No. 2045 expands the types of health-related insurance a retiree can purchase and to be eligible to receive retiree health care credits. The bill provides an exception for prescription drug coverage if the Public Employees Retirement System Board elects to provide coverage under a self-insured plan.

NORTH DAKOTA OUTDOOR HERITAGE FUND

Senate Bill No. 2058 amends the role of the North Dakota Outdoor Heritage Advisory Board to forward a grant application to the Industrial Commission only if the application is for funding activities that fulfill the purpose of Chapter 54-17.8 and the application receives a favorable recommendation from the majority of the advisory board members.

OFFICE OF ADMINISTRATIVE HEARINGS

House Bill No. 1064 requires the Office of Administrative Hearings to track the time elapsed between the date the office receives a file and the date of the judge's decision, to adopt case processing standards and policies, and to report statistical information regarding results under the case processing standards and policies to the Legislative Management and State Advisory Council.

INDUSTRIAL COMMISSION

House Bill No. 1014, the agency appropriation for the Industrial Commission, requires at least 15 percent of the housing incentive fund be used to assist developing communities and directs the annual allocation plan give priority to provide housing for individuals and families of low or moderate income. The bill also removes the requirement for the Housing Finance Agency to maintain a register reflecting the number of housing units owned or master leased by cities, counties, school districts, or other employers of essential service workers. This bill contains an emergency section.

OFFICE OF MANAGEMENT AND BUDGET AND FISCAL POLICIES

House Bill No. 1003, the agency appropriation for the North Dakota University System, extends the effective date for the Office of Management and Budget to cancel all unexpended appropriations of balances of appropriations to July 31, 2021. This bill contains an emergency section.

Senate Bill No. 2012, the agency appropriation for the Department of Human Services, directs money in the tobacco settlement trust fund be transferred within 30 days of receipt by the state to a community health trust fund to be appropriated for community-based public health programs and other public health programs. The bill removes the appropriation of the principal and interest to the Attorney General and the other various restrictions on transfers of the principal of the fund. This bill contains an emergency section.

Senate Bill No. 2015, the agency appropriation for the Office of Management and Budget, amends the state employee suggestion incentive program to require submissions to be made before July 1, 2019, and amends the state employee performance bonus program to limit performance bonuses to $1,500 per fiscal year. The bill also creates the interim Legacy Fund Earnings Committee. This bill contains an emergency section.

Senate Bill No. 2078 directs the state forms manager to adopt rules in accordance with the Administrative Agencies Practice Act and requires the administrator to establish a uniform program or standards, procedures, and techniques for the effective management of county, city, and park district records.

SECRETARY OF STATE

Senate Bill No. 2002, the agency appropriation for the Secretary of State, removes the requirement of the Secretary of State to transfer any unobligated funds in excess of $75,000 to the general fund. The bill also authorizes the Secretary of State to charge a fee of $40 for each record requested and to provide the requested information in an electronic format, unless otherwise agreed upon, in which case the Secretary of State is authorized to charge an additional 50 cents per page. This bill contains an emergency section.

STATE TREASURER

House Bill No. 1074 requires the State Treasurer to conduct a statewide and national criminal history record check on any applicant, employee, or independent contractor who has access to federal tax information and to recheck within 10 years from the date of the previous criminal history record check.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

House Bill No. 1028 creates a definition of "health insurance benefits coverage" and "self-insurance health plan" for uniform group insurance programs, updates cross references relating to the new terms, provides the Public Employees Retirement System Board may not establish a self-insurance plan unless the board determines the self-insurance health plan best serves the interests of the state and the state's eligible employees, and repeals various sections relating to uniform group insurance programs. This bill contains an emergency section.

House Bill No. 1374 restricts the Public Employees Retirement System Board from entering or renewing a contract for prescription drug coverage, except for Medicare Part D prescription drug coverage, unless the contract authorizes the board during the term of the contract to conduct a performance audit of the prescription drug coverage and any related pharmacy benefits management services.

Senate Bill No. 2046 revises the provisions relating to the employee contribution rate to the Public Employees Retirement System or the defined contribution plan on behalf of temporary employees by 1.14 percent of salary. If first enrolled after December 31, 2019, the rate increases from 14.12 percent of salary to 15.26 percent of salary for the main system or the deferred compensation plan and employees enrolled in the main system or the deferred compensation plan are not eligible to receive credit under the retiree health insurance credit fund. The bill also provides if first enrolled after December 31, 2019, the employer contribution rate to the Public Employees Retirement System or the defined contribution plan increases by 1.14 percent of salary, the rate increases from 7.12 percent of salary to 8.26 percent of salary for the main system or the defined contribution plan, and employees are not eligible to receive credit under the retiree health insurance credit fund.

Senate Bill No. 2047 revises the computation of retirement benefits for state employees to differentiate between members first enrolled before January 1, 2020, and after December 31, 2019. The service benefit for members enrolled after December 31, 2020, equals 1.75 percent of final average salary multiplied by the number of years of service employment.

Senate Bill No. 2049 changes the definition of final average salary to the higher of the final average salary calculated on December 31, 2019, or the average salary earned in the three highest periods of 12 consecutive months employed during the last 180 months of employment.

INFORMATION TECHNOLOGY DEPARTMENT

House Bill No. 1048 directs the Information Technology Department to research and develop the use of distributed ledger-enabled platform technologies and to establish a pilot program for the implementation and use of distributed ledger-enabled platform technologies. The bill also directs the Chief Information Officer to report to the Legislative Management by June 1 of each even-numbered year regarding the implementation of distributed ledger technologies.

House Bill No. 1080 authorizes the Chief Information Officer to require individuals employed by a contractor or subcontractor to submit to a criminal history record check by the Bureau of Criminal Investigation.

Senate Bill No. 2110 directs the Information Technology Department to advise and oversee cybersecurity for all executive branch agencies, including institutions under the control of the State Board of Higher Education, counties, cities, school districts, or other political subdivisions advise and consult with legislative and judicial branches regarding cybersecurity strategy. The bill also creates definitions for "cybersecurity" and "cybersecurity strategy."

Senate Bill No. 2215 provides for the creation of the Kindergarten Through Grade Twelve Education Coordination Council and repeals Sections 54-59-17 and 54-59-18 relating to the Educational Technology Council.

DEPARTMENT OF COMMERCE

House Bill No. 1018, the agency appropriation for the Department of Commerce, authorizes the department to establish and administer a beyond visual line of sight unmanned aircraft system program for the design, purchase implementation, and operating costs of a beyond visual line of sight unmanned aircraft system. This bill contains an emergency section.

Senate Bill No. 2224 repeals the provisions of Chapter 54-65 relating to the centers of excellence and centers of research excellence.

ETHICS COMMISSION

House Bill No. 1521 creates Chapter 54-66 for the purpose of establishing the North Dakota Ethics Commission as required by Article XIV of the Constitution of North Dakota. The new chapter provides for the commission member terms, compensation, and duties. The new chapter also establishes the procedure for making complaints, conducting investigations, and penalties for violations. This bill contains an emergency section.

TITLE 55
State Historical Society and State Parks
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 55. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2019 authorizes the Parks and Recreation Department to transfer any unobligated funds from the concession revolving fund to the state parks operating fund.

TITLE 57
Taxation
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 57. Bills primarily affecting other titles 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; and miscellaneous provisions.

PROPERTY TAXES

House Bill No. 1041 provides an adjustment to the total amount of special assessment credits allowed against a property that qualified for the homestead tax credit. The maximum amount of $6,000 in credits allowed per property is adjusted annually each year after December 31, 2019, to track the changes to the consumer price index. The adjustment applies to special assessment credits granted after December 31, 2018.

House Bill No. 1174 provides the full amount of an individual's social security benefits remain part of income for purposes of calculating income for the homestead property tax credit even if the benefits are excluded for purposes of calculating income tax liability. The bill also makes changes to provisions relating to income tax, which are summarized in the income tax section of this title summary.

House Bill No. 1268 increases the maximum amount a county may levy for emergency medical service purposes from 10 to 15 mills.

House Bill No. 1439 provides a 10-year property tax exemption for pipeline property and necessary associated equipment used to transport or store carbon dioxide for secure geologic storage. The bill also classifies any carbon dioxide capture system or equipment located at a coal conversion facility and used for secure geologic storage of carbon dioxide as personal property, exempt from property tax. The bill makes changes to provisions relating to sales and use tax and mineral tax, which are summarized in the corresponding sections of this title summary.

Senate Bill No. 2036 provides the full name of the wetland property tax exemption program, which inadvertently was left unnamed when the program was enacted in 1985. The bill also makes changes to provisions relating to income tax and mineral tax, which are summarized in the corresponding sections of this title summary.

Senate Bill No. 2052 allows the board of a school district to levy up to 5 mills for purposes of developing a school safety plan upon approval by a majority of the qualified electors voting on the question. Approval or reauthorization of the levy authority may not be effective for more than 5 taxable years.

Senate Bill No. 2089 changes the deadline for railroad and centrally assessed companies to file reports with the Tax Commissioner from April to May of each year; allows railroad companies, centrally assessed companies, and wind generation, transmission, and distribution companies to file reports electronically; and changes the month referenced for the State Board of Equalization meeting from August to July. The bill also makes changes to provisions relating to sales and use tax, which are summarized in the sales and use tax section of this title summary.

Senate Bill No. 2124 provides the manner in which legislative property tax relief associated with the state takeover of social service costs must be calculated and displayed on property tax statements. The bill also changes references to county social service boards to human service zones, eliminates county's 20 mill levy authority for human services purposes, and removes base year property tax adjustment language relating to state-paid social service costs.

Senate Bill No. 2189 changes the requirement that equalization proceedings in an organized township be held on the second Monday in April and equalization proceedings in a city be held on the second Tuesday in April to a requirement that both proceedings be held within the first 15 days of April.

Senate Bill No. 2232 allows a park district that merges with a city public recreation system to levy up to 38 mills on the taxable value of the property in the district for the first taxable year in which mills are levied for the merged district.

Senate Bill No. 2255 clarifies an amendment to a school district budget and tax levy before October tenth of each year may take the form of an increase or a decrease.

Senate Bill No. 2265 phases school districts levying less than 60 mills to a uniform 60 mill deduction by 2025 for purposes of calculating state aid payments. The bill allows a school district to increase its property tax levy by an amount equivalent to the increased deduction amount during the phase-in period. The bill eliminates the increased levy authority and reverts school districts to levying a tax not exceeding the amount of dollars levied in the prior year, plus 12 percent, not to exceed a levy of 70 mills, for taxable years beginning after December 31, 2024.

Senate Bill No. 2278 makes income information provided to an assessor by an individual applying for a homestead property tax credit or farm residence property tax exemption a confidential record. The bill also makes the collection of income information by an assessor from those applying for the farm residence exemption mandatory rather than permissive. Provisions of the farm residence exemption also were amended by Senate Bill No. 2360.

Senate Bill No. 2331 changes the allocation of wind generation tax revenue by designating 33 percent of the revenue from wind projects that began initial construction after December 31, 2020, or have been in operation for 20 years or more from the date of first assessment for deposit in the general fund.

Senate Bill No. 2350 imposes additional reporting requirements on public utility companies and electric generation, distribution, and transmission companies and requires the county auditor verify to the Tax Commissioner the accuracy of the reported information. The bill also requires any adjustment to public utility assessments brought forward after October first be applied to the following taxable year.

Senate Bill No. 2360 changes the definition of income from farming activities from net income to gross income for purposes of the farm residence property tax exemption. The bill changes the qualifying income lookback period from the preceding 3 calendar years to the preceding 2 calendar years and changes the share of total income that must be derived from farming activities from 50 percent of annual net income to 66 percent of annual gross income. The bill also removes provisions that disqualified farmers who had nonfarm income of more than $40,000 during each of the 3 preceding calendar years. Provisions of the farm residence exemption also were amended by Senate Bill No. 2278.

INCOME TAXES

House Bill No. 1040 provides an income tax credit for the purchase of manufacturing machinery and equipment for the purpose of automating manufacturing processes in this state to improve job quality or increase productivity. The credit is equal to 20 percent of the cost of manufacturing machinery and equipment purchased during the taxable year. Purchases must result in a 5 percent increase in average wages, workforce safety, or output to qualify for the credit. The aggregate amount of credits that may be claimed each year is limited to $1 million. The credit is available through December 31, 2022.

House Bill No. 1053 provides an income tax deduction for individuals, including their survivors, who receive military retirement benefits for service in the armed forces of the United States, a reserve component of the armed forces, or the national guard. The deduction is equal to the amount of the individual's military retirement pay.

House Bill No. 1083 adds state institutions of higher education and the North Dakota student loan service center to the definition of a "claimant agency" for purposes of applying a debtor's income tax refund to offset amounts owed by the debtor to the state.

House Bill No. 1111 provides an alternative, simplified method for calculating the research and experimental expenditures income tax credit, which is similar to the simplified method provided under federal tax law for calculating the federal research tax credit.

House Bill No. 1112 requires an employer with 10 or more employees to electronically file W-2s, 1099s, and other information returns. The bill allows the Tax Commissioner, upon a showing of good cause, to waive the requirement to file returns electronically.

House Bill No. 1174 provides an income tax deduction for the amount of social security benefits subject to federal income tax for single individuals with federal adjusted gross income of $50,000 or less and married couples filing jointly with federal adjusted gross income of $100,000 or less. The bill adjusts the calculation of the marriage penalty income tax credit to include social security benefits, but only to the extent they are included in North Dakota taxable income. The bill also makes changes to provisions relating to property tax, which are summarized in the property tax section of this title summary.

House Bill No. 1248 provides individual income taxpayers the option to designate a contribution to the veterans' postwar trust fund on their tax return.

House Bill No. 1276 changes the amount of the individual income tax deduction for each birth resulting in a stillbirth, which previously mirrored the amount of the now suspended federal dependency exemption, to $4,150 for taxable year 2018 and $4,150, modified by a cost-of-living adjustment, for each year thereafter. The deduction applies retroactively to taxable years beginning after December 31, 2017.

House Bill No. 1384 expands the income tax credit for contributions to nonprofit private institutions of primary, secondary, or higher education to allow contributions provided by an individual directly to a nonprofit private educational institution to qualify for the credit. Previously, individuals only could receive a credit claimed at the passthrough entity level and passed through to the individual in proportion to the individual's interest in the passthrough entity. The bill also increases one of the three limiting factors on the amount of the credit that may be claimed from an amount not to exceed 20 percent of a taxpayer's income to an amount not to exceed 25 percent of a taxpayer's income. The modifications to the credit are effective through December 31, 2020, after which they become ineffective.

House Bill No. 1406 expands the income tax credit available to corporate taxpayers for employing individuals with developmental disabilities or severe mental illness to all taxpayers and increases the allowable credit amount from 5 percent to 25 percent of up to $6,000 in wages paid annually by the taxpayer for each employee with a developmental disability or severe mental illness. The bill requires a taxpayer to apply and receive a certified letter from the Department of Human Services' vocational rehabilitation division verifying the employee has a significant disability, is eligible for services, and requires customized employment in order to obtain employment. The expanded provisions of the credit are effective for the first 2 taxable years after December 31, 2018, after which they become ineffective.

House Bill No. 1475 provides an individual income tax deduction for employer reimbursed higher education or career and technical education expenses that are included in an individual's taxable wages.

Senate Bill No. 2036 removes references to expired income tax credits including the angel fund investment tax credit and the automating manufacturing processes tax credit. The bill also makes changes to provisions relating to property tax and mineral tax, which are summarized in the corresponding sections of this title summary.

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

House Bill No. 1012 provides a motor vehicle excise tax exemption for any motor vehicle in the possession of and used exclusively by a public transportation provider that receives a distribution from the public transportation fund to provide public transportation services.

House Bill No. 1131 provides a sales tax exemption for sales of commemorative memorial coins by the Department of Veterans' Affairs.

House Bill No. 1205 provides a sales and use tax exemption for materials used to construct a qualified straddle plant, a qualified fractionator, or qualified associated infrastructure. The bill also extends from June 30, 2019, to June 30, 2023, the deadline by which the owner of a fertilizer or chemical processing plant must receive an air quality permit, or notice that the air quality permit application is complete, from the Department of Environmental Quality in order to qualify for a sales and use tax exemption on materials used to construct the fertilizer or chemical processing facility.

House Bill No. 1214 changes the membership of the Streamlined Sales Tax Governing Board from two members of the House of Representatives and two members of the Senate to the Tax Commissioner or the Tax Commissioner's designee and one member of the House of Representatives and one member of the Senate, each appointed by their respective majority leader.

House Bill No. 1292 increases the amount that may be deducted from the the cost of a vehicle purchased to replace a stolen or totally destroyed vehicle for purposes of calculating motor vehicle excise tax. The amount that may be deducted is increased to include the amount of the deductible on the stolen or totally destroyed vehicle, in addition to the amount received from the insurance company for the loss.

House Bill No. 1439 provides a sales and use tax exemption for materials used to construct or expand a system used to compress, gather, collect, store, transport, or inject carbon dioxide for secure geologic storage. The bill also makes changes to provisions relating to property tax and mineral tax, which are summarized in the corresponding sections of this title summary.

Senate Bill No. 2089 allows the Tax Commissioner, upon request and for good cause shown, to waive monthly sales and use tax filing requirements for sales tax permit holders with taxable sales or purchases which exceeded $333,000 in the previous calendar year. The bill also makes changes to sales and use tax laws to ensure the state remains in compliance with the Streamlined Sales and Use Tax Agreement. The bill defines adult and children's diapers to allow for differing sales tax treatment of those products, allows a retailer to elect to register in less than all of the Streamlined Sales Tax member states, clarifies tax rate and zip code database information applies to all taxable transactions, changes the notice period required for sales tax holidays from 60 days before the start of the quarter in which the exemption will apply to 60 days before the start of the month in which the exemption will apply, and identifies how to certify product categories for purposes of determining whether products within a specific category are taxable or exempt. The bill also makes changes to provisions relating to property tax, which are summarized in the property tax section of this title summary.

Senate Bill No. 2165 provides a sales and use tax credit against the purchase of a watercraft purchased to replace a stolen or totally destroyed watercraft. The amount of the credit is equal to the amount of compensation provided by an insurance company for the stolen or totally destroyed watercraft. The bill requires the purchaser of the replacement watercraft to provide the seller a notarized statement from the insurance company verifying the loss and the amount of compensation.

Senate Bill No. 2187 clarifies any motor vehicle, rather than just a bus, used exclusively by a nonprofit senior citizens' or handicapped persons' corporation to transport the elderly or disabled is exempt from motor vehicle excise tax.

Senate Bill No. 2191 removes the 200 transaction threshold at which remote sellers are required to collect and remit sales and use tax. The bill requires a seller with gross sales from taxable items delivered in this state which exceeded $100,000 in the previous or current calendar year to obtain a sales tax permit and begin collecting tax on items delivered in this state during the following calendar year, or 60 days after the threshold is met, whichever is earlier.

Senate Bill No. 2192, relating to the imposition of county lodging and restaurant tax, replaces outdated references to "tourist court accommodations" with "other accommodations" in provisions relating to the imposition of sales tax.

Senate Bill No. 2193, relating to the imposition of city lodging and restaurant tax, replaces outdated references to "tourist court accommodations" with "other accommodations" in provisions relating to the imposition of sales tax.

Senate Bill No. 2257 authorizes the Governor, in consultation with the Tax Commissioner, to enter an agreement with the governing body of any tribe in this state for the collection and administration of alcoholic beverage and tobacco wholesale taxes and alcoholic beverages gross receipts tax. The bill also repeals the existing chapter of Century Code relating to sales, use, and gross receipt tax agreements entered between the Governor and the Standing Rock Sioux Tribe.

Senate Bill No. 2258 authorizes the Governor, in consultation with the Tax Commissioner, to enter an agreement with the governing body of any tribe in this state for the collection and administration of sales, use, alcohol beverage gross receipts, and farm machinery gross receipts tax. The bill also repeals the existing chapter of Century Code relating to sales, use, and gross receipt tax agreements entered between the Governor and the Standing Rock Sioux Tribe.

Senate Bill No. 2338 modifies the definition of a retailer for sales and use tax purposes and defines a "marketplace facilitator" for purposes of collecting sales and use tax from remote sellers. The bill provides a marketplace facilitator facilitating the sale of tangible personal property in this state, which does not have a physical presence in this state, is required to obtain a sales tax permit and begin collecting tax on sales if the marketplace facilitator facilitates or makes sales through the marketplace which, when combined, exceed $100,000 in the current or previous calendar year.

MINERAL TAXES

House Bill No. 1013 repeals the energy impact fund, which is funded by gross production tax revenue, effective as of June 30, 2021.

House Bill No. 1014 decreases the abandoned oil and gas well plugging and site reclamation fund balance threshold at which the State Treasurer ceases transferring oil and gas gross production tax revenue to the fund from $100 million to $50 million.

House Bill No. 1066 creates the municipal infrastructure fund to provide grants to cities located in non-oil-producing counties for essential infrastructure projects and the county and township infrastructure fund to provide grants to non-oil-producing counties and townships located in non-oil-producing counties for road and bridge infrastructure projects.

The bill modifies the oil and gas gross production tax distribution formula by moving allocations to political subdivisions which were previously under the one-fifth side of the revenue allocation formula to the four-fifth side of the revenue allocation formula.

Allocations under the one-fifth side of the formula include allocating 8 percent to the outdoor heritage fund, up to $20 million per fiscal year; 4 percent to the abandoned oil and gas well plugging and site reclamation fund, up to $7 million per fiscal year, but not to exceed a total fund balance of more than $100 million; and all remaining amounts to the Legacy Fund to meet the constitutional obligation to deposit 30 percent of oil and gas revenue in the Legacy Fund.

Allocations under the four-fifth side of the formula include allocating the first $5 million received from each county back to the county. A portion of the $5 million allocated back to each county is distributed by formula to the hub city funding pool, hub city school district funding pool, and the supplemental school district funding pool. The remainder of the $5 million allocated back to each county is allocated 60 percent to the county general fund; 20 percent to cities in the county, excluding hub cities; 9 percent to hub cities; 5 percent to school districts in the county, excluding hub city school districts; 4 percent to townships in the county; and 2 percent to hub city school districts. After allocating the first $5 million received from each county back to the county, all remaining revenue is allocated 30 percent to the county and 70 percent to the hub city funding pool, the hub city school district funding pool, the supplemental school district funding pool, and all remaining amounts to the Legacy Fund to meet the constitutional obligation to deposit 30 percent of oil and gas revenue in the Legacy Fund.

The bill also modifies distributions of the state's share of oil and gas gross production tax and oil extraction tax revenue to increase the second round of allocations to the state general fund from $100 million to $200 million, replace the previous $100 million allocation split between the strategic investment and improvements fund and the lignite research fund with a $10 million allocation to the lignite research fund, provide an allocation of up to $30,375,000 to the municipal infrastructure fund, provide a $400 million allocation to the strategic investment and improvements fund; provide an allocation equal to the amount deposited in the municipal infrastructure fund to the newly created county and township infrastructure fund; provide an allocation of $169,250,000 divided equally between the municipal infrastructure fund and the county and township infrastructure fund; and to provide an allocation of $20 million to the airport infrastructure fund.

House Bill No. 1439 expands the oil extraction tax exemption for incremental production from a tertiary recovery project from 5 to 10 years from the date incremental production begins from a tertiary recovery project drilled within the Bakken and Three Forks Formations and from 10 to 20 years from the date incremental production begins for a project drilled outside the Bakken and Three Forks Formations if the project injects more than 50 percent carbon dioxide produced from coal. The bill also makes changes to provisions relating to sales and use tax and property tax, which are summarized in the corresponding sections of this title summary.

Senate Bill No. 2016 decreases the amount of oil and gas tax revenue designated for deposit in the state disaster relief fund from $20 million to $15 million per biennium and decreases the unobligated balance threshold at which additional biennial deposits in the fund will cease from $20 million to $15 million.

Senate Bill No. 2036 removes expired language pertaining to the allocation of coal conversion tax revenue. The bill also makes changes to provisions relating to property tax and income tax, which are summarized in the corresponding sections of this title summary.

Senate Bill No. 2249 creates the state energy research center fund and requires 1 percent of oil and gas gross production tax and oil extraction tax revenues designated for deposit in the general fund, up to $5 million per biennium, be deposited in the state energy research center fund each month. Money deposited in the fund are appropriated to the Industrial Commission for distribution to the State Energy Research Center.

Senate Bill No. 2312 changes the allowable revenue sharing split for a state-tribal oil and gas revenue sharing agreement. The bill modifies the previous 50/50 state-tribal oil and gas revenue sharing split to require the tribe receive 80 percent of the oil and gas revenue attributable to trust lands and 20 percent of the oil and gas revenue from all other production, with the state receiving the remainder. The bill also removes the requirement for agreements to be confirmed by a majority of the members elected to the House of

Representatives and the Senate and the requirement that any agreement expire no more than 16 years following the effective date of the agreement.

Senate Bill No. 2362 clarifies oil extraction tax revenue allocated to the state pursuant to the terms of a state-tribal revenue sharing agreement is subject to allocation among the resources trust fund, common schools trust fund, foundation aid stabilization fund, legacy fund, and general fund. The bill also provides for an additional one-half of 1 percent oil extraction tax revenue allocation to the resources trust fund, beginning with allocations in August 2019, and continuing until the additional allocations total $128,740,000.

FUELS TAXES

Senate Bill No. 2008 extends the duration for which excise tax collections from sales of diesel fuel to a railroad will be transferred to the rail safety fund from June 30, 2019, to June 30, 2021, and increases the amount deposited in the fund from $285,000 to $294,509 per year.

MISCELLANEOUS

Senate Bill No. 2006 increases the salary of the Tax Commissioner from $111,448 to $117,087 through June 30, 2016, and to $120,014 effective July 1, 2020.

TITLE 58
Townships
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 58. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

Senate Bill No. 2345 revises Sections 58-03-11.1 and 58-03-17 relating to the definition of "animal feeding operation" and establishes additional zoning requirements for animal feeding operations. The bill restricts a township from establishing setbacks that exceed those established unless the township can demonstrate compelling, objective evidence specific to the township which requires the greater setback within the township. In which case the setbacks may exceed those established and authorizes a person intending to construct an animal feeding operation to petition the board of township supervisors for a determination whether the animal feeding operation would comply with zoning regulations.

TITLE 59
Trusts
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 59. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 60
Warehousing and Deposits
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 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. 2009 amends all references in Chapters 60-02, 60-02.1, 60-04, 60-05, 60-06, and 60-10 from "commission" and "public service commission" to "commissioner" and "agriculture commissioner." The bill transfers all regulatory authority over Title 60, including grain and seed warehouses, grain buyers, insolvent grain warehousemen, uniform accounting for public elevators and warehouses, public warehouses on railroad right of ways, and credit-sale contract indemnity, from the Public Service Commission to the Agriculture Commissioner. The bill creates new sections to Chapters 60-02 and 60-02.1 to require applicants for a public warehouse or grain buyer license to provide financial records to the agriculture commissioner, upon request, as a condition of licensure and requires the agriculture commissioner to maintain the confidentiality of the records. The bill also changes the amounts of an annual or biennial license fee for a public warehouse and the bond amount required by an applicant for a grain buyer license.

TITLE 61
Waters
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 61. Bills primarily affecting other titles also affect this title and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1085 removes the cap on assistance provided through the drought disaster livestock water assistance program.

House Bill No. 1087 allows an applicant for a permit to construct or modify an agricultural dike under 2 feet [0.61 meter] high to provide plans completed by a person other than a professional engineer with the application materials.

House Bill No. 1202 provides a definition of "navigable waters" and a process the State Engineer has to follow when determining a body of water is navigable. The bill also allows the State Engineer to review certain previous determinations of navigability and provides for some previous determinations to be vacated.

Senate Bill No. 2020, the agency appropriation for the State Water Commission, revises the interest rate for water project loans from the infrastructure loan fund. The bill also extends the sunset for a Bank of North Dakota line of credit for the State Water Commission.

Senate Bill No. 2036 repeals Chapter 61-21.1, which provided for Industrial Commission bonding for the purpose of making loans to lenders for the purpose of making loans to landowners for water projects.

Senate Bill No. 2090 amends definitions, processes, and requirements for appropriating water and obtaining and canceling water permits. The bill requires a permitholder to have at legal interest in each point of diversion and in each irrigated tract of land identified on the permit.

Senate Bill No. 2091 modifies the requirements for residential and nonresidential structures permitted within the flood fringe of a floodplain or floodway.

Senate Bill No. 2107 repeals Section 61-28.1-07, which provided for the State Department of Health to operate a laboratory certification program and required analyses of water from public water systems to be analyzed only by the department or a certified laboratory.

Senate Bill No. 2109 repeals Chapter 61-30, which provided for a lake protection and rehabilitation program operated by the State Department of Health.

Senate Bill No. 2139 changes the membership of the State Water Commission to include representation from the Little Missouri River, upper Heart River, and upper Cannonball River Basin, and requires the commission to make changes to its cost-share policy for water projects.

Senate Bill No. 2211 defines the "ordinary high water mark," establishes factors to be considered when determining the ordinary high water mark, and amends the process the Board of University and School Lands to follow to determine the state's ownership of minerals under riverbed segments subject to inundation by the Pick-Sloan Missouri Basin project dams. The bill also amends the project for interested parties to bring court actions to challenge the mineral ownership determinations.

Senate Bill No. 2295 limits the purposes for which an irrigation district may be created and changes the way the benefits of and assessments for assessment drains are determined.

Senate Bill No. 2358 exempts the Garrison Diversion Conservancy District and Lake Agassiz Water Authority from having to obtain voter approval for several types of projects, changes notification requirements for a person seeking a permit for a drainage project, and removes limits on the terms of certain contracts entered into by the Garrison Diversion Conservancy District or Lake Agassiz Water Authority.

TITLE 62.1
Weapons
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 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.

House Bill No. 1042 creates an exception to the prohibition on carrying a loaded firearm in or on any motor vehicle for an individual who is not otherwise precluded from possessing a Class 2 firearm and dangerous weapon license and who has possessed for at least 1 year, a valid driver's license or nondriver identification card issued by the Department of Transportation.

House Bill No. 1163 reduces the penalty associated with an individual who possesses a firearm or dangerous weapon in a liquor establishment from a Class A misdemeanor to an infraction and an individual who possesses a firearm or dangerous weapon at a public gathering or a loaded firearm in a motor vehicle from a Class B misdemeanor to an infraction.

House Bill No. 1308 excludes a binary trigger that fires one round upon the pull of the trigger and one round upon release of the trigger from the definition of "machine, submachine gun, or fully automatic rifle."

House Bill No. 1256 authorizes an individual to petition the court to seal a criminal record. The bill also updates the language relating to the records the Bureau of Criminal Investigation may review in determining whether an applicant for a concealed weapons license has been or is a danger to self or others to include sealed records of arrests and convictions of adults.

House Bill No. 1332 authorizes the Superintendent of Public Instruction to adopt rules to administer an armed first responder program for public schools. The bill also creates an exception to the prohibition on carrying a firearm or dangerous weapon at a public gathering for an individual who is an armed first responder and on school property.

House Bill No. 1381 creates a new section restricting any state agency, political subdivision, or law enforcement agency from implementing a firearm buyback program and makes a violation of this restriction a Class A misdemeanor.

Senate Bill No. 2034 removes duplicative language relating to the definition of a retired law enforcement officer and the language relating to a felon possessing a firearm from the definition of "firearm" in Section 62.1-01-01; addresses the inconsistency in Section 62.1-02-01.1, relating to whether the state or federal government has jurisdiction to reinstate an individual's right to possess a firearm by specifying the petition to reinstate the right must be filed in the venue where the rights were revoked; addresses inconsistencies created with the passage of House Bill No. 1169 (2017) by clarifying the restrictions relating to open carry of a handgun and carrying a loaded firearm in a vehicle do not apply to an individual who is not otherwise precluded from carrying a concealed firearm or dangerous weapon under Chapter 62.1-04; amends Section 62.1-02-13 to add the exceptions that apply to the restriction on carrying a firearm at a public gathering in Section 62.1-02-05 to the prohibition of the possession of a secured firearm by an employer at any public or nonpublic elementary school, middle school, or high school property; and amends Section 62.1-04-02 by creating language that provides a distinction between a Class 1 and Class 2 firearm and dangerous weapon license.

Senate Bill No. 2140 authorizes an individual to produce a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device in lieu of the individual's physical concealed weapons license upon demand of a law enforcement office. The bill also provides a violation of Section 62.1-04-04 is a noncriminal offense punishable by a fee of $20.

TITLE 63
Weeds
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 63. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 64
Weights, Measures, and Grades
Summary of Bills Enacted by 2019 Legislative Assembly

There was no 2019 legislation enacted which primarily affected North Dakota Century Code Title 64. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

TITLE 65
Workforce Safety and Insurance
Summary of Bills Enacted by 2019 Legislative Assembly

This memorandum summarizes 2019 legislation primarily affecting North Dakota Century Code Title 65. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Workforce Safety and Insurance may be classified in these subject areas--operations and benefits, definitions, and miscellaneous.

OPERATIONS AND BENEFITS

House Bill No. 1072 provides a definition for the terms "noncompliance," "payroll report," "subcontractor," and "uninsured," authorizes a business to report payroll more often than annually, and adds a penalty of up to $5,000 to an employer that deducts any portion of the premium from the wages or salary of an employee. The bill removes the requirement that Workforce Safety and Insurance has to physically mail documents like the certificate of coverage, and authorizes Workforce Safety and Insurance to provide the documents electronically. The bill requires an employer to file the payroll report electronically, clarifies Workforce Safety and Insurance's authority to require advance payment of the premium in full or in installments, and provides subcontractors also are responsible for ensuring that subcontractors brought in by subcontractors are insured with Workforce Safety and Insurance. The bill requires Workforce Safety and Insurance to notify a general contractor or subcontractor using the services of a business operating under a cease and desist order before assessing penalties. The bill authorizes Workforce Safety and Insurance to assess a $5,000 penalty against an employer that willfully threatens or discharges an employee for seeking Workforce Safety and Insurance benefits, and removes the requirement that Workforce Safety and Insurance perform a biennial safety review of the Rough Rider Industries work programs and of the program of modified workers' compensation coverage.

House Bill No. 1073 provides a definition for the term "valid functional capacities examination," authorizes Workforce Safety and Insurance to develop an alternative dispute resolution pilot program, and authorizes Workforce Safety and Insurance to secure medical utilization review staff licensed by a state agency within the United States. The bill requires health care providers to submit medical bills and documents electronically. The bill provides in cases of recurring disability claims, the wages used for benefit calculations are wages received at the time of the occurrence unless the wages at the occurrence were lower than at the time of the initial injury due to physical limitations of the compensable injury, then the injured employee's benefits must be based on the wage received before the injury. The bill changes medical noncompliance without good cause to a two-strike noncompliance system.

House Bill No. 1188 allows for indemnity benefits to be reactivated for no more than 3 years for an injured employee who has received disability benefits that have been discontinued before retirement if the injured employee meets the reapplication criteria under Section 65-05-08(1).

DEFINITIONS

Senate Bill No. 2124 changes the term "county general assistance workers" to "human service zone general assistance workers" as included in the definition of an "employee."

Senate Bill No. 2184 creates a definition for "allied health care professional" and updates the definition for "health care provider" by removing the definition for the term "doctor" and incorporating the term into "health care provider" and incorporating "health care provider" into the definition of "allied health care provider."

MISCELLANEOUS

House Bill No. 1062 changes the start of the term of office for newly appointed members of the Workforce Safety and Insurance Board of Directors from January 1 of odd-numbered years to January 1 of even-numbered years.

House Bill No. 1240 requires Workforce Safety and Insurance to report annually to the Legislative Management the status of all current pilot programs and the status of pilot programs completed within the previous 12 months.

Senate Bill No. 2055 changes the required approval by the Budget Section for the Director of Workforce Safety and Insurance to establish a casualty insurance organization, to be upon approval by the Legislative Assembly or the Budget Section if the Legislative Assembly is not in session. The Legislative Assembly overrode the Governor's veto of this bill.