

2017 NORTH DAKOTA CENTURY CODE TITLE SUMMARIES



LEGISLATIVE COUNCIL
STATE CAPITOL
BISMARCK, ND 58505

TITLE 1
General Provisions
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1043](#) requires the printing of the expiration date or effective date notes in Century Code following the caption of a Century Code section.

[House Bill No. 1044](#) provides a definition for "primary sector business" and "new wealth" under the general definitions of Century Code.

[House Bill No. 1363](#) changes a reference to a "polling location" to "polling place".

TITLE 2
Aeronautics
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1217](#) increases the permanent registration fee for antique, classic, and warbird aircraft from \$85 to \$125. The bill also provides annual aircraft registration fees are for calendar years and the registration fee for an aircraft based in the state after June 30th of a calendar year is one-half the annual fee.

[House Bill No. 1305](#) revises definitions and several other provisions in Title 2 regarding the creation, expansion, dissolution, and operation of airport authorities.

[Senate Bill No. 2049](#) specifies the purposes for which the Aeronautics Commission special fund may be used, including administration of the Commission; airport construction and improvement projects; administration, construction, repair, maintenance, and operation of airports; and expenses of the Commission, including distribution of educational grants.

TITLE 3
Agency
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 3.

TITLE 4
Agriculture
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1127](#) amends multiple sections in the chapter on dairy products regulations to update references to publication dates of various publications from 2013 to 2015.

[House Bill No. 1240](#) changes the fee the Agriculture Commissioner is required to charge an applicant to obtain a license to grow or process industrial hemp for commercial or research purposes from \$5 per acre to \$150 per acre plus \$25 per acre. The bill provides the fees collected must be deposited in the Commissioner's operating fund and appropriates the funds as a continuing appropriation. The bill was declared to be an emergency measure and became effective on March 15, 2017.

[Senate Bill No. 2009](#), the appropriation for the State Fair Association, requires facility operations and maintenance costs to be funded with State Fair Association funds.

[Senate Bill No. 2020](#), the appropriation for the North Dakota State University (NDSU) Extension Service, the Northern Crops Institute, the Upper Great Plains Transportation Institute, the Main Research Center, branch research centers, and the Agronomy Seed Farm, provides 12-month employees of the Extension Service whose employment is not limited in duration accrue leave pursuant to Section 54-06-14. The bill provides that provision is effective through June 30, 2019.

[Senate Bill No. 2026](#) continues the agriculture rewrite project to eliminate irrelevant or duplicative statutory provisions, clarify provisions that are inconsistent or unclear in their intent and direction, rearrange the provisions in a logical order, and move the provisions into the agriculture Title 4.1. The bill repeals 28 chapters of Century Code, primarily in Title 4, and moves the content of those rewritten chapters into 9 new chapters, the majority of which are created in Title 4.1.

[Senate Bill No. 2032](#) amends a provision regarding the duties of the State Board of Agricultural Research and Education to require the board to provide a status report to the Budget Section rather than to present a report.

[Senate Bill No. 2236](#) amends a provision relating to the pipeline restoration and reclamation oversight program to remove a reference to the program being a "pilot" program. The bill provides the names of surface owners and tenants who receive assistance under the program are exempt records.

[Senate Bill No. 2327](#), which establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, contingent upon the section chief certifying that all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements, changes references in the section regarding pesticide and the pesticide container disposal program from the State Health Officer to the Director of Environmental Quality.

TITLE 4.1

Agriculture

Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to agriculture may be classified in these subject areas--agricultural law rewrite and miscellaneous.

AGRICULTURAL LAW REWRITE

[Senate Bill No. 2026](#) continues the ongoing agriculture rewrite project to eliminate irrelevant or duplicative statutory provisions, clarify provisions inconsistent or unclear in their intent and direction, rearrange the provisions in a logical order, and move the provisions into the agriculture Title 4.1. The bill repeals 28 chapters of Century Code, primarily housed in Title 4, and moves the content of those rewritten chapters into 9 new chapters in more logical locations in Century Code, the majority of which are created in Title 4.1.

[Senate Bill No. 2027](#) continues the ongoing agriculture rewrite project to eliminate irrelevant or duplicative statutory provisions, clarify provisions that are inconsistent or unclear in their intent and direction, rearrange the provisions in a logical order, and move the provisions into the agriculture Title 4.1. The bill repeals 4 chapters of Century Code, primarily housed in Title 19 related to pesticides, fertilizers, and anhydrous ammonia, and moves the content of those rewritten chapters into 9 new chapters in Title 4.1. The bill also corrects several cross-references that changed due to the rewrite.

[Senate Bill No. 2028](#) continues the ongoing agriculture rewrite project to eliminate irrelevant or duplicative statutory provisions, clarify provisions that are inconsistent or unclear in their intent and direction, rearrange the provisions in a logical order, and move the provisions into the agriculture Title 4.1. The bill repeals 7 chapters and 1 section of Century Code, primarily housed in Titles 19 and 36 related to livestock and moves the content of those rewritten chapters into 8 new chapters in Title 4.1. The bill amends several sections to correct cross-references that changed due to the rewrite, rearranges the content of the sections in a more concise order, and makes the statutory provisions more accurately reflect current industry practices.

[Senate Bill No. 2029](#) continues the ongoing agriculture rewrite project to eliminate irrelevant or duplicative statutory provisions, clarify provisions that are inconsistent or unclear in their intent and direction, rearrange the provisions in a logical order, and move the provisions into the agriculture Title 4.1. The bill moves the content of the chapters regarding industrial hemp, soil conservation districts, forestry and tree distribution, nurseries, and potato production contracts into 5 new chapters in Title 4.1. The bill amends the section on optional contributions to the trees for North Dakota program trust fund to correct a cross-reference.

MISCELLANEOUS

[House Bill No. 1009](#), the appropriation bill for the Agriculture Commissioner, requires the fees collected for beekeeper's licenses and colony assessments be deposited in the Agriculture Commissioner's operating fund.

[House Bill No. 1208](#) requires a person selling livestock to deliver a bill of sale to the purchaser within 15 days of the date of the sale.

[House Bill No. 1291](#) creates a uniform summons and complaint to be used by the chief brand inspector and deputy brand inspectors, employed by the North Dakota Stockmen's Association and licensed as peace officers, when enforcing brand laws and other state laws related to livestock.

[House Bill No. 1342](#) amends various provisions relating to beekeeping. The bill allows the Agriculture Commissioner to suspend, revoke, or refuse to grant a beekeeping license and allows a person denied a license to request a hearing before the Agriculture Commissioner within 30 days of the denial. The bill requires beekeepers to maintain a prominently displayed identification number issued by the Agriculture Commissioner at the apiary's main entrance, along with the name and phone number of the beekeeper. The bill allows the Agriculture Commissioner or a law enforcement officer to dispose of confiscated bees, hives, or equipment pursuant to a court order or administrative order, unless the beekeeper or responsible party appears, claims the property, and pays the costs related to confiscation and any civil penalties.

[Senate Bill No. 2313](#) requires the Agriculture Commissioner to create a wind energy restoration and reclamation oversight program to provide assistance, support, and outreach to wind property owners. The bill

authorizes the Agriculture Commissioner to contract for ombudsmen to serve as a resource for technical assistance on wind property issues.

TITLE 5
Alcoholic Beverages
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 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.

[**House Bill No. 1015**](#), the appropriation bill for the Office of Management and Budget, removes a restriction that disallowed a qualified alcoholic beverage licensee that receives a special event permit from the local governing body from holding the special event on the licensee's fixed or permanent licensed premises. The provision was declared to be an emergency measure and became effective on May 3, 2017.

[**House Bill No. 1059**](#) expands the types of individuals ages 18 to 21 who may be employed by an establishment that sells alcoholic beverages to include disc jockeys, entertainers, and individuals performing duties directly related to working as a disc jockey, entertainer, or musician.

[**House Bill No. 1040**](#), as part of a bill that creates an evidence-based alcohol and drug education program, requires an individual under the age of 21 who unlawfully enters a licensed premises that sells alcoholic beverages to complete an evidence-based alcohol and drug education program as part of the individual's sentence for committing the offense.

[**House Bill No. 1245**](#) corrects an inconsistency between two provisions of law, one of which allows sales of alcoholic beverages to commence starting at 11:00 a.m. on Sundays and the other which allows sales to commence at 12:00 noon on Sundays. The bill repeals language relating to a governing body's authority to issue alcoholic beverage permits for sales beginning at 12:00 noon on Sundays to remove the inconsistency.

[**House Bill No. 2042**](#), as part of a bill relating to mental health professionals and licensure of social workers, makes technical corrections to language pertaining to the provision of medical care and assistance to publicly intoxicated individuals by changing references to a "person" to an "individual" and changing a reference to a "duly licensed physician" to a "tier 1b mental health professional."

TITLE 6
Banks and Banking
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to Banks and Banking may be classified in these subject areas--Bank of North Dakota, Public Finance Authority, and miscellaneous.

BANK OF NORTH DAKOTA

[House Bill No. 1013](#) repeals Section 6-09-45 which directs the law directing the Industrial Commission to transfer from earnings and accumulated and undivided profits of the Bank of North Dakota to the Superintendent of Public Instruction funding necessary to cover the shortfall of required funds to reimburse school districts for the excess costs of servicing the 1 percent of special education students who require the greatest school district expenditures.

[House Bill No. 1015](#) increases from \$10 million to \$50 million the maximum loan authority of the Bank of North Dakota to the State Treasurer and the Office of Management and Budget if the balance of the state general fund is insufficient to meet legislative appropriations and directs the Office of Management and Budget to report to the Budget Section of the Legislative Management if a loan from the Bank of North Dakota is obtained under this law.

[Senate Bill No. 2044](#) directs the Bank of North Dakota to conduct dynamic revenue analysis of economic development tax incentives selected for review by the Dynamic Fiscal Impact Bill Selection Committee and by the Legislative Management interim committee charged with reviewing economic development tax incentives. The bill is effective through June 30, 2019.

[Senate Bill No. 2124](#) provides money and assets in a North Dakota Achieving a Better Life Experience (ABLE) plan account or a qualified account in another state may not be considered for the purpose of determining eligibility to receive or the amount of benefits of a state or local means-tested program.

[Senate Bill No. 2178](#) revises the eligibility requirements to qualify for a loan from the infrastructure revolving loan fund to provide a qualified applicant must be funding new or replacing existing water treatment plants, wastewater treatment plants, sewer lines and water lines, or storm water and transportation infrastructure. The bill removes the specific directive the Bank of North Dakota establish priorities for making loans under this program.

PUBLIC FINANCE AUTHORITY

[House Bill No. 1192](#) specifies the requirements for a notice to the Superintendent of Public Instruction that satisfactory arrangements have been made for owed principal and interest on evidences of indebtedness of a school district. The bill directs a paying agent to notify the Superintendent of Public Instruction if the paying agent becomes aware of a potential default and clarifies the circumstances under which the Superintendent of Public Instruction shall withhold and transfer funds due or payable or appropriated to the school district to the paying agent.

[Senate Bill No. 2270](#) includes the Garrison Diversion Conservancy District and the Lake Agassiz Water Authority within the definition of "political subdivision" as that term is used in the law relating to the Public Finance Authority.

MISCELLANEOUS

[Senate Bill No. 2212](#) revises the board of director membership requirements for annuity, safe deposit, and trust companies and for state banks, replacing the requirement a majority of board members be residents of North Dakota with a requirement at least two-thirds of the directors must be citizens of the United States.

[Senate Bill No. 2327](#) as part of a bill that creates the Department of Environmental Quality, changes a statutory reference from the State Department of Health to the Department of Environmental Quality.

[Senate Bill No. 2335](#) in the law relating to disclosure of customer information, updates a change of terminology from the use of the terms "disabled adult" and "vulnerable elderly adult" to the use of the term "eligible adult."

TITLE 8
Carriage
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 8.

TITLE 9
Contracts and Obligations
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 9.

[House Bill No. 1212](#) enacts the Revised Uniform Athlete Agents Act, which requires athlete agents to register with the Secretary of State, provides requirements for contracts between student athletes and agents, and authorizes the Secretary of State to adopt rules to implement the Act. The bill also prohibits certain conduct by athlete agents and provides penalties for violations.

TITLE 10
Corporations
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 legislation primarily affecting North Dakota Century Code Title 10. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1044](#) updates the definition of "primary sector business" to reference a uniform definition of the term.

[House Bill No. 1048](#) eliminates the income tax credit for membership dues, contributions, or taxpayer credits related to certified nonprofit development corporations.

[Senate Bill No. 2030](#) replaces references to the "North Dakota Education Association" with "North Dakota United".

[Senate Bill No. 2105](#) provides the home address of an agent or investment adviser representative or a licensed insurance producer or insurance consultant is an exempt record under open records provisions.

[Senate Bill No. 2159](#) provides the management of a limited liability company does not need member consent for the grant of a lien or security interest in the company's property for an act outside the ordinary course of the activities of the company, or for the sale, lease, exchange, or disposal of property of the company outside the course of the activities of the company. The bill is retroactive in application to cases arising after July 31, 2015.

[Senate Bill No. 2213](#) updates cross references relating to annual reports of a corporate professional organization.

[Senate Bill No. 2223](#) provides distributions and profit sharing for limited liability companies created after July 31, 2017, must be allocated in proportion to the value of the contributions of the members. The bill provides in a member-managed limited liability company created after July 31, 2017, the management and conduct of the company are vested in the members, each member possesses voting power unless otherwise provided in the articles of organization, a difference may be decided by a majority vote, an act outside the ordinary course of activities may be undertaken only with a majority vote, and the operating agreement may be amended only with consent of the members. The bill also provides no other remedy, including foreclosures of the transferable interest of a single member limited liability company or a limited liability company with more than one member, is available to the judgment creditor attempting to satisfy a judgment of the debtor's interest in the company. The bill provides that in winding up its activities, a limited liability company created after July 31, 2017, is required to apply its assets to discharge its obligations to creditors and provides a priority order for any surplus assets.

[Senate Bill No. 2276](#) provides all assets received by a corporation from donors for a special use or purpose must be designated as temporarily or permanently restricted and disclosed on the corporation's financial statements. The bill also provides a corporation may pledge as collateral, grant a security interest in, or borrow from assets initially designated as temporarily restricted only for purposes in accordance with the donor's restrictions.

[Senate Bill No. 2322](#) authorizes an agent or investment adviser representative to delay a financial transaction or disbursement of an individual at least 65 years old or a vulnerable adult if the individual reasonably believes the transaction or disbursement may result in financial exploitation, including the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of an adult or an act or omission taken by a person to obtain control of the finances or property of a vulnerable adult through deception, intimidation, or undue influence.

TITLE 11
Counties
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1043](#), which makes technical changes throughout Century Code, replaces the term "public roads administration" with "federal highway administration" under the powers and duties of the county engineer.

[House Bill No. 1144](#), which separates provisions relating to the regulation of gas and liquid energy conversion and transmission facility siting and electric energy conversion and transmission facility siting, provides an ordinance of a home rule county may not supersede the issuance of a site compatibility or a route permit for an energy conversion facility.

[House Bill No. 1250](#) requires statements of full consideration to be filed with the county recorder and specifies the statements that are presented in the office of the county recorder by a grantee or grantee's authorized agent shall certify a statement of the full consideration paid for the property or a statement designating one of the exemptions the grantee believes applies to the transaction. The bill further provides a statement of full consideration presented by an affidavit of affixation to real property of a manufactured home must contain a statement of the full consideration paid by the party before the affixation. The bill eliminates the requirement that a statement of full consideration be filed with the State Board of Equalization.

[House Bill No. 1294](#) replaces the term "burial" with "final disposition" and "buried" with "otherwise disposed of" in relation to the disposition of a body when next of kin cannot be found.

[House Bill No. 1356](#) provides that all sales of property to or from a government or government agency must follow the regulations relating to property sales price disclosures as provided in Section 11-18-2.2.

[Senate Bill No. 2026](#), as part of a rewrite of agricultural statutes, moves provisions relating to county extension agents and county fair associations from Title 4 to Title 11.

[Senate Bill No. 2160](#) eliminates the requirement for county recorders to prepare a security agreement abstract upon request.

[Senate Bill No. 2171](#) provides that notice of sale of property sold at a public sale must be published for 2 consecutive weeks rather than 3 consecutive weeks.

[Senate Bill No. 2193](#) provides a county law enforcement officer employed by a county has jurisdiction within that county and up to 1,500 feet outside the county. The bill also provides the jurisdiction limit does not apply to a county law enforcement officer acting under a joint powers agreement with another jurisdiction.

[Senate Bill No. 2206](#), which creates a 2-year pilot program for the state payment of county-funded economic assistance and social service costs, updates the requirements for county officers to furnish a departmental budget to the county commissioners by removing information that was specific to taxable years 2015 and 2016. The bill provides the county social service board budget for 2020 may not exceed the 2016 budget as a starting point.

[Senate Bill No. 2288](#), which revises various provisions relating to property tax levy increase notices and public hearings, provides a board of county commissioners must meet at the time and place designated in Section 57-15-02.2 relating to estimated property tax and budget hearing notices.

[Senate Bill No. 2326](#) provides home rule counties have the authority to levy and collect property taxes and special assessments for public and proprietary functions, activities, operations, undertakings, and improvements. The bill also specifies the home rule counties may collect a lodging and county restaurant tax without an agreement with the tax commissioner.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality, updates various references from the "State Department of Health" to the "Department of Environmental Quality."

[Senate Bill No. 2340](#) allows a county recorder to charge \$20 for recording deeds, mortgages, and other recording instruments up to six pages, \$65 for documents containing more than six pages, and an additional

\$3 for each additional page after the first 25 pages. The bill requires a three-inch margin on the top of the first page of a recording instrument and requires the font size of a filed document to be at least 10 point Calibri.

TITLE 12
Corrections, Parole, and Probation
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to Corrections, Parole, and Probation may be classified in these subject areas--criminal history background checks, law enforcement, and miscellaneous.

CRIMINAL HISTORY BACKGROUND CHECKS

[House Bill No. 1060](#) authorizes the Department of Commerce to request the Bureau of Criminal Investigation to conduct a criminal history background check for a volunteer or employee providing services through eligible organizations and authorizes the State Court Administrator to request the Bureau of Criminal Investigation to conduct a criminal history background check for a guardian ad litem who provides direct services to youth.

[House Bill No. 1087](#) authorizes the North Dakota Board of Chiropractic Examiners to request the Bureau of Criminal Investigation to conduct a criminal history background check for a certificant.

[House Bill No. 1132](#) authorizes Job Service North Dakota to request the Bureau of Criminal Investigation to conduct a criminal history background check for any employee, applicant, or contractor with access to federal tax information.

[Senate Bill No. 2129](#) authorizes the office of the Tax Commissioner to request the Bureau of Criminal Investigation to conduct a criminal history background check for any employee, applicant, or contractor with access to federal tax information.

[Senate Bill No. 2131](#) authorizes the North Dakota Board of Physical Therapy to request the Bureau of Criminal Investigation to conduct a criminal history background check for a physical therapist, physical therapist assistant applicant, or for a licensee under investigation.

[Senate Bill No. 2327](#) authorizes the Department of Environmental Quality to request the Bureau of Criminal Investigation to conduct a criminal history background check for a final applicant or an employee; an individual being investigated by the department; or an applicant for registration, certification, or licensure by the department.

LAW ENFORCEMENT

[House Bill No. 1221](#) requires the Peace Officer Standards and Training Board to adopt rules relating to the professional conduct of licensed peace officers involved in confidential informant agreements.

[Senate Bill No. 2015](#) requires the governing body of a correctional facility, in cooperation with law enforcement, state's attorneys, and the judiciary to develop an inmate population plan to prioritize admissions and inmate retention based on the correctional facility's authorized budget.

[Senate Bill No. 2302](#) authorizes the Attorney General to appoint ad hoc special agents. The bill provides an ad hoc special agent is a law enforcement officer from another jurisdiction appointed for a specific law enforcement purpose.

[Senate Bill No. 2309](#) requires the Bureau of Criminal Investigation to maintain a registry of all orders prohibiting contact under Sections 12.1-32.1-02 and 14-07.1-02.

MISCELLANEOUS

[House Bill No. 1041](#) provides an individual sentenced to a correctional facility under Chapter 12-44.1 is eligible to earn sentence reductions for good conduct and for time spent in custody before sentencing. The bill prohibits the Department of Corrections and Rehabilitation from allowing an offender credit for sentence reduction for time spent on probation under the supervision of the department.

TITLE 12.1
Criminal Code
Summary of Bills Enacted by 2017 Legislative Assembly

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

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

CRIMINAL OFFENSES AND OFFENDERS

[House Bill No. 1183](#) creates a Class A misdemeanor offense for a person exposing one's penis, vulva, or anus by unsolicited electronic means, or by any electronic means to a minor. The bill enhances the offense from a Class A misdemeanor to a Class C felony for a subsequent offense if the victim is a minor. The bill defines "electronic means" and expands the definition of "sexual conduct" to include "actual or simulated nude or partially denuded human figure" and "physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts."

[House Bill No. 1269](#) requires the quantity of stolen prescription capsules, pills, or tablets to be more than five for the offense of theft to be classified as a Class C felony, and changes the maximum imprisonment penalty for a Class A misdemeanor from 1 year to 360 days. The bill provides an offender who is convicted of a Class C felony aggravated assault or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board. The bill classifies the intentional ingestion, inhalation, or injection of marijuana as a Class B misdemeanor, and reduces the mandatory terms of imprisonment for manufacturing, delivering, or possessing with the intent to manufacture or deliver a controlled substance. The bill makes it a Class A misdemeanor for a person to possess five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog. The bill provides immunity from the criminal prosecution of certain offenses to an individual who in good faith seeks medical assistance for another individual in need of emergency medical assistance due to a drug overdose. The bill provides to receive immunity the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance.

[House Bill No. 1304](#) makes it a Class A misdemeanor for an individual to wear a mask, hood, or other device that covers, hides, or conceals any portion of that individual's face for purposes of--intimidation or abuse; evading or escaping discovery, recognition, or identification during the commission of a criminal offense; or concealment, flight, or escape when the individual has been charged with, arrested for, or convicted of a criminal offense. The bill was declared to be an emergency measure and became effective on February 23, 2017.

[House Bill No. 1426](#) changes the penalty for an individual who gives commands, instructions, or directions to five or more people in furtherance of a riot from a Class A misdemeanor to a Class C felony. The bill changes the penalty from a Class C felony to a Class B felony if the riot involves 100 people or more; for an individual who supplies rioters with firearms or is armed while engaging in a riot from a Class C felony to a Class B felony, for an individual engaging in a riot from a Class B misdemeanor to a Class A misdemeanor; and for an individual who disobeys a reasonable public safety order to move, disperse, or refrain from specified activities in the immediate vicinity of a riot from a Class B misdemeanor to a Class A misdemeanor. The bill was declared to be an emergency measure and became effective on February 23, 2017.

[Senate Bill No. 2216](#) adds health care facility employees and emergency responders to the list of individuals protected under the offense of contact by bodily fluids or excrement, and defines "health care facility."

[Senate Bill No. 2300](#) provides it is a Class B felony for a person to commit an aggravated assault on a peace officer or a correctional institution employee acting in an official capacity.

SENTENCING

[House Bill No. 1041](#) requires the sentence for assault, reckless endangerment, terrorizing, or menacing an offense against an actor's family or household member must include an order to complete a domestic violence offender evaluation and treatment program as determined by the court. The bill removes the Class C felony

theft designation for stolen property that is an automobile, aircraft, or other motor-propelled vehicle. The bill adds intermittent imprisonment in a facility with an available faith-based program deemed appropriate for the treatment of an individual offender into the inclusion of a term of imprisonment. The bill authorizes a court to provide as an intermediate condition of probation, one period of incarceration during a period of probation not to exceed 30 consecutive days in lieu of a petition for revocation of probation. The bill requires a sentencing court to sentence an individual who has pled guilty to, or has been found guilty of, a Class C felony offense or Class A misdemeanor offense to a term of probation at the time of initial sentencing, except for an offense involving domestic violence, an offense against a child or a sexual offense subject to registration; an offense involving a firearm or dangerous weapon, explosive, or incendiary device; or an offense for which a mandatory term of incarceration is required by law. Various provisions of the bill were declared to be an emergency measure and became effective April 21, 2017. The provisions relating to presumptive probation and incarceration in lieu of revocation become effective January 1, 2018.

[House Bill No. 1195](#) authorizes a court to reduce a term of imprisonment imposed upon a defendant convicted as an adult for an offense committed and completed before the defendant was 18 years of age if the defendant has served at least 20 years in custody for the offense, the defendant filed a motion for reduction in sentence, and the court has considered the factors provided and determined the defendant is not a danger to the safety of any other individual, and the interests of justice warrant a sentence modification. The bill provides the factors to be considered by the court include the age of the defendant at the time of the offense, the nature of the offense, whether the defendant has demonstrated maturity, rehabilitation, and a fitness to re-enter society sufficient to justify a sentence reduction, and a statement by a victim or a family member of a victim who was impacted by the actions of the defendant. The bill requires that a defendant whose sentence is reduced must be ordered to serve a period of supervised release of at least 5 years upon release from imprisonment. The bill exempts a defendant who was a juvenile at the time of the offense from a Class AA felony, for which the maximum penalty of life imprisonment without parole must be imposed.

[Senate Bill No. 2302](#) removes the expiration date of the offender education program and provides a sentence for an offense under the Uniform Act on Prevention of and Remedies for Human Trafficking may include an order for the offender to participate in an offender education program on the negative consequences of the commercial sex industry. The bill was declared to be an emergency measure and became effective February 23, 2017.

SEX CRIMES AND OFFENDERS

[House Bill No. 1058](#) changes the time requirement for a registered sexual offender to notify a law enforcement agency of termination of school or employment from within 5 days of the termination to within 3 days.

[House Bill No. 1218](#) changes the penalty for an offender who knowingly has sexual contact with another individual or who causes another person to have sexual contact with that individual if the offender knows or has reasonable cause to believe that the contact is offensive to the other individual, from a Class B misdemeanor to a Class A misdemeanor.

[House Bill No. 1222](#) creates a civil restraining order process for victims of sexual assault. The bill prohibits the sexual assault assailant from harassing, stalking, or threatening the individual requesting the order; prohibits the assailant from appearing at the victim's residence, school, or place of employment; and prohibits the assailant from contacting the victim. The bill provides a violation of a sexual assault restraining order is a Class A misdemeanor, and a Class C felony for a second or subsequent offense.

[House Bill No. 1334](#) prohibits an individual assessed as a high-risk sexual offender from residing within 500 feet of a public or nonpublic preschool or elementary, middle, or high school. The bill defines "reside" as "to live permanently or be situated for a considerable time in a home or a particular place."

[Senate Bill No. 2303](#) changes the registration requirement for a sexual offender to require an individual who is required to register to inform the law enforcement agency having local jurisdiction of the individual's place of residence, the individual's residential address, school, and place of employment. The bill becomes effective when the Attorney General certifies the registration process is operational.

MISCELLANEOUS

[House Bill No. 1194](#) adds "grandchild" to the definition of "family member" and excludes "the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim" from the definition of "victim." The bill provides a victim the right to prevent the disclosure of confidential or privileged information about the victim or the victim's family and provides the right to be

notified of any request for identifying information or confidential or privileged information about the victim or victim's family. The bill requires the Attorney General to develop a card containing the rights of victims and to distribute the card to all crime victims.

House Bill No. 1245 repeals the authority of a local governing body to issue a Sunday alcoholic beverage permit to a qualified alcoholic beverage licensee or to a publicly owned or operated facility.

House Bill No. 1293 creates a noncriminal offense for an individual who knows the individual is not licensed or privileged to do so, to enter or remain in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders. The bill provides the penalty for the noncriminal offense is a fine of \$250 for each violation. The bill was declared to be an emergency measure and became effective February 23, 2017.

House Bill No. 1345 provides records of a criminal justice agency, a correctional facility, and the Department of Corrections and Rehabilitation which contain the address, telephone number, place of employment, or other information that could be used to locate a victim or a witness to a crime are exempt records. The bill provides interviews and statements of child victims or child witnesses obtained during an investigation of a crime are exempt records. The bill was declared to be an emergency measure and became effective April 12, 2017.

Senate Bill No. 2042 creates a definition for "tier 1 mental health professional" which includes "a tier 1a or tier 1b mental health professional." The bill provides a tier 1a mental health professional is a psychiatrist licensed under Chapter 43-17 or a psychologist licensed under Chapter 43-32 and a tier 1b mental health professional is a licensed physician or a physician assistant licensed under Chapter 43-17 or an advanced practice registered nurse licensed under Chapter 43-12.

Senate Bill No. 2189 requires the Attorney General, subject to legislative appropriations, to reimburse each accredited children's advocacy center located in the state for a forensic interview that has not been reimbursed by insurance, Medicaid, or crime victims compensation.

Senate Bill No. 2309 provides whenever a restraining order is issued, extended, modified, or terminated, the court shall transmit the order electronically to the Bureau of Criminal Investigation. The bill requires the bureau to enter the order electronically in the National Crime Information Center database provided by the Federal Bureau of Investigation.

Senate Bill No. 2327, which creates a Department of Environmental Quality, changes a cross-reference relating to the definition of "illegal transportation or disposal of radioactive waste material or hazardous waste" to reflect the transfer of responsibility to the new department. The bill becomes effective upon receipt of federal approval of the transfer of responsibilities to the department from the State Department of Health.

Senate Bill No. 2335 creates a definition for the terms "eligible adult" and "undue influence" and adds undue influence to the list of acts establishing the offense of exploitation of an eligible adult.

TITLE 13
Debtor and Creditor Relationship
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 13.

TITLE 14
Domestic Relations and Persons
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to domestic relations and persons may be classified in these subject areas--adoption and child relinquishment, domestic violence, marriage and divorce, and miscellaneous.

ADOPTION AND CHILD RELINQUISHMENT

[House Bill No. 1206](#) expands the definition of the term "relative" to include a first cousin, as used with respect to adoption and child relinquishment. The bill creates an alternate reporting requirement for interfamily adoptions by eliminating the preplacement adoption assessment and instead requiring a criminal history assessment and three written character statements.

[Senate Bill No. 2248](#) creates a procedure for service of a petition relinquishing or terminating a parent-child relationship. The bill provides if the parent is known and an address for service is known, the parent must be personally served the petition in compliance with the North Dakota Rules of Civil Procedure. The bill requires notice of the petition be given by publication if the parent is unknown, but the location of the parent is known, or if the parent is unknown and the location of the parent is also unknown.

DOMESTIC VIOLENCE

[Senate Bill No. 2170](#) adopts the Uniform Recognition and Enforcement of Canadian Protection Orders Act, which allows North Dakota to recognize and enforce a Canadian domestic violence protection order.

[Senate Bill No. 2309](#) authorizes a district court to establish a domestic violence court program to provide a domestic violence offender with a domestic violence evaluation and treatment plan. The bill permits a hearing date for a domestic violence protection order to be held later than 14 days from date of receipt of the application if good cause is shown, and establishes the process by which the court must transmit or forward a protection order that has been issued, modified, extended, or terminated.

MARRIAGE AND DIVORCE

[House Bill No. 1057](#) provides a property and debt listing filed with a court in a divorce action or included in a judgment for divorce is confidential unless a court finds the public interest in granting access or the personal interest of a person who has sought access to the listings outweighs the privacy interests of the parties in the divorce action.

[House Bill No. 1325](#) provides the valuation date of marital property is the date mutually agreed upon between the parties, or if the parties do not mutually agree on the valuation date, the date of service of summons in a divorce action or the date the parties last separated.

[Senate Bill No. 2277](#) provides a monthly child support obligation expires upon the incarceration of the obligor if the sentence is 180 days or more. The bill provides a monthly obligation may be established for an obligor who is incarcerated for a period of 180 days or more if the obligation is based on actual income of the obligor and the obligee can establish the obligor's income exceeds the minimum amount owed.

MISCELLANEOUS

[House Bill No. 1007](#), the appropriation bill for the Department of Labor and Human Rights, provides an individual committed to the legal and physical custody of the Department of Corrections and Rehabilitation or an individual confined in a correctional facility is excluded from filing a discriminatory practices complaint with the Department of Labor and Human Rights against a person engaged in the provision of public services for failure to provide to that individual access to the use of and benefit thereof, or to give adverse or unequal treatment to that individual.

[House Bill No. 1043](#), which makes technical corrections throughout Century Code, provides an acknowledgment of paternity must state that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after 2 years.

[House Bill No. 1117](#) replaces the terms "alcoholism" and "drug abuse" with "substance abuse disorder" to be consistent with the current version of the *Diagnostic and Statistical Manual of Mental Disorders*.

[House Bill No. 1402](#) allows law enforcement the discretion to set the time and place for the surrender of a firearm or other dangerous weapon, by a domestic violence respondent, for safekeeping when a court has ordered the respondent to surrender the firearm or other dangerous weapon.

[Senate Bill No. 2161](#) classifies the address, telephone number, and other identifying information of a domestic violence program shelter as exempt records.

TITLE 15
Education
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to education may be classified in these subject areas--institutions of higher education; Board of University and School Lands; loans, scholarships, and tuition; and miscellaneous.

INSTITUTIONS OF HIGHER EDUCATION

[House Bill No. 1030](#) increases from \$385,000 to \$700,000 the threshold for which legislative approval is required for higher education campus building improvements and construction.

[Senate Bill No. 2003](#), the appropriation bill for the North Dakota University System, provides the institutional foundation matching grant program is subject to legislative appropriations and limits the amount of grants to \$200,000 per institution. The bill exempts the University of North Dakota School of Medicine and Health Sciences from grant eligibility. The bill removes authorization for the State Board of Higher Education to award an additional \$500,000 in matching grants to various institutions. The bill requires institutions under the control of the State Board of Higher Education to obtain approval from the Legislative Assembly before acquiring additional facility space; restricts the buying, renting, occupying, or utilizing a building for educational or administrative purposes if the building is more than 10 miles from the institution campus; authorizes institutions to renovate a facility only if the project defers the maintenance amount by no less than 75 percent of the total cost of the renovation; requires institutions to conform to campus master plan and space utilization requirements approved by the State Board of Higher Education; and requires institutions to maintain a maintenance reserve fund. The bill requires the University of North Dakota and North Dakota State University to play football games for the Nickel Trophy or the trophy must be permanently displayed in the Heritage Center. The bill changes the amounts of the multiplier in determining base funding for state aid payable to each institution under the control of the State Board of Higher Education.

[Senate Bill No. 2193](#) defines the jurisdictional boundaries of law enforcement officers at the University of North Dakota, North Dakota State University, and North Dakota State College of Science. The bill authorizes an officer employed by an institution of higher education who is in "hot pursuit" to continue beyond the jurisdictional boundaries.

[Senate Bill No. 2201](#) defines "protected activity" as it relates to freedom of expression for student journalists. The bill prohibits a student media adviser from being dismissed or disciplined for protecting a student journalist who is engaged in a protected activity. The bill exempts from protected activity student expression that is obscene.

[Senate Bill No. 2299](#) changes the number of School of Medicine and Health Sciences Advisory Council members from 15 to 16 by adding a member selected by the North Dakota Center for Nursing.

BOARD OF UNIVERSITY AND SCHOOL LANDS

[Senate Bill No. 2101](#) repeals the requirement that the Board of University and School Lands calculate the income earned by the coal development trust fund annually and that the net gain or loss realized on the sale of investment securities for each year be amortized to fund income in equal annual installments over a 10-year period.

[Senate Bill No. 2102](#) provides the term of the Commissioner of University and School Lands begins on July 1 of the year following the general election of the Governor. The bill removes the requirement that the Commissioner provide an opinion regarding the sale of state-owned land and allows the Commissioner to provide the Legislative Assembly an assessment of the highest and best use of land involved in legislative bills dealing with the sale or exchange of state land. The bill revises the definition of "highest and best use."

LOANS, SCHOLARSHIPS, AND TUITION

[House Bill No. 1015](#), the appropriation bill for the Office of Management and Budget, allows an individual who has completed a full year of teaching at a nonpublic school to receive loan forgiveness under the student loan forgiveness program for teaching in an area of critical need.

[House Bill No. 1036](#) repeals the Student Financial Assistance Advisory Board.

[House Bill No. 1171](#) provides a stepchild of a deceased firefighter or peace officer is eligible for free tuition at institutions of higher education as a survivor of the firefighter or peace officer who died while in the line of duty. The bill defines "stepchild".

[Senate Bill No. 2014](#) allows the Bank of North Dakota to charge up to 18 percent interest if a student loan is in default. The bill also allows the interest to apply to all borrowers and cosigners of a loan.

[Senate Bill No. 2037](#) revises the eligibility requirements under the technology occupations student loan program to require a graduate to have a salary or equivalent hourly wage under \$60,000 per year to be eligible for the program. The bill also prohibits an eligible individual from receiving loan forgiveness under the technology occupations student loan program if the individual is receiving loan forgiveness under another program. The bill revises the teacher shortage loan forgiveness program to cover eligible individuals teaching at grade levels, in content areas, and in geographical locations identified by the Superintendent of Public Instruction as having a teacher shortage or critical need. The bill limits the forgiveness to two teachers in each school district identified by the Superintendent of Public Instruction each year. The bill requires a teacher to have an existing student loan and to have signed a contract to teach in a shortage or critical need area to be eligible under the program. The bill provides criteria for how much an eligible teacher may receive in loan forgiveness each year based on multiple factors. The bill also prohibits an eligible individual from receiving loan forgiveness under the teacher shortage loan forgiveness program if the individual is receiving loan forgiveness under another program.

[Senate Bill No. 2244](#) requires the State Board of Higher Education to establish a dual-credit courses pilot program to offer an incentive to teachers who teach dual-credit courses at public or private high schools. The bill allows a participating teacher to receive a credit-for-credit coupon toward graduate level courses at institutions in the state, which the teacher may use or transfer to a family member or student being taught by the teacher.

[Senate Bill No. 2272](#) repeals the scholarship endowment fund which was created to award scholarships.

MISCELLANEOUS

[House Bill No. 1231](#) repeals the requirement that county commissions publish advertisements in the county newspaper quarterly which describe the free publications available through the North Dakota State University Extension Service and the services available through the county extension office.

[Senate Bill No. 2021](#), the appropriation bill for the Information Technology Department, requires the Center for Distance Education to report a complete list of the courses offered to all school districts and requires school districts to notify the students and parents of the district regarding the courses offered, policies for selection, and related fees. The bill creates a distance education clearinghouse for online courses delivered to schools.

[Senate Bill No. 2026](#), as part of the agriculture rewrite project, moved provisions relating to the agricultural experiment stations from Title 4 to Title 15.

[Senate Bill No. 2030](#) amends references from "the North Dakota Education Association" to "North Dakota United."

[Senate Bill No. 2327](#) establishes a new Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, contingent upon the Section Chief certifying that all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

TITLE 15.1
Elementary and Secondary Education
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to elementary and secondary education may be classified in these subject areas-- school districts; student activities; teachers; testing, graduation, and scholarship requirements; and miscellaneous.

SCHOOL DISTRICTS

[House Bill No. 1253](#) allows the boards of two school districts to initiate a voluntary transfer of property between the districts if certain conditions, notice, and hearing requirements are met.

[House Bill No. 1254](#) allows a parent of a student who wishes to attend a school district other than the school district of residence to petition the board of the school district of residence and request the board to pay the tuition for the student to attend another school district or sign a tuition waiver contract with the school district that admits the student. The bill allows the board to pay the tuition, sign a tuition waiver contract, or refuse to do either.

[Senate Bill No. 2182](#) exempts from school district bidding requirements a contract for the purchase of products from prison industries or work activity centers.

[Senate Bill No. 2186](#) specifies the chapters from which a school or school district may apply to the Superintendent of Public Instruction for a waiver. The bill requires a waiver request to improve the delivery of education, improve the administration of education, provide increased educational opportunities for students, or improve the academic success of students. The bill requires the Superintendent of Public Instruction to file a report with the Legislative Management if a waiver is approved. The bill creates an innovative education pilot program in which the Superintendent of Public Instruction may accept proposals from public and nonpublic schools to participate in a program. The bill requires a proposal to specify educational innovations to be pursued by the school and to meet certain criteria.

[Senate Bill No. 2272](#) allows up to \$60 million from the coal development trust fund may be used by the Board of University and School Lands for school construction loan projects. The bill requires a school district to demonstrate a need based on an unanticipated construction project, replacement project, or emergency repair to be eligible for a loan. The bill removes criteria indicating that a school district is entitled to a certain amount of loan money and interest rate for a school construction project based on the school district's taxable valuation per student percentage relative to the state average taxable valuation per student. The bill provides if the Superintendent of Public Instruction approves a loan, the Board of University and School Lands is required to issue the loan for a certain amount and interest rate. The bill prohibits additional new loans to be made by the Bank of North Dakota for school construction after June 30, 2017. The bill authorizes the Bank to appropriate money out of the school construction assistance revolving loan fund on a continuing basis to provide low-interest school construction loans. The bill requires a school district to meet various criteria to be eligible for a loan from the school construction assistance revolving loan fund. Portions of the bill were declared to be an emergency measure and those portions became effective April 10, 2017.

[Senate Bill No. 2321](#) provides an alternate method through which the Superintendent of Public Instruction may determine the amounts of payments due to school districts. The bill provides a school district may receive payments minus the amount the ending fund balance exceeds 35 percent of actual expenditures, plus \$100,000, beginning July 1, 2017, for a maximum of 2 years, if the school district is sharing resources with another school district and considering reorganization to combine districts.

STUDENT ACTIVITIES

[House Bill No. 1275](#) provides a student at a public or private school may not be prohibited from voluntarily participating in student-initiated prayer at activities held on the premises of the school.

[Senate Bill No. 2201](#) defines "protected activity" with respect to freedom of expression for student journalists. The bill prohibits a student media adviser from being dismissed or disciplined for protecting a student journalist engaged in a protected activity. The bill provides student expression that is obscene is not protected. The bill provides an expression of free speech by a student journalist may not be construed as an expression of school

policy, and prevents a school, school official, employee, or parent or legal guardian from being held liable for an expression made by a student journalist, except for willful or wanton misconduct.

[Senate Bill No. 2249](#) requires the board of a school district to prohibit a student from participating in extracurricular activities if the student has pled guilty or been convicted of certain criminal offenses; has an order prohibiting contact, a disorderly conduct restraining order, or a protection order issued against them; or if the principal obtains information that the student has an offense or order. The bill allows the juvenile court system to notify the principal of a school if records exist in the court system regarding a student of a school which are open to inspection.

TEACHERS

[House Bill No. 1098](#) allows an individual to be eligible to teach kindergarten or prekindergarten if licensed by the Educational Standards and Practices Board and the individual has a minor in early childhood education. The bill repeals the sections where the requirements were located, and combines the qualification requirements for teachers in elementary, middle school, and high school into a single section of Century Code. The bill was declared to be an emergency measure and became effective April 13, 2017.

[Senate Bill No. 2324](#) changes the date on which the performance reviews of teachers and administrators and written reports must be made available to a teacher or administrator from on or before March 15 to on or before April 15.

TESTING, GRADUATION, AND SCHOLARSHIP REQUIREMENTS

[House Bill No. 1037](#) requires school districts to use eTranscripts or another information system to submit official transcripts for the North Dakota academic or career and technical education scholarship to the Superintendent of Public Instruction. The bill requires the school district to submit a compliance report to the Superintendent of Public Instruction verifying that the school uses eTranscripts or an alternative information system before the school is approved. The bill requires each school district to acquire PowerSchool and use a state course code to identify local classes in PowerSchool.

[House Bill No. 1043](#), which makes technical corrections throughout Century Code, updates a cross-reference relating to graduation requirements.

[House Bill No. 1051](#) repeals a section relating to the approval process for electronic course delivery.

[House Bill No. 1052](#) changes the requirement on administration of the reading and mathematics assessment test from at least once from grades 9 through 11 to at least once from grades 9 through 12. The bill changes the requirement on the administration of the science test from at least once from grades 10 and 11 to at least once from grades 10 through 12.

[House Bill No. 1283](#) requires eligible students to maintain progress toward degree completion to remain eligible for the North Dakota academic and career and technical education scholarships on a continuing basis. The bill defines "progress toward degree completion" and indicates the minimum number of credits a student must earn each semester or quarter to maintain progress toward degree completion and remain eligible.

[House Bill No. 1389](#) allows a parent to direct a school district to not administer any required state test or assessment to the parent's child. The bill creates exceptions from which a parent may not issue a directive to prevent a test or assessment from being administered and requires school districts to submit reports to the Superintendent of Public Instruction regarding parental directives.

[House Bill No. 1428](#) exempts a home education student from the testing requirements if the parent notifies the school district of an objection based on one of several grounds, or if the parent has a baccalaureate degree, is licensed to teach, or has met or exceeded the cutoff score of a national teacher examination.

[Senate Bill No. 2091](#) changes the required units of science for high school graduation, eligibility for the North Dakota career and technical education scholarship, and eligibility for the North Dakota academic scholarship to include one unit of biology, one unit of chemistry, and one unit of physics, or one unit of biology, one unit of physical science, and either one unit or two half units of any other science.

[Senate Bill No. 2185](#) changes the required units of mathematics for high school graduation to include three units, one of which may be a unit of computer science approved by the Superintendent of Public Instruction. The bill changes the required units of mathematics for eligibility for the North Dakota career and technical education scholarship to include three total units, one unit of Algebra II, and two units of any other mathematics, which may include one unit of computer science. The bill changes the required units of

mathematics for eligibility for the North Dakota academic scholarship to include three total units, one of which may include computer science.

MISCELLANEOUS

[House Bill No. 1324](#) requires the State Board of Public School Education to oversee regional education associations. The bill requires regional education associations to be audited every 2 years to be eligible for state funding. The bill revises the years and amounts by which the Superintendent of Public Instruction must multiply a school district's weighted student units to determine the district's baseline funding per weighted student unit.

[Senate Bill No. 2030](#) changes references from "the North Dakota education association" to "North Dakota united" because the North Dakota Education Association merged with another organization to form North Dakota United. The bill changes the membership of an ad hoc committee convened by the Governor to review reports submitted by school principals to include two actively employed elementary or secondary teachers selected by the Governor from a list of five proposed by North Dakota United. The bill repeals an outdated section on the credentialing process of special education teachers.

[Senate Bill No. 2038](#) creates a task force on children's behavioral health to ensure necessary care is available in the state. The bill revises youth behavioral health training and professional development requirements for teachers, administrators, and ancillary staff. The bill adds multiple categories from which the professional development must be designated, including trauma, social and emotional learning, suicide prevention, and bullying. The bill repeals provisions related to professional development activities for bullying and youth suicide prevention training.

[Senate Bill No. 2250](#) requires the eligible child receiving free or reduced lunches in early childhood education programs to be 4 years old before August 1 in the year of enrollment. The bill prohibits a child who is enrolled in a federally funded Head Start program from being counted when determining eligibility for free or reduced lunches.

[Senate Bill No. 2307](#) changes references from "state licensed foster home" to "foster care" in a section relating to student placement for noneducational purposes.

TITLE 16.1
Elections
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1002](#), the appropriation bill for the Secretary of State, provides special requirements for contribution and expenditure statements, relating to subcontributors, that a person engaged in activities regarding ballot measures must file periodically with the Secretary of State. The requirements set forth in this bill are in addition to the new requirements set forth in Senate Bill No. 2343.

[House Bill No. 1234](#) prohibits foreign nationals from making contributions or expenditures in connection with any election. The bill prohibits a person from soliciting, accepting, or receiving contributions from foreign nationals.

[House Bill No. 1362](#) eliminates the requirement contribution and expenditure statements filed by a person soliciting or accepting contributions in support or opposition to statewide initiatives or referendums be certified. The bill clarifies the record retention requirement for the statements.

[House Bill No. 1363](#) requires a county auditor to provide reports on election matters as required by the Secretary of State; attend an election conference convened by the Secretary of State; assist in investigations initiated by the Secretary of State; and comply with various election standards established by the Secretary of State. The bill requires polling places to be designated no later than 64 days before an election, but allows a board of county commissioners to change a polling place location after that day with good and sufficient reason. The bill changes the terms "voting places" and "polling locations" to "polling places." The bill eliminates the requirement the Secretary of State include the post office address of nominees on the list of certified nominees provided to each county auditor.

[House Bill No. 1369](#) changes the identification requirements for electors. The bill requires an elector to show a valid form of identification to vote. The bill provides if an individual is unable to show a valid form of identification, but claims eligibility to vote at a polling place, the individual may mark a ballot that will be set aside for counting later if the individual provides the requisite identification within a prescribed period. The bill requires the Secretary of State to develop procedures for administering these identification requirements.

This bill also defines residence requirements for electors and rules for determining residency; provides certain election offenses relating to unlawful voting are Class C felonies; amends the list of information the Department of Transportation must report to the Secretary of State to ensure central voter files are current, including providing information regarding citizenship status; and revises the format of absentee and mail ballots.

[Senate Bill No. 2261](#) amends requirements for organizing and operating legislative district political parties. The bill allows a party to organize by precinct or at-large; removes specific requirements regarding composition of the district committee; and provides a state party may not take any action inconsistent with the statutory organizational requirements. The bill was declared to be an emergency measure and became effective on April 10, 2017.

[Senate Bill No. 2343](#) amends several provisions regarding campaign contribution and expenditure statements, and prohibits the personal use of campaign contributions. The bill defines "expenditure categories" and requires disclosure statements to group expenditures within those categories. The bill establishes filing requirements for a state political party building fund. The bill creates uniform filing requirements for pre-election, supplemental, and year-end disclosure statements for candidates, candidate committees, multi-candidate committees, and nonstatewide political parties. The bill also provides similar requirements for disclosure statements applicable to statewide political parties and certain political committees, which include the reporting of expenditures of campaign funds. The bill requires additional disclosure of contributions received from out-of-state contributors to measure committees. The bill becomes effective on February 1, 2018, and is applicable for campaign years beginning after December 31, 2017.

TITLE 17
Energy
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1144](#) separates gas and liquid energy conversion and gas and liquid transmission facility siting from electric energy conversion and electric energy transmission facility siting laws, and makes appropriate cross-reference revisions.

[House Bill No. 1181](#) allows an owner of wind energy rights to terminate wind option agreements if certain conditions are not met. The bill also provides a wind easement or wind energy lease is presumed abandoned if a period of 36 consecutive months has passed with no construction or operation of the wind farm facility.

TITLE 18
Fires
Summary of Bills Enacted by 2017 Legislative Assembly

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

[**House Bill No. 1010**](#), the appropriation bill for the Insurance Commissioner, removes the requirement that the biennial appropriation for distribution to fire departments be based on the total premium tax collected for various lines of insurance minus the amounts distributed to the firefighters death benefit fund and to the North Dakota Firefighter's Association.

[**House Bill No. 1380**](#) provides the duties and authority of the North Dakota Firefighter's Association are to develop and adopt a statewide fire education and training program, coordinate fire service training, and establish procedures to govern the certification process for firefighter training.

[**Senate Bill No. 2316**](#) changes the requirements for reporting a fire that causes at least \$25 in property damage to the State Fire Marshal from 5 days to 30 days after the fire. The bill authorizes an organization contracted by a political subdivision for fire protection to submit a fire report. The bill allows the reporting entity or person to enter the report information into the National Fire Incident Reporting System software. The bill allows the State Fire Marshal to adopt rules regarding the storage, sale, and use of combustibles and explosives, which are no more restrictive than state and local building and fire codes. The bill requires plans and specifications for new public and private school buildings and remodeling of existing buildings be approved by the State Fire Marshal and the chief of the fire department or fire protection district with jurisdiction over the building. The bill provides reference data that may be used in interpreting Chapter 18-12 includes state and local building and fire codes and the National Fire Protection Association. The bill adds fire protection districts to the list of entities eligible for participation in the fund created from premium tax on insurance companies. The bill repeals the section allowing the State Fire Marshal to establish a rural routing system and the requirement individuals who produce, store, or sell hazardous substances report to the State Fire Marshal and the fire department in the fire district in which the facility is located.

TITLE 19
Foods, Drugs, Oils, and Compounds
Summary of Bills Enacted by 2017 Legislative Assembly

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

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

CONTROLLED SUBSTANCES

[House Bill No. 1041](#) provides an individual is guilty of a Class B misdemeanor for ingestion of marijuana and a Class A misdemeanor for the ingestion of any other controlled substance, reduces the offense level for an individual guilty of use of a controlled substance analog from a Class C felony to a Class A misdemeanor for a first offense and a Class C felony for a second or subsequent offense, changes the mandatory terms of imprisonment for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance from a Class A felony to Class B felony, and authorizes the Department of Corrections and Rehabilitation to place an individual under the custody of the department in a drug and alcohol treatment program. The bill provides the increased penalties for a person manufacturing or possessing a controlled substance apply only if the offense was committed during a school-sponsored activity or during the hours of 6 a.m. to 10 p.m. if school is in session and within 300 feet of the school property rather than 1,000 feet. Those portions of the bill were declared to be an emergency measure and became effective on April 21, 2017.

[House Bill No. 1099](#) replaces the reference to "tramadol or carisoprodol" in the definition of controlled substance to "gabapentin."

[House Bill No. 1269](#) provides an individual is guilty of a Class B misdemeanor for ingestion of marijuana and a Class A misdemeanor for the ingestion of any other controlled substance, and changes the mandatory terms of imprisonment for the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance from a Class A felony to Class B felony. The bill decreases the term of imprisonment for a schedule I or II controlled substance from 5 to 3 years for a second offense and 20 to 10 years for a third or subsequent offense, decreases the term of imprisonment for schedule I, II, or III controlled substance analog from 3 to 2 years for a second offense and from 10 to 5 years for a third or subsequent offense, and decreases the term of imprisonment for a schedule IV drug from 6 to 3 months for a second offense, 1 year to 6 months for a third offense, and 5 to 3 years for a fourth or subsequent offense. The bill provides a prior misdemeanor conviction for drug paraphernalia may not be considered a prior offense and reduces the term of imprisonment for a person who is 18 years of age or older and manufactures, delivers, or possesses with intent to manufacture or deliver a controlled substance near a school from 8 to 4 years and a person who was at least 21 years of age and delivered to a person under the age of 18 from a term of imprisonment of 8 to 4 years. The bill reduces the term of imprisonment for a person who was at least 18 years of age and solicits, induces, intimidates, employs, hires, or uses a person under 18 years of age to assist in the manufacture, delivery, or possession with intent the manufacture a controlled substance from a term of imprisonment for a second or subsequent offense from 5 to 3 years. The bill removes the increased penalty for a Class AA felony under Section 19-03.1-23.1, and provides an individual is immune from criminal prosecution if that individual seeks medical assistance for another individual in need due to a drug overdose.

[House Bill No. 1270](#) increases the amount of grams an individual must possess to be subject to an increased penalty for aggravating factors in a drug offense from 5 grams to 28 grams or more of a mixture or substance which contains cocaine base.

[House Bill No. 1341](#) provides a person who willfully manufactures, delivers, or possesses with intent to manufacture or deliver a controlled substance is subject to increased penalties if the person commits a second offense and was at least 21 years of age at the time of the offense and delivered a controlled substance to a person under the age of 18. The bill provides a person who willfully possesses a controlled substance or a controlled substance analog is guilty of a Class A misdemeanor for a first offense and a Class C felony for a second offense and provides the increased penalties for a person who violates Section 19-03.1-23 apply only if the offense was committed during a school-sponsored activity or during the hours of 6 a.m. to 10 p.m. if school is in session or the defendant was at least 21 years of age at the time of the offense and the offense involved delivery of a controlled substance to a minor.

[Senate Bill No. 2096](#) 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 and became effective on March 13, 2017.

[Senate Bill No. 2302](#) repeals the requirement the Attorney General report the current status and trends of unlawful drug use and abuse and drug control enforcement efforts in the state. The bill was declared to be an emergency measure and became effective on February 23, 2017.

[Senate Bill No. 2320](#) requires a court or authority to consider whether an object is a needle or syringe collected during the operation of a needle exchange program when determining if the object is drug paraphernalia.

[Senate Bill No. 2344](#) authorizes for the use, cultivation, and sale of medical marijuana. The bill was declared to be an emergency measure and became effective on April 18, 2017.

FOOD

[House Bill No. 1433](#) provides eggs of domesticated poultry must be graded.

[Senate Bill No. 2026](#), as part of a rewrite of agricultural laws, moves various provisions relating to regulation of the labeling, storage, and sale of shell eggs from Title 19 to Title 4.1 and Chapter 19-02.1.

MISCELLANEOUS

[Senate Bill No. 2027](#), as part of a rewrite of agricultural laws, updates the reference in the definition of "pesticide chemical" in Section 19-02.1-01 from Chapter 19-18 to Chapter 4.1-34 and moves provisions from Chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 relating to pesticides, fertilizers and soil conditioners, anhydrous ammonia facilities, and anhydrous ammonia risk management from Title 19 to Title 4.1.

[Senate Bill No. 2028](#), as part of a rewrite of agricultural laws, moves provisions from Chapters 19-13.1 and 19-14 relating to commercial feed law and livestock medicine to Title 4.1.

[Senate Bill No. 2258](#) provides that pharmacy benefits managers may not directly or indirectly charge a fee that is not apparent at the time of processing, is not reported on the remittance of advice, or after the initial claim is adjudicated at the point of sale. The bill provides a pharmacy benefit manager or third-party payer may not charge a patient a copayment that exceeds the cost of the medication. The bill provides a pharmacy benefits manager or third-party payer may not prohibit a pharmacist or pharmacy from participating in a class action lawsuit or prohibit a pharmacist or pharmacy from charging a shipping and handling fee to a patient requesting a prescription be mailed or delivered. The bill provides a pharmacy benefits manager or other third-party payer that violates the new section is guilty of a Class B misdemeanor.

[Senate Bill No. 2262](#) prohibits a city, county, or township from enacting new ordinances or resolutions regulating or prohibiting the registration, labeling, distribution, sale, handling, use, or application of fertilizer.

[Senate Bill No. 2301](#) provides a pharmacy benefits manager may not own or have an ownership interest in a patient assistance program and a mail order specialty pharmacy unless the pharmacy benefits manager agrees to not participate in a transaction that benefits the parties involved instead of another person owed a fiduciary duty. The bill prohibits a pharmacy benefits manager or third-party payer from requiring pharmacy accreditation standards or recertification requirements to participate in a network which are inconsistent with, more stringent than, or in addition to the federal and state requirements for licensure. The bill provides a pharmacy benefits manager or third-party payer that violates this new section is guilty of a Class B misdemeanor.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality, transfers provisions relating to petroleum products and antifreeze regulation from regulation by the State Department of Health to the Department of Environmental Quality. The bill becomes effective after all federal approvals are obtained.

[Senate Bill No. 2335](#) updates the definition of "vulnerable adult" to remove the word "elderly."

TITLE 20.1
Game, Fish, Predators, and Boating
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1025](#) requires the Director of the Game and Fish Department to issue special allocation turkey, deer, elk, and moose hunting licenses to nonprofit organizations for raffles, auctions, or taking individuals served by the organizations on special hunts. The bill was declared to be an emergency measure and became effective on April 18, 2017.

[House Bill No. 1150](#) provides that an applicant to a hunting license lottery may purchase only one bonus point for the year if the applicant enters the lottery with the intent to forfeit the license if the applicant receives a license. The bill requires fees collected for the bonus points to be allocated to the private lands open to sportsmen program.

[House Bill No. 1204](#) reduces the age at which an individual may be issued an apprentice hunter validation from 16 years to 12 years. The bill adds individuals whose 11th birthday occurs in the same year as a youth deer hunting season to the groups of individuals who may receive a statewide white-tailed antlerless deer permit for that season. The bill repeals the provision which prohibits the killing or capturing of bald eagles and golden eagles.

[House Bill No. 1207](#) allows the Director of the Game and Fish Department to turn over certain seized property to the North Dakota Wildlife Federation to be sold and directs the proceeds of the sales to be remitted to the report all poachers fund. The bill was declared to be an emergency measure and became effective on March 13, 2017.

[House Bill No. 1367](#) allows operators of personal watercraft and other vessels to utilize mirrors rather than having observers on board when towing individuals on certain devices, and makes violations of the provisions requiring mirrors or an observer a Class 2 noncriminal offense. The bill also exempts individuals 16 years of age and older from the requirement to wear a life preserver when windsurfing or boardsailing. The bill was declared to be an emergency measure and became effective on April 12, 2017.

[Senate Bill No. 2239](#) repeals the regulation of and license fees for operating watercraft for hire. The bill was declared to be an emergency measure and became effective on April 12, 2017.

[Senate Bill No. 2284](#) allows an agent who distributes hunting and fishing licenses to charge a license purchaser up to 3 percent of the total license fee excluding the certificate fee. The bill was declared to be an emergency measure and became effective on March 13, 2017.

[Senate Bill No. 2308](#) allows an ice fishing house owner to display the house's registration number on the house's exterior rather than the owner's name and contact information. The bill allows a person using a coyote snare to affix a tag with the snare's registration number on the snare rather than the person's name and contact information. The bill prohibits the Game and Fish Department from issuing a fishhouse registration number unless the Division of State Radio has integrated Game and Fish Department license information into the National Law Enforcement Telecommunications System.

[Senate Bill No. 2318](#) establishes the last day for the commencement of pheasant hunting as October 12 of each year.

[Senate Bill No. 2327](#), which establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, changes various references from the State Department of Health to the Department of Environmental Quality. The bill becomes effective upon the Section Chief certifying that all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

TITLE 21
Governmental Finance
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1191](#) requires a loan agreement signed on behalf of a political subdivision to also be signed by the political subdivision's executive officer and by the auditor, business manager, secretary, or equivalent officer.

[Senate Bill No. 2222](#) changes the date on which the county auditor is required to certify the amount of uncollected taxes remaining on the tax lists to the credit of the political subdivision to the business manager of each school district from June 10 to July 10.

[Senate Bill No. 2272](#) revises a statutory cross-reference relating to school construction loans.

[Senate Bill No. 2296](#) allows a treasurer of a public corporation and every other individual legally charged with the custody of public funds to accept a pledge of securities in lieu of a personal or surety bond. The bill also repeals Section 21-04-11, which required securities to be reapproved by the board of a public corporation at least semiannually.

TITLE 22
Guaranty, Indemnity, and Suretyship
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 22.

TITLE 23
Health and Safety
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to health and safety may be classified in these subject areas--medical services and medical providers, vital records and end of life, pollution and waste, local governments, and miscellaneous.

MEDICAL SERVICES AND MEDICAL PROVIDERS

[House Bill No. 1012](#), the appropriation bill for the Department of Human Services, extends for 2 years the moratoriums on expansion of basic care beds and nursing facility beds.

[House Bill No. 1215](#) expands the definition of "basic care facility," as that term is used in the law regulating basic care facilities, to allow for facilities that are attached to a nursing home or assisted living facility.

[House Bill No. 1289](#), which addresses grounds under which the North Dakota Board of Medicine may take disciplinary actions against a physician, corrects a statutory reference in Title 23.

[Senate Bill No. 2089](#) expands the definition of "health care organization," as that term is used in the law relating to medical peer review records, to include a state-designated multidisciplinary peer review entity designated to evaluate controlled substance practices in a referred case.

[Senate Bill No. 2099](#) authorizes the State Department of Health to establish a program through which the department purchases vaccines through the federal vaccine purchasing contract, and clarifies the North Dakota Immunization Program provider choice system does not apply in the event of a shortage or delay in vaccine availability.

[Senate Bill No. 2231](#) provides if a hospital refers a patient to or initiates contact with an air ambulance provider for air transportation, the hospital is required to provide that patient with information regarding the air ambulance provider's health insurance network status to allow the patient to make an informed decision regarding air transportation. The bill directs the Insurance Department to publish on its website data regarding the health insurance network status of each air ambulance service provider authorized to operate in the state.

[Senate Bill No. 2312](#) updates the law authorizing emergency medical services professionals employed by a hospital to provide patient care if supervised by a hospital designated physician, physician assistant, advanced practice registered nurse, or registered nurse. The bill updates the definition of "emergency medical services professional" as that term is used in the emergency medical services operations law.

VITAL RECORDS AND END OF LIFE

[House Bill No. 1292](#) authorizes the State Registrar of Vital Statistics to issue a certified copy of a fetal loss to an individual who experiences a miscarriage of birth.

[House Bill No. 1294](#) updates the law relating to final disposition of a dead body, including changing the name of a "burial transit permit" to "final disposition-transit permit" and recognizing whole-body donations to a school of medicine. The bill provides a detailed priority list specifying who has a duty of final disposition.

[House Bill No. 1338](#) establishes an order of priority with respect to individuals who are responsible for the disposition of the body of a deceased individual. The bill provides a county social service board may not decrease the county payment for indigent burial due to the availability of a nominal amount of money left by the deceased or contributed by kin or any other party.

[Senate Bill No. 2151](#) amends the law setting out an optional health care directive form to include language specifically clarifying whether the individual wishes to be or wishes to not be an organ donor.

[Senate Bill No. 2264](#) provides that until 8 days following the finalization of the report of death, the disclosure of a report of death is limited to the next of kin or authorized representative. The bill provides that if the person who performs an autopsy is in possession of the name and contact information of a decedent's next of kin or authorized representative, that person is required to make a good faith effort to notify the next of kin or authorized representative of the availability of the report of death.

POLLUTION AND WASTE

[Senate Bill No. 2156](#) creates a definition of "high-level radioactive waste material" and revises the definition of "waste"; expands the activities for which a permit is required to include operations for the testing of and exploration of an underground storage and retrieval facility; provides a person may not deposit out-of-state high-level radioactive waste material in this state or may not conduct any testing or exploration for the development of a storage or disposal facility for out-of-state high-level radioactive waste material unless prior approval has been granted by concurrent resolution passed by the Legislative Assembly.

[Senate Bill No. 2327](#) establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, contingent upon the Section Chief certifying all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

LOCAL GOVERNMENTS

[House Bill No. 1210](#) establishes a cardiac ready community grant program; directs the State Department of Health to establish a cardiac ready community grant program advisory committee; and authorizes the State Department of Health to accept grants, gifts, and donations and to spend the funds for the purpose of funding the cardiac ready community grant program.

[Senate Bill No. 2004](#), the appropriation bill for the State Department of Health, repeals the Community Health Grant Program.

[Senate Bill No. 2136](#) changes the requirement that a city housing authority have five members to requiring a city housing authority may have no fewer than five members. The bill requires the staggering of terms of the members.

[Senate Bill No. 2320](#) allows the State Department of Health to authorize a local health department, a city, or an approved entity to operate a syringe exchange program; provides a law enforcement officer may not stop, search, or seize an individual based on the individual's participation in a syringe exchange program; and provides syringes and needles collected under a syringe exchange program are not considered prohibited drug paraphernalia.

MISCELLANEOUS

[House Bill No. 1201](#) would have required that residential property that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage be equipped with a carbon dioxide detection alarm. The Governor vetoed this bill, the House of Representatives considered the veto, and the veto was sustained.

[House Bill No. 1433](#) addresses direct producer-to-consumer sales of cottage food products, limiting state and local regulation pertaining to the preparation or sale of cottage food products; providing a transaction between a cottage food operation and the end consumer must be for the purpose of home consumption; providing labeling requirements for cottage food products; and requiring cottage food operators provide purchasers with notice and information regarding the cottage food products.

[Senate Bill No. 2024](#) repeals the Tobacco Prevention and Control Program.

[Senate Bill No. 2027](#), which revises agricultural laws, corrects and updates statutory cross-references in Title 23.

[Senate Bill No. 2028](#), which revises agricultural laws, corrects and updates statutory cross-references in Title 23.

[Senate Bill No. 2173](#) repeals the law which provides the duties of the Health Council include monitoring overall health care costs and quality of health care in the state, recommending to the appropriate legislative interim committees changes to the health care system in the state, and publishing an annual report on health care in the state.

TITLE 23.1
Environmental Quality
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 23.1.

[Senate Bill No. 2327](#) establishes a new Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, contingent upon the Section Chief certifying all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

TITLE 24
Highways, Bridges, and Ferries
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1043](#), which makes technical corrections in Century Code, updates the term "United States public roads administration" to "federal highway administration."

[House Bill No. 1110](#) authorizes the Director of the Department of Transportation to enter 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 bill requires the items requested to be added to the state highway system to be paid for in advance of the construction by the private entity before the department may construct the project.

[House Bill No. 1111](#) authorizes the Director of the Department of Transportation to enter an agreement with the metro flood diversion authority regarding the portion of the construction of the Fargo-Moorhead metropolitan area flood risk management project which will impact the state highway system.

