

**2021  
NORTH DAKOTA  
CENTURY CODE  
TITLE SUMMARIES**



**LEGISLATIVE COUNCIL  
STATE CAPITOL  
BISMARCK, ND 58505**

**TITLE 1**  
**General Provisions**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1012\*\*](#) requires Century Code provisions to be construed in person-first language and requires new enactments of the code to be written in person-first language.

[\*\*Senate Bill No. 2089\*\*](#) repeals an obsolete section of law relating to the effective date of certain provisions of the Century Code.

[\*\*Senate Bill No. 2232\*\*](#) designates the nineteenth of June of each year as Juneteenth to commemorate the ending of slavery in the United States.

**TITLE 2**  
**Aeronautics**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 2. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 3**  
**Agency**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 3. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 4.1**  
**Agriculture**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 4.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 4.1 may be classified in these subject areas--Agriculture Commissioner; commodities; fertilizer, seeds, and pesticides; and miscellaneous.

**AGRICULTURE COMMISSIONER**

[House Bill No. 1009](#) increases the salary of the Agriculture Commissioner to \$121,553 per year; provides the names of surface owners and tenants who participate in the pipeline restoration and reclamation oversight program are closed records; authorizes the Agriculture Commissioner to suspend, close, or take control of livestock dealer trust assets and begin liquidating the assets if the Agriculture Commissioner determines it necessary in the event of an insolvency; removes previously required court action for the Agriculture Commissioner to act as trustee of a trust fund if a livestock dealer becomes insolvent; and requires the Agriculture Commissioner to file a report of the amount payable to claimants of a trust fund for an insolvent livestock dealer.

[House Bill No. 1046](#) permits the Agriculture Commissioner to appoint an Advisory Committee on Sustainable Agriculture.

[Senate Bill No. 2018](#) creates an International Business and Trade Office administered by the Agriculture Commissioner to assist North Dakota businesses to expand exports to international markets; authorizes the Agriculture Commissioner to designate a nonprofit corporation or contract with the third party for the provision of services for the newly created office; allows the commissioner to accept gifts, grants, funds, property, services, and other assistance to further the objectives of the newly created office; and allows the commissioner to establish an advisory board for the newly created office.

**COMMODITIES**

[House Bill No. 1045](#) amends the definition of "hemp" to limit the total tetrahydrocannabinol concentration to an amount determined by the Agriculture Commissioner; adds definitions of "tetrahydrocannabinol" and "total tetrahydrocannabinol;" authorizes the Agriculture Commissioner to determine the total allowable tetrahydrocannabinol concentration within the limits set by the federal government; authorizes the Agriculture Commissioner to charge a fee to inspect, sample, and test hemp; prohibits certain acts by licensees; and amends the penalty for violations of the chapter.

[House Bill No. 1145](#) removes references to the obsolete names and number of soybean districts in the state, requires the North Dakota Soybean Council to review the district boundaries every 7 years and redistrict upon a two-thirds vote if the districts do not accurately represent the producers in the state based on acreage, requires members of the North Dakota Soybean Council to reside in the district they represent and be a soybean producer, requires the terms of North Dakota Soybean Council members be staggered so no more than four expire each year, requires the term of an elected council member begin on July 1, requires districts that have a vacancy to elect a new council member between December 1 and December 31 of the subsequent year following the vacancy, requires the terms of council members to expire on June 30 of the 3<sup>rd</sup> year of the member's term, and requires the North Dakota Soybean Council to publish notice of an election in the official newspaper of the county for 1 week each year in December.

**FERTILIZER, SEEDS, AND PESTICIDES**

[House Bill No. 1197](#) provides an exception on license requirements for fertilizer distributors to provide the requirements do not apply to people who only distribute specialty fertilizer to end users, requires soil and plant amendment labels to include the purpose for which the product is used, provides an exception to the inspection fee per ton of fertilizer and amendments distributed in the state by providing the fee does not apply to fertilizers and amendments sold in packages of 10 pounds or less, and requires only the last licensed person who handled the same lot of fertilizer to submit the inspection fee and file with the Agriculture Commissioner a report stating the number of net tons distributed in the state during the preceding calendar year.

[House Bill No. 1329](#) requires agricultural seed labels to include the percentage of germination, exclusive of hard or dormant seed, and the percentage of hard or dormant seed; updates a reference to the Federal Seed

Act as amended through August 6, 2020; requires residents and nonresidents who wish to label and sell seeds in the state to obtain a seed sales permit from the Seed Commissioner; applies seed sales permits to the employees and agents of the permitholder; updates references from a seed labeling permit to a seed sales permit; removes the limit on penalties assessed by the Seed Commissioner for failure to submit necessary reports and fees; requires people pursuing certification from the Seed Commissioner to submit a statement regarding the reproductive stabilization used in the development of the seed; and updates references to the federal Plant Variety Protection Act. The bill also repeals the section on nonresident seed dealer licenses.

[House Bill No. 1338](#) adds a definition of "antimicrobial pesticide" to the chapter on pesticide control, provides an exemption to certification requirements to provide the certification requirements do not apply to an individual applying nonrestricted-use antimicrobial pesticides, and allows the pesticide control board temporarily to waive statutory requirements and rules related to the certification of pesticides during a statewide state of disaster or emergency declared by the Governor.

## MISCELLANEOUS

[House Bill No. 1247](#), as part of a bill that merges the State Department of Health into the Department of Human Services, updates a cross-reference to refer to the newly merged Department of Health and Human Services.

[House Bill No. 1353](#), which changes the structure of the State Engineer's office and renames it the Department of Water Resources, updates references from the State Engineer to the Director of the Department of Water Resources in the membership of the Federal Environmental Law Impact Review Committee, inspections of irrigation systems using chemigation, and the enforcement of the chapter on chemigation regulation.

[House Bill No. 1475](#) creates the agriculture diversification and development loan fund to provide loans, interest rate buydowns, and grants to support new or expanding value-added agriculture businesses that meet certain criteria; restricts grants from the fund to 25 percent of the fund per biennium; creates the agriculture diversification and development committee to develop guidelines for the fund, including criteria and reporting requirements; and provides materials or data determined to be trade secrets or proprietary information submitted by individuals or entities applying for grants from the fund are not public records and may be designated as confidential.

[Senate Bill No. 2035](#) provides for a technical correction to a reference to the federal environmental law impact review fund.

[Senate Bill No. 2049](#) updates references in the chapter on dairy product regulation to the *Evaluation of Milk Laboratories - 2019 Revision*.

[Senate Bill No. 2050](#) updates a reference in the chapter on meat inspection to incorporate references to regulations in the Code of Federal Regulations which are effective as of October 1, 2019.

[Senate Bill No. 2054](#) repeals the chapter regarding wool dealers and removes cross-references.

[Senate Bill No. 2053](#) adds agricultural equipment programs to the permissible uses of the agricultural products utilization fund.

**TITLE 5**  
**Alcoholic Beverages**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 5. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**RETAIL AND WHOLESALE REGULATIONS**

[House Bill No. 1099](#) adds an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses, which has not undergone distillation to the definition of the term "beer." The bill allows the Tax Commissioner, for good cause shown, to waive any penalty imposed against a supplier of alcoholic beverages for failure to file reports with the Tax Commissioner required under Section 5-03-09.

[House Bill No. 1184](#) provides the owner of a restaurant where alcoholic beverages are being sold with the discretion to permit an individual under the age of 21 to enter and remain in the restaurant and in the area of the restaurant designated for the opening or mixing of alcoholic beverages if the individual is accompanied by a parent or guardian, does not sit at or within three feet of the bar counter, and does not enter or remain in the designated area after 10:00 p.m.

[House Bill No. 1284](#) allows a political subdivision to authorize an individual under 21 years of age to attend a special event at which certain alcoholic beverages are sold but prohibits the political subdivision from allowing the individual to consume or possess an alcoholic beverage at the special event.

[House Bill No. 1286](#) creates a manufacturing distillery license that may be issued to an owner or operator of a distillery that uses a majority of North Dakota farm products to manufacture and sell spirits produced on the premises. The bill authorizes a manufacturing distillery to sell its spirits at off sale, in retail lots, and not for resale, and to sell or direct ship its spirits to persons inside or outside the state. The bill authorizes a manufacturing distillery to operate one satellite location to provide samples and on sale or off sale retail sales. The bill prohibits a manufacturing distillery from holding events inside its premises and at its satellite location and prohibits a person from holding a manufacturing distillery license and a domestic distillery license.

[Senate Bill No. 2220](#) changes the hours a business can start selling alcohol on Sundays to 8:00 a.m.

[Senate Bill No. 2321](#) allows a microbrew pub and a small brewer to ship directly to a consumer in North Dakota, allows a brewer to use another facility to brew the brewer's beer, increases the amount a microbrew pub and a taproom is allowed to sell from 3 gallons to 5.16 gallons, and increases the number of special event permits allowed for microbrew pubs and taprooms per calendar year from 20 event permits to 40 event permits.

**MISCELLANEOUS**

[House Bill No. 1124](#) makes it discretionary for a court to sentence an individual under 21 years of age to an evidence-based alcohol and drug education program for a violation of manufacturing, purchasing, consuming, or entering a licensed premises wherein alcoholic beverages are being sold.

[House Bill No. 1223](#) reduces the penalty for an individual under 21 years of age who manufactures, purchases, consumes, or enters a licensed premises wherein alcoholic beverages are being sold from a Class B misdemeanor to an infraction.

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[Senate Bill No. 2264](#) requires a court to sentence an individual under 21 years of age to an evidence-based alcohol and drug education program for a second or subsequent violation of manufacturing, purchasing, consuming, or entering a licensed premises wherein alcoholic beverages are being sold.

**TITLE 6**  
**Banks and Banking**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 6. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 6 may be classified in these subject areas--loan programs, Department of Financial Institutions, and miscellaneous.

**LOAN PROGRAMS**

[House Bill No. 1187](#) provides for a Bank of North Dakota rebuilders loan program to make or participate in loans to North Dakota residents affected by extraordinary losses as a result of a presidentially declared disaster or governor-declared disaster or emergency; creates a rebuilders permanent loan fund; and repeals the law that provides for the rebuilders loan program and the rebuilders home loan program.

[House Bill No. 1380](#) creates the legacy sinking and interest fund, subject to legislative appropriation. The bill directs the Public Finance Authority to spend the money in the fund to meet the debt service requirements for evidences of indebtedness issued by the authority for transfer to the Bank of North Dakota for allocations to infrastructure projects and programs. Any excess money in the fund is to be transferred to the Public Employees Retirement System main system plan if the unfunded ratio is less than 90 percent.

[House Bill No. 1425](#) creates the legacy infrastructure loan fund from which the Bank of North Dakota is directed to provide loans to political subdivisions, the Garrison Diversion Conservancy District, and the Lake Agassiz Water Authority for eligible infrastructure projects, which must be capital projects to construct new infrastructure or to replace infrastructure and which provide the fixed installations necessary for the function of a political subdivision.

[House Bill No. 1431](#) repeals the law regarding community water facility loans and creates the water infrastructure revolving loan fund; increases the interest rate for loans made from the infrastructure revolving loan fund; expands the powers of the Public Finance Authority by authorizing the Public Finance Authority to transfer money to the Bank of North Dakota for allocations to infrastructure projects and programs; and directs the Public Finance Authority to request from the Legislative Assembly an appropriation from the general fund, derived from legacy fund earnings, Bank of North Dakota profits, or other sources, to meet the debt service requirements for bonds issued by the authority for allocations to infrastructure projects and programs.

[Senate Bill No. 2014](#), as part of the budget bill for the Industrial Commission, revises the infrastructure revolving loan fund program, including decreasing the interest rate for loans, decreasing the term of a loan to the lesser of 30 years or the useful life of the loan project, expanding the scope of allowable essential infrastructure projects that may benefit from loans, increasing the amount of outstanding loans a recipient of a loan may have, and providing the Department of Transportation and State Water Commission may develop policies for reviewing and approving loan projects; increasing the amount the Bank of North Dakota may deduct for a service fee for a water infrastructure revolving loan project; and revises the loan authority of the Public Finance Authority relating to transfers made to the Bank of North Dakota for infrastructure projects and programs.

[Senate Bill No. 2230](#) increases from \$50 million to \$80 million the maximum amount of transfers from the strategic investment and improvements fund to the Bank of North Dakota for the Bank's guarantee reserve fund.