[House Bill No. 1255](#) establishes a limited transportation network system within the state, consisting of parts of US Highways 2, 52, 83, and 85 and Interstates 29 and 94, and allows the Department of Transportation to adopt rules to establish the required axle configurations and weight limit requirements for trucks weighing more than 105,500 pounds to utilize the established network. The bill creates an advisory committee to consult with the department with respect to the rules.

[House Bill No. 1352](#) exempts a commercial towing service that lawfully disposes of an abandoned motor vehicle from the requirement that receipts from the sale or the disposal of an abandoned vehicle be deposited in the common schools trust fund. The bill allows a unit of government to reimburse itself for the costs of towing, storing, and disposing an abandoned vehicle. The bill was declared to be an emergency measure and became effective on April 5, 2017.

[Senate Bill No. 2012](#), the appropriation bill for the Department of Transportation, allows the department to repay the United States Department of Transportation for previous related expenditures from current biennium appropriations to allow the department to reobligate the federal aid to other federal aid projects.

[Senate Bill No. 2109](#) removes the requirement agreements between the Director of the Department of Transportation and tribal governments relating to the construction and maintenance of highways, streets, roads, and bridges on the state highway system be limited to those agreements necessary to meet federal highway program spending requirements.

[Senate Bill No. 2197](#) provides if a road construction project exceeds \$100,000, a board of county commissioners must seek bids by advertising in the county newspaper for 2 weeks, and must publish the advertisement at least 15 days before the day set for the opening of bids.

[Senate Bill No. 2278](#) allows an overseer's district to seek recovery of costs incurred for the removal of any obstruction from an individual responsible for causing or placing the obstruction on a highway or public street.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality by transferring certain environmental health functions from the State Department of Health, revises cross-references to reflect the transfer of responsibilities. The bill becomes effective upon the state receiving appropriate federal approvals.

TITLE 25
Mental and Physical Illness or Disability
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to mental and physical illness or disability may be classified in these subject areas--behavioral health and developmental and physical disabilities.

BEHAVIORAL HEALTH

[House Bill No. 1043](#), which relates to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, corrects a reference to a private entity that has undergone a name change.

[House Bill No. 1116](#) corrects statutory references to a private entity that has undergone a name change and updates statutory references to divisions of the Department of Human Services which have undergone name changes.

[House Bill No. 1117](#) updates a reference to a division of the Department of Human Services which has undergone a name change from the "Division of Mental Health Services" to the "Behavioral Health Division."

[House Bill No. 1365](#) authorizes a guardian, in a commitment scenario, to consent to involuntary treatment of a patient with prescribed medication.

[Senate Bill No. 2038](#) provides in the case of commitment of an individual with a serious physical condition or illness that requires prompt treatment, a treatment facility has 72 hours in which to release the individual or file a petition with the court.

[Senate Bill No. 2039](#) repeals an obsolete law that identified the community of Rugby as the location of an additional hospital for the mentally ill and repeals a chapter that established the Department of Human Services Division of Mental Health Services.

[Senate Bill No. 2042](#), as part of an update of references to mental health professionals, creates a multi-tier framework of mental health professionals, updates provisions to utilize this new framework, and updates definitions.

DEVELOPMENTAL AND PHYSICAL DISABILITIES

[House Bill No. 1013](#), the appropriation bill for the Department of Public Instruction, creates the School for the Blind fund; provides money received from the common schools trust fund, revenues received from services and leases, and contributions are to be deposited in the fund; and provides money in the fund is to be used pursuant to legislative appropriation for the provision of services to educate and train individuals who are blind or have a visual impairment. The bill also creates the School for the Deaf fund; provides money received from the common schools trust fund and revenues received from the lease of buildings and the provision of meals and services are to be deposited in the fund; and provides money in the fund is to be used pursuant to legislative appropriation for the provision of services to educate and train individuals who are deaf or hearing-impaired.

[House Bill No. 1134](#) updates provisions relating to services for individuals with developmental disabilities, to reflect person-first language, provide services may be offered in an individualized setting, update and clarify rights of individuals with developmental disabilities, place limitations on the use of seclusion and the use of physical restraints, and update the definitions of the term "treatment or care center."

[House Bill No. 1187](#) increases the maximum age of eligibility of a male for the medical food and low-protein modified food programs from 22 to 26 years of age.

[Senate Bill No. 2041](#) amends the definition of the term "developmental disability" to include a severe, chronic disability attributable to Down syndrome.

TITLE 26.1
Insurance
Summary of Bills Enacted by 2017 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: health, property and casualty and auto, agents and producers, Insurance Commissioner, and miscellaneous.

HEALTH

[Senate Bill No. 2052](#) expands from the public employee health insurance plan to the private insurance market the health insurance mandate of health insurance coverage of telehealth services, requiring coverage for health services delivered by means of telehealth must be the same as for the coverage for services delivered face-to-face.

[Senate Bill No. 2231](#) provides a health benefit plan may not be issued unless the plan provides the reimbursement rate for out-of-network air ambulance provider services is equal to the average of the insurer's in-network rates for air ambulance providers in the state and provides that for purposes of settling a claim made by the insured under the plan the payment is deemed to be the same as an in-network payment and is considered a full and final payment by the insured for out-of-network air ambulance services billed to the insured. The bill provides if a court finds the law relating to out-of-network payments is invalid, a law would become effective which would provide health insurance preferred provider arrangements must provide the health care provider is required to seek prior approval before accessing air ambulance services and is required to provide a written disclosure regarding out-of-network air ambulance providers; the insurer would be required to develop a program for payment of out-of-network air ambulance bills; and the insurer would be required to establish an air ambulance provider mediation process for payment of out-of-network air ambulance provider bills. The bill provides an air ambulance provider may not sell a subscription agreement or contract relating to services or the billing of services provided by an air ambulance provider, and removes the criminal penalty for violation of the preferred provider organization law.

PROPERTY AND CASUALTY AND AUTO

[House Bill No. 1147](#) authorizes a county mutual insurance company to issue a policy on a nonresidential property that is not used by the general public or that is part of an existing policy.

[House Bill No. 1198](#), with respect to the issuance of binders for temporary lines of insurance, changes references from "farm and personal lines of insurance" to "property lines of insurance" and "property and casualty lines of insurance."

[House Bill No. 1247](#), with respect to duplicate property and casualty insurance and automobile insurance, provides if an insured obtains a replacement policy providing equal or more extensive coverage, the first insurer's coverage of that item may be terminated by cancellation or nonrenewal.

[House Bill No. 1302](#), with respect to valuation of property in the case of a property and casualty insurance claim, provides that within the first 60 days of a policy or revision to policy limits of a policy, the covered loss is the lesser of the full value of the policy or the amount paid in accordance with the policy provisions as if a partial loss occurred.

AGENTS AND PRODUCERS

[House Bill No. 1112](#) defines the terms "breach of trust" and "dishonesty" as those terms are used in the law relating to insurance fraud; directs the Insurance Commissioner to deny an application for licensure, revoke a license, or refuse to renew an insurance producer license if the applicant or licensee has been convicted of a felony involving dishonesty or breach of trust; and authorizes the commissioner to deny an application for insurance producer licensure if the commissioner determines the applicant is not reputable. The bill was declared to be an emergency measure and became effective on March 3, 2017.

[Senate Bill No. 2140](#) increases from \$50 to \$100 the maximum annual aggregate per person value an insurance producer may give in the form of a gift, prize, promotional article, logo merchandise, meal, or entertainment activity to a person in connection with marketing, promoting, or advertising the insurance producer's business.

INSURANCE COMMISSIONER

[House Bill No. 1100](#) clarifies laws relating to confidentiality and disclosure by the Insurance Commissioner of documents relating to a health organization's risk-based capital reports, including limitations on requirements to testify, instances disclosure is authorized, and recognition that disclosure of documents by the commissioner does not constitute a waiver of an applicable privilege or claim of confidentiality. The bill was declared to be an emergency measure and became effective on March 9, 2017.

[Senate Bill No. 2103](#) removes several fees chargeable by the Insurance Commissioner, including a fee for filing bylaws or amendments of bylaws, receiving the service of process as attorney, filing a power of attorney by a nonadmitted insurer for conduct of business under the surplus lines law, issuing of and each annual renewal of a license to a resident agent for the attorney for a reciprocal exchange, filing of miscellaneous documents or papers, providing a copy of a paper filed in the commissioner's office, and affixing the commissioner's official seal on a copy of a paper filed with the Insurance Department and certifying the copy.

[Senate Bill No. 2105](#) provides the home address of a licensed insurance producer or insurance consultant received by the Insurance Commissioner is an exempt record. The bill amends the definition of the term "personal, financial, or health information" as that term is used in the law relating to consumer assistance records.

[Senate Bill No. 2267](#) clarifies the confidentiality provisions of the law authorizing a health insurer to terminate a practitioner's participating contract, designate a practitioner as nonpayable, or otherwise impose sanctions on a practitioner for an excessive or inappropriate practice pattern do not limit the authority of the Insurance Commissioner to obtain from an insurer information relating to an investigation of suspected or actual fraudulent insurance acts.

MISCELLANEOUS

[House Bill No. 1044](#), which creates a definition of the term "primary sector business" applicable throughout Century Code, revises the definition of the term "primary sector business" as that term is used in the law relating to the North Dakota low-risk incentive fund.

[House Bill No. 1286](#), with respect to the law regulating who is authorized to procure a life insurance policy on another person, allows a business that has a nonqualified deferred compensation plan to have an insurable interest in the life of a service provider if that service provider provides consent.

TITLE 27
Judicial Branch of Government
Summary of Bills Enacted by 2017 Legislative Assembly

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

[**House Bill No. 1003**](#), the appropriation bill for the Attorney General, requires the governing body of a county or a city to authorize the district judges serving in that county or city to assess a fee as part of a sentence imposed on a defendant who pleads guilty to or is convicted of a criminal offense or of violating a municipal ordinance for which the maximum penalty that may be imposed includes imprisonment. The bill allows the fees collected to be allocated to programs, including support of the statewide automated victim information and notification system, if agreed to by the governing body, Attorney General, North Dakota League of Cities, and the North Dakota Association of Counties.

[**Senate Bill No. 2098**](#) allows a judge and staff of the juvenile court to disclose information to refer a juvenile, who may be the victim of human trafficking, to a program for runaway and homeless youth located in the state and approved by the juvenile court. The bill provides information relating to the referral is confidential.

[**Senate Bill No. 2114**](#) revises the definition of "permanency hearing" with respect to permanency plans for a child in foster care. The bill reduces from 16 to 14 the age for which a permanency hearing for a child may address the services necessary to assist the child to make the transition to successful adulthood. The bill provides reasonable efforts must be made to consider placement of siblings in the same placement.

[**Senate Bill No. 2189**](#) provides the files and records of the juvenile court are open to the staff of a children's advocacy center if the juvenile or a victim of the juvenile has been referred for or has received services at the children's advocacy center.

TITLE 28
Judicial Procedure, Civil
Summary of Bills Enacted by 2017 Legislative Assembly

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

[**House Bill No. 1300**](#) removes the Board of University and School Lands from the list of agencies exempted from the Administrative Agencies Practice Act.

[**Senate Bill No. 2014**](#) authorizes a court to withhold or suspend any certificate, permit, or license issued by lottery, tag, electronically, or over the counter by the Director of the Game and Fish Department which a judgment debtor is required to obtain before engaging in a recreational activity for nonpayment of defaulted state guaranteed student loans.

[**Senate Bill No. 2169**](#) replaces the Foreign Judgment Recognition Act adopted in 1969 with a new chapter relating to recognition of foreign judgments. The bill provides rules and procedures related to the standards, jurisdiction, and the statute of limitations for the recognition of foreign judgments and for the effect and applicability of foreign judgments.

[**Senate Bill No. 2327**](#), which creates a Department of Environmental Quality, replaces various references to the State Department of Health with the Department of Environmental Quality.

TITLE 29
Judicial Procedure, Criminal
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1221](#) provides guidelines for the training and use of confidential informants. The bill prohibits the use of a juvenile 15 years of age or younger from being a confidential informant and restricts the use of confidential informants between the age of 16 and 18. The bill prohibits a law enforcement officer employed by a state institution of higher education from entering a confidential informant agreement with a student enrolled in a state higher education institution. The bill requires confidential informant agreements to be in writing. The bill requires law enforcement agencies to investigate reported violations of the guidelines and to forward the report of the investigation to the Peace Officer Standards and Training Board.

[House Bill No. 1236](#) provides that the identification of a suspect based on fingerprint evidence may be used as the basis for prosecution within 3 years after the identification of a suspect in a case of sexual abuse of a minor.

[Senate Bill No. 2302](#), with respect to the authority to make arrests in the state, expands the definition of "federal agent" to include an employee of the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Homeland Security Investigations Unit of the Department of Homeland Security.

TITLE 30
Judicial Procedure, Probate
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 30.

TITLE 30.1
Uniform Probate Code
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1095](#) updates the guardianship and conservatorship processes by providing a definition of "expert examiner" and "visitor". The bill provides a petition for appointment of a guardian must indicate whether the petition seeks to restrict the right to vote, to seek or change marital status, or to obtain or retain a driver's license. The bill provides that if a visitor's report recommends the proposed guardian should not be appointed, the report must recommend an alternative guardian. The bill establishes burdens of proof in protective proceedings. The bill also expands requirements necessary for petitions for protective orders and specifies duties of a guardian ad litem and an expert examiner. The bill provides an appointment of a conservator is effective up to 5 years. The bill requires a description of expenditures and income in conservator reports.

[House Bill No. 1294](#) replaces the term "burial" with "final disposition".

[House Bill No. 1365](#) provides a grant to a guardian of general authority to make medical decisions includes the authority to consent to involuntary treatment with prescribed medications and a grant of limited authority does not include authority to consent to involuntary treatment with prescribed medications. The bill limits the authority of a guardian to provide consent to involuntary treatment with prescribed medications without a recommendation from the ward's medical care provider. The bill was declared to be an emergency measure.

TITLE 31
Judicial Proof
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 31.

[House Bill No. 1387](#) allows a court to order the witness testimony of a minor or disabled adult to be taken in a form other than the courtroom and to be televised by audiovisual equipment if the testimony of the witness in the presence of the defendant would result in the witness suffering serious emotional distress or trauma that would impact the ability of the witness to reasonably communicate.

TITLE 32
Judicial Remedies
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1088](#) allows the Director of the Office of Management and Budget to pay from the risk management fund costs necessary for notification and remediation following a data breach involving a state entity.

[House Bill No. 1144](#) updates a cross reference in the definition of "underground gathering pipeline" from Chapter 49-22 to Chapter 49-22.1.

[House Bill No. 1197](#) provides a process for civil litigation related to the exposure of asbestos. The bill requires certain disclosures by plaintiffs and allows the imposition of sanctions for failure to comply with the requirements. The bill provides a plaintiff must file an asbestos trust claim if the defendant demonstrates the plaintiff has a trust claim.

[House Bill No. 1314](#) provides for limited liability for the use of an automated external defibrillator for an individual who voluntarily provides training to use an automated external defibrillator. The bill removes the requirement that any person that acquires an automated external defibrillator establish a protocol for use of the device and require every individual expected to use the device to receive training in its use.

[House Bill No. 1336](#) provides for limitations of civil penalties by regulatory agencies for an environmental audit, which is a voluntary, internal, and comprehensive evaluation of a facility or activity which is intended to prevent noncompliance with environmental laws, rules, or permits. The bill provides an environmental audit report is privileged and not admissible in a civil action.

[Senate Bill No. 2042](#) removes the definition of "mental health professional" from Section 32-03-48.

TITLE 34
Labor and Employment
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation affecting North Dakota Century Code Title 34.

[House Bill No. 1007](#), the appropriation bill for the Department of Labor and Human Rights, temporarily amends the law regarding an employee's remedy to file with the Department of Labor and Human Rights a claim for wages. The bill establishes a minimum claim amount of \$125 and maximum claim amount of \$15,000 and directs the department to inform claimants who do not meet the minimum claim that the small claims court may be available for the claimant to pursue the claim for wages owed. The bill also requires the department to inform a claimant whose claim exceeds \$15,000 that the claimant may pursue the claim in district court. The bill allows an employee to assign to the Labor Commissioner the authority to settle or adjust a claim. The bill provides the amendments to this provision expire July 1, 2019.

TITLE 35
Liens
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 35.

TITLE 36
Livestock
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1131](#) incorporates federal meat and poultry inspection regulations into Century Code by reference.

[House Bill No. 1348](#) requires law enforcement to receive a recommendation from a licensed veterinarian before petitioning the court for an order to seize an animal. The bill also requires the court to receive a recommendation from a licensed veterinarian before acting to seize an animal without notice to the owner of the animal.

[House Bill No. 1433](#) provides an exemption from the prohibition on slaughtering an animal or preparing food for intrastate commerce or selling or transporting food in intrastate commerce for direct producer to consumer sales of cottage food products.

[Senate Bill No. 2028](#) revises Century Code provisions relating to livestock auction markets, satellite video livestock auction markets, livestock packing plants, rendering plants, and meat inspections and places those provisions into Title 4.1.

TITLE 37
Military
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1090](#) allows an employer to use an online recruiting solution system to notify a veteran who applied for employment that the veteran has not been hired.

[House Bill No. 1104](#) adds cyber attack to the list of incidents for which the Governor may order National Guard service members into active service of the state.

[House Bill No. 1106](#) defines "critical industry sectors" with respect to emergency services. The bill revises the definition of "emergency" to include situations to protect lives and property, to provide for public health and safety, and to avert or lessen the threat of danger.

[House Bill No. 1109](#) makes technical corrections to Chapter 37-01 and extends the period of service for which North Dakota National Guard service members and North Dakota residents of the reserve are provided adjusted compensation through June 30, 2019.

[House Bill No. 1178](#) establishes a statewide interoperability radio network fund in the state treasury to be used for the state share of expenses of the statewide interoperable radio network, adds the Executive Director of the Indian Affairs Commission and a member of the House of Representatives and a member of the Senate to the Statewide Interoperability Executive Committee, and excludes financing of the statewide interoperable radio network and its equipment and services from the list of Information Technology Department powers.

[House Bill No. 1293](#) provides an earlier termination for a version of a statute that governs payments for disaster or emergency response and recovery costs. The version of the statute that would have become effective after June 30, 2017, became effective immediately upon filing with the Secretary of State on February 23, 2017.

[Senate Bill No. 2021](#), the appropriation bill for the Information Technology Department, adds the Executive Director of the Indian Affairs Commission, one member of the House of Representatives, and one member of the Senate to the Statewide Interoperability Executive Committee.

[Senate Bill No. 2050](#) adds the Executive Director of the Indian Affairs Commission or the Director's designee to the Statewide Interoperability Executive Committee.

[Senate Bill No. 2106](#) changes the fees charged to government entities for use of the state's mobile data terminal system and teletype system by removing requirements that fees be based on actual costs.

[Senate Bill No. 2107](#) allows the North Dakota National Guard to pay health insurance premium costs for National Guard service members when the members are called to active duty, and adjusts pay for National Guard service members ordered to service in response to an emergency management assistance compact request. The bill was declared to be an emergency measure and became effective on April 5, 2017.

[Senate Bill No. 2110](#) requires the owners, operators, and responsible parties of facilities to include the names of any chemicals spilled or discharged in their reports to appropriate state agencies under the federal Superfund Amendments and Reauthorization Act of 1986. This bill allows the Director of the State Division of Homeland Security to impose late fees and civil fines for late reports and late payments of fees under the Superfund Amendments and Reauthorization Act.

[Senate Bill No. 2183](#) requires the Department of Veterans' Affairs to provide commemorative coins to family members of certain deceased veterans during military funeral honors for the veterans and allows family members of deceased North Dakota veterans to purchase commemorative coins.

[Senate Bill No. 2199](#) creates a new chapter governing out-of-state businesses that perform disaster or emergency remediation work or services during disaster response periods, exempting the businesses from certain taxes, unemployment insurance, and workers' compensation coverage.

TITLE 38
Mining and Gas and Oil Production
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 legislation primarily affecting North Dakota Century Code Title 38. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[**House Bill No. 1347**](#) increases the amount that may be expended from the abandoned oil and gas well plugging and site reclamation fund for reclamation and restoration of land and water resources impacted by oil and gas development from \$1.5 million to \$5 million per biennium and provides a continuing appropriation.

[**Senate Bill No. 2333**](#) provides any land within the jurisdiction of the Industrial Commission, which is disturbed by oil and gas activity, must be reclaimed as close as practicable to its original condition before the disturbance. The bill allows the commission to waive reclamation requirements for site and access roads after a well is plugged or treating plant or saltwater handling facility is decommissioned if the commission receives consent from the surface owner or appropriate government land manager and records documentation of the waiver.

[**House Bill No. 1151**](#) requires any person having control over a receptacle or facility associated with oil and gas or water production, injection, processing, or well servicing to report any leaks or spills to the commission unless the leak or spill amounts to less than a total of 10 barrels over a 15-day period, remains on the site or facility, and is on a well site where the well was spud after September 1, 2000, or on a facility other than a well site, which was constructed after September 1, 2000. The bill requires the commission to place any written violation notice issued by the commission in regard to a fire, leak, spill, blowout, or leak and spill cleanup in the file associated with the well or facility and make the files available to surface owners for review.

[**House Bill No. 1409**](#) requires the results of water quality tests that must be conducted by a mineral developer before commencing production operations on a surface owner's property be reported to the State Department of Health, analyzed by a state-certified laboratory, and recorded in a database maintained by the department. The bill provides a mineral developer's failure to conduct a water quality test before commencing production operations is prima facie evidence of injury to a surface owner's water supply in any claim for relief and the refusal of a surface owner to allow the mineral developer to conduct a water quality test serves to bar a surface owner's claim for relief.

[**House Bill No. 1257**](#) reduces the percentage of royalty interest owners required to ratify or dissolve a unit from 60 to 55 percent. The bill also reduces the number of persons needed to ratify a unit from those required to pay 60 percent of the costs of the unit operation to those required to pay 55 percent of the costs of the unit operation.

[**Senate Bill No. 2327**](#), as part of a bill that creates the Department of Environmental Quality, changes references to the State Department of Health to the Department of Environmental Quality in sections relating to the abandoned oil and gas well plugging and site reclamation fund, requirements for inspecting and monitoring well sites, the provision of notice by mineral developers to surface owners prior to entering a surface owner's land, inspection of well sites to ensure compliance with environmental protection laws and regulations, consultations with the Public Service Commission regarding coal mining permits and applications and water protection rules, consultations required before issuing permits for geologic storage facilities, and ensuring the integrity of geologic storage facilities.

[**House Bill No. 1144**](#), as part of a bill that creates a new chapter relating to gas or liquid energy conversion and transmission facilities, changes a cross-reference in the definition of "underground gathering pipeline" to cite to the newly created chapter rather than the Energy Conversion and Transmission Facility Siting Act under Chapter 49-22.

TITLE 39
Motor Vehicles
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to motor vehicles may be classified in these subject areas--drivers licenses and rules for drivers, title and registration, motor vehicle permits, and miscellaneous.

DRIVERS LICENSES AND RULES FOR DRIVERS

[House Bill No. 1128](#) creates a definition for "primary source identity document" with respect to the issuance of permits, licenses, and nondriver identification cards. The bill requires individuals to surrender all operator licenses, permits, and nondriver photo identification issued by another state in order to receive a North Dakota issued operator's license, permit, or nondriver's license identification. The bill provides primary source identity documents retained by the Department of Transportation are not public records. The bill requires the Department of Transportation to provide central management for state agencies for citizens who possess a nondriver photo identification card or driver's license utilizing driver record data, and provide access for identity verification.

[House Bill No. 1133](#) exempts the holder of a Class A commercial driver's license from the hazardous materials endorsement if the licenseholder is acting within the scope of the licenseholder's employment, is within the state of domicile or another state with a hazardous materials enforcement exemption, and is operating a service vehicle that is transporting diesel in a quantity of 1,000 gallons or less. The bill was declared to be an emergency measure and became effective on March 9, 2017.

[House Bill No. 1299](#) authorizes a noncommercial applicant to apply by mail or electronically for renewal of an operator's license during every other renewal cycle and authorizes the Director of the Department of Transportation to use vision information provided by the applicant to meet vision requirements for applicants under 65 years of age.

[House Bill No. 1311](#) increases the penalty for littering on a highway from \$100 to \$500.

[House Bill No. 1323](#) provides that a child, regardless of weight, who is at least 57 inches tall, and is under age 8 is not required to use a child restraint system, but must be correctly buckled in a safety belt. The bill allows a physician assistant or advanced practice registered nurse to sign a statement indicating an individual has a medical or physically disabling condition that prevents appropriate restraint in a safety belt.

[House Bill No. 1369](#) requires an operator's license or a nondriver's photo identification card issued to a noncitizen of the United States to be designed in a manner to distinguish the license clearly from a similar license issued to a citizen of the United States.

[House Bill No. 1430](#) prohibits an operator of a motor vehicle from failing to maintain control of that motor vehicle by either committing an offense under Title 39 and, at the time of the offense, the individual was engaged in the operation of a motor vehicle while distracted or it is determined to have been the operator of a motor vehicle that was involved in a reportable accident which resulted in property damage and, at the time the reportable accident occurred, the individual was engaged in the operation of a motor vehicle while distracted. The bill provides the penalty for operating a motor vehicle while distracted is a fee of \$100. The bill provides a definition for "operation of a motor vehicle while distracted" and excludes a wireless communications device used in a voice-activated, voice-operated, or any other hands-free manner, from the definition of "electronic message."

[Senate Bill No. 2108](#) removes the requirement to surrender and return an operator's license upon suspension and revocation of the license. The bill provides delivery of the revocation order is deemed to have occurred 72 hours after the order is mailed by regular mail to the address of record in the Department of Transportation.

[Senate Bill No. 2122](#) removes, from the list of individuals who are exempt from having an operator's license, a nonresident who is at least 16 years of age, whose home state or country does not require the licensing of operators, if that individual has in that individual's possession while driving in this state an official certificate showing the lawful registry of the motor vehicle and is able to prove that individual's lawful possession or the right to operate the vehicle and establish that individual's identity.

[Senate Bill No. 2126](#) allows a father, mother, or legal guardian of a minor to designate, through a notarized document, another individual temporarily authorized to sign a minor's application for an operator's license, if the father, mother, or legal guardian is unable to appear. The bill imputes any negligence of a minor when driving a motor vehicle upon a highway to the individual who has signed the application of the minor for an operator's license, or upon the father, mother, or legal guardian if signing authority has been temporarily transferred.

TITLE AND REGISTRATION

[House Bill No. 1159](#) authorizes number plates assigned to a motorcycle or a trailer to be displayed vertically. The bill also requires each plate assigned to a vehicle to be mounted in a visible manner and to clearly display the distinctive number assigned to the vehicle and the name of the state.

[House Bill No. 1211](#) allows motor vehicles displaying a mobility impaired certificate, license plate, or a disabled veteran plate to park at an angle and occupy two standard parking spaces if the designated mobility-impaired parking spaces are occupied or unavailable.

[House Bill No. 1219](#) requires the Department of Transportation to maintain a website an interested person may use to supply a vehicle identification number to confirm the status of a manufactured home as real estate and to confirm the Department of Transportation retired the manufacturer's certificate of origin or certificate of title.

MOTOR VEHICLE PERMITS

[House Bill No. 1102](#) establishes an annual \$10 public trails and lands access permit for out-of-state off-highway vehicles. The bill provides dealers or authorized agents who sell the permits to retain \$1 of the fee, and provides the remainder of the fees to be deposited in the off-highway vehicle fund.

[House Bill No. 1249](#) removes a provision that allows a political subdivision to prohibit a transportation network company from operating without a state permit within the jurisdiction of the political subdivision because no state permit is required.

[House Bill No. 1255](#) authorizes the Director of the Department of Transportation to issue a permit for a truck with a gross weight that exceeds 105,500 pounds, not to exceed 129,000 pounds. The bill provides the permit fee is \$100 per month or \$700 annually.

[House Bill No. 1288](#) creates an annual overlength motor vehicle permit. The bill provides the fee for an overlength vehicle or load that is 128 feet or less is \$20 per trip or \$150 per calendar year. The bill provides permits issued for overdimensional movements of vehicles are valid for travel during the day and night with proper lighting.

[House Bill No. 1320](#) requires each township in a county that participates in a uniform truck permitting system for authorization of oversized or overweight vehicle movements to participate in the same system and requires a uniform permit system to provide public notice of the date, hour, and place at which the public may comment on proposed fee changes. The bill prohibits a city, county, or township having control of roads from imposing additional fees for the use of roads beyond the fees established under a uniform permit program, and authorizes a city, county, or township to issue a penalty to a person that violates a posted road restriction. The bill authorizes the local authorities to make changes to existing posted restrictions on a portion of a highway in instances of inclement weather if the local authority gives public notice of the change in the posted restrictions on any portion of a highway within 1 hour after the initial determination of inclement weather and erects and maintains a sign at each end of the portion of the highway affected by the inclement weather restriction within 5 days of the first date of inclement weather.

[House Bill No. 1321](#) authorizes the Department of Transportation to permit a farmer's farm vehicle or a motor carrier hired by a farmer to exceed the weight limitations by 10 percent for the movement of agricultural products from the field of harvest to the point of initial storage site or to the first point of sale and transfer of possession during harvest, or from the point of initial storage to the first point of sale and transfer of possession during the current year's harvest.

[Senate Bill No. 2011](#), the appropriation bill for the Highway Patrol, creates a Capitol building access card fund in the state treasury consisting of fees received by the Superintendent of the Highway Patrol for the issuance of Capitol building access cards. The bill authorizes the Superintendent to charge a fee of \$10 for each access card issued to an individual who is not an employee of the State of North Dakota. The bill requires the Highway Patrol to assess an additional fee up to \$15 for every permit issued for vehicles of excessive size and weight, if the Highway Patrol establishes an online electronic permit system.

MISCELLANEOUS

[House Bill No. 1041](#) authorizes a court to terminate any probation for a driving under the influence offense when the defendant completes the drug treatment program and removes the exemption for individuals who are dead, unconscious, or otherwise in a condition rendering the person incapable of refusal to submit to an alcohol or drug concentration test.

[House Bill No. 1105](#) adds "vehicles operated by or under the control of the State Department of Health in cases of emergencies" and "other vehicles authorized by licensure granted under Chapter 23-27" to the definition of a "class A authorized emergency vehicle."

[House Bill No. 1135](#) consolidates the Committee on Employment of People with Disabilities into the State Rehabilitation Council.

[House Bill No. 1352](#) removes the time requirement a motor vehicle must have remained on private property without consent of the person in control of the property for the motor vehicle to be considered abandoned. The bill creates a definition for a "commercial towing service" and allows a commercial towing service to remove and take into custody an abandoned motor vehicle located on private property, if requested by an owner, lessee, tenant, or occupant of the private property. The bill requires a commercial towing service to provide notice to the owner of an abandoned motor vehicle that has been taken into custody and provides a process for an owner to reclaim an abandoned motor vehicle that has been taken into custody. The bill provides a disposal process for an abandoned motor vehicle that has been taken into custody and has not been reclaimed by the owner, a secured party, or a lienholder. The bill was declared to be an emergency measure and became effective on April 5, 2017.

[House Bill No. 1359](#) establishes a silver alert notice system to activate an urgent bulletin to air a description of a disabled adult, vulnerable elderly adult, or a minor who has a developmental disability, who has been reported as missing.

[Senate Bill No. 2045](#) removes the expiration date allowing the deposit of the civil portion of the penalty for overweight vehicle violation fees to continue to be deposited with the jurisdiction of the road in which the violation occurred rather than the state highway fund.

[Senate Bill No. 2053](#) includes within the definition of "distributee" as it relates to the Highway Patrolmen's retirement system, a beneficiary, other than a spouse, of a deceased member. The bill provides in the case of a beneficiary other than a spouse, the direct rollover may be made only to an individual retirement account or individual retirement annuity described in Section 408 or 408A of the Internal Revenue Code which is established on behalf of the beneficiary, and will be treated as an inherited individual retirement account or individual retirement annuity under Section 402(c)(11) of the Internal Revenue Code.

[Senate Bill No. 2097](#) removes the requirement that the term "highway" be included on the badges issued to the Highway Patrol. The bill adds the power to promote public trust and an understanding of law enforcement through education, community outreach, and job shadowing programs to the powers of the Highway Patrol. The bill was declared to be an emergency measure and became effective on March 15, 2017.

[Senate Bill No. 2176](#) removes the requirement that an individual submit to onsite screening tests or is otherwise guilty of an offense of driving under the influence. The bill requires an individual to enroll in a 24/7 sobriety program or an alcohol compliance program if available in that individual's state of residence and shall file proof of such enrollment, if an individual ordered to participate in the 24/7 sobriety program is not a resident of this state. The bill requires a law enforcement officer to inform an individual charged with driving or being in actual physical control of a vehicle while under the influence of alcohol or any other drug, that refusal of the individual to submit to a test directed by the law enforcement officer may result in a revocation of the individual's driving privileges for a minimum of 180 days and up to 3 years. The bill requires the law enforcement officer to inform the individual that refusal to take a breath or urine test is a crime punishable in the same manner as driving under the influence.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality and transfers environmental health functions of the State Department of Health to the new department, transfers provisions relating to abandoned motor vehicles to the new department. The bill becomes effective upon certification all federal approvals are obtained.

TITLE 40
Municipal Government
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1015](#) provides property subject to a tax increment financing development agreement before August 1, 2017, is not subject to the specific county and school district notice, approval, and negotiation requirements relating to the granting of property tax incentives.

[House Bill No. 1044](#), with respect to municipal tax exemptions for new and expanding businesses, provides the definition of "primary sector business" has the meaning defined in Section 1-01-49.

[House Bill No. 1269](#) increases the minimum amount of marijuana from one-half ounce to one ounce that a city council or city commission may enact an ordinance prohibiting an individual from possessing.

[House Bill No. 1363](#) changes references from "voting places" to "polling places."

[House Bill No. 1385](#) allows a municipality to provide refunding bonds to refund bonds previously issued by the municipality to extend the maturities of the outstanding bonds, to consolidate or restructure or reduce the debt service of the outstanding bonds, or to remove covenants with respect to the issuance of the outstanding bonds.

[Senate Bill No. 2132](#) provides if a defendant waives a jury trial, the matter must be remanded to the municipal court for disposition if the defendant and prosecuting attorney agree to the remand.

[Senate Bill No. 2148](#) requires, within 1 year of assuming office, an individual who is appointed to the position of city auditor to complete training specific to that office which is approved by a statewide association that represents cities. The bill becomes effective January 1, 2018.

[Senate Bill No. 2166](#) requires a city considering a property tax incentive on any parcel of property which would extend more than 5 years to notify the chairman of each county commission and president of each school district board affected by the tax. The bill requires the notice to provide the terms of the incentive. The bill requires each affected county and school district to notify the city whether the county or school district elects to participate in the granting of the incentive. The bill provides evidence of community support for a renaissance zone application must include letters of support from the governing bodies of each county and school district within the zone.

[Senate Bill No. 2193](#) provides the jurisdiction limits on city police officers do not apply to a police officer acting pursuant to a joint powers agreement with another jurisdiction. The bill was declared to be an emergency measure and became effective on April 5, 2017.

[Senate Bill No. 2238](#) allows a member of the city council in a city having a population of 500 or fewer to be employed by the city if no other qualified individual is available to hold the position at an equal cost to the city and if the other members of the city governing body unanimously approve. The bill was declared to be an emergency measure and became effective on March 22, 2017.

[Senate Bill No. 2288](#) provides the notice of preliminary budget for a city must be provided on or before August 10 of each year and municipalities levying less than \$100,000 must include information in the notice, such as a statement of the total proposed expenditures. The bill also provides an annexation is effective for the purpose of general taxation on and after the first day of the next January.

[Senate Bill No. 2304](#) increases from 10 years to 20 years the period during which all assessments for sidewalks must be paid.

[Senate Bill No 2326](#) provides home rule cities have the authority to levy and collect property taxes and special assessments for its public and proprietary functions, activities, operations, undertakings, and improvements. The bill provides taxes collected, except for a city lodging or restaurant tax, must be administered under an agreement with the Tax Commissioner. The bill prohibits a city from levying a tax not specifically authorized by statute.

[Senate Bill No. 2327](#) creates a Department of Environmental Quality and changes a reference in Section 40-47-01 from the State Department of Health to the Department of Environmental Quality.

TITLE 41
Uniform Commercial Code
Summary of Bills Enacted by 2017 Legislative Assembly

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

[Senate Bill No. 2214](#) provides the Secretary of State may refuse to accept an online filing of a Uniform Commercial Code secured transaction record if the record does not contain a social security number or Internal Revenue Service taxpayer identification number.

TITLE 42
Nuisances
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 42.

TITLE 43
Occupations and Professions
Summary of Bills Enacted by 2017 Legislative Assembly

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

AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS

[Senate Bill No. 2172](#) makes multiple changes to the law regulating the practice of audiology and speech-language pathology, including updating definitions, providing for the regulation of the profession speech-language pathology assistant, and updating language used throughout the chapter.

BARBERS

[House Bill No. 1092](#) eliminates the professional status of registered apprentice barber.

[House Bill No. 1094](#) increases from \$62 to \$100 the per diem a member of the Board of Barber Examiners is entitled to receive.

BEHAVIORAL HEALTH PROFESSIONALS

[Senate Bill No. 2088](#) makes multiple changes to the law relating to the regulation of addiction counseling, including revising the definition of the term "addiction counseling" to expand from treatment for the use or abuse of alcohol or a controlled substance to treatment regarding a substance-related or addictive disorder identified by the *Diagnostic and Statistical Manual of Mental Disorders*, American Psychiatric Association, 5th edition, text revision (2013). The bill provides for the licensure of licensed clinical addiction counselors and recognition of masters addiction counselors and allows a portion of the clinical or experience requirement to be supervised by a professional other than an addiction counselor.

[Senate Bill No. 2240](#) authorizes the Marriage and Family Therapy Licensure Board to order an ex parte temporary suspension of a license of a marriage and family therapist or associate marriage and family therapist.

[Senate Bill No. 2141](#) makes multiple changes to the law regulating the practice of psychology and the practice of applied behavior analysis, including integrating the regulation of the practice of applied behavior analysis throughout the chapter, revising the membership requirements of the North Dakota State Board of Psychologist Examiners to provide the citizen member must be a resident of the state, authorizing the board to contract with persons to carry out the board's duties, removing the requirement the board have a seal, updating licensure renewal protocol, clarifying restatement of a license requires proof of meeting the continuing education requirements, updating the requirements for licensure of an applicant licensed in another jurisdiction, providing for an expedited licensure process, and codifying resident registration requirements.

[Senate Bill No. 2033](#) provides a portion of the supervised experience to qualify for licensure as a clinical social worker, counselor, and marriage and family therapist may be provided by a licensed behavioral health professional other than the profession being licensed. The bill allows an applicant for licensure as a clinical social worker to meet the supervised experience requirement through experience in the practice of clinical social work allows the Board of Social Work Examiners additional flexibility in accepting licensure from other jurisdictions.

[Senate Bill No. 2042](#), which implements a code-wide multi-tiered system for references to behavioral health professionals, corrects the provision of Senate Bill No. 2033 which address licensure of social workers licensed in another jurisdiction and corrects a statutory reference.

CHIROPRACTORS

[House Bill No. 1087](#) provides the profession of certified chiropractic clinical assistant is a new profession subject to regulation by the State Board of Chiropractic Examiners.

CLINICAL LABORATORY PERSONNEL

[Senate Bill No. 2202](#) exempts from the regulation of the North Dakota Board of Clinical Laboratory Practice any personnel performing whole blood glucose waived tests, and revises the board member appointment process to no longer require that the North Dakota Pathology Organization submit to the Governor a list of qualified physicians.

CONTRACTORS

[Senate Bill No. 2120](#) amends the definition of "public contract" as that term is used in the law relating to the regulation of contractors, increasing from \$2,000 to \$4,000 the threshold amount for a contract for the construction or reconstruction of a public work.

COSMETOLOGISTS

[Senate Bill No. 2095](#) provides requirements to qualify for cosmetology licensure for an applicant who has licensed in a foreign jurisdiction for at least 3 of the last 5 years.

DENTISTS

[House Bill No. 1035](#) changes the terms of the dentist loan repayment program relating to failure of the dentist to meet the qualifying terms under the contract, replacing the provision that breach of the contract would require complete repayment of all funds received under the program with a provision that would disqualify the dentist from receiving the payment for the current year and future payments.

[Senate Bill No. 2004](#), the appropriation bill for the State Department of Health revises the dentist loan repayment program to provide a condition of eligibility is that the dentist accept Medicaid patients or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic.

ELECTRICIANS

[Senate Bill No. 2310](#) removes the requirement the State Electrical Board conduct inspections within 15 days of notice of completion of a project, increases the minimum dollar amount of an electrical project requiring inspection from \$300 to \$500, and removes the requirement that an inspection is required only in a municipality having an ordinance requiring an inspection.

FUNERAL SERVICE PRACTITIONERS

[House Bill No. 1294](#) which updates provisions relating to final disposition of a body, revises the minimum requirements to be issued a certificate of registration as an intern embalmer by decreasing the educational requirements, and revises the definition of the term "funeral establishment" by removing the requirement branch establishments must be independently licensed.

MASSAGE THERAPISTS

[Senate Bill No. 2092](#) changes the name of the North Dakota Board of Massage Therapy to the North Dakota Board of Massage. The bill updates the definition of the term "massage." The bill revises the qualifications to serve as a board member. The bill extends from 6 to 12 months the period of time after application within which an applicant may reapply, extends from 1 to 2 years the maximum amount of time a license may lapse and still qualify for renewal, revises the continuing education requirements to allow for a tiered reporting system through which less experienced licensees are required to earn more hours of continuing education than more experienced licensees, codifies licensure requirements for licensure applicants licensed in another country, and revises the licensure requirements for licensure applicants licensed in another jurisdiction of the United States.

MEDICAL IMAGING AND RADIATION THERAPISTS

[Senate Bill No. 2327](#), which establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, changes references to the State Department of Health to the Department of Environmental Quality. The bill provides an individual who is a limited x-ray operator is no longer exempt from regulation by the North Dakota Medical Imaging and Radiation Therapy Board. The bill becomes effective upon certification that all necessary federal approvals have been obtained.

[Senate Bill No. 2198](#) makes multiple changes to the law regulating the practice of medical imaging and radiation therapy, including clarifying magnetic resonance imaging is considered medical imaging, providing for licensure that recognizes a licensee is authorized to practice a specified modality, renaming the North Dakota Medical Imaging and Radiation Therapy Board of Examiners the North Dakota Medical Imaging and Radiation Therapy Board, and authorizing the board to establish an investigative panel.

NURSES

[House Bill No. 1096](#) adopts the Advanced Practice Registered Nurse Licensure Compact to facilitate multistate licensure and amends the nurse licensure law relating to criminal history record checks to address licensure through the compact.

[House Bill No. 1097](#) adopts the Nurse Licensure Compact to facilitate multistate licensure and amends the nurse licensure law relating to criminal history record checks to address licensure through the compact.

PHYSICAL THERAPISTS

[House Bill No. 1015](#), the appropriation bill for the Office of Management and Budget, provides although a criminal history record check performed as part of licensure as a physical therapist or physical therapist assistant is an exempt record, the board may not disclose the record to the Physical Therapy Compact Commission or similar entity.

[House Bill No. 1157](#) adopts the Physical Therapy Licensure Compact to facilitate multistate licensure.

[Senate Bill No. 2131](#) authorizes the North Dakota Board of Physical Therapy to require a licensee or applicant to submit to a statewide and nationwide criminal history record check.

PHYSICIANS

[House Bill No. 1289](#) provides the Medical Board may take disciplinary action against a physician for noncompliance with the physician health program, the board-sanctioned program for the detection, intervention, and monitoring of physicians with conditions that could result in an impairment of the physician's ability to engage safely in the practice of medicine.

PROFESSIONAL EMPLOYER ORGANIZATIONS

[House Bill No. 1237](#) revises the bonding requirements for professional employer organizations, decreasing the maximum bonding requirement from \$500,000 to \$100,000, changing the calculation of the bonding requirement to provide the required amount is the lesser of the maximum amount or 5 percent of the quarterly wages, and providing the bonding requirement may be satisfied through an irrevocable letter of credit.

REAL ESTATE PROFESSIONALS

[House Bill No. 1306](#) amends the law relating to the qualifications to serve as a commissioner of the State Real Estate Commission, adding the requirement a commissioner may not serve more than two consecutive 5-year terms.

RESPIRATORY THERAPISTS

[House Bill No. 1093](#) updates the law regulating respiratory care and polysomnographic licensure and expands the powers of the State Board of Respiratory Care to take disciplinary actions against licensees.

SECURITY OFFICERS

[Senate Bill No. 2329](#) provides rules adopted by the Private Investigative and Security Board addressing qualifications of security officers must recognize active members of the National Guard and former members of the National Guard, reserve, or regular armed forces who were not dishonorably discharged, as having met any related experience requirements.

TITLE 44
Offices and Officers
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1090](#) provides certain bids and proposals received by a public entity are exempt records until bids have been opened or a notice of intent to award is issued.

[House Bill No. 1108](#) provides certain records received by the state local intelligence center and certain records related to cyber threats are exempt records.

[House Bill No. 1316](#) eliminates the requirement for the records of a notary to be deposited with the Secretary of State when the office of the notary becomes vacant, and eliminates late fees for a notary public who fails timely to notify the Secretary of State of changes of address. The bill increases the term of a notary public commission from 4 to 6 years. The bill removes the prohibition on a notary notarizing a signature on a copy of a public record or vital record, but prohibits a notary from making a copy of such a record. The bill revises the procedure for obtaining a commission after a notary has completed a legal name change.

[House Bill No. 1345](#) clarifies public entities do not need to follow open meeting requirements for training seminars when no other public business is discussed. The bill allows a public entity to seek clarification about open records requests, but prohibits asking for the motive or reason for the request or the identity of the requester. The bill provides, if a requested record is available on the public entity's website, the public entity only need notify the requester that is the case and direct the requester to the appropriate website, unless the requester does not have easy access to the Internet, in which case the public entity shall provide a paper copy of the requested record. The bill allows a public entity to deny records requests if repeated requests disrupt essential functions of the entity. The bill clarifies the confidential or exempt status of various records, open meeting requirements, and remedies available to the Attorney General when public entities violate open meeting or open records laws.

[House Bill No. 1363](#) increases various election-related time frames for filling vacancies in offices from 60 days before an election to 95 days. The bill provides if a vacancy in an office occurs within 95 days before an election, no appointment to fill the vacancy may be made unless it is necessary to carry out the election. The bill also provides an appointment made to fill a vacancy in public offices, including a board of county commissioners, continues until the first general election that occurs at least 95 days after the vacancy.

[Senate Bill No. 2152](#) provides applications and records related to applications which could be used to identify an applicant which are submitted by applicants for public employment are confidential. The bill provides when a finalist for the position is identified, the finalist's materials become open records. The bill requires a public entity to designate three or more qualified applicants as finalists before an offer of employment may be issued.

[Senate Bill No. 2165](#) requires the resignation of a school board member to be made to the business manager of the school district.

[Senate Bill No. 2195](#) provides that certain information, including the donor's name, address, tax records, and estate planning information, regarding donors to nonprofit entities that are public entities is considered an exempt record.

[Senate Bill No. 2295](#) makes "university research records" exempt records and makes "personally identifiable study information" confidential, except for records that an institution of higher education provides to the statewide longitudinal data system. The bill makes records of institutions of higher education, which are related to Title IX complaints or investigations and which contain personally identifiable information about parties to the complaints exempt records.

[Senate Bill No. 2327](#), which establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, makes appropriate cross-reference changes to reflect the transfer of responsibility. The bill becomes effective contingent upon the section chief certifying that all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

TITLE 45
Partnerships
Summary of Bills Enacted by 2017 Legislative Assembly

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

[**Senate Bill No. 2223**](#) provides a charging order against the transferable interest of a judgment creditor of a partnership may require the partnership to pay any distribution that otherwise would be paid to the debtor. The bill allows the partner to extinguish a charging order by satisfying the judgment and allows a partner having an interest that is not subject to the charging order to pay the amount due under the judgment and succeed to the rights of the creditor. The bill also provides no other remedy, including foreclosure of the transferable interest, is available to the judgment creditor and no creditor of a partner or transferee has a right to obtain possession or otherwise exercise legal or equitable remedies.

TITLE 46
Printing Laws
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 46.

[House Bill No. 1280](#) removes the requirement the board of county commissioners of each county provide a hard copy of any session laws, codes, or compilations immediately after publication to the county auditor, state's attorney, ex officio clerk of court, and sheriff, and provides the publications must be provided only if requested.

TITLE 47
Property
Summary of Bills Enacted by 2017 Legislative Assembly

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

The legislation relating to property may be classified in these subject areas--manufactured homes, rental properties, perpetuity, and miscellaneous.

MANUFACTURED HOMES

[House Bill No. 1219](#) specifies when a manufactured home is considered affixed to real property and determined to be real property. The bill provides a manufactured home is permanently affixed if the home is affixed to real property and connected to residential utilities. The bill provides once a manufactured home is deemed to be real property, the home is no longer under the authority or jurisdiction of the Department of Transportation. The bill eliminates a provision that states a conveyance of land, upon which there is an affixed manufactured home, does not effect a conveyance or encumbrance of any interest in the manufactured home.

[House Bill No. 1250](#) requires a person with an ownership interest in a manufactured home, who is attempting to convey the home as real property and is required to execute and record an affidavit of affixation with the county recorder, to complete a statement required by Section 11-08-02.2(2), in addition to the affidavit, if the person acquired the home prior to the affixation of the home to real property.

RENTAL PROPERTIES

[House Bill No. 1201](#) would have required a landlord of a residential dwelling unit to fix any inoperable carbon monoxide detection devices within the rental dwelling within 30 days after receiving written notification from the tenant or other individuals. The bill would have allowed the tenant to repair the detection device and deduct the cost of the repair from the next rental payment. The bill would have allowed a landlord to require a tenant to replace the batteries in a battery-operated carbon monoxide detection device. The bill was vetoed by the Governor.

[House Bill No. 1220](#) amends the statutory provision addressing the limitations and requirements on real property security deposits by allowing a lessor to accept up to 2 months rent as a security deposit from a convicted felon as an incentive to rent the property to the individual.

[House Bill No. 1272](#) allows for supporting disability documentation for service or assistance animals in a rental dwelling to be provided by a physician or medical professional who does not operate in the state. The bill provides it is an infraction if an individual provides fraudulent disability documentation and allows a lessor to evict a lessee and assess a damage fee if a lessee is guilty of providing fraudulent disability documentation.

PERPETUITY

[House Bill No. 1015](#), which is the appropriation bill for the Office of Management and Budget, amends House Bill No. 1228 to allow real estate investment trusts, which are a type of business trust, to own interests in real property within the state. The bill defines a "real estate investment trust."

[House Bill No. 1228](#) adds an exception to the statutory rule against perpetuities by allowing a business trust to exist in perpetuity, but prohibits a business trust from owning an interest in real property within the state.

MISCELLANEOUS

[House Bill No. 1214](#) creates the Uniform Fiduciary Access to Digital Assets Act. The bill allows a fiduciary, a personal representative on behalf of a decedent, a conservatorship or guardianship proceeding, a trustee, or a custodian to access and disclose a user's digital assets to designated recipients under certain circumstances.

[Senate Bill No. 2253](#) requires transfers of land between federal, state, or local governmental entities to have a deed with a proper legal description filed with the county recorder. The bill is retroactive in application.

TITLE 48
Public Buildings
Summary of Bills Enacted by 2017 Legislative Assembly

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

[Senate Bill No. 2142](#) provides an agency construction manager and a construction manager at-risk must publicly open bids. The bill also requires a construction manager at-risk to evaluate each bid.

[Senate Bill No. 2146](#) raises the threshold for bidding public improvements from \$100,000 to \$150,000. The bill also increases from \$100,000 to \$150,000 the threshold for which a governing body that enters a contract for the construction of a public improvement must take a bond from the contractor before beginning work.

[Senate Bill No. 2147](#) provides that under a construction manager at-risk delivery method, the governing body may not require each contractor performing services on the public improvement to provide a separate bond.

[Senate Bill No. 2168](#) provides a definition for "political subdivision" for the purposes of public improvement bids and contracts and provides public funds include public loans, bonds, leases, or alternative funding.

[Senate Bill No. 2197](#) allows a designated agent of a governing body to open bids on behalf of the governing body.

[Senate Bill No. 2271](#) provides the time period between the request for proposals for energy conservation measure recommendations and the due date for proposals may be no less than 15 business days. The bill requires a guaranteed energy savings contract to include costs of the project, system, a list of subcontractor pricing, the financing costs for the project, and provider fees. The bill provides energy conservation contracts are subject to the requirement that the drawings, specifications, and estimates be prepared by a professional engineer if the expenditures for the improvement are estimated to be more than \$150,000.

[Senate Bill No. 2334](#) designates the area on the first floor of the State Capitol from the Legislative Assembly hall west, past the double stairway, to the brass columns on the east, as Memorial Hall.

TITLE 49
Public Utilities
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 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.

[**House Bill No. 1026**](#) clarifies the definition of "locate period," with respect to locating underground facilities and clarifies a homeowner requesting a locate will not be charged for locate costs. The bill increases the membership of the One-Call Notification Center Board from eight to nine members, identifies the size of a locate area, clarifies liability provisions relating to damage of underground facilities, and addresses the assignment of costs of locating underground facilities. The bill defines the contents of survey notices and ticket requests and the duties of notification centers.

[**House Bill No. 1144**](#) creates a new chapter to Title 49 which separates the combined siting requirements for electric energy conversion and transmission facilities from the siting requirements for gas or liquid energy conversion and transmission facilities. The bill also removes the requirement that a liquid or gas facility file a 10-year plan with the Public Service Commission. The bill repeals provisions referencing route adjustments for gas or liquid transmission lines within the chapter relating to electric energy conversion and transmission facilities.

[**House Bill No. 1373**](#) provides an incumbent local wire line company may raise or lower rates and include line items relating to governmentally mandated taxes and fees on invoices.

[**House Bill No. 1378**](#) requires the Public Service Commission to adopt rules relating to the implementation of light-mitigating technology systems on wind energy conversion facilities. The bill requires all wind energy conversion facilities sited after June 5, 2016, to be equipped with a light-mitigating technology system by December 31, 2019, and those sited before June 5, 2016, to be equipped with a light-mitigating technology system by December 31, 2021.

[**House Bill No. 1398**](#) allows the Public Service Commission to exempt a public utility providing natural gas distribution service to a city not served on August 1, 2017, from various regulations upon receipt of a resolution from the governing body of the city. The bill provides the rates, contracts, or services rendered by an exempted public utility will be subject to regulation by the city. The bill allows the commission to retain its jurisdiction over the exempted public utility as it pertains to specified customer service disconnection and resale rules and outlines the procedure for rescinding an exemption.

[**Senate Bill No. 2042**](#) corrects a cross-reference to the definition of a "law enforcement officer," due to the renumbering of subsections in Section 12.1-01-04, in a section relating to the powers of railroad police officers.

[**Senate Bill No. 2286**](#) requires a gas or liquid transmission facility to be in compliance with the road use agreements of the impacted political subdivision prior to receiving a certificate of site compatibility or a route permit from the Public Service Commission. The bill requires the commission to notify each specified political subdivision located in a proposed corridor of a public hearing and requires the political subdivision to provide the commission with a listing of all local land use, zoning, or building rules, regulations, and ordinances that apply to the proposed corridor. The bill provides any local regulations not filed at least 10 days before the hearing are deemed superseded and pre-empted.

[**Senate Bill No. 2313**](#) removes the sunset date on the requirement each retail provider submit to the Public Service Commission a report on the provider's previous calendar year energy sales and a summary of the provider's progress in meeting the state's renewable energy and recycled energy objective. The bill expands the exclusion and avoidance areas for wind turbines to areas less than one and one-tenth times the height of a turbine from the property line of a nonparticipating landowner and areas less than three times the height of a turbine from an inhabited rural residence of a nonparticipating landowner when considering a site for a wind energy conversion area. The bill allows the commission to grant a variance to reduce the setback requirements upon written authorization by the agent or representative of the permittee, the nonparticipating landowner, and any other affected parties.

TITLE 50
Public Welfare
Summary of Bills Enacted by 2017 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--behavioral health, medical assistance, Department of Human Services' programs, early childhood services and foster care, child abuse and neglect and vulnerable adults, long-term care and related facilities, and miscellaneous.

BEHAVIORAL HEALTH

[House Bill No. 1117](#) changes references to reflect the change of name of the Department of Human Services Mental Health Division to the Behavioral Health Division and updates terminology.

[House Bill No. 1136](#) makes technical corrections and updates relating to the Department of Human Services, including revising the duties of the department and repealing obsolete laws. The bill directs the department to establish and administer a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by private licensed substance abuse treatment programs.

[Senate Bill No. 2038](#) provides for the creation of the Task Force on Children's Behavioral Health to assess and guide efforts within the children's behavioral health system to ensure a full continuum of care is available in the state.

[Senate Bill No. 2039](#) updates provisions relating to the Department of Human Services' administration of behavioral health programs; revises the membership of human services advisory groups effective July 31, 2017, and expands the duties of the groups to include promotion of cooperation and working agreements with public agencies; authorizes the department to defray costs of preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by designated behavioral health providers; and repeals obsolete law.

[Senate Bill No. 2042](#), which implements a codewide multi-tiered system for references to behavioral health professionals, revises provisions relating to mandatory reporting for child abuse and neglect and vulnerable adults.

[Senate Bill No. 2118](#) updates the language used in the vocational rehabilitation gambling prevention and treatment program, including creating a definition of the term "gambling disorder."

MEDICAL ASSISTANCE

[House Bill No. 1012](#), the appropriation bill for the Department of Human Services, extends the Medicaid Expansion program expiration date from July 31, 2017, to July 31, 2019, and provides the contract between the Department of Human Services and the private carrier must allow all contracted pharmacy providers to dispense any and all drugs included in the Medicaid Expansion benefit plan and allowed under the pharmacy provider's license and must provide the department with full access to provider reimbursement rates. The bill directs the department to consider provider reimbursement rate information in selecting a private carrier for the Medicaid Expansion program and to provide a report to the Legislative Management regarding provider reimbursement rates under the program.

[House Bill No. 1120](#) revises medical assistance prior authorization requirements. The bill provides for individuals age 21 or older, the circumstances under which the Department of Human Services may not require prior authorization are expanded, recognizing generic drugs with a brand name equivalent drug for which the cost to the state postrebate is less than the generic drug and provides for individuals under age 21, prior authorization is not required for these individuals who have five or more concurrent prescriptions for psychotropic medications and prior authorization is required for these individuals who have five or more concurrent prescriptions for antipsychotics, antidepressants, anticonvulsants, benzodiazepines, mood stabilizers, sedatives, hypnotics, or medications used for the treatment of attention deficit hyperactivity disorder.

[Senate Bill No. 2117](#) authorizes the Department of Human Services to require a criminal history record check of department employees, county social service agency employees, department or county social service agency contractors and subcontractors, and Medicaid service providers and provider applicants. The bill authorizes the department to use the background information findings to determine approval or termination of

Medicaid service providers and provides if a provider is denied or terminated as a result of the background investigation, that provider is not qualified to enroll as a provider or to submit claims for reimbursement through the department's Medicaid management information system.

DEPARTMENT OF HUMAN SERVICES' PROGRAMS

[House Bill No. 1040](#) directs the Department of Human Services to adopt rules for an evidence-based alcohol and drug education program for individuals who have violated the law relating to underage consumption of alcohol.

[House Bill No. 1041](#) provides, for purposes of the supplemental nutrition assistance program and temporary assistance for needy families program, the Department of Human Services may not deny assistance based on the conviction of a felony offense that has as an element the possession, use, or distribution of a controlled substance.

[House Bill No. 1118](#) revises the definition of the term "eligible beneficiary" relating to aid to aged, blind, and disabled persons by removing the functional assessment requirement that the need for supervision requires care in a licensed adult family foster care or an assisted living facility.

[House Bill No. 1119](#) provides, for purposes of the service payments for elderly and disabled (SPED) program and the expanded SPED program, an overpayment resulting from concealment, misrepresentation, or fraud or from assistance granted pending a decision on an appeal adverse to the applicant is subject to recovery by the Department of Human Services.

[Senate Bill No. 2206](#), which creates a 2-year pilot program for the state-payment of county-funded economic assistance and social service costs, establishes baseline funding amounts, provides for service area human services funds and the social services finance fund, and revises the duties of county social service boards and the Department of Human Services.

EARLY CHILDHOOD SERVICES AND FOSTER CARE

[Senate Bill No. 2060](#) changes from permissive to mandatory that the Department of Human Services notify the parent of a child receiving early childhood services if a person at the child care facility is under investigation.

[Senate Bill No. 2090](#), with respect to early childhood services, expands the scope of individuals for whom the Department of Human Services may require criminal history record checks; amends the definition of "staff member"; clarifies the timeline, protocol, and fees for renewal of a license or self-declaration; and revises licensure and self-declaration requirements relating to safety training to include infant and pediatric cardiopulmonary resuscitation and the use of an automated external defibrillator.

[Senate Bill No. 2114](#) revises the definition of "group home" as used relating to foster care homes for children and adults by decreasing the minimum size of a group home to allow for as few as four children. The bill authorizes the Department of Human Services to cover 25 percent of the remaining property damage after any insurance reimbursement, not to exceed \$10,000 in the case of property damage exceeding \$25,000 which occurs as a result of a foster child placed in the care of a foster family.

CHILD ABUSE AND NEGLECT AND VULNERABLE ADULTS

[Senate Bill No. 2116](#) provides upon the request of the Department of Human Services, health care providers and facilities are required to disclose to the department health records relevant to an assessment of reported child abuse or neglect or to a services required decision. The bill requires the department to limit requests for records to the minimum amount necessary to enable a determination or to support a determination.

[Senate Bill No. 2163](#) expands the definition of "financial exploitation" as that term is used relating to child abuse and neglect and provides for a civil remedy for financial exploitation of a vulnerable adult.

[Senate Bill No. 2189](#) provides records in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, or therapy are confidential and, except for disclosure to specified professionals, may not be disclosed except upon service of a subpoena signed by a judge.

[Senate Bill No. 2251](#) authorizes the Department of Human Services to pursue an alternative response assessment, which is defined as a child protection response involving substance exposed newborns designed to provide referral services to and monitor support services for a person responsible for the child's welfare and the substance exposed newborn and to develop a plan of safe care for the substance exposed newborn.

LONG-TERM CARE AND RELATED FACILITIES

[House Bill No. 1315](#) relates to the adjustments of nursing home rates, increasing from \$.25 to \$1 the cumulative change in the per-day amount over which a rate change is to be included in the next subsequent cost report.

MISCELLANEOUS

[House Bill No. 1043](#), which makes technical corrections in Century Code, makes a correction relating to use of federal funds for health clinic services.

[House Bill No. 1085](#) provides for the creation of the Brain Injury Advisory Council to advise the Department of Human Services and to participate in activities to improve the quality of life for individuals with brain injury and the families of those individuals through brain injury awareness, prevention, research, education, collaboration, support services, and advocacy.

[House Bill No. 1135](#) replaces the Committee on Employment of People with Disabilities with the State Rehabilitation Council.

[Senate Bill No. 2115](#) revises the membership of the Autism Spectrum Disorder Task Force by replacing the Director of Special Education with the Superintendent of Public Instruction and adding a behavioral specialist, a representative who is an enrolled member of a federally recognized Indian tribe, and an adult self advocate with autism spectrum disorder.

TITLE 51
Sales and Exchanges
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 51.

[House Bill No. 1139](#) provides a franchisee or an employee of a franchisee is not considered an employee of the franchisor for liability purposes.

[Senate Bill No. 2289](#) provides additional prohibited practices under farm equipment dealership contracts such as prohibiting a manufacturer, wholesaler, or distributor of farm machinery from requiring a farm equipment dealer to maintain or stock a level of equipment, parts, or accessories; purchase a minimum quantity of farm equipment; separate the line-makes within the dealer's facility; establish or maintain exclusive facilities, personnel, or display space; abandon an existing relationship with another manufacturer to continue, renew, reinstate, or enter a dealer agreement; or unreasonably remodel, renovate, or recondition the dealer's facility. The bill replaces the term "franchisor" with "manufacturer or distributor." The bill also provides additional guidelines for dealers being reimbursed by a manufacturer for warranty repair work, including providing the dealer with reasonable compensation for diagnostic work, a product improvement program, and a maintenance plan if repair work or service is under a manufacturer's express warranty.

TITLE 52
Social Security
Summary of Bills Enacted by 2017 Legislative Assembly

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

[House Bill No. 1043](#), as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, removes obsolete references to the repealed Old-Age and Survivor Insurance System.

[House Bill No. 1044](#), as part of a bill that creates a definition of the term "primary sector business" applicable throughout Century Code, revises the definition of the term "primary sector business" as that term is used with respect to the new jobs training program. The revised definition is effective for taxable years beginning after December 31, 2016.

[House Bill No. 1196](#) provides the federal advance interest repayment fund may be used to administer the unemployment insurance program and to pay expenses incurred by Job Service North Dakota, which are not payable with federal grant or state general funds. The bill also creates a formula for establishing a minimum fund balance and allows for specified exceptions to the minimum balance requirement.

[House Bill No. 1296](#) provides regardless of the number of employees, each employer is required to file unemployment contribution and wage reports electronically, and all contribution payments must be paid electronically. The bill is effective for taxable years beginning after December 31, 2017.

TITLE 53
Sports and Amusements
Summary of Bills Enacted by 2017 Legislative Assembly

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

House Bill No. 1003 requires an electronic pull tab device to display an electronic pull tab in which the player may win credits that can be redeemed for cash or used to purchase more pull tabs, and prohibits an electronic pull tab device from directly dispensing coins, cash, tokens, or anything else of value other than a credit ticket voucher.

House Bill No. 1216 authorizes the State Gaming Commission to adopt rules to administer and regulate the quality standards or specifications for a manufacturer of electronic pull tab devices, and authorizes the Attorney General to allow an employee of an alcoholic beverage establishment to provide limited assistance to an organization selling pull tabs through a pull tab device. The bill applies the rent limitations established for sites where bingo is not the primary game to sites conducting electronic pull tab devices and applies the licensure requirements for distributors and manufacturers of pull tabs and bingo cards to a manufacturer and a licensed distributor of electronic pull tab devices. The bill also defines the terms "electronic pull tab device" and "pull tab".

House Bill No. 1415 removes a "bingo card dispensing device" from the definition of the term "manufacturer" of games of chance products. The bill includes within the definition of "manufacturer" a person controlling the development of the 50/50 raffle system. The bill authorizes the State Gaming Commission to regulate and allow eligible organizations to conduct games of chance utilizing 50/50 raffle systems and to conduct electronic quick shot bingo. The bill requires games of chance distributors to maintain complete, accurate, and legible bank and accounting records in the state for all gaming activity. The bill prohibits an organization from permitting an individual under the age of 18 to directly or indirectly play electronic quick shot bingo. The bill staggers the terms of the state gaming commissioners so that no more than two terms expire each July 1. The bill limits the maximum price per electronic bingo card to \$5. The bill requires a cash prize paid by check to be paid from a gaming bank account.

Senate Bill No. 2051 allows distribution of out-of-state awards and payment supplements from the breeders fund, if made available by the Racing Commission, to be completed within 2 months of the end of the calendar year the money was earned by the recipient.

Senate Bill No. 2118 changes the name of the compulsive gambling prevention and treatment fund to the gambling disorder prevention and treatment fund to be consistent with the current version of the *Diagnostic and Statistical Manual of Mental Disorders*.

Senate Bill No. 2175 authorizes a veterans organization to use net proceeds from gaming toward repairs, improvements, and maintenance of real or personal property owned or leased by the veterans organization.

Senate Bill No. 2181 allows an organization permitted to conduct raffles to conduct a 50/50 raffle by manual drawing or by using a random number generator.

Senate Bill No. 2210 authorizes the Secretary of State to charge a fee equal to the actual cost incurred to regulate all boxing, kickboxing, or mixed fighting style competitions and exhibitions. The bill allows the Secretary of State to adopt rules for the screening of controlled substances on boxers, kickboxers, and mixed style fighters participating in competitions or exhibitions.

TITLE 54
State Government
Summary of Bills Enacted by 2017 Legislative Assembly

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

SOVEREIGNTY AND JURISDICTION OF STATE

[Senate Bill No. 2102](#) authorizes the Commissioner of University and School Lands to provide the Legislative Assembly with an assessment regarding the highest and best use of the land involved in a sale or exchange of state land and the assessment may include an evaluation of soils capability, vegetation, and other factors specific to the land.

LEGISLATIVE ASSEMBLY AND LEGISLATIVE MANAGEMENT

[House Bill No. 1049](#) removes the wage and salary credit from the list of economic tax incentives the Legislative Management must study.

[House Bill No. 1050](#) removes the microbusiness credit from the list of economic development tax incentives the Legislative Management must study.

[House Bill No. 1173](#) provides the Legislative Audit and Fiscal Review Committee may recommend a reduction in an institution's appropriation upon the failure of a state agency, department, or institution to correct an audit finding within 2 bienniums which the committee determines is critically important.

[House Bill No. 1330](#) provides the Majority and Minority Leaders of the House of Representatives and the Senate shall make appointments to the Legislative Management so the two political parties having the most members in the House and Senate have proportionate representation on the Legislative Management as prevails in each chamber. The bill provides the minority party in each chamber must be represented by at least two members. The bill was declared to be an emergency measure and became effective April 10, 2017.

[House Bill No. 1431](#) provides the legislative ethics committee must include members of the majority and minority parties of each house.

[Senate Bill No. 2001](#), the appropriation bill for the legislative branch, would have provided for the creation of a Legislative Revenue Advisory Committee. **The section of the bill creating the committee was vetoed by the Governor.**

[Senate Bill No. 2044](#) creates a Dynamic Fiscal Impact Bill Selection Committee to select bills introduced by the 66th Legislative Assembly to forward to the Bank of North Dakota for dynamic fiscal impact analysis. The bill provides the committee must consist of the Majority and Minority Leaders of both chambers, the Chairman of the Legislative Management, and the Chairmen of the House and Senate Finance and Taxation Committees. The bill also requires the Bank of North Dakota to conduct a dynamic revenue analysis of economic development tax incentives selected for review pursuant to Section 54-35-26.

[Senate Bill No. 2166](#) includes in the list of economic development incentives to be reviewed by a Legislative Management interim committee development or renewal area incentives, the sales and use tax exemption for materials used to construct a fertilizer or chemical processing facility, the sales and use tax exemption for materials used in enhanced recovery of oil or natural gas, and the sales and use tax exemption for enterprise information technology equipment and computer software used in a qualified data center.

STATE EMPLOYEES AND OFFICERS

[House Bill No. 1090](#) provides for the use of electronic ballots for the State Employees Compensation Commission. The bill eliminates a provision authorizing a state employee or official to make at least one long-distance telephone call per day at state expense when out of town for state business. The bill provides all salary information collected from private businesses for the purpose of conducting compensation comparisons is exempt from public disclosure, but the records naming the private businesses are open records. The bill provides a vacancy on the State Personnel Board must be filled by the eligible person who received the next highest vote total and requires the Secretary of State to develop the guidelines for a secret ballot election among eligible state employees. The bill removes annual state agency reporting requirements for procurement services.

[House Bill No. 1135](#) updates references to reflect the consolidation of the Committee on Employment of People with Disabilities into the State Rehabilitation Council and removes the Director of the Committee on Employment of People with Disabilities of the Department of Human Services from the categories of classified positions.

[House Bill No. 1153](#) would have provided that a bonus paid to an employee in the Governor's office or any state officer appointed by the governor may not exceed 10 percent of the employee's annual salary or \$5,000, whichever is less. **This bill was vetoed by the Governor.**

GOVERNOR AND LIEUTENANT GOVERNOR

[House Bill No. 1155](#) provides conditions under which the Governor may order transfers from the budget stabilization fund to the general fund. The bill specifies the amount of a transfer may not exceed the difference between the general fund revenue projections and the revised general fund revenue projections, less the amounts of any allotments. The bill provides general fund appropriations to the Department of Public Instruction for state school aid, transportation aid, and special education aid, and general fund appropriations to the Department of Career and Technical Education for grants to school districts may be allotted only to the extent the allotment can be offset by transfers from the foundation aid stabilization fund. The bill provides after allotments of 2.5 percent have been ordered during a biennium, the Director of the Budget may exempt general fund appropriations to the Department of Corrections and Rehabilitation and general fund appropriations to the Department of Human Services for direct care programs from up to 1 percent of an allotment each biennium. The bill was declared to be an emergency measure and became effective April 18, 2017.

[Senate Bill No. 2026](#), as part of an ongoing effort to update and reorganize agricultural laws, moves provisions relating to the Agricultural Products Utilization Commission to a new chapter in Title 54.

[Senate Bill No. 2325](#) requires the Governor to designate a lead agency to collaborate with other agencies to coordinate early intervention services for children from birth to age 3 who are at high risk for developmental delay or disability.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality by transferring environmental health functions of the State Department of Health, updates the references from the State Department of Health to the Department of Environmental Quality in various sections. The bill becomes effective upon receiving federal approval of the transfer of duties and responsibilities.

SECRETARY OF STATE

[House Bill No. 1002](#), the appropriation bill for the Secretary of State, requires the Secretary of State to collect \$40 for each record type requested and an additional fee of 50 cents per page for information provided in paper format. The bill allows the Secretary of State to release a Social Security number or federal tax identification number to another public entity if the disclosure is necessary for the public entity to perform the entity's duties and responsibilities.

STATE AUDITOR

[House Bill No. 1149](#) provides an occupational board that has less than \$200,000 of annual receipts may submit an annual report to the State Auditor.

[Senate Bill No. 2003](#), the appropriation bill for the North Dakota University System, prohibits the State Auditor from accessing the financial records and estate planning records a donor provides to a nonprofit organization affiliated with an institution under the control of the State Board of Higher Education, which provides support to and is organized and operated for the benefit of the institution. The bill provides a tuition and fees waiver at state institutions of higher education for a law enforcement officer who has a minimum of 2 years of employment and is licensed by the Peace Officer Standards and Training Board.

ATTORNEY GENERAL

[Senate Bill No. 2290](#) provides the Human Trafficking Commission is no longer required to develop a coordinated and comprehensive plan to provide victims with services or create a public awareness sign containing the National Human Trafficking Resource Center hotline information.

[Senate Bill No. 2302](#) requires the Attorney General to publish information online relating to the eminent domain laws in the state. The bill authorizes the Attorney General to gather records and statistics to assist in the monitoring of the 24/7 sobriety program and requires entities participating in the program to provide the

requested information within 30 days of the request. The bill was declared to be an emergency measure and became effective February 23, 2017.

INDUSTRIAL COMMISSION

[House Bill No. 1144](#), which separates regulation of gas and liquid energy conversion and transmission facility siting from electric energy conversion and transmission facility siting, makes an appropriate cross-reference change with respect to pipeline facilities.

[Senate Bill No. 2014](#), the appropriation bill for the Industrial Commission, changes from 50 to 75 percent of the annual earnings of the Mill and Elevator profits that the Industrial Commission is required to transfer to the state general fund. The bill reduces the frequency of Housing Finance Agency housing incentive fund reports to the Budget Section from quarterly to at least once per biennium.

OFFICE OF MANAGEMENT AND BUDGET AND FISCAL POLICIES

[House Bill No. 1012](#), the appropriation bill for the Department of Human Services, provides that transfers from the tobacco settlement trust fund to a community health trust fund must be equal to 55 percent of the total annual transfers from the fund and removes the requirements related to transfers to the common schools trust fund.

[House Bill No. 1015](#), the appropriation bill for the Office of Management and Budget, authorizes a state agency to charge a fee for providing a paper copy of an agency publication that is available on the agency's website or otherwise available electronically. The bill suspends the Tribal and State Relations Committee through July 31, 2019.

[House Bill No. 1029](#) provides each state agency, except entities under control of the State Board of Higher Education, prior to applying for or accepting federal grant funds must consider the federal requirements as a condition of accepting federal funds, determine the federal funds would not create undue federal oversight, and determine the federal requirements are not in conflict with legislative intent.

[House Bill No. 1189](#) replaces the form required to respond to an invitation for submission of information from forms SF 254 and SF 255 to form SF 330. The bill increases the maximum amount of fees payable during the period preceding negotiation of a contract for professional services from \$50,000 to \$70,000.

[Senate Bill No. 2004](#), the appropriation bill for the State Department of Health, eliminates the requirement that a minimum of 80 percent of the tobacco settlement trust fund must be used for tobacco prevention and control.

[Senate Bill No. 2024](#) provides that interest earned on the tobacco prevention and control trust fund must be used as appropriated by the Legislative Assembly. The bill eliminates the Tobacco Prevention and Control Executive Committee and removes the executive committee from the list of state agencies that receive desktop support services from the Information Technology Department.

[Senate Bill No. 2272](#) provides limitations on allotments of general fund appropriations to the Department of Career and Technical Education for grants to school districts. The bill creates definitions and uses for the foundation aid stabilization fund to specify accessible funds may only be used for education-related purposes.

INFORMATION TECHNOLOGY DEPARTMENT

[House Bill No. 1178](#) creates exceptions for agreements and financing related to the statewide interoperable radio network to allow long-term financing and financing of larger software or equipment purchases.

[Senate Bill No. 2021](#), the appropriation bill for the Information Technology Department, provides an exception to the requirement participants in the health information exchange use specifically certified health record systems if the Office of the National Coordinator for Health Information Technology does not require certification of the electronic health record system for that type of provider or the North Dakota Health Information Technology Director waives the certification requirement. The bill requires the statewide longitudinal data system to provide annually the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs.

[Senate Bill No. 2032](#) removes the requirement the Information Technology Department present a summary of its annual report to the Budget Section. The bill repeals the requirement the Director of the Department of Corrections and Rehabilitation provide a report to the Budget Section or the Legislative Assembly regarding new programs and repeals the Children's Services Coordinating Committee.

[Senate Bill No. 2104](#) provides the Information Technology Department may not redisclose any unemployment insurance wage data from Job Service North Dakota unless the redisclosure is expressly permitted by a written agreement between Job Service and the department.

DEPARTMENT OF COMMERCE

[House Bill No. 1405](#) requires the Commission on the Status of Women to provide a biennial report to the Director of the Department of Commerce Division of Economic Development and Finance and the Governor.

[Senate Bill No. 2144](#) requires workforce development grants to tribally controlled community colleges to be awarded based on the documented job placement rates at each eligible college. The bill removed the sunset of a provision that would not have allowed a college to use a grant to enhance existing programs.

[Senate Bill No. 2188](#) authorizes the Department of Commerce to act on behalf of political subdivisions to deliver a consolidated response to the boundary and annexation survey and to provide legal boundary geography data to the United States Census Bureau.

[Senate Bill No. 2344](#), which provides for the regulation of medical marijuana, restricts the Commerce Commissioner from certifying a compassion center as a primary sector business. The bill was declared to be an emergency measure and became effective April 18, 2017.

STATE BUILDING CODE

[House Bill No. 1201](#) would have required the installation of carbon monoxide alarms in residential rental property and replaced the term "political subdivision" with "city, township, or county" in the state building code. **This bill was vetoed by the Governor.**

DEPARTMENT OF CORRECTIONS AND REHABILITATION

[House Bill No. 1041](#) directs the Department of Corrections and Rehabilitation to allow faith-based organizations to provide services to individuals in need of addiction treatment services.

[Senate Bill No. 2015](#), the appropriation bill for the Department of Corrections and Rehabilitation, 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. The bill authorizes the department to refuse to admit inmates if the admission of inmates will exceed the maximum operational capacity of the penitentiary and result in the department exceeding its authorized legislative appropriation for housing inmates in other correctional facilities.

COMMISSION ON LEGAL COUNSEL FOR INDIGENTS

[House Bill No. 1235](#) provides a list of confidential records, including vital statistics, personal property records, local tax and revenue records, professional licenses, employment records, Workforce Safety and Insurance records, public assistance program records, records of the Department of Transportation, corrections records, and law enforcement records, which the Commission on Legal Counsel for Indigents may obtain if the records are relevant to the determination of eligibility for public defender services.

UNIFORM GROUP INSURANCE SYSTEM

[House Bill No. 1403](#) authorizes the Public Employees Retirement System Board to conduct annual audits if the prescription drug coverage component of a health insurance benefits coverage contract received in response to a request for bids utilizes the services of a pharmacy benefits manager, either contracted directly with a pharmacy benefits manager or indirectly through the health insurer, and provides specific factors that give an insurer's contract preference.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

[House Bill No. 1023](#), the appropriation bill for the Public Employees Retirement System, requires the Public Employees Retirement System Board to establish and implement procedures to make and collect payments in the most cost-effective manner, including the use of electronic transfer of funds. The bill would have required the Public Employees Retirement System Board to bid the public employee health insurance plan under a self-insured method in addition to a fully insured or hybrid plan and would have established a Public Employee Health Care Coverage Committee and provided duties for the committee. **Those provisions of the bill were vetoed by the Governor.**

[House Bill No. 1043](#), which makes technical corrections throughout Century Code, replaces the form required to respond to an invitation for submission of information from forms SF 254 and SF 255 to form SF 330 and

updates the cross-references under the definition of "retirement board." The bill also repeals a provision relating to the Advisory Commission on Intergovernmental Relations.

House Bill No. 1148 adds firefighters to the list of individuals covered by the Public Employees Retirement System under the law enforcement retirement plan and authorizes political subdivisions to enter agreements with the Retirement Board for the purpose of extending the benefits of the Public Employees Retirement System to firefighters.

Senate Bill No. 2052 requires the Public Employees Retirement System Board to provide health benefits coverage for telehealth services.

Senate Bill No. 2053 updates the definition of "retirement board"; limits a member's receipt of disability benefits to the time the member was actively contributing; provides a "distributee" under the defined benefit plan includes a beneficiary, other than a spouse, of a deceased member; however, the direct rollover may be made only to an individual retirement account or individual retirement annuity; and provides a temporary employee who is not participating in the uniform group insurance program does not qualify to participate in the program unless the employee is employed at least 30 hours per week for at least 20 weeks each year of employment. The bill provides the Public Employees Retirement System is not responsible for depositing the health savings account distribution after the account is closed and allows the board to pay the administrative expenses of a defined contribution plan from fines and fees collected from vendors.

TITLE 55
State Historical Society and State Parks
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 55.

[House Bill No. 1019](#), the appropriation bill for the Parks and Recreation Department, increases the fee on permits for motor vehicles in state parks from \$25 to \$35. The bill also removes the requirement funds in the state parks and recreation concession revolving fund in excess of \$50,000 be transferred to the state park operating fund.

[House Bill No. 1089](#) authorizes the Director of the Parks and Recreation Department to allow the sale of advertising in parks and recreation publications and to make rules regarding the contracts, charges, space availability, and content of the advertisements.

TITLE 57
Taxation
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 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, aircraft excise, and gross receipts taxes; mineral taxes; fuels taxes; emergency services communication fees; and miscellaneous tax provisions.

PROPERTY TAXES

[**House Bill No. 1015**](#), the appropriation bill for the Office of Management and Budget, requires each county auditor, in addition to transmitting a complete abstract of the tax list of the county, to submit a report to the Tax Commissioner providing each taxing district's property valuation, property tax levy, and any other information requested by the Tax Commissioner. The bill repeals the requirement that the county auditor certify the tax list prepared by each taxing district or municipality in the county, as a result of the new reporting requirements. The bill requires the Tax Commissioner to prepare a statewide report of property tax increase using the information submitted by the county auditors. The bill provides the report prepared by the Tax Commissioner must include the annual increase in property taxes levied by each taxing district and must be provided to the Legislative Management by April 1 of each year.

[**House Bill No. 1043**](#), as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, replaces a reference to "this Act," which was a reference to all of 2015 Senate Bill No. 2144, in sections relating to county and city general fund levy limitations, with a more precise description of the mills levied for other purposes which were combined into the general fund of a county or city for taxable years after 2014. The bill also makes changes to provisions relating to income, mineral, and gross receipts taxes, which are summarized in the corresponding sections of this title summary.

[**Senate Bill No. 2026**](#), as a part of a bill that revises various agriculture laws, corrects cross references to a repealed chapter in a section pertaining to a county's ability to levy tax for extension work.

[**Senate Bill No. 2157**](#) allows property records to be maintained by a certified class I city assessor, rather than the county director of tax equalization, in cities that have sufficient sales to conduct an adequate sales ratio study.

[**Senate Bill No. 2160**](#) changes the method of service required for notice of tax lien foreclosures from personal service to service by certified mail in instances in which the person receiving notice is entitled to possession of the property but is not actually residing on the property. The bill also requires service by certified mail be sent to a person's agent if the person has an agent registered with the Secretary of State for the purposes of accepting service. The bill changes the amount that may be added to a tax lien in relation to foreclosure costs from \$50 to \$50 or actual costs, whichever is higher.

[**Senate Bill No. 2200**](#) expands the purposes for which a county or city may use revenue derived from a capital improvement or capital project levy to include acquiring and developing real estate, capital improvements, buildings, pavement, equipment, and debt service associated with financing for airports or airport authorities. The bill modifies the percentage vote required for a city to obtain capital improvement levy authority from majority approval for the first 10 mills of levy authority and 60 percent approval of mills 11-20 to majority approval for the first 10 mills levied for specified purposes and 60 percent approval for the first 10 mills levied for general purposes and for mills 11-20 levied for specified purposes. The bill also outlines the items that must be listed on the ballot when the governing body of a city seeks to levy mills for a specified, rather than general, purpose.

[**Senate Bill No. 2206**](#), as part of a bill that creates a 2-year pilot program for the state-payment of county-funded economic assistance and social service costs, suspends a county's ability to levy up to 20 mills for human service purposes for taxable years 2017 and 2018. The bill requires savings realized by suspending county social service mill levy authority be reflected on property tax statements and creates a credit to provide comparable savings to centrally assessed companies that make payments in lieu of taxes. The bill also repeals the 12 percent state-paid property tax credit effective for taxable years beginning after 2016.

[**Senate Bill No. 2288**](#) makes various changes to property tax levy increase notice and public hearing provisions and assessment dates. The bill repeals Section 57-15-02.1, related to levy increase notice and

public hearings requirements, and creates a new section relating to consolidated notice requirements. The bill requires the governing body of a taxing district to provide the county auditor with a preliminary budget statement and the date, time, and location of the taxing district's public hearing on its property tax levy. The bill requires the county treasurer to provide a written notice to the owner of each parcel of taxable property containing the date, time, and location of the budget hearings for all applicable taxing districts; the true and full value of the property owner's property; the amount levied against the parcel by each taxing district in the preceding year; the estimated tax, in dollars, which will be levied in the current year; the difference between the prior and current year levy in dollars; information pertaining to estimated property tax savings; and notification that citizens may provide oral or written comments regarding each taxing district's property tax levy.

[Senate Bill No. 2344](#), as part of a bill relating to medical marijuana, excludes an individual growing medical marijuana from the definition of a "farmer" for purposes of qualifying for the farm residence property tax exemption. The bill also excludes any structure or improvement used in processing medical marijuana from qualifying for a farm-related property tax exemption.

INCOME TAXES

[House Bill No. 1043](#), as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, removes an erroneous reference to a subdivision in language pertaining to the computation of tax assessed against telecommunications carriers. The bill repeals Sections 57-38-01.29 and 57-38-01.30, relating to the homestead income tax credit and the commercial property income tax credit as the credits only were in effect for the 2007 and 2008 income tax years. The bill also makes changes to provisions relating to property, mineral, and gross receipts taxes, which are summarized in the corresponding sections of this title summary.

[House Bill No. 1044](#) creates a uniform definition for "primary sector business" and cites to the uniform definition in the nine instances in which a primary sector business is defined in Century Code. Sections incorporating the uniform definition include sections relating to the seed capital investment tax credit, the research and experimental expenditures tax credit, and the income tax credit for purchasing manufacturing machinery and equipment for purposes of automating a manufacturing process. The uniform definition also impacts sales tax provisions, which are discussed in the sales tax section of this title summary. The bill defines "primary sector business" as various individuals or entities that add value to a product, process, or service through the employment of knowledge or labor which results in the creation of new wealth. The bill defines "new wealth" as revenues generated by a business in this state through sales of products or services to customers outside of this state or sales of products or services that were previously unavailable or difficult to obtain to customers in this state.

[House Bill No. 1045](#) eliminates the ability for investments made after June 30, 2017, to qualify for the current angel fund investment tax credit and creates a new angel fund investor credit applicable for investments made beginning July 1, 2017. The bill provides a credit against individual income tax liability for investments made by a certified angel fund in the amount of 35 percent of the amount invested in an in-state qualified business and 25 percent of the amount invested in an out-of-state qualified business. The bill requires the credit be claimed in the taxable year in which the investment is made in the qualified business, and a taxpayer is limited to claiming no more than \$45,000 in credits in any single taxable year and \$500,000 in credits over any combination of taxable years. The bill also imposes various reporting requirements on angel funds, including a requirement to disclose the total amount invested in each qualified business, and attaches penalties for failing to file the required reports.

[House Bill No. 1048](#) repeals the certified nonprofit development corporation income tax credit.

[House Bill No. 1049](#) repeals the wage and salary income tax credit.

[House Bill No. 1050](#) repeals the microbusiness income tax credit.

[House Bill No. 1239](#) provides an individual income tax deduction for a birth resulting in a stillbirth for the taxable year in which the stillbirth occurred.

[Senate Bill No. 2029](#) as part of a bill that revises various agriculture laws, corrects a cross-reference in a section relating to a taxpayer's ability to elect to contribute to the Trees for North Dakota program trust fund.

[Senate Bill No. 2032](#) repeals obsolete provisions regarding the homestead income tax credit and the commercial property income tax credit, which only were in effect for taxable years 2007 and 2008.

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

[House Bill No. 1043](#), as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, removes an erroneous reference to a subdivision in language pertaining to the computation of tax assessed against telecommunications carriers. The bill also makes changes to provisions relating to property, income, and mineral taxes, which are summarized in the corresponding sections of this title summary.

[House Bill No. 1044](#) creates a uniform definition for "primary sector business" and cites to the uniform definition in the nine instances in which a primary sector business is defined in Century Code. Sections incorporating the uniform definition include sections relating to the sales tax exemption for purchasing power plant construction, production, environmental upgrade, and repowering equipment and oil refinery or gas processing plant environmental upgrade equipment. The uniform definition also impacts income tax provisions, which are discussed in the income tax section of this title summary. The bill defines "primary sector business" as various individuals or entities that add value to a product, process, or service through the employment of knowledge or labor which results in the creation of new wealth. The bill defines "new wealth" as revenues generated by a business in this state through sales of products or services to customers outside of this state or sales of products or services that were previously unavailable or difficult to obtain to customers in this state.

[Senate Bill No. 2049](#) specifies that administrative provisions pertaining to motor vehicle excise tax govern the administration of aircraft excise tax. The bill also contains provisions relating to aviation fuel tax, which are discussed in the fuels taxes section of this title summary.

[Senate Bill No. 2112](#) maintains North Dakota's compliance with the Streamlined Sales and Use Tax Agreement, to which North Dakota is a member. The bill outlines the requirement that member states use web services as the standardized return transmission process for accepting electronic sales and use tax returns and acknowledges the addition of member state's tax administration practices to the taxability matrix and the provision of liability relief for retailers that failed to collect the correct amount of tax as a result of relying on a taxability matrix containing incorrect information. The bill also identifies the process for developing and approving tax administration practices and allows the Governing Board to identify "best practices."

[Senate Bill No. 2129](#) removes business and corporation privilege tax and adds alcoholic beverage gross receipts tax to the list of taxes that may be collected by a third-party collection company. The bill modifies provisions relating to excess sales and use tax collections by replacing language that served to reimburse retailers for excess collections by providing a credit against future returns with language requiring retailers to file amended returns and refund claims. The bill repeals Section 57-39.2-24, relating to refund claims for taxes collected in error, and creates a new section outlining the refund claim process and taxpayers who may claim a refund. The bill removes obsolete sales tax language pertaining to compensation available to large retailers for filing sales tax returns because all retailers are eligible for compensation, and eliminates the requirement to file an estate tax return in situations in which no estate tax is due.

[Senate Bill No. 2298](#) requires an out-of-state seller that does not have a physical presence in this state, but has gross sales exceeding \$100,000 from taxable items delivered in this state, or has sold taxable items for delivery in this state in 200 or more transactions, to collect and remit sales and use tax in the event the Supreme Court overturns *Quill v. North Dakota*, 504 U.S. 298 (1992) or confirms a state may constitutionally impose sales or use tax on an out-of-state seller under conditions similar to those specified.

[Senate Bill No. 2327](#), as part of a bill that creates the Department of Environmental Quality, changes references to the State Department of Health to the Department of Environmental Quality in the definition of "special fuel."

[Senate Bill No. 2330](#) expands the definition of "farm machinery," for purposes of the farm machinery gross receipts tax, to include machinery, equipment, and structural materials used in a dairy farm milking operation.

MINERAL TAXES

[House Bill No. 1005](#), the appropriation bill for the State Treasurer, changes the production limitation that applies for purposes of allocating revenue from a coal mining operation to a non-coal-mining county from 3.4 million tons in calendar years after 1997, to 3.4 million tons through calendar year 2017, and 3 million tons after calendar year 2017. The bill decreases the amount allocated by the State Treasurer to political subdivisions within coal-producing counties from an amount required to offset 50 percent of the loss of that county's share of coal severance tax revenue allocated to a non-coal-producing county in the previous

calendar year to an amount required to offset 30 percent of that loss for payments commencing after calendar year 2018.

House Bill No. 1020, the appropriation bill for the State Water Commission, reduces the portion of the amount allocated from the oil extraction tax development fund to the resources trust fund which must be transferred no less than quarterly to the renewable energy development fund from 5 to 3 percent. The bill also reduces the maximum amount that may be transferred into the energy conservation grant fund from one-half of 1 percent of the amount credited to the resources trust fund from \$1.2 million to \$200,000 per biennium, effective from August 1, 2017, through July 31, 2019, after which time the amount reverts to the previous \$1.2 million cap per biennium.

House Bill No. 1043, as part of a bill relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references to state law, removes obsolete references to rate reductions and exemptions that were eliminated by 2015 House Bill No. 1476 in a section pertaining to Industrial Commission certification of qualifying well status, which must be submitted to the Tax Commissioner in order to receive various oil extraction tax exemptions and rate reductions. The bill also makes changes to provisions relating to property, income, and gross receipts taxes, which are summarized in the corresponding sections of this title summary.

House Bill No. 1152 modifies allocations of revenues from oil extraction tax and gross production tax revenues designated for deposit in the general fund. The bill provides after deposit of the first \$200 million in the state general fund, the amount deposited in the tax relief fund decreases from the next \$300 million to the next \$200 million. Following the deposit of revenue in the tax relief fund, the bill designates the next \$75 million for deposit in the budget stabilization fund, so long as the amount deposited does not bring the balance of the budget stabilization fund to more than 9.5 percent of the current biennial state general fund budget. The bill requires the next deposit be to the general fund, in the amount of \$200 million during the 2017-19 biennium and \$100 million for periods after July 31, 2019. The bill requires the next \$100 million be deposited 80 percent into the strategic investment and improvements fund and 20 percent into the lignite research fund until the lignite research fund reaches \$3 million. The bill provides after the lignite research fund reaches \$3 million, \$100 million must be deposited into the strategic investment and improvements fund. The bill reduces the last distribution, which is deposited into the state disaster relief fund, from \$22 million to \$20 million, but not in amount that would bring the unobligated balance in the fund to more than \$20 million, which is reduced from the previous cap of \$25 million. The bill was declared to be an emergency measure and became effective on April 28, 2017.

Senate Bill No. 2013, the appropriation bill for the Commissioner of University and School Lands, changes allocations of gross production tax revenue to hub cities by excluding the first 2 percentage points of mining employment, changes the supplemental school district allocation to provide specific allocations at varying levels, and changes the basis for distributions to political subdivisions to reflect the most recently completed even-numbered fiscal year. The bill creates an energy impact fund and designates \$2 million per fiscal year of the allocations to counties that received more than \$5 million to the energy impact fund, effective for the 2017-19 biennium.

Senate Bill No. 2014, the appropriation bill for the Industrial Commission, changes the allocation of money deposited in the coal development fund by decreasing from 30 to 15 percent the amount that must be deposited in the coal development trust fund. The bill also provides for an allocation of 15 percent of the money deposited in the fund for deposit in the lignite research fund for purposes of developing advanced energy technology.

Senate Bill No. 2031 removes the July 31, 2018, expiration date on the allocation of coal conversion tax revenue, which serves to continue the 5 percent allocation of the general fund share of coal conversion tax revenue collections to the lignite research fund.

Senate Bill No. 2101 changes the fund in which income generated from the coal development trust fund is deposited, after offsetting uncollectable loan amounts, from the school construction assistance loan fund to the general fund.

Senate Bill No. 2133 modifies the coal conversion tax structure for coal gasification plants. The bill changes the tax of 4.1 percent on the gross receipts of all nonexempt synthetic natural gas and byproducts to a flat 2 percent tax on gross receipts from the production of all products. The bill eliminates the ability of a coal conversion facility that met carbon dioxide capture requirements before January 1, 2017, to claim the carbon dioxide capture credit.

[Senate Bill No. 2272](#), as part of a bill pertaining to school construction projects and funding, changes the fund in which income generated from the coal development trust fund is deposited, after offsetting uncollectable loan amounts, from the school construction assistance loan fund to the general fund.

FUELS TAXES

[House Bill No. 1008](#), the appropriation bill for the Public Service Commission, increases the yearly amount of excise tax collected on sales of diesel fuel to a railroad which must be transferred to the State Treasurer for deposit in the rail safety fund from a maximum of \$275,000 to a maximum of \$285,000.

[Senate Bill No. 2049](#) removes language specifying uses for money deposited in the Aeronautics Commission special fund. The bill repeals Sections 57-43.3-04 and 57-43.3-06, relating to a 4 percent tax imposed on the cost of aviation fuel, relating to customers who received a refund of aviation fuel tax, and the deposit of those tax collections in the Aeronautics Commission special fund. The bill requires the Tax Commissioner to deposit the portion of aviation fuel tax collections needed to pay aviation fuel tax refunds in a fund known as the aviation fuel tax refund reserve. The bill contains provisions relating to aircraft excise taxes, which are discussed in the aircraft excise taxes section of this title summary.

EMERGENCY SERVICES COMMUNICATION FEES

[House Bill No. 1027](#) repeals Section 57-40.6-03.1, which requires charges for 911 database management be on a per telephone exchange access service basis, and allows an assessed communications service provider to retain a portion, not to exceed 5 percent, of the telephone exchange access service provider charges for 911 database management to cover the administrative costs of collecting the fee. The bill requires public safety answering points to have policies in place to ensure public safety telecommunicators meet and maintain the minimum qualifications and certifications established by the emergency services communications coordinating committee and do not have a felony conviction, and which at a minimum are consistent with the national crime information center standards.

[House Bill No. 1178](#) adds a fee of 50 cents per month, per communication connection, in counties or cities that have elected to impose a fee on assessed communications services and requires the proceeds of the fee be remitted to the State Treasurer for deposit in the statewide interoperable radio network fund. The bill increases the prepaid wireless emergency 911 fee from 2 to 2.5 percent of the gross receipts of sellers from all sales at retail of prepaid wireless services in this state.

[House Bill No. 1345](#), as part of a bill dealing with open records, provides an emergency services communications system coordinator may refer requests for recordings to the investigating agency possessing the recording.

MISCELLANEOUS TAX PROVISIONS

[House Bill No. 1006](#), the appropriation bill for the Tax Commissioner, creates the multistate tax audit fund in which all money collected and received by the Tax Commissioner as a result of participating in the multistate tax commission audit and nexus program must be deposited. The bill requires money in the fund be used to pay the multistate tax commission audit and nexus program fees, and any amounts exceeding the amount required for program fees must be transferred to the general fund.

[House Bill No. 1354](#) requires the Tax Commissioner to disclose the amount of a tax deduction or credit claimed or earned by a taxpayer upon receiving a written request from the Chairman of the Legislative Management or the chairman of a standing committee of the Legislative Assembly. Disclosures are subject to certain restrictions and the Tax Commissioner shall notify taxpayers of potential disclosures.

[Senate Bill No. 2283](#) prohibits a person from claiming certain state or local tax incentives until the person satisfies all state and local tax obligations and tax liens of record for taxes owed to the state or a political subdivision. The bill requires a person claiming a state tax incentive to attach a county property tax clearance record to the return or filing on which the incentive is claimed and attach a state tax clearance record when claiming a local tax incentive. The bill authorizes the Tax Commissioner to disallow a state tax exemption or credit claimed under any law authorizing the Tax Commissioner to audit and assess the additional tax due.

TITLE 58
Townships
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 legislation primarily affecting North Dakota Century Code Title 58. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1043](#), which makes technical corrections throughout Century Code, replaces a cross-reference relating to airport authority tax levies.

[House Bill No. 1322](#) provides a township with the same authority granted to municipalities when there is a proposal to finance the construction of a project through the collection of special assessments. The township must comply with the applicable law relating to the issuance and sale of warrants and bonds for financing improvements.

[Senate Bill No. 2205](#) provides the moderator, clerk, and the three judges may be entitled to a compensation of no more than \$60 per day for each day actually expended in the performance of their duties at annual or special meetings.

[Senate Bill No. 2327](#), which creates a Department of Environmental Quality, changes various references from the State Department of Health to the Department of Environmental Quality.

TITLE 59
Trusts
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 59.

[House Bill No. 1228](#) allows a trustee of an income-only trust to make investment decisions to maximize income distributions to beneficiaries. The bill sets the legal capacity for an individual to create a trust to be the same capacity needed to make a will, and provides for a mechanism to challenge the validity of a trust instrument. The bill creates new chapters related to trust decanting, directed trusts, and unitrusts.

TITLE 60
Warehousing and Deposits
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 60.

[House Bill No. 1125](#) repeals Chapter 60-03 relating to licensing of hay buyers. The bill was declared an emergency measure and became effective on March 3, 2017.

[House Bill No. 1126](#) amends multiple sections in Chapters 60-02, 60-02.1, 60-04, and 60-10 relating to grain and seed warehouses, grain buyers, insolvent grain warehousemen, and credit-sale contract indemnity with the purpose of clarifying language and reflecting current business practices. The bill also adds references to "credit-sale contract claimants" with respect to insolvency of grain buyers. The bill repeals provisions that prevent a warehouse or facility from closing without permission from the Public Service Commission.

TITLE 61
Waters
Summary of Bills Enacted by 2017 Legislative Assembly

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

[**House Bill No. 1020**](#) provides appropriations for the State Water Commission and makes several changes to the operation and composition of the State Water Commission. The bill also provides legislative direction on the use of appropriated funds for the Mouse River flood control project and Red River Valley Water Supply project. The bill also requires the Bank of North Dakota to consolidate and restructure the \$115 million loans to the Western Area Water Supply Authority, provides remedies for potential defaults by the authority, and provides for a study of the feasibility and desirability of selling or leasing the authority's industrial water supply assets. The bill also provides for a State Engineer study of flood hazard risk management and a Legislative Management study of industrial water use in the oil and gas industry. The bill also reduces the percentage of funds credited to the resources trust fund to be transferred quarterly to the renewable energy development fund, reduces the amount to be transferred to the energy conservation grant fund, and requires a transfer of oil extraction funds over \$26 million from the infrastructure revolving loan fund to the resources trust fund. The bill permits the Industrial Commission to let the Western Area Water Supply Authority contract at competitive, floating, market rates for industrial water depot and lateral retail sales. The Governor vetoed a phrase in the bill requiring Budget Section approval of transfers of appropriated funds from one type of water project to another. The Governor also vetoed a provision requiring the State Water Commission to include certain line items in its 2019-21 biennium budget request.

[**House Bill No. 1055**](#) increases the total amount of revenue bonds a water resource district may issue from \$10 million to \$50 million.

[**House Bill No. 1144**](#), which separates siting requirements of gas and liquid energy conversion and transmission facilities from electric energy conversion and transmission facility siting, makes appropriate cross-reference revisions with respect to exemption of the Southwest Pipeline project.

[**House Bill No. 1160**](#) prohibits the State Department of Health from charging a permit or renewal fee for a licensed plumber who operates no more than one servicing unit.

[**House Bill No. 1339**](#) changes requirements for notices pertaining to assessments for water resource district projects and reduces the percentage of landowner votes necessary for appealing the assessments to the State Engineer.

[**House Bill No. 1374**](#) provides requirements for the composition and operation of the State Water Commission, including the intent the commission have each of the seven major drainage basins represented by a commissioner, and establishes criteria for water projects the commission funds. The bill prohibits the commission from providing a cost-share for operation and maintenance costs of water conveyance projects, requires the commission to review progress reports for water projects, and allows the commission to terminate funding for projects not making sufficient progress. The bill requires the State Engineer to develop an economic analysis process for water conveyance projects and flood-related projects expected to cost more than \$750,000, and a life cycle analysis for municipal water supply projects.

[**House Bill No. 1390**](#) amends the requirements for acquiring permits to install subsurface water management systems comprising 80 acres of land area or more, and requires water resource board members to attend courses on water management.

[**Senate Bill No. 2047**](#) establishes a negotiation process for water resource boards to follow before taking ownership of rights of way using quick take eminent domain. The bill provides for automatic termination of rights of way acquired through quick take eminent domain when a water resource district no longer needs the right of way for the original purpose.

[**Senate Bill No. 2134**](#) defines the ordinary high water mark of the Missouri riverbed to establish state sovereign land mineral ownership. The bill provides a method for the Department of Mineral Resources and the Industrial Commission to review the ordinary high water mark for segments of the riverbed. The bill includes an appropriation to the Commissioner of University and School Lands for repayment of mineral lease, bonus, rent, and royalty collections from the state to other mineral owners. The bill was declared to be an emergency measure and became effective April 21, 2017.

[Senate Bill No. 2269](#) revises requirements for and funding options available to the Red River Valley Water Supply Project. The bill expands the scope of the project to allow distribution of water to central, as well as eastern, North Dakota. The bill changes the method new members are charged for costs incurred by the Lake Agassiz Water Authority, and revises other requirements and powers of the authority. The bill authorizes the Garrison Diversion Conservancy District to continue studying and developing a nonfederal project to meet the water supply needs of eastern and central North Dakota separate from the Red River valley Water Supply Project.

[Senate Bill No. 2270](#) removes the requirements for the Garrison Diversion Conservancy District to hold public hearings and publish notices for certain assessment projects.

[Senate Bill No. 2327](#), which establishes a Department of Environmental Quality by transferring duties and responsibilities of the Environmental Health Section of the State Department of Health to the new department, changes references to the new department with respect to water quality and protection issues. The bill becomes effective contingent upon the Section Chief certifying all necessary federal approvals for the new department have been received and all agreements requiring amendment have been amended to ensure the state continues to meet primacy requirements.

TITLE 62.1
Weapons
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes 2017 legislation primarily affecting North Dakota Century Code Title 62.1. Bills primarily affecting other titles also may affect this title, and relevant provisions of those bills are summarized in this memorandum.

[**House Bill No. 1169**](#) allows an individual who is not otherwise prohibited from possessing a Class 2 firearm and dangerous weapon license and who has been a resident of the state for at least 1 year to carry a concealed firearm if the individual possesses a North Dakota driver's license or identification card issued by the Department of Transportation. The bill allows an individual to show proof of a valid driver's license or nondriver identification card on a mobile device upon demand of proof of residency by a law enforcement officer and requires an individual who is carrying a concealed firearm to inform a law enforcement officer of the individual's possession of a concealed weapon upon the initiation of a traffic stop or other in-person contact initiated by an officer.

[**House Bill No. 1233**](#) authorizes an individual who has a Class 2 concealed weapons permit to upgrade to a Class 1 concealed weapons license within 5 years from the date the Class 2 license was issued upon successful completion of the testing required for a Class 1 license. The bill includes a federal judge, magistrate judge, or judicial referee to the list of individuals who are exempt from the prohibition on carrying a concealed firearm at a public gathering. The bill was declared to be an emergency measure and became effective April 17, 2017.

[**House Bill No. 1273**](#) removes the requirement of a church to notify local law enforcement of any individual the church authorizes to possess a concealed weapon on church property and eliminates the liability of a church or place of worship for any injury, death, or damage to property caused by an individual permitted to carry a dangerous weapon.

[**House Bill No. 1279**](#) authorizes an individual to store a firearm or dangerous weapon in a building owned or managed by the state or a political subdivision if the individual resides in the building, the storage is inside the residential unit, and the storage of the firearm or dangerous weapon is approved by the state, governing board, or designee. The bill was declared to be an emergency measure and became effective April 12, 2017.

[**House Bill No. 1395**](#) includes a device that uses a projectile and voltage or a device that uses a projectile and may be used to apply multiple applications of voltage during a single incident in the definition of "dangerous weapon." The bill revises the definition of "law enforcement officer" to include a retired public servant who was authorized by law or a government agency for at least 10 years to enforce the law and to conduct or engage in investigations or prosecutions for violations of the law, maintains the same level of firearms proficiency as is required by the Peace Officer Standards and Training Board for law enforcement officers, maintains the standards for qualifications in firearms training for law enforcement officers as determined by the former agency of the individual, or maintains the standards used by a certified firearms instructor qualified to conduct firearms qualification test for active duty officers in the state where the individual resides, has a photo identification card issued by a local law enforcement agency which identifies the individual as having been employed by a government agency or branch as a law enforcement officer and indicating the individual has passed the firearms proficiency test within 12 months from the date of issue, and has not been found by a qualified medical professional to be unqualified for reasons relating to mental health. The bill was declared to be an emergency measure and became effective April 12, 2017.

[**Senate Bill No. 2042**](#) creates a definition of "mentally deficient individual" as an individual, minor, or adult other than a mentally ill individual, who is so mentally defective as to be incapable of managing that individual's affairs and to require supervision, control, and care for that individual's own or the public welfare.

[**Senate Bill No. 2097**](#) adds on-duty public security personnel to the list of individuals allowed to carry firearms at a public gathering. The bill was declared to be an emergency measure and became effective March 15, 2017.

[**Senate Bill No. 2125**](#) adds a correctional officer who is employed by the Department of Corrections and Rehabilitation or by a local correctional facility as an individual allowed to carry firearms at a public gathering. The bill was declared to be an emergency measure and became effective March 30, 2017.

TITLE 63
Weeds
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 63.

TITLE 64
Weights, Measures, and Grades
Summary of Bills Enacted by 2017 Legislative Assembly

There was no 2017 legislation enacted which primarily affected North Dakota Century Code Title 64.

TITLE 65
Workforce Safety and Insurance
Summary of Bills Enacted by 2017 Legislative Assembly

This memorandum summarizes legislation primarily affecting North Dakota Century Code Title 65.

[House Bill No. 1086](#) removes the requirement that Workforce Safety and Insurance send copies to the employee's doctor of the notice explaining the reason for discontinuing benefits, an explanation of the injured employee's right to respond, and the procedure for filing the required report or challenging the proposed action. The bill provides an overpayment of disability benefits may be refunded by an employee through personal reimbursements in addition to offsets of future benefits or rewards. The bill provides personal reimbursement requested for seeking or obtaining medical care is a manage care decision subject to the appeal process for such decisions. The bill increases from \$500 to \$1,000 the threshold for making an offense a Class C felony if an injured employee obtains fraudulent benefits. The bill changes the Workforce Safety and Insurance report to the Workers' Compensation Review Committee on the status of pilot programs from an annual report to an biennial report.

[House Bill No. 1137](#) requires Workforce Safety and Insurance to assign rate classifications based on information provided to Workforce Safety and Insurance by an employer or based on information gathered through the Workforce Safety and Insurance's investigative process. The bill authorizes Workforce Safety and Insurance to calculate premiums using the wage cap in effect, per employee, reported in the previous payroll report, using information obtained through the organization's investigative process, or using data obtained from Job Service North Dakota, if Workforce Safety and Insurance does not receive the annual payroll report or, in the case of a noncompliant employer, the organization does not receive reliable and accurate payroll information. The bill provides a general contractor is liable for payment of premium for a subcontractor or an independent contractor if the subcontractor or independent contractor does not secure coverage as required. The bill authorizes Workforce Safety and Insurance to issue an order to cease and desist and a notice of opportunity for hearing to an employer that is without workers compensation coverage or is in an uninsured status in violation of Title 65.

[House Bill No. 1156](#) prohibits Workforce Safety and Insurance from paying for medical marijuana and from paying wage loss benefits if the wage loss is related to the use or presence of medical marijuana. The bill defines "medical marijuana".

[Senate Bill No. 2048](#) directs Workforce Safety and Insurance to pay an injured employee's attorney fees when the injured employee prevails in court regardless of whether Workforce Safety and Insurance ultimately prevails on further appeal. The bill limits Workforce Safety and Insurance's payment of attorney fees to the level of appeal at which the injured employee prevailed.

[Senate Bill No. 2093](#) allows Workforce Safety and Insurance to bring an action against a third party to recover its lien for benefits paid to an injured employee and to enter negotiations with a responsible third party or a third party's insurance company for satisfaction of Workforce Safety and Insurance's subrogation interest without involving the injured employee. The bill provides if Workforce Safety and Insurance does not issue an order within 60 days of receiving a request for reconsideration, any interested party may request an appealable determination which Workforce Safety and Insurance must promptly issue. The bill removes the specific authority from the decision review office to provide assistance to employees, upon request, in cases of constructive denial or after a vocational consultant's report has been issued.

[Senate Bill No. 2094](#) requires an employer to reimburse Workforce Safety and Insurance for all medical expenses related to a compensable injury to an employee if the expenses do not exceed \$250 and reimburse Workforce Safety and Insurance for the first \$250 of medical expenses when the expenses exceed \$250. The bill requires Workforce Safety and Insurance to pay the first \$250 of medical expenses if the claim is filed by midnight on the first business day following the workplace injury. The bill removes the requirement that an advance premium, security deposit, or any other instrument needs to be mutually acceptable to the organization and the employer. The bill makes it a Class A misdemeanor and imposes a \$5,000 civil penalty on an employer who makes a false statement in an attempt to preclude an injured worker from securing benefits or payment for services.