**DEPARTMENT OF FINANCIAL INSTITUTIONS**

[Senate Bill No. 2101](#) makes multiple changes to the law regulating credit unions and financial institutions. The bill repeals the law regarding loans made by credit unions and creates law regarding how loans are made by credit unions; removes the maximum fund balance provision applicable to the financial institutions regulatory fund; increases the amount of civil penalties the Department of Financial Institutions may assess against financial institutions and credit unions; provides for semiannual assessments of banks and interstate branches and credit unions; increases from \$250,000 to \$400,000 the amount of a real estate loan that requires an appraisal; revises the notice requirements for banks that wish to relocate operations temporarily; revises the law regarding trust companies with multiple offices; updates the law regarding rating of bank indebtedness; revises the law relating to bank investment in service corporations; revises the law regarding a credit union's



authority to hold an interest in real estate held in exchange for satisfaction of a debt; and revises the procedure for sale or purchase of an association of banking institution.

[Senate Bill No. 2102](#) replaces the existing law relating to dissolution, insolvency, suspension, emergency receivership, and liquidation of institutions under the Department of Financial Institutions with updated law, including how the department may take possession of an institution and when possession terminates, appointment of a receiver if possession has been taken and the powers of the receiver, and the emergency temporary suspension of a conservatorship.

[Senate Bill No. 2197](#) amends the law relating to access to records in the possession of the Department of Financial Institutions. The bill provides a report in the form of a complaint or comment from the public regarding an entity under the supervision of the Commissioner of Financial Institutions is confidential unless the report is providing aggregate, nonspecific information or unless the report is provided to other regulatory agencies, the individual in response to the complaint or comment, or to the subject entity under the supervision of the commissioner.

### **MISCELLANEOUS**

[House Bill No. 1247](#) merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services and updates references to the Department of Human Services.

**TITLE 8**  
**Carriage**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 8. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[Senate Bill No. 2097](#) repeals Section 8-02-08 relating to safety standards for passenger contract carriers.

**TITLE 9**  
**Contracts and Obligations**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

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

[Senate Bill No. 2047](#) revises the conduct prohibited under the Revised Uniform Athlete Agents Act and allows athlete agents to give certain items of value to student athletes and others under specified circumstances.

[Senate Bill No. 2048](#) changes an internal citation regarding abandoned and unclaimed property.

[Senate Bill No. 2150](#) exempts vehicle theft protection product warranties from Title 26.1, which regulates insurance. The bill also expands the items for which a property service contract may provide coverage and provides requirements for vehicle theft protection product warranties.

**TITLE 10**  
**Corporations**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 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. 1015](#), the appropriation bill for the Office of Management and Budget, updates the qualifications of the Securities Commissioner by removing the qualification that the commissioner must be skilled in securities and may not be an incumbent of any other public office in the state. The bill requires within 30 days of completion of a transaction, any issuer of securities in receipt of an investment from the legacy fund is required to file notice. This bill was declared to be an emergency measure.

[House Bill No. 1085](#) amends the definition of "broker-dealer" to create an exemption for an issuer offering and selling its own securities, updates the corresponding references to the new exemption, and amends existing language to reduce ambiguity pertaining to the electronic filing system. The bill also updates Chapter 10-04 to reflect the changes to the federal securities laws and rulemaking by increasing the amount of money that can be raised.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[Senate Bill No. 2035](#) provides technical corrections to statutory provisions by updating a cross-reference error relating to extension provisions for an action brought by a shareholder when a corporation's period of duration has expired.

[Senate Bill No. 2048](#) updates cross-references relating to the creation of the Revised Uniform Unclaimed Property Act in Chapter 47-30.2.

[Senate Bill No. 2138](#) authorizes nonprofit corporations to hold member meetings remotely. This bill was declared to be an emergency measure.

[Senate Bill No. 2210](#) clarifies the requirements to streamline processes and promote consistency among entity and filing types and clarifies provisions relating to farm and ranch corporations and limited liability companies to address interests of out-of-state entities and establish consistency among reporting requirements. The bill also amends the due date for the first annual report for several entity types to be based on the effective date rather than the filing date; removes the requirement for a corporate seal to be included in cooperative mergers and consolidations; requires a nonprofit that is changing its registered agent to do so as a separate filing; requires a mutual insurance holding company resulting from the reorganization of a domestic mutual insurance company and which is not required to have shares be incorporated as a nonprofit corporation rather than as a business corporation; removes the requirement that the patents filed in matters of commissioned cities be kept in a book; updates the list of home inspector examiners; and removes "postmark" language for charitable organization annual reports.

**TITLE 11**  
**Counties**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 11. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to counties may be classified in these subject areas--levy authority, taxation, and finance; and miscellaneous.

**LEVY AUTHORITY, TAXATION, AND FINANCE**

[House Bill No. 1483](#) restricts the governing body of a county from entering a lease purchase or building authority agreement having a cost of more than \$4 million without approval by the majority of the qualified electors of the county.

[House Bill No. 1186](#) amends several sections relating to rural ambulance service districts to authorize taxing districts to submit the question of whether to approve annexation of a new territory to fund an ambulance service district to the voters.

[House Bill No. 1419](#) authorizes a county to levy and collect an infrastructure fee to replace a general special assessment on all property for payment of infrastructure maintenance costs through a utility bill issued by a county. The bill provides before an infrastructure fee may be imposed, the board of county commissioners must approve a resolution or submit the proposed infrastructure fee to the voters.

[Senate Bill No. 2086](#) updates cross-references relating to the creation of human service zones and clarifies the costs included in the county budget for a human service zone is based on an amount established by the Department of Human Services rather a formula.

[Senate Bill No. 2244](#) increases the fees a sheriff charges for serving documents such as a summons, citation, and injunctive order to \$30 for each person served; for making a return of not-found to \$30; and for levying or executing any writ to \$50. The bill also revised the commissions collected by a sheriff on an execution, order of sale, order of attachment, requisition in claim and delivery, or decree for sale of real or personal property to 2 percent for personal property and 1 percent for real property on money in excess of \$1,000 and authorizes a sheriff to collect service of process fees of \$20 from a child support agency.

**MISCELLANEOUS**

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing existing Chapter 27-20 and reorganizing the chapter into three new chapters.

[House Bill No. 1053](#) authorizes a county historical society, upon acceptance by the State Historical Society, to revert any historical object or artifact given, donated, or otherwise acquired to the State Historical Society.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[House Bill No. 1353](#), which creates the Department of Water Resources, updates cross-references in Title 11 from "State Engineer" to "Department of Water Resources."

[Senate Bill No. 2070](#) creates a new chapter in Title 23.1 relating to regulated substances and updates cross-references in Title 11 to the new chapter.

**TITLE 12**  
**Corrections, Parole, and Probation**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 12. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to corrections, parole, and probation may be classified in these subject areas--criminal history background checks, law enforcement, and miscellaneous.

**CRIMINAL HISTORY BACKGROUND CHECKS**

[House Bill No. 1073](#) specifies the Department of Health and Department of Environmental Quality may request the Bureau of Criminal Investigation to conduct a criminal history background check of final applicants for a job opening or a current employee or when requested for registration as a compassion center agent or an applicant for a radioactive materials license.

[House Bill No. 1253](#) authorizes the Secretary of State to request the Bureau of Criminal Investigation to conduct criminal history record checks for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure.

[Senate Bill No. 2062](#) authorizes the State Historical Society to request the Bureau of Criminal Investigation to conduct criminal history background checks of volunteers and final applicants for employment.

[Senate Bill No. 2110](#) authorizes the Department of Transportation to request the Bureau of Criminal Investigation to conduct criminal history background checks of volunteers and final applicants for employment.

[Senate Bill No. 2131](#) authorizes the Department of Human Services to request the Bureau of Criminal Investigation to conduct criminal history background checks for those individuals who have contact with children at a children's advocacy center.

[Senate Bill No. 2174](#) authorizes the Commission on Legal Counsel for Indigents to request the Bureau of Criminal Investigation to conduct criminal history background checks for a volunteer or final applicant for employment.

[Senate Bill No. 2187](#) authorizes the Board of Dietetic Practice to request the Bureau of Criminal Investigation to conduct criminal history record checks for applicants for licensure or renewal.

[Senate Bill No. 2338](#) authorizes the Public Service Commission to request the Bureau of Criminal Investigation to conduct criminal history record checks for initial applicant auctioneer licenses.

**LAW ENFORCEMENT**

[House Bill No. 1069](#) expands the authority of the Department of Corrections and Rehabilitation to provide transportation for an indigent individual being released from prison to a location out of the state.

[House Bill No. 1070](#) expands the Parole Board's ability to rescind parole and provides the Parole Board with the authority to add, remove, or modify parole conditions during parole.

[House Bill No. 1122](#) authorizes the Peace Officer Standards and Training Board to issue reserve peace officer licenses and removes the limitation on reserve officers to practice peace officer duties and activities.

[House Bill No. 1126](#) clarifies tribal police officers are authorized to provide emergency services or mutual aid to a state or political subdivision law enforcement officer without being licensed in that jurisdiction. This bill was declared to be an emergency measure.

[House Bill No. 1196](#) clarifies the requirements relating to a petition to seal a criminal record to indicate a subsequent conviction within a period of time before filing a petition is the threshold rather than an additional criminal charge from the date of release from incarceration, parole, or probation. The bill also requires a court to provide the reasoning for denying a petition to seal a criminal record.

[House Bill No. 1294](#) creates a cause of action allowing an individual whose booking photo was made public to file a lawsuit against a company that charged a monetary amount to remove or update the information related to the individual's arrest record or booking photo.

[House Bill No. 1410](#) restricts the Department of Human Services and the Department of Corrections and Rehabilitation from substantially burdening the exercise of religion by an offender in the custody of a correctional facility unless the burden is in furtherance of a compelling governmental interest, treating religious conduct more restrictively than other secular conduct, or denying clergy access to an offender in custody.

[Senate Bill No. 2105](#) clarifies the differences in probable cause requirements when the state is the sending state under the Interstate Compact for Adult Offender Supervision and when the state is the receiving state.

[Senate Bill No. 2106](#) clarifies the fees for interstate travel apply to individuals on probation or parole who have transferred to another state.

[Senate Bill No. 2108](#) expands the exception to record confidentiality within the Department of Corrections and Rehabilitation's Division of Adult Services records to authorize the parties of a case in federal or state court access to the relevant records and creates a new exception from the sharing of records that evaluate sex offenders for civil commitment or assess sex offender risk levels for registration.

[Senate Bill No. 2178](#) revises the language designating the Parole Board or the Department of Corrections and Rehabilitation to clarify either entity may authorize an offender's participation in programs outside the department's facilities based on the remainder of time the offender has left to serve on the offender's sentence and updates the compensation of members of the Parole Board to be the same rate as members of the Legislative Assembly for attendance at interim committee meetings.

[Senate Bill No. 2283](#) clarifies rules and regulations adopted by the Superintendent of the Bureau of Criminal Investigation must provide electronic copies of the rules and regulations and authorizes the Peace Officer Standards and Training Board to issue grant funding compliance certifications.

## **MISCELLANEOUS**

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

**TITLE 12.1**  
**Criminal Code**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 12.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**CRIMINAL OFFENSES AND OFFENDERS**

[House Bill No. 1105](#) removes the act of a woman who discreetly breastfeeds her child as an exception to the crime of indecent exposure.

[House Bill No. 1113](#) amends the exception to the law that prohibits an individual, without written permission from the owner or occupant of the property, to enter another's property and install a device for observing, recording, or photographing wildlife while the owner of the device is absent to allow the installation if the individual has written permission from the owner or an individual authorized by the owner of the property and the device is affixed with a registration number issued by the Game and Fish Department, or the individual's name, address, and telephone number.

[House Bill No. 1498](#) removes the requirement to request a trespasser or an individual who is committing theft or damaging property to desist from the act or trespass before force is justified. The bill removes the duty of an individual to retreat before using deadly force if the individual is not engaged in unlawful activity, did not instigate the confrontation, and is in a place the individual legally is allowed to be.

[Senate Bill No. 2116](#) authorizes a member of the armed forces to use deadly force when necessary to prevent the loss, theft, destruction, sabotage, or unauthorized control of a nuclear weapon, critical nuclear component, or nuclear explosive device.

[Senate Bill No. 2144](#) provides landowners with protection from criminal trespass for fenced land, provides a definition for the term "fence," and creates an exception for licensed hunters and anglers lawfully hunting and fishing on private property.

[Senate Bill No. 2156](#) increases the age of an individual who may purchase, possess, and use tobacco products from 18 years of age to 21 years of age, and allows an individual under 18 years of age to possess tobacco products when required in the performance of the individual's duties as an employee.

[Senate Bill No. 2166](#) establishes shoplifting as a theft offense for which the penalty is a Class B misdemeanor for a first offense if the value of the stolen property or service does not exceed \$500, a Class A misdemeanor for a second or third offense within 3 years, and a Class C felony for a fourth or subsequent violation within 4 years. The bill defines the term "shoplifting" and requires the court to provide a written statement when imposing a sentence for any theft offense for which the property or service stolen does not exceed \$500 of the enhanced penalties for subsequent violations of the offense.

**JUDICIAL PROCESS AND SENTENCING**

[House Bill No. 1181](#) adds newly defined terms to Chapter 12.1-04, establishes a criminal defendant is presumed to be fit to stand trial, and removes the ability to extend the duration of a defendant's temporary detention for a subsequent 30 days. The bill requires a court to order a defendant to be examined by a Tier 1a mental health professional whenever there is reason to doubt the defendant's fitness to proceed and the examination must occur within 15 days from notice of entry of the order served upon the Tier 1a mental health professional. The bill provides concrete temporal limits on competency restoration decisions and provides the court with clear authority to order competency restoration treatment using the least restrictive, therapeutically appropriate course of treatment.

[House Bill No. 1393](#) adds the completion of a restorative justice program as a sentencing alternative used in sentencing a person convicted of a crime and provides a definition for the term "restorative justice program."

[Senate Bill No. 2204](#) removes the provision of law related to a suspended execution of sentence which allows a court to revoke probation and only impose the penalty of the sentence previously imposed upon a defendant.



[Senate Bill No. 2246](#) adds a drug treatment program and a veterans treatment docket as sentencing alternatives to provide alcohol and drug testing and substance use disorder treatment and to treat substance use disorders, mental health conditions, behavioral health conditions, traumatic brain injuries, military sexual trauma, and co-occurring disorders.

### **MISCELLANEOUS**

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing Chapter 27-20 and reorganizing the repealed chapter into three new chapters.

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

**TITLE 13**  
**Debtor and Creditor Relationships**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 13. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1247](#) as part of a bill that merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services, updates references to the Department of Human Services.

[Senate Bill No. 2103](#) repeals the law relating to maximum charges a money broker can make and creates a new law addressing these charges, provides certain activities of nonprofit certified development corporations are exempt from the laws regulating money brokers, clarifies state or federal agencies and employees of these agencies are exempt from the laws regulating money brokers and collection agencies, and authorizes deferred presentment service providers to enter a workout agreement with a borrower in the case of hardship.

**TITLE 14**  
**Domestic Relations and Persons**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 14. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**CHILD SUPPORT**

[Senate Bill No. 2002](#) removes certain responsibilities of clerks of court, including certifying the contents of official records maintained in the state case registry and serving affidavits on the person owing child support, and requires an authorized agent of the child support agency to handle those duties. The bill also requires the child support agency to manage accrual and termination dates and payment ledger adjustments in the automated data processing system.

[Senate Bill No. 2132](#) requires the child support agency to notify the obligor and obligee of the expiration of a monthly child support obligation of an incarcerated parent. The bill also provides if an incarcerated parent's monthly support obligation has expired and the child support case is open when the obligor is released from incarceration, the child support agency shall re-establish a monthly support obligation.

[Senate Bill No. 2244](#) permits a sheriff to charge and collect a \$20 service of process fee from a child support agency.

**MARRIAGE AND DIVORCE**

[House Bill No. 1190](#) changes the valuation date for marital property to 60 days before the initially scheduled trial date. The bill also provides if there is a substantial change in value of an asset or debt between the valuation date and the trial date, the court may adjust the valuation and shall make specific findings that another valuation date is fair and equitable.

[House Bill No. 1319](#) removes the living together requirement from the obligation to pay spousal debts except in the case of abandonment. The bill also provides a party is not an abandoned spouse if the other party resides elsewhere for medical or behavioral health treatment.

**MINORS**

[Senate Bill No. 2265](#) allows an unaccompanied homeless minor to access health care without the consent of a parent or guardian. The bill also prohibits a physician or other licensed professional who provides health care to the unaccompanied homeless minor from being held liable for providing such services without having obtained permission from the minor's parent or guardian.

**MISCELLANEOUS**

[House Bill No. 1035](#) updates cross-references relating to the repeal of Chapter 27-20 and updates cross-references relating to the newly defined term "child in need of protection."

[House Bill No. 1247](#), which creates the Department of Health and Human Services, updates various references from the "State Department of Health" and the "Department of Human Services" to the "Department of Health and Human Services."

[House Bill No. 1264](#) expands the role of parenting coordinators to resolve disputes between parties arising under a parenting plan or court order. The bill also requires the parenting coordinator's written decision to be filed with the court and served upon the parties if there is an ongoing dispute regarding the decision.

[Senate Bill No. 2086](#) corrects references to human service zones and requires petitions for adoption to list the human service zone as respondent if the minor to be adopted is in the custody of the human service zone.

[Senate Bill No. 2340](#) clarifies the definition of "abandon" to include the failure of the noncustodial parent, without justifiable cause, to communicate with the child through physical contact or oral conversation.

**TITLE 15**  
**Education**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 15. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 15 may be classified in these subject areas--higher education, Board of University and School Lands, and Teachers' Fund for Retirement.

**HIGHER EDUCATION**

[House Bill No. 1107](#) expands the group of individuals eligible for resident student tuition at institutions of higher education under the control of the State Board of Higher Education to include spouses and dependents of members of any National Guard unit or armed forces reserve component and spouses of certain veterans.

[House Bill No. 1125](#) amends definitions related to dependents of veterans for purposes of expanding eligibility for free tuition at institutions of higher education in the state.

[House Bill No. 1220](#) expands the topics the State Board of Higher Education may address in executive sessions closed to the public. The bill also specifies the application of open meetings requirements for committees comprised of State Board of Higher Education members.

[House Bill No. 1247](#) combines the State Department of Health and the Department of Human Services. The bill also updates references to the two departments to the name of the combined entity which is the Department of Health and Human Services.

[House Bill No. 1346](#) dictates whether and when the working papers, draft audit reports, and final audit reports of higher education internal auditors are open records, exempt records, or confidential records.

[House Bill No. 1375](#) creates a dual-credit tuition scholarship program to award scholarships to students who completed at least one dual-credit course provided by an institution of higher education under the control of the State Board of Higher Education while the student was enrolled in high school or a program of home education.

[House Bill No. 1447](#) authorizes institutions of higher education under the control of the State Board of Higher Education to issue identification documents to enrolled students which will serve as valid forms of voter identification.

[House Bill No. 1503](#) amends the requirements for free speech policies adopted by the State Board of Higher Education and the institutions under its control, including requirements prohibiting student-on-student discriminatory harassment and prohibiting adverse actions against student organizations exercising free speech.

[Senate Bill No. 2003](#) provides the appropriation for the North Dakota University System, each institution under the control of the State Board of Higher Education, and the North Dakota Forest Service. The bill also adjusts credit-hour calculations and base funding for state aid calculations, creates a University System capital building fund appropriated to the State Board of Higher Education to allocate to institutions for capital projects as directed by the Legislative Assembly, and repeals a section relating to the institutional size factor of the higher education funding formula.

[Senate Bill No. 2014](#), the appropriations bill for the Industrial Commission, delays the expiration date of Section 15-11-40, which provides for a state energy research center at the University of North Dakota Energy and Environmental Research Center.

[Senate Bill No. 2030](#) prohibits institutions under the control of the State Board of Higher Education from working with any person that performs or promotes the performance of abortions except an abortion to prevent the death of a woman, and prohibits the institutions from participating in or sponsoring programs that provide literature that, between abortion and child birth, does not give preference to child birth. A section of the bill that provided for a financial penalty for institutions that do not comply with the prohibition was vetoed.

[Senate Bill No. 2032](#) adjusts the formula for determining the base funding for institutions of higher education under the control of the State Board of Higher Education. The adjustment will equalize certain rates across 2-year and 4-year institutions by reducing base funding for upper level credits other than career and technical

education credits at 2-year institutions and increasing base funding for career and technical education credits at 4-year regional institutions.

[Senate Bill No. 2033](#) establishes the University System capital building fund, provides a continuing appropriation for the fund, identifies uses of the fund, and provides matching funds requirements for projects using money from the fund.

[Senate Bill No. 2140](#) waives repayment requirements for students who entered agreements for state student exchange programs for veterinary medicine, dentistry, or optometry between July 1, 2019, and June 30, 2021.

[Senate Bill No. 2141](#) expands the type of test scores that may be used for certain scholarship applications. The bill allows a high school student to submit standardized test scores from a test other than the ACT when applying for merit-based scholarships under the scholars program if the standardized test is equivalent to the ACT.

[Senate Bill No. 2167](#) provides the boundaries for property on which law enforcement officers employed by Bismarck State College have jurisdiction.

[Senate Bill No. 2168](#) amends "hot pursuit" to "fresh pursuit" such that law enforcement officers employed by an institution under the control of the State Board of Higher Education have jurisdiction in situations outside the officers' normal jurisdictional boundaries when the officers are in fresh pursuit.

[Senate Bill No. 2272](#) expands eligibility for the skilled workforce student loan repayment program and the skilled workforce scholarship program by expanding the types of programs in which students eligible for the programs may enroll. The bill also amends the requirements, repayment provisions, and dollar caps applicable to the programs, and provides for the State Board of Higher Education to receive fees to administer and promote the programs.

[Senate Bill No. 2289](#) changes the requirements for the State Board of Higher Education to report on different types of scholarships to the Legislative Management to reflect the consolidation of scholarships under the bill.

## **BOARD OF UNIVERSITY AND SCHOOL LANDS**

[House Bill No. 1080](#) establishes penalties and interest payments for late royalty payments to the Board of University and School Lands and provides for dispute resolution regarding the late royalty payments.

[House Bill No. 1081](#) establishes parameters for the use of vehicles on trust lands and nonvehicular public access to trust lands, sets forth several prohibited activities on trust lands, and establishes a process for requesting authorization to hold organized events on trust lands.

[Senate Bill No. 2048](#) changes citations in Section 15-02-05.2 to a chapter regarding unclaimed and abandoned property.

[Senate Bill No. 2065](#) authorizes the Board of University and School Lands to enter gas leases and to regulate underground storage of oil or gas.

[Senate Bill No. 2317](#) establishes a coal mine reclamation trust to reclaim coal mines at the direction of the Public Service Commission. The bill requires the Board of University and School Lands to set up the trust, but the assets of the trust, other than those used to reimburse the board for its costs and expenses, are held in the Public Service Commission's custody as collateral in security agreements with persons engaged in surface coal mining and reclamation.

## **TEACHERS' FUND FOR RETIREMENT**

[House Bill No. 1174](#) changes the required beginning dates for members participating in the Teachers' Fund for Retirement.

**TITLE 15.1**  
**Elementary and Secondary Education**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 15.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 15.1 may be classified in these subject areas--school districts and nonpublic schools; funding; scholarships; teachers and licensure; Superintendent of Public Instruction; and miscellaneous.

**SCHOOL DISTRICTS AND NONPUBLIC SCHOOLS**

[House Bill No. 1075](#) repeals Section 15.1-06-04.1 regarding a limitation on school district calendars prohibiting districts from scheduling school activities and instructional time on days that are in conflict with professional development conferences.

[House Bill No. 1232](#) allows school districts and nonpublic schools to adopt a policy to provide virtual instruction to students. The policy must comply with rules adopted by the Superintendent of Public Instruction and satisfy the instructional hour and school calendar requirements by providing virtual instruction.

[House Bill No. 1253](#) requires the board of a school district to meet and declare the results of an election on the 13<sup>th</sup> day after the election.

[House Bill No. 1337](#) authorizes a county committee that has initiated proceedings to dissolve a school district to sell, exchange, or donate property or assets of the dissolving district to another political subdivision for less than fair market value if the dissolving district is able to satisfy other financial obligations; allows the board of the dissolving school district to propose the sale, exchange, or donation of property and assets of the dissolving district to another political subdivision for less than fair market value; provides if real property of a dissolved school district is sold, exchanged, or donated to another political subdivision, the legal title to the real property vests in the political subdivision to which the real property was sold, exchanged, or donated on the effective date of the dissolution; and requires property sold, exchanged, or donated to another political subdivision must be recorded in the office of the recorder of the county in which the property is located.

[House Bill No. 1356](#) requires public schools allow representatives of youth patriotic societies to speak to students during regular school hours during the 1<sup>st</sup> quarter of each school year regarding the society and how students may participate in the society.

[House Bill No. 1370](#) provides an exception to the general rule that the board of a school district only may lease real property for a maximum of 1 year, whereby the board of a school district may lease real property for the installation of a wireless telecommunications facility for up to 20 years.

[House Bill No. 1478](#) authorizes the board of a school district or a nonpublic school to adopt an alternative curriculum policy that must comply with course content standards and rules adopted by the Superintendent of Public Instruction, which allows students in grades 6 through 12 to earn course credit through educational opportunities with a sponsoring entity outside of the classroom.

[Senate Bill No. 2147](#) amends the high school graduation minimum requirements and the optional high school curriculum requirements to allow a school district or nonpublic school to develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portion of the GED to allow a student to receive course credit.

[Senate Bill No. 2240](#) provides an exemption to the prohibition against the board of a school district entering a contract involving the expenditure of greater than \$50,000 unless the board has given 10 days' notice, received sealed bids, and accepted the bid of the lowest responsible bidder. The bill provides the prohibition does not apply to contracts for building materials required for district students enrolled in a course to create home construction projects sold on the open market.

[Senate Bill No. 2278](#) provides that, except for damages or loss caused by gross negligence or willful misconduct, a school and school personnel is immune from civil liability and damages related to students or other individuals contracting or being exposed to COVID-19 while in school or on the premises of a school district.

[Senate Bill No. 2304](#) requires public and nonpublic elementary and middle schools to provide students instruction in social studies, including North Dakota studies with an emphasis on the federally recognized Indian tribes in the state; requires public and nonpublic high schools to provide instruction in or make available to students social studies, including Native American tribal history; and adds Native American tribal history to the United States history requirement for high school graduation effective August 1, 2025.

[Senate Bill No. 2308](#) authorizes the board of a school district to allow schools in the district to display the Ten Commandments and other historical documents in the school and classrooms, authorizes the board of a school district to allow schools in the district to permit students to recite the pledge of allegiance, and provides immunity for schools and school personnel from liability and damages related to the displaying of the Ten Commandments or the reciting of the pledge of allegiance.

## FUNDING

[House Bill No. 1246](#) phases out the deduction of tuition received under an agreement to educate students from a school district on an Air Force base with funding received through federal impact aid from the state school aid calculation.

[House Bill No. 1436](#) provides school districts may receive state aid payments for summer school courses for mathematics provided to students in kindergarten through grade eight, reading provided to students in kindergarten through grade eight, science provided to students in grades five through eight, and social studies provided to students in grades five through eight.

[Senate Bill No. 2028](#) repeals six sections of the Century Code relating to education stabilization fund dollars received by school districts as a result of the American Recovery and Reinvestment Act of 2009, the revolving printing fund, reports completed by school districts and forwarded to the Governor through the Superintendent of Public Instruction for review, scholarship opportunities for 2009-10 high school graduates, school district participation in the Goals 2000 Educate America Act, and required reporting by school districts regarding the use of available funds on professional development.

[Senate Bill No. 2165](#) removes the limitation on the amount of ending fund balance in the current annual budget a school district may carry over to the ensuing fiscal year; provides beginning July 1, 2023, the Superintendent of Public Instruction is required to determine the amount of payments due to a school district and subtract the amount the district's unobligated general fund balance on the preceding June 30 exceeds 35 percent of the district's actual expenditures plus \$50,000, or plus \$100,000 if the district is in a cooperative agreement with another district to share resources; and exempts federal impact aid funding from the total amount of a district's unobligated general fund balance.

## SCHOLARSHIPS

[House Bill No. 1083](#) amends the North Dakota academic scholarship eligibility requirements and the North Dakota career and technical education scholarship eligibility requirements to exempt students from the requirement the student must obtain a grade of at least "C" in each unit or one-half unit to be eligible for the scholarship if the units were earned during a semester, quarter, or term that included March, April, or May 2020.

[House Bill No. 1135](#) amends the North Dakota academic scholarship eligibility requirements and the North Dakota career and technical education scholarship eligibility requirements, to require students under the career and technical education scholarship complete one unit of algebra II, integrated mathematics II, or integrated mathematics III; add a requirement that students under the career and technical education scholarship complete two units of a coordinated plan of study, or an education pathway consisting of one unit in teaching profession and educational methodology and one additional unit in one of several areas of study; require students under both scholarships obtain a cumulative grade point average of at least 3.0 on a 4.0 scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program; and require students under both scholarships obtain a grade of at least "C," or an equivalent course proficiency score in each unit or half-unit.

[Senate Bill No. 2136](#) amends the North Dakota academic scholarship eligibility requirements and the North Dakota career and technical education scholarship eligibility requirements, to require students under the career and technical education scholarship complete one unit of algebra II, integrated mathematics II, or integrated mathematics III; amend a requirement that students under both scholarships complete two units of a coordinated plan of study, or an education pathway consisting of one unit in teaching profession and educational methodology and one additional unit in one of several areas of study; provide, to receive either scholarship, eligible students must be enrolled full time at an accredited institution of higher education with a



physical presence in the state and maintain progress toward program completion each semester, or be enrolled full time at an accredited institution of higher education with a physical presence in the state or an accredited private career school with a physical presence in the state and maintain progress toward program completion each quarter or clock-hour term; and update various provisions to include references to "clock-term hours." The bill also repeals Section 15.1-21-02.7 regarding North Dakota scholarship opportunities for 2009-10 high school graduates.

[Senate Bill No. 2141](#) amends the North Dakota academic scholarship eligibility requirements and the North Dakota career and technical education scholarship eligibility requirements, to allow students to satisfy certain eligibility requirements by obtaining a composite score of at least 24 on an ACT, a score of at least five on three WorkKeys assessments, or an equivalent score on a nationally recognized standardized test approved by the State Board of Higher Education; remove the exception that a parental directive opting a student out of tests or assessments does not apply to the ACT or WorkKeys assessments; remove the mandate that students in grade 11 take the ACT or WorkKeys assessments; and make the assessments or an equivalent nationally recognized standardized test optional. The bill also repeals Section 15.1-21-17 relating to interim academic progress assessments for students in grades 2 through 10.

[Senate Bill No. 2289](#) creates a new North Dakota scholarship for high school graduates who satisfy certain criteria, repeals the North Dakota academic scholarship and North Dakota career and technical education scholarship effective as of July 31, 2024, and provides for technical corrections and cross-reference updates regarding the scholarships.

## TEACHERS AND LICENSURE

[Senate Bill No. 2175](#) requires the Education Standards and Practices Board to grant a teaching license to an applicant who is a military spouse or a military member if the individual satisfies the requirements of Section 43-51-11.1.

[Senate Bill No. 2215](#) permits teachers and administrators to form a negotiating unit if the group files a petition with the board of the school district by February 1 of the current year; requires the board of the school district to accept or reject the proposed negotiating unit described in the petition within 30 days of receipt of the petition; authorizes an organization to represent a group of teachers or administrators in a negotiating unit if the organization files a petition with the board of the school district indicating the organization represents a majority of the teachers or administrators in the negotiating unit by March 1 of the current year; requires good-faith negotiations be completed by July 1 following the recognition of the representative organization by the board, unless otherwise agreed to by the board and the organization; amends the determination of when an impasse exists in the negotiation between a representative organization and the board of a school district; authorizes the parties to mediate if an impasse exists; and provides a representative organization that enters a contract with the board of a school district has the authority to represent the negotiating unit until the contract expires or until another representative organization is recognized by the board of the school district.

[Senate Bill No. 2332](#) amends the criteria for teacher licensure to provide an out-of-state alternative teacher certification program must allow an individual who obtains an initial or renewal license to teach special education; requires out-of-state alternative teacher certification programs comply with Education Standards and Practices Board rules, procedures, and standards by July 1, 2023; and removes codified language regarding criteria for teacher licensure which is effective after July 31, 2023.

## SUPERINTENDENT OF PUBLIC INSTRUCTION

[House Bill No. 1131](#) provides the Superintendent of Public Instruction may adopt rules governing the issuance of credentials for specialists trained in dyslexia.

[House Bill No. 1188](#) authorizes the Superintendent of Public Instruction to adopt rules governing the issuance of certificates of completion for special education technicians.

[Senate Bill No. 2269](#) requires the Superintendent of Public Instruction provide integrated formula payments to postsecondary transitional programs for eligible students who are at least 18 years old with a documented intellectual or developmental disability, who meet certain criteria, and are enrolled in a postsecondary transitional program in the state.

## MISCELLANEOUS

[House Bill No. 1013](#), as part of the bill that provides the appropriation for the Department of Public Instruction, increases the salary of the Superintendent of Public Instruction to \$127,768 per year; authorizes the Superintendent of Public Instruction to adopt rules for the issuance of a certificate of completion for school



health technicians; requires school districts to have one full-time equivalent school counselor position for every 300 students in kindergarten through grade 12; and requires the Superintendent of Public Instruction to provide partial reimbursement of the combined salaries of a superintendent and business manager or a special education unit director and business manager if certain criteria are met for school districts or special education units receiving state aid payments which cooperate with another school district or special education unit to jointly employ a superintendent and business manager or a special education unit director and business manager.

[\*\*House Bill No. 1027\*\*](#) recodifies transportation aid payments by the Superintendent of Public Instruction to school districts for the transportation of students as the statutory provisions existed in 2001 with updated payment rates to reflect current practices. The bill provides ridership and mileage payments to school districts for the transportation of students, special education students, and career and technical education students if certain criteria are met. The bill also provides for the calculation of transportation payments if a school district closes, limits the amount of payments a school district may receive for the transportation of students to 90 percent of the actual cost incurred by the district, and prohibits school districts from receiving ridership payments for transporting students participating in open enrollment or who are enrolled pursuant to a tuition waiver agreement.

[\*\*House Bill No. 1035\*\*](#), as part of a bill that rewrites the juvenile justice system laws, updates several statutory cross-references relating to students being prohibited from participating in extracurricular activities for misconduct and student records retention.

[\*\*House Bill No. 1388\*\*](#) amends the definition of a "full day of instruction" to apply to in-person instruction at a physical school plant; authorizes school districts and nonpublic schools to offer virtual instruction; requires virtual instruction provided by school districts comply with daily instructional time requirements and requires student progress in virtual instruction be monitored by the school district to ensure students are in attendance and receiving sufficient instruction; requires the Education Standards and Practices Board ensure candidates for teacher licensure can demonstrate competencies in beginning reading instruction based on specific criteria; requires school districts ensure the district's reading curriculum complies with specific criteria; mandates teachers and principals of kindergarten through grade three students attend professional development training for reading curriculum requirements; requires school districts and nonpublic schools certify to the Superintendent of Public Instruction that the district or nonpublic school has integrated resources and instruments for student reading development and comprehension; adjusts the baseline school district size weighting factors; requires the Superintendent of Public Instruction to determine each building's school size weighting factors and weighted student units separately during the 2022-23 school year for school districts that operate multiple kindergarten through grade 12 buildings at least 19 miles apart, or multiple buildings at least 19 miles apart with no replicated grades; increases the per student payment rate for each year of the biennium; continues the phase out of school district transition minimums by 15 percent per year; begins the phase out of school district transition maximums by 20 percent per year beginning in the 2023-24 school year; provides for an average daily membership calculation for students enrolled full time in virtual instruction; and exempts students from open enrollment requirements if the students reside in a district other than the one the students are enrolled in for virtual instruction.

[\*\*House Bill No. 1416\*\*](#) authorizes the Department of Human Services to approve an applicant seeking to operate a four-year old program, creates the North Dakota Early Childhood Council, and provides for updated cross-references to the newly created section relating to the four-year old program. The bill also repeals several sections in Chapter 15.1-37 relating to the early childhood education program.

[\*\*House Bill No. 1466\*\*](#) temporarily suspends the early childhood education providers coalition, early childhood education provider grants, and data collection on the grants through June 30, 2025, as part of a bill that defines the term "four-year old program" as an approved child care program operated by a public or private educational entity or an early childhood program designed to serve four-year olds, and temporarily provides for an early childhood grant for best in class four-year old experiences and related data collection.

[\*\*Senate Bill No. 2035\*\*](#) removes a reference to the North Dakota Educational Technology Council.

[\*\*Senate Bill No. 2196\*\*](#) requires the State Board of Public School Education to establish and certify a North Dakota learning continuum to allow school district-approved mastery framework policies, to award required elementary, middle, and high school units, and to waive unit instructional time requirements upon the recommendation of the Kindergarten Through Grade Twelve Education Coordination Council; requires the Kindergarten Through Grade Twelve Education Coordination Council to review the North Dakota learning continuum established by the State Board of Public School Education; requires the Superintendent of Public Instruction facilitate the development and implementation of the North Dakota learning continuum; requires

high school instructional units meet or exceed the state content standards unless the school district or nonpublic high school has adopted a mastery framework policy and awards units based on the completion of the North Dakota learning continuum; and exempts instructional units attained from a mastery framework from the high school unit instructional time requirements.

[House Bill No. 1247](#) as part of a bill that merges the State Department of Health into the Department of Human Services, updates cross-references in various statutory provisions regarding kindergarten through grade 12 education to refer to the newly merged Department of Health and Human Services.

**TITLE 16.1**  
**Elections**  
**Summary of Bills Enacted by 2021 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. 1078\*\*](#) adopts the Uniform Faithful Presidential Electors Act. The Act requires each electoral college member nominated by a political party and elected by state residents to cast an electoral college ballot for the nominees of the party that nominated the electoral college member. The bill also recodifies statutes relating to presidential electors.

[\*\*House Bill No. 1253\*\*](#) amends many sections relating to elections administration. The bill removes obsolete language relating to direct-recording electronic voting machines, which are not used in the state; provides easier ballot access for individuals with disabilities; updates language to conform with the legislative drafting style and definitions; clarifies the process for filling vacancies in offices of members of the Legislative Assembly; provides a process for a voter to finish voting within thirty minutes of the polling place's closing time or submit a completed ballot for later tabulation; provides protections against cyber attacks; limits the use of private donations for election administration; provides for improved election worker training; updates the process for adding new voters to the central voter file; makes changes to election security measures; and makes other changes to elections processes and requirements.

[\*\*House Bill No. 1256\*\*](#) prohibits the state and political subdivisions from soliciting, accepting, or using private grants or donations for elections operations or administration. This bill was amended in House Bill No. 1253 to allow for specified exceptions and to provide a criminal penalty for violating the prohibition.

[\*\*House Bill No. 1295\*\*](#) removes the Secretary of State's authority to assess civil penalties for ethics violations and authorizes the Ethics Commission to assess civil penalties for ethics violations involving lobbyists and lobbying.

[\*\*House Bill No. 1447\*\*](#) adds qualifying identification documents issued by institutions of higher education under the control of the State Board of Higher Education to the list of valid identification documents for voters.

[\*\*House Bill No. 1461\*\*](#) provides specificity and clarity regarding the processes to be used when a legislative candidate or Legislative Assembly member-elect dies or is disqualified and states the Governor may not fill a vacancy in an office of a member of the Legislative Assembly. The changes are consistent with the 2020 North Dakota Supreme Court case *Burgum v. Jaeger*.

[\*\*Senate Bill No. 2142\*\*](#) changes the day election workers can begin processing absentee ballots from 1 day before election day to 3 business days before election day.

**TITLE 17**  
**Energy**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 17. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1452\*\*](#) replaces the 25x'25 initiative with the low-emission technology initiative, allows the Energy Policy Commission to identify and make recommendations to the sustainable energy authority on technologies related to low-emission advancements, and provides guidelines for what may be included in the Energy Policy Commission's recommendations.

[\*\*Senate Bill No. 2014\*\*](#) adds the appraised value or whichever is greater to the threshold of no more than 30 percent of the total project costs for any single transmission facility project financed by bonds issued under Section 17-05-08 which are supported by the debt service reserve fund approved by the Industrial Commission.

[\*\*Senate Bill No. 2058\*\*](#) changes the term "livestock operation" to "value-added operation," provides a definition for "value-added operation," and removes the definition for "livestock operation."

[\*\*Senate Bill No. 2313\*\*](#) authorizes the North Dakota Transmission Authority to participate in studies of transmission options for the purpose of identifying opportunities for private transmission investment or private public investment options in transmission which will increase opportunity for export from the state consistent with maintaining a stable grid for the load serving entities. The bill requires the North Dakota Transmission Authority to deliver an annual written report on the status of the resilience of the electric grid to the Legislative Council and the Industrial Commission, and provides how the information for the report may be collected.

**TITLE 18**  
**Fires**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 18. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1247](#), as part of a bill that merges the State Department of Health into the Department of Human Services, updates cross-references to refer to the newly merged Department of Health and Human Services.

[Senate Bill No. 2077](#) provides insurance companies that issue certain types of insurance policies, including fire insurance to cities, rural fire protection districts, and rural fire departments, may be subject to a penalty of \$100 per day for failing to submit an annual statement by March 1 detailing premium collections received by the insurance company for the year.

# TITLE 19

## Foods, Drugs, Oils, and Compounds

### Summary of Bills Enacted by 2021 Legislative Assembly

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 19. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

#### CONTROLLED SUBSTANCES

[House Bill No. 1287](#) creates an enhanced penalty for a defendant who sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual.

[Senate Bill No. 2059](#) updates Chapter 19-03.1, known as the Controlled Substances Act, with the most recent changes to the list of Schedule I, II, IV, and V controlled substances to conform with the changes made by the United States Food and Drug Administration (FDA) and Drug Enforcement Administration. The bill revises the definition of "marijuana" to ensure future FDA-approved drugs are exempt from the definition delaying their release.

[Senate Bill No. 2246](#) adds a drug court program and veterans treatment docket to the list of sentencing alternatives a court must use and includes participation in a veterans treatment docket as a penalty for drug-related offenses.

[Senate Bill No. 2264](#) provides the court with discretion to sentence an individual under 21 years of age to an evidence-based alcohol and drug education program for a first alcohol-related offense and requires the court to sentence an individual under 21 years of age to an evidence-based alcohol and drug education program for a second or subsequent alcohol-related offense.

[Senate Bill No. 2273](#) increases the penalty for inhalation of vapors to a Class A misdemeanor for a third or subsequent offense within a 1-year period and a mandatory minimum sentence requiring a chemical dependency evaluation.

[Senate Bill No. 2283](#) updates inconsistencies relating to the possession of marijuana to be consistent with the decreased penalties between the Controlled Substances Act and the criminal code.

[Senate Bill No. 2294](#) increases the limit for the retail sale of scheduled listed chemical products from two grams to two and four-tenths grams.

#### MEDICAL MARIJUANA

[House Bill No. 1213](#) provides a maximum size of a cannabinoid solution, revises the requirement to print a new registry identification card when a change occurs with a cardholder's information, and amends the requirement for a manufacturing facility or dispensary to notify law enforcement immediately of an inventory discrepancy. The bill also removes "hashish" from the Controlled Substances Act, specifies "marijuana" does not include tetrahydrocannabinol extracted or isolated from the plant, and creates penalties for possession of varying amounts of tetrahydrocannabinol or tetrahydrocannabinol paraphernalia. This bill was declared to be an emergency measure.

[House Bill No. 1359](#) removes the designated caregiver application fee and increases the number of designated caregivers a registered qualifying patient may have to no more than five. The bill also revises the membership of the advisory board to include one health care provider, one representative of the Department of Human Services, one representative of the manufacturing facilities, one representative of the dispensaries, one registered qualifying patient, one licensed pharmacist, and two members of the Legislative Assembly.

#### MISCELLANEOUS

[House Bill No. 1033](#) requires a pharmacist or a pharmacist's designee to notify the prescribing practitioner of a substitution of a prescription biosimilar product.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[House Bill No. 1480](#) updates the information required to be included in every civil forfeiture judgment to include the location of the seizure, the crime the suspect was charged with, and the disposition of the suspect's criminal case. The bill also shifts the duty to provide a copy of the judgment from the prosecutor of the case to the law enforcement agency that seizes the property, creates an exception for the required reporting for property seized which has a value of less than \$50 and authorizes a state's attorney to establish a minimum amount for seizures in the interests of justice and efficient use of governmental resources.

[House Bill No. 1492](#) authorizes pharmacists to administer SARS-CoV-2 tests and prohibits a pharmacy benefits manager from discriminating or interfering with a covered entity participating under Section 340B of the federal Public Health Service Act. This bill was declared to be an emergency measure.

**TITLE 20.1**  
**Game, Fish, Predators, and Boating**  
**Summary of Bills Enacted by 2021 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. 1035](#) updates citations in two sections in Title 20.1 which provide an individual operating a motorboat or vessel in this state or an individual afield with a firearm or bow and arrow in this state have given implied consent to testing to determine alcohol concentration or the presence of other drugs. The new citations are to juvenile justice statutes created in the bill.

[House Bill No. 1074](#) requires the Chief Game Warden to maintain a record of the Chief Game Warden's transactions in a format authorized by the Director of the Game and Fish Department.

[House Bill No. 1113](#) makes baiting wildlife without the permission of the landowner a crime. The bill also updates the language requiring an individual to obtain the landowner's permission to set up a game camera and to have a permanent tag on the game camera.

[House Bill No. 1218](#) authorizes a nonresident with a valid hunting license who owns property enrolled in the state's private land open to sportsmen program to hunt pheasants on that property during the first 7 days of the pheasant hunting season, even though nonresidents generally may not hunt pheasants during that period.

[House Bill No. 1242](#) provides an extra year of eligibility for apprentice hunters who possess an apprentice hunter validation for the 2020-21 license year.

[House Bill No. 1247](#), which combines the State Department of Health and the Department of Human Services, amends references to reflect the new name of the combined entity, the Department of Health and Human Services.

[House Bill No. 1411](#) expands the time when an individual may use artificial light to shoot specified species attempting to destroy livestock, poultry, or other property. Under the bill, the species may be shot at any time of year.

[Senate Bill No. 2144](#) amends the criminal trespass statute to clarify any fence, as defined in the statute, qualifies as an enclosure of land for purposes of the statute; exempts lawful hunters and anglers from the prohibition against being on fenced land; and permits a peace officer to cite certain trespassers with a noncriminal offense in lieu of having the trespassers prosecuted. The bill makes electronic posting of land the equivalent of physical posting.



**TITLE 21**  
**Governmental Finance**  
**Summary of Bills Enacted by 2021 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. 1116\*\*](#) expands the use of general obligation bonds for capital projects and permits borrowing against the county road and bridge levy.

[\*\*House Bill No. 1380\*\*](#) creates the legacy earnings fund and directs the State Investment Board to invest in the legacy earnings fund.

[\*\*House Bill No. 1425\*\*](#) creates an exception to the prudent investor rule for purposes of the investment of the legacy fund and directs the Legacy and Budget Stabilization Fund Advisory Board determine the asset allocation for the investment of the principal of the legacy fund to fixed income and equity investments in the state.

[\*\*Senate Bill No. 2291\*\*](#) restricts the investment of the legacy fund and state funds for the purpose of social investment. This bill was declared to be an emergency measure.

**TITLE 22**  
**Guaranty, Indemnity, and Suretyship**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 22. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 23**  
**Health and Safety**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 23. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 23 may be classified in these subject areas--disease control, licensure, State Department of Health, public health, and miscellaneous.

**DISEASE CONTROL**

[House Bill No. 1118](#), which revises the powers of the State Health Officer regarding the issuance of an order relating to a disease control measure, provides the order must be in writing, the order must be limited to the geographical area affected by the communicable disease, the order may not be statewide unless the Governor has declared a statewide disaster or emergency and the Governor consents to the order, and the order is limited in duration to the duration of the statewide disaster or emergency. The bill requires the State Health Officer to apply to the district court for an injunction if the State Health Officer seeks to cancel a public event or close a place of business.

[House Bill No. 1219](#) provides if the Governor declares a disaster or an emergency based on an epidemic, the State Health Officer shall consider whether to issue a temporary order or the Health Council shall consider whether to adopt rules or emergency rules to include this infectious disease as a reportable disease or condition or as a post-mortem communicable disease. The bill directs the State Department of Health to notify emergency medical services personnel of the presence of a reportable disease or condition and to notify any person taking possession of a dead body of a post-mortem communicable disease. The bill provides rules regarding notification may provide for the disclosure of personally identifiable information.

[House Bill No. 1323](#) prohibits any statewide elected official and the State Health Officer from mandating an individual in the state use a face mask, face shield, or other face covering.

[House Bill No. 1410](#) provides a State Health Officer order relating to disease control is limited in how the order may burden a person's exercise of religion, may treat religious conduct more restrictively than any secular conduct, or may treat religious conduct more restrictively than comparable secular conduct.

[House Bill No. 1465](#) limits the power of the state or a local governmental entity to require documentation of an individual's vaccine status, the presence of antibodies, or an individual's post-transmission recovery status; to publish or share an individual's vaccine record; or to require a private business to obtain such documentation. The bill also limits a private business's authority to require a patron or customer to provide such documentation as a condition to gain access to, entry upon, or services from the business.

[Senate Bill No. 2035](#) clarifies the definition of "significant exposure" as that term applies to testing of reportable diseases of imprisoned individuals.

[Senate Bill No. 2181](#), which amends the law regarding the powers of the State Health Officer regarding the issuance of orders relating to disease control measures, clarifies limitations on the orders relating to the limitation on the exercise of religion.

**LICENSURE**

[House Bill No. 1065](#) provides nursing facilities additional flexibility to manage the supply of licensed beds, including changing bed capacity up to two times in a 12-month period, putting up to 30 percent of licensed bed capacity into the bed layaway, and decreasing from 12 to 6 months the period of time within which a bed may be relicensed.

[House Bill No. 1103](#) updates the law providing for the regulation of mobile home parks, recreational vehicle parks, and campgrounds, by amending terminology; directing the State Department of Health to accept state and federal enforcement of local sanitation, safety, zoning, and inspection requirements; providing the State Department of Health may not license a facility if that licensure would interfere with proposed private development being actively pursued; providing licensure and licensure renewal process and requirements; providing for licensure transferability; updating sanitation and safety requirements; and updating the revocation of license provisions.

[House Bill No. 1332](#) extends the moratorium on the expansion of basic care beds and nursing facility beds from July 31, 2021, to July 31, 2023.

[Senate Bill No. 2119](#), which revises the law relating to licensure of food and lodging establishments, provides the requirements for licensure and license renewal and authorizes the State Department of Health to take disciplinary actions against a food and lodging establishment.

[Senate Bill No. 2226](#) provides for the licensure of residential end-of-life facilities, which are freestanding facilities that provide 24-hour residential and support services in a home-like setting for no more than 12 hospice patients receiving hospice services from a third-party hospice program.

[Senate Bill No. 2241](#), which amends the law regarding health facility construction and renovation plan approval, authorizes the State Department of Health to use a third party to review the construction and renovation plans, provides a timeline for initial determinations on a construction or renovation plan based on the size of the project, and provides a timeline for followup plan determinations.

[Senate Bill No. 2334](#) provides for the licensure of extended stay centers, which are facilities that provide postsurgical and postdiagnostic medical and nursing services to a patient recovering from a surgical procedure performed in an ambulatory surgical center.

## **STATE DEPARTMENT OF HEALTH**

[House Bill No. 1073](#) provides the State Department of Health may require a final applicant for a job opening or a current employee with the department complete a state and national criminal history record check.

[House Bill No. 1247](#), as part of a bill that merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services, updates references to the Department of Human Services, State Department of Health, Health Council, Executive Director of the Department of Human Services, and the State Health Officer. The bill requires the State Health Officer be a physician with substantive private or public administrative experience and public health experience.

[House Bill No. 1418](#) provides the State Health Officer must be a physician with substantive private or public administrative experience and public health experience.

[Senate Bill No. 2004](#) increases the per diem a member of the Health Council is eligible to receive from \$62.50 per day to the rate set for members of the Legislative Assembly.

## **PUBLIC HEALTH**

[House Bill No. 1105](#) revises the law regarding the right to breastfeed in a public or private area by removing the requirement the woman must act in a discreet and modest manner.

[House Bill No. 1163](#) expands the syringe and needle exchange program to allow a program to provide, store, and dispose of supplies, which includes items recognized as supporting safe drug use.

[House Bill No. 1183](#) provides each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the onsite wastewater recycling technical committee and provides for the creation of the onsite wastewater recycling technical committee.

[House Bill No. 1205](#) creates the Maternal Mortality Review Committee and directs the committee to identify maternal mortality cases and to develop policy recommendations to improve health care services for women and to reduce the incidence of maternal mortality in the state. The bill requires the University of North Dakota School of Medicine and Health Sciences shall provide or arrange for administrative services to assist the committee.

[Senate Bill No. 2133](#) expands the scope of practice of emergency medical services, allows for the interfacility transportation or transportation of a patient who is in a real or perceived acute medical condition to a hospital emergency room or other appropriate medical destination, allows emergency medical services personnel to administer vaccines to adults and to perform laboratory testing, and clarifies the Health Council rules for licensure of emergency medical services personnel must include community emergency medical services personnel rules.

[Senate Bill No. 2248](#) authorizes the possession, use, receipt, prescription, distribution, dispensing, and training in the use of epinephrine and provides for immunity from liability for these same actions.

## MISCELLANEOUS

[Senate Bill No. 2123](#) authorizes the Division of Vital Records to release a death record to a genetic sibling of the deceased for the purpose of researching family medical history.

**TITLE 23.1**  
**Environmental Quality**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 23.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1073](#) authorizes the Department of Environment Quality to conduct criminal history background checks for applicants for licenses or permits.

[House Bill No. 1247](#) combines the State Department of Health and the Department of Human Services. The bill also amends references to the two former departments to the name of the combined entity, which is the Department of Health and Human Services.

[House Bill No. 1353](#) changes the structure of the State Engineer's office and renames it the Department of Water Resources. As a result of the changes, references to the State Engineer are amended to references to the Department of Water Resources in multiple sections in Title 23.1.

[Senate Bill No. 2024](#), the appropriations bill for the Department of Environmental Quality, increases the fee for boiler inspection certificates.

[Senate Bill No. 2048](#) changes a citation in Section 23.1-15-07 to a chapter regarding abandoned property.

[Senate Bill No. 2070](#) expands the size and scope of the environmental quality restoration fund, which provides funds to return contaminated property to beneficial uses, so the fund may be used for nonemergency environmental contamination and large projects. The bill authorizes the Department of Environmental Quality to take action to compel recalcitrant parties to initiate a cleanup of contamination or to facilitate state-led corrective action. The bill also allows the state to seek cost reimbursement from parties responsible for contaminating properties and simplifies and expands the voluntary cleanup program.

[Senate Bill No. 2098](#) changes the procedures for impounding and disposing of abandoned vehicles, including notice requirements, time periods for reclaiming abandoned vehicles, and contracting with scrap iron processors.

[Senate Bill No. 2237](#) adds coal-fueled electric generating units to the list of entities the Department of Environmental Quality may not regulate more strictly than the federal government regulates under the federal Clean Air Act.

[Senate Bill No. 2238](#) requires the Department of Environmental Quality to develop and implement a state regional haze plan consistent with the federal Clean Air Act and pursuant to the requirements set forth in the bill.

**TITLE 24**  
**Highways, Bridges, and Ferries**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 24. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to highways, bridges, and ferries may be classified in these subject areas--Department of Transportation and miscellaneous.

**DEPARTMENT OF TRANSPORTATION**

[House Bill No. 1015](#) authorizes the Director of the Department of Transportation to enter a cooperative agreement with any transferee under Section 54-27-19 or any federal agency operating a national park and to expend highway fund money in accordance with legislative appropriations to match federal funds for the purposes of providing assistance with the assessment, design, and construction of projects to improve the safety and mobility of people or goods in the state.

[House Bill No. 1101](#) authorizes the Director of the Department of Transportation to enter agreements with tribal governments regarding federally funded safety improvement projects on tribal owned highways, streets, roads, and bridges.

[Senate Bill No. 2012](#) authorizes the Director of the Department of Transportation to enter a cooperative agreement with the Theodore Roosevelt National Park Painted Canyon Visitor Center for the joint administration and operation of a rest area facility for use by the traveling public.

[Senate Bill No. 2110](#) authorizes to the Department of Transportation to conduct criminal history background checks for volunteers and final applicants for employment.

[Senate Bill No. 2111](#) authorizes the Director of the Department of Transportation to lease space on the 45 department-owned radio tower locations to private entities, if the private entities have been unable to secure space on an existing tower which would provide comparable service coverage. The bill requires the Department of Transportation to deposit the funds received from the leases into the state highway fund and appropriates the funds on a continuing basis.

**MISCELLANEOUS**

[House Bill No. 1353](#) transfers from the State Engineer to the Department of Water Resources duties related to construction of highway ditches, determinations of surface water flow and appropriate highway construction, and drainage construction standards.

[Senate Bill No. 2260](#) changes the name of the county special road fund to the farm to market and federal aid roads fund and the name of the reserve road and bridge fund to the county road fund.

[Senate Bill No. 2297](#) designates State Highway 57 as the Akicita (Veteran) Memorial Highway.

**TITLE 25**  
**Mental and Physical Illness or Disability**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 25. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1034](#) provides all parties to a civil commitment proceedings must receive a copy of the medical report pertaining to an involuntary treatment hearing at least 24 hours before the hearing and updates references to coincide with existing definitions.

[House Bill No. 1089](#) revises the law relating to punishment, isolation, physical restraints, psychosurgery, sterilization, and shock treatment of an individual with a developmental disability who is receiving services at a facility, provides limitations on restraint and seclusion, and provides a patient of a treatment facility has the right to be free from aversive reinforcement conditioning.

[House Bill No. 1117](#) revises the law relating to commitment procedures, including clarifying appointed legal counsel has access to health information, updating references from "applicant" to "petitioner," providing a respondent's refusal to attend a hearing is presumed to be a waiver of the right to be present at the hearing, providing an order for involuntary treatment following a preliminary hearing may not exceed 14 days and an order for involuntary treatment following a treatment hearing may not exceed 90 days, and expanding when a respondent has the right to an expedited appeal.

[House Bill No. 1230](#) limits the term "service animal" to a dog.

[House Bill No. 1247](#) as part of a bill that provides for the merging of the State Department of Health into the Department of Human Services to form the Department of Health and Human Services, this bill corrects statutory references to the Department of Human Services, State Department of Health, Executive Director of the Department of Human Services, State Health Officer, and Health Council.

[House Bill No. 1410](#), which provides religious protections for patients or residents under the control of the Department of Human Services, limits the department's authority to substantially burden the exercise of religion, treat religious conduct more restrictively than any comparable secular conduct, or deny clergy access to patients or residents for the purpose of providing religious services.

[Senate Bill No. 2134](#) requires the Protection and Advocacy Project to use the report, complaint, and investigation process to assess the opportunity for voluntary compliance and other appropriate remedies.

[Senate Bill No. 2199](#) allows the Department of Human Services to enter negotiations with a bordering state to develop an agreement that may enable the placement in North Dakota of individuals who require detoxification services, are on emergency holds, or who have been involuntarily committed as mentally ill or having a substance use disorder in a bordering state and vice versa.



**TITLE 26.1**  
**Insurance**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 26.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 26.1 may be classified in these subject areas--health insurance, annuities, fire insurance, insurance companies and producers, and miscellaneous.

**HEALTH INSURANCE**

[House Bill No. 1010](#) provides at the discretion of the Insurance Commissioner, but at least once every 5 years, the Insurance Commissioner shall conduct a comprehensive examination of a health carrier with a market share of at least 25 percent health benefit plan covered lives in the state. The bill also increases the annual salary of the commissioner.

[House Bill No. 1032](#) directs drug manufacturers, pharmacy benefits managers, and health insurers to report prescription drug pricing information to the Insurance Commissioner and directs the commissioner to publish this information on a website.

[House Bill No. 1062](#), which amends the laws relating to insurance company records held by the Insurance Commissioner, directs the Insurance Commissioner to provide access to abstracts on the commissioner's website, treats any type of examination records the same as financial examination records, and provides an insurance policy finding is not open to public inspection or subject to the open record provision unless the filing is approved by the Insurance Commissioner.

[House Bill No. 1087](#) removes the December 31, 2021, sunset from the invisible reinsurance pool for the individual health insurance market and authorizes the Insurance Commissioner to develop an amendment for the federal Section 1332 Innovation Waiver, and clarifies an insurer writing less than \$100,000 annually in group health benefits plan premiums is exempt from invisible reinsurance pool assessments. The bill also authorizes the Reinsurance Association of North Dakota to use the federal passthrough dollars to procure third-party reinsurance for the association's portion of eligible claims.

[House Bill No. 1154](#), which enacts laws regarding dental health insurance, provides limitations on subsequent denial of services that had been prior authorized, provides a person entering a direct contract with a dental provider may grant a third party access to a dental provider network contract, and provides the procedure a dental insurer engaging in overpayment recovery efforts is required to follow.

[House Bill No. 1465](#), which revises the health insurance mandate of telehealth services, expands the coverage to include audio-only telephone for the purpose of an e-visit or a virtual check-in and defines the term "secure connection" as that term applies to telehealth.

[House Bill No. 1493](#), which triggers the contingency on the health insurance laws relating to air ambulance preferred provider arrangements, provides before a health care provider provides arrangements for air ambulance services for an individual the provider knows to be covered by health insurance, the provider shall request prior authorization for that individual and if prior authorization is not able to be requested, the provider shall provide the individual with an out-of-network services written disclosure.

[Senate Bill No. 2073](#) repeals a section of law addressing short-term limited-duration health insurance plans and replaces this repealed law with a new chapter of law addressing individual and association short-term limited-duration insurance plans.

[Senate Bill No. 2074](#) expands to whom a health insurance utilization report must be provided by including any employer investigating becoming part of a health plan and revises the data required to be provided as part of the health insurance utilization report. The bill requires annual data for the previous 3 years on the premiums paid by the employer and the claims paid by the insurer and requires a current census of covered employees and dependents.

[Senate Bill No. 2130](#) provides an accident and health insurance policy health coverage mandate does not apply to a policy that is a high-deductible health plan under federal law if the mandate would cause the policy to fail to qualify as a high-deductible health plan under that federal law.

## ANNUITIES

[House Bill No. 1153](#) decreases the interest rate used in determining the minimum nonforfeiture amounts for an annuity contract issued after July 31, 2005.

[House Bill No. 1160](#), which amends the law relating to annuity transaction practices to incorporate changes approved by the National Association of Insurance Commissioners, provides insurers and financial sales professionals must act in the best interest of annuity purchasers without putting their financial interests ahead of the consumers' interests, ensures consumers receive additional user-friendly disclosure materials, and safeguards the ability of small and moderate savers to access the financial guidance to plan for their own financial futures.

## FIRE INSURANCE

[House Bill No. 1086](#), which amends the law relating to the state fire and tornado fund to reduce the burden associated with administering the fund and improving insurance coverage of state entities and political subdivisions, permits the Insurance Commissioner to use underwriting guidelines for indirect loss coverage, ensures replacement cost appraisals are not required for actual cash value insurance coverages, permits the fund to provide coverage on a blanket policy, enables the fund to use assessment rates based on actual insured rates, shifts any interest owned on late premium payments to court judgments, and permits insureds to use their own personnel to make repairs.

[Senate Bill No. 2077](#) provides an insurance company that issues fire insurance policies which fails to furnish the annual statistical data required may be subject to a penalty of \$100 per day and the Insurance Commissioner may revoke or suspend the certificate of authority of the insurance company.

## INSURANCE COMPANIES AND PRODUCERS

[House Bill No. 1092](#), which enacts law to the insurance fraud body of law, authorizes the Insurance Commissioner to impose an administrative penalty of up to \$10,000 for insurance fraud, authorizes the commissioner to bring a civil action in the case of nonpayment of an administrative penalty, authorizes the commissioner to order restitution to the insurer or self-insured employer, and clarifies imposition of a fine or other sanction by the commissioner does not preclude prosecution for a violation of criminal law.

[House Bill No. 1093](#) provides in conducting an audit of a state agency or political subdivision, the State Auditor has discretion in whether to evaluate the blanket bond coverage and provides the State Auditor has discretion in whether to include recommendations for changes in the amount of that coverage in the State Auditor's report.

[Senate Bill No. 2072](#) amends anti-rebating laws to allow companies to offer value-added products and services to their consumers, including drawings or raffles, if certain requirements are followed.

[Senate Bill No. 2075](#), which creates a new chapter of law regarding insurance data and security, requires licensees develop, implement, and maintain an information security program; requires licensees to investigate possible cybersecurity events and notify the Insurance Commissioner if a cybersecurity event occurs; and requires notice to affected consumers when a cybersecurity event occurs.

[Senate Bill No. 2076](#) amends the existing reinsurance credit law in response to the Federal Insurance Office entering a covered agreement with the European Union and the United Kingdom. The bill is based on the National Association of Insurance Commissioners' model language, which will allow the state law to avoid federal preemption.

[Senate Bill No. 2078](#) makes multiple changes to the law regulating insurance producers. The bill provides the term "business of insurance" includes the activities of persons acting as producers; clarifies an insurance producer's duty to notify the Insurance Commissioner of an address change may be met through the insurance producer database maintained by the National Association of Insurance Producers and the fact a producer's license has been revoked may be through this database as well; provides a licensed vendor of portable electronics insurance is exempt from continuing education requirements; and provides for self-service storage insurance. The bill provides if the owner derives more than 50 percent of the owner's revenue from the sale of self-service storage insurance, the owner shall provide the Insurance Commissioner with information regarding the people with at least 10 percent ownership interest.

## MISCELLANEOUS

[House Bill No. 1035](#) as part of a bill that rewrites the juvenile justice system laws, updates several statutory cross-references.

[House Bill No. 1247](#), as part of a bill that merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services, updates references to the Department of Human Services and the State Department of Health.

[Senate Bill No. 2048](#), as part of the bill that adopted the Revised Uniform Unclaimed Property Act, updates statutory cross-references relating to unclaimed property.

[Senate Bill No. 2210](#), as part of a bill that addresses filing requirements with the Secretary of State, updates a statutory cross-reference.

**TITLE 27**  
**Judicial Branch of Government**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 27. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing existing Chapter 27-20 and reorganizing the chapter into three new chapters. The bill includes best practices in use by the juvenile court.

[House Bill No. 1047](#) authorizes the Information Technology Department to have access to juvenile court files and records for use in the statewide longitudinal data system.

[House Bill No. 1052](#) authorizes juvenile services agreements between the Department of Corrections and Rehabilitation, the Supreme Court, and the Indian Affairs Commission and tribal governments and extends the effective date through July 31, 2023.

[House Bill No. 1247](#) changes references to the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[Senate Bill No. 2048](#) updates cross-references relating to the creation of the Revised Uniform Unclaimed Property Act.

[Senate Bill No. 2055](#) revises the requirement that small claims complaints be served by certified mail to certified mail with restricted delivery.

[Senate Bill No. 2233](#) authorizes the Supreme Court to establish an attorney recruitment program for counties with populations of 15,000 or fewer and cities with populations of 5,000 or fewer. The bill authorizes the Supreme Court to adopt rules to establish the program and directs the Supreme Court to report annually to the Legislative Management regarding the status of the program.

**TITLE 28**  
**Judicial Procedure, Civil**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 28. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1207](#) removes the requirement in a products liability action against a nonmanufacturing seller that before the court may dismiss the claim against the seller, the plaintiff first must file a complaint against the product's manufacturer and the manufacturer must have answered or pleaded.

[House Bill No. 1247](#), which creates the Department of Health and Human Services, updates various references from the "Department of Human Services" to the "Department of Health and Human Services."

[House Bill No. 1251](#) eliminates the renewal by affidavit process for judgments docketed after the effective date of the bill and increases the period of time a docketed judgment is in effect from 10 to 20 years.

[House Bill No. 1396](#) prohibits a firearm or ammunition manufacturer, importer, or dealer from being held civilly liable for any physical or emotional injury, physical damage, or death as a third party for the acts of another person.

**TITLE 29**  
**Judicial Procedure, Criminal**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 29. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1110\*\*](#) adds the United States Marshals Service to the definition of federal agent for purpose of arrest authority in the state.

[\*\*House Bill No. 1302\*\*](#) authorizes a defendant and victim to compromise the sentence of a misdemeanor offense and seek the dismissal of charges.

[\*\*Senate Bill No. 2182\*\*](#) clarifies the accused has the right to request a meeting with the attorney of the accused.

[\*\*Senate Bill No. 2283\*\*](#) updates the language relating to the prosecution of a felony within 3 years to include the Medicaid Fraud Control Unit under Chapter 50-24.8.

**TITLE 30**  
**Judicial Procedure, Probate**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

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

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

**TITLE 30.1**  
**Uniform Probate Code**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 30.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing Chapter 27-20 and reorganizing the repealed chapter into three new chapters.

[House Bill No. 1048](#) authorizes a court to require a guardian to furnish a bond in an amount and with sureties the court determines to be appropriate.

[House Bill No. 1049](#) authorizes a guardian to restrict visitation, communication, and interaction with a ward if the restriction is in the best interest of the ward. The bill provides a family member, a friend, the ward, or any other person with interest may petition the court to remove the restriction on visitation, communication, and interaction with the ward; provides for the required contents of the petition; and provides the guidelines and process the movant and court must follow regarding the petition.

[House Bill No. 1077](#) adopts the Uniform Electronic Wills Act by defining an electronic will and creating an uniform process for executing and revoking an electronic will.

[Senate Bill No. 2048](#), a bill related to the adoption of the Revised Uniform Unclaimed Property Act, updates a cross-reference within Section 30.1-20-14 relating to the disposition of unclaimed assets.

[Senate Bill No. 2057](#) establishes procedural safeguards regarding the sale of a ward's property by a guardian. The bill provides a guardian granted authority to make financial decisions on behalf of the ward must seek court authorization before selling the ward's property if the property is valued at over \$2,500 and describes the procedure to be followed for the sale of the ward's property by the guardian.



**TITLE 31**  
**Judicial Proof**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

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

[Senate Bill No. 2281](#) authorizes the State Crime Laboratory to request a law enforcement officer or correctional personnel to collect a sample of blood or bodily fluid for analysis and inclusion in the law enforcement identification database. This bill was declared to be an emergency measure.

**TITLE 32**  
**Judicial Remedies**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 32. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1057](#) incrementally increases the liability limits of political subdivisions and the state on July 1 each year beginning in 2022 until July 31, 2027, at which time the increased limits become ineffective.

[House Bill No. 1175](#) creates a new chapter limiting a person from bringing or maintaining a civil action alleging exposure or potential exposure to COVID-19 unless the civil action involves an act intended to cause harm or that constitutes actual malice. This bill, which applied retroactively to January 1, 2020, was declared an emergency measure.

[House Bill No. 1207](#) creates a new chapter relating to proof of evidence requirements of civil actions filed after August 1, 2021, which involve asbestos-related conditions and impairments.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[House Bill No. 1316](#) authorizes agencies to limit the liability of a vendor to a maximum amount when the amount is not less than the reasonably foreseeable loss to the state.

[Senate Bill No. 2067](#) requires the party bringing a civil action for money damages against a state employee or any agency of state government or political subdivision employees to follow ordinary civil discovery rules to obtain documents.

[Senate Bill No. 2191](#) revises the requirements relating to abandoned personal property by authorizing the grantee to retain and dispose of the property without legal process 30 days after the issuance of a sheriff's deed and allows the owner of the property to make a claim with the administrator of the state abandoned property office.

**TITLE 34**  
**Labor and Employment**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 34. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1247](#) as part of a bill that merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services, updates references to the Department of Human Services.

[House Bill No. 1398](#) provides a political subdivision may not adopt or enforce an ordinance that requires an employer to provide to an employee paid family leave that exceeds the requirements of federal or state laws and rules.

[House Bill No. 1453](#) provides under the public employee whistleblower law, a public employee may make a report to the State Auditor regarding a job-related violation of law or a job-related misuse of public resources.

**TITLE 35**  
**Liens**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 35. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1366](#) authorizes repairman's liens on charges for storage fees and transportation costs related to property, accessories, and parts repaired by a repairman; amends the threshold amount requirement for a repairman to give notice by registered or certified mail if the repairman intends to have the entire bill constitute a lien from \$4,000 to \$6,000, and from \$9,000 to \$15,000 for property used for agricultural or construction purposes; provides storage fees may not begin to accrue until 15 days after the owner is requested to take possession of the property; amends the portion of the repairman's lien that takes priority over existing liens of record if the repairman fails to provide notice of the intent to have the entire bill constitute a lien or if the lienholder of record objects to the notice from up to \$4,000 to up to \$6,000, and from up to \$9,000 to up to \$15,000 for property used for agricultural or construction purposes; reduces the notice requirement before an individual may foreclose on a lien down from 20 to 10 days; requires a notice of intent to foreclose a lien to include certain information; and provides a person holding a repairman's lien has the rights of a secured party for purposes of nonjudicial disposition of the property.

[Senate Bill No. 2048](#), which enacts the Revised Uniform Unclaimed Property Act, updates cross-references within Sections 35-20-17 and 35-36-05 relating to proceeds from the sale of a mobile home by a landlord with a lien, and the proceeds from the sale of personal property in a portable storage unit by a landlord with a lien.

[Senate Bill No. 2292](#) provides a lien created by a mortgage of real property does not expire under certain circumstances if extended or modified; an expiration of a real estate mortgage lien does not occur if a proceeding to foreclose by advertisement is commenced and notice of the proceeding is filed in the office of the recorder before the expiration date; an expiration of a real estate mortgage lien does not occur if the owner of the mortgage records a notice of enforcement of an assignment of rents related to the property before the expiration date; an expiration does not occur if a modification is recorded in the office of the recorder before the effective date of the expiration, and a modified mortgage does not expire if the modified mortgage is extended; and provides criteria detailing the requirements for when a modified mortgage that is extended or subsequently modified expires.

[Senate Bill No. 2330](#) amends definitions relating to self-service storage facility liens; includes postal and electronic mail addresses in the definition of "last-known address;" amends the definition of an "owner" to include the owner's designee; adds a definition of "verified mail;" provides a lien against property stored in a self-service storage facility is capped at the maximum value of the property in the storage space if a value limit is included in the rental agreement; allows a self-service storage facility owner to charge late fees each month on delinquent monthly rent; requires a facility owner to provide notice of default in-person or by verified or electronic mail and advertise at least 7 days in advance before conducting a sale of property; and allows a facility owner to have motor vehicles, watercraft, and trailers towed by a commercial towing service if rent and charges are unpaid for 60 days, and holds the facility owner harmless if the property is damaged while being towed.

**TITLE 36**  
**Livestock**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 36. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

**TITLE 37**  
**Military**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 37. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 37 may be classified in these subject areas--military and emergency management and restrictions on executive branch authority.

**MILITARY**

[House Bill No. 1016](#), the appropriation bill for the Adjutant General, amends the Northern Emergency Management Assistance Compact to clarify the co-chairs of the board of directors are to be elected biennially rather than biannually.

[House Bill No. 1211](#) authorizes the State Treasurer to invest the veterans' aid fund, including all income received from investments, in accordance with Chapter 21-10.

[Senate Bill No. 2114](#) requires the Adjutant General to use interest and income accrued by the National Guard training area and facility development trust fund from July 1, 2019, through June 30, 2023, for the Camp Gilbert C. Grafton training center armories.

[Senate Bill No. 2115](#) updates references to the Manual for Courts-Martial, United States, to the 2019 edition, updates a reference to the federal Servicemembers Civil Relief Act to the version in effect on December 31, 2020, and updates the definition of "veteran" for Chapter 37-26.

[Senate Bill No. 2117](#) allows the National Guard to pay death benefits to a designated beneficiary or next of kin of a service member who died while serving in state active duty status, regardless of the cause of death.

**EMERGENCY MANAGEMENT AND  
RESTRICTIONS ON EXECUTIVE BRANCH AUTHORITY**

[House Bill No. 1118](#) limits the State Health Officer's authority to issue disease control orders and requires the State Health Officer to obtain a court order to cancel an event or close a place of business for disease control purposes. The bill also authorizes the Legislative Management to request the Governor call a special session of the Legislative Assembly when the Governor declares a state of disaster or emergency related to public health. The Legislative Management may meet remotely to discuss the request. If the Governor refuses such a request, the state of disaster or emergency automatically ends 30 days after the request was sent to the Governor. If the Governor grants the request, the Legislative Assembly may meet remotely for the special session. The bill requires the Governor to address the mitigation of a declared state of disaster or emergency related to public health in any executive order issued pursuant to the declaration.

[House Bill No. 1146](#) requires the Statewide Interoperability Executive Committee to adopt rules governing eligibility for the statewide interoperable radio network. The bill also expands the entities that may use radios compatible with the network to include any political subdivision or nongovernmental emergency services provider.

[House Bill No. 1180](#) removes the Governor's authority to suspend or limit the sale, dispensing, or transportation of alcoholic beverages during a disaster or emergency.

[House Bill No. 1247](#) combines the State Department of the Health and the Department of Human Services. The bill also amends references to the two former departments to the name of the combined entity, which is the Department of Health and Human Services.

[House Bill No. 1353](#) changes the structure of the State Engineer's office and renames it the Department of Water Resources. As a result of the changes, references to the State Engineer are amended to references to the Department of Water Resources in Title 37.

[House Bill No. 1410](#) prohibits the Governor from issuing an executive order, proclamation, rule, or regulation violating the right to free exercise of religion and authorizes any aggrieved person to use an alleged violation of the prohibition as a claim or defense in a judicial proceeding.

[Senate Bill No. 2181](#) includes the same provision created in House Bill No. 1410. The provision prohibits the Governor from issuing an executive order, proclamation, rule, or regulation violating the right to free exercise of religion and authorizes any aggrieved person to use an alleged violation of the prohibition as a claim or defense in a judicial proceeding.

[Senate Bill No. 2344](#) prohibits state agencies, political subdivisions, and elected or appointed officials from closing or limiting the operating hours of certain shooting ranges and entities engaged in lawfully selling or servicing firearms, ammunition, or other personal weapons unless the closing or limitation applies equally to all forms of commerce or recreation within the jurisdiction. The bill also restricts state and political subdivisions' authority to require registration of firearms, ammunition, and personal weapons, and restricts the state's authority to suspend, revoke, or deny concealed weapons permits.

**TITLE 38**  
**Mining and Gas and Oil Production**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 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.

**INDUSTRIAL COMMISSION OPERATIONS**

[House Bill No. 1055](#) replaces the requirement of the Industrial Commission to enter an order 30 days after a hearing and the requirement the order be mailed to the persons filing written appearances at the hearing with a requirement directing the Industrial Commission to serve the order on all parties to the hearing as required under the Administrative Agencies Practice Act.

[House Bill No. 1061](#) extends the time for scheduling an informal conference and application for a permit renewal regarding surface coal mining and reclamation operations from 30 to 45 days.

[Senate Bill No. 2014](#) changes the factors that determine the amount of the fee a storage operator must pay the Industrial Commission for each ton of carbon dioxide injected for storage to include the contribution of the storage facility and the source of the carbon dioxide to the energy and agriculture production economy of North Dakota.

[Senate Bill No. 2065](#) authorizes the Industrial Commission to establish a regulatory structure for the underground storage of natural gas and for the development of underground manufactured cavern spaces. The bill provides the permit requirements for underground storage and provides the notice and hearing requirements.

**MISCELLANEOUS**

[House Bill No. 1353](#) transfers from the State Engineer to the Department of Water Resources duties related to surface mining, reclamation operations, and high-level radioactive waste.

[Senate Bill No. 2048](#), a bill related to the adoption of the Revised Uniform Unclaimed Property Act, updates cross-references within Sections 38-13.1-03 and 38-18.1-03 relating to the administration of a trust and when mineral interests are deemed to have been used.



**TITLE 39**  
**Motor Vehicles**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 39. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to motor vehicles may be classified in these subject areas--driver's licenses and rules for drivers, judicial process, and miscellaneous.

**DRIVER'S LICENSES AND RULES FOR DRIVERS**

[House Bill No. 1072](#) requires the Department of Transportation to implement a computerized licensing system that would allow a licensed motor vehicle operator to provide electronic proof of valid licensing on a mobile device. The bill provides for the allowed uses of the electronic driver's license and sets the fee for the electronic driver's license and subsequent renewals at \$5 in addition to any other fees required for a driver's license, substitute license, or license renewal.

[House Bill No. 1102](#) changes from 65 to 70 years the age when the Department of Transportation can use vision information provided by an applicant for an operator's license to meet the vision requirements.

[House Bill No. 1168](#) requires the Department of Transportation to establish online access to the written portion of an operator's license examination and provides a fee of \$10 for the online written testing. The bill prohibits a noncommercial applicant for an operator's license from renewing the license by mail or by electronic means if the applicant is seeking a new photo or changes to the information on the face of the physical license.

[House Bill No. 1176](#) changes the requirement that the Director of the Department of Transportation cancel the operator's license of a minor if the minor commits an alcohol-related or a drug-related offense while operating a motor vehicle to require the Director to cancel the license only if certain conditions are met, including the offense created an imminent risk of injury to another individual, a lesser penalty would be ineffective to prevent future risk to another individual, and the official having jurisdiction orders the Director to cancel the operator's license.

[House Bill No. 1252](#) authorizes an individual operating a bicycle to yield at stop signs on roads no larger than two lanes across. However, if a vehicle is stopped in the roadway at the same stop sign, the individual operating the bicycle must stop before entering the intersection. The bill provides an individual operating a bicycle who is approaching an intersection shall yield the right-of-way to any vehicle that has entered the intersection.

[House Bill No. 1290](#) requires the driver of a vehicle to leave a distance of no less than three feet when overtaking and passing a bicycle proceeding in the same direction and to maintain clearance until the driver is safely clear of the overtaken bicycle.

[House Bill No. 1406](#) creates an exception to the requirement that an applicant for an operator's license provide the applicant's Social Security number on the application for the operator's license if the applicant provides an affidavit to the Department of Transportation stating the applicant was not assigned a Social Security number.

[Senate Bill No. 2109](#) permanently disqualifies an individual from driving a commercial motor vehicle, without the possibility of reinstatement if the individual is convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of human trafficking.

**JUDICIAL PROCESS**

[House Bill No. 1336](#) provides retroactive applicability to seal an individual's criminal record relating to a conviction for operating a vehicle while under the influence of an intoxicating liquor or other drug if the individual has not had any subsequent violations of operating a vehicle while under the influence of an intoxicating liquor or other drug, or any other criminal offense, within 7 years of the first operating a vehicle while under the influence of an intoxicating liquor or other drug violation.

[House Bill No. 1355](#) requires the court to seal an individual's criminal record for a violation of a municipal ordinance equivalent to the state statute prohibiting operating a vehicle while under the influence of an

intoxicating liquor or other drug if the individual has not had any subsequent violations of that equivalent municipal ordinance or any other criminal offense, within 7 years of the first municipal ordinance violation.

[Senate Bill No. 2246](#) provides an individual convicted of a felony driving under the influence of an intoxicating liquor or other drug and sentenced to a veterans treatment docket is deemed to have been convicted of a misdemeanor upon completion of a veterans treatment docket. The bill provides an individual convicted of a misdemeanor driving under the influence of an intoxicating liquor or other drug and sentenced to a veterans treatment docket will have the case dismissed and file sealed upon completion of a veterans treatment docket.

## MISCELLANEOUS

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing Chapter 27-20 and reorganizing the chapter into three new chapters.

[House Bill No. 1068](#) removes the inclusion of an off-highway vehicle that is converted to operate on tracks from the definition of snowmobile and adds a motorized vehicle converted to operate on snow to the definition of off-highway vehicle.

[House Bill No. 1098](#) changes the term "accident" to "crash" as it relates to motor vehicle damage incidents. The bill requires the driver of a vehicle involved in a crash resulting in damage to highway fixtures or other property to provide the name of the motor vehicle insurance policy carrier and the policy number of the driver to the owner or person in charge of the damaged property or to the law enforcement officer investigating the crash. The bill authorizes the Department of Transportation to charge a fee of up to \$7 for a copy of a crash report and for the investigating officer's crash report.

[House Bill No. 1148](#) creates a definition for the term "electric bicycle" and includes an electric bicycle in the definition of the term "bicycle." The bill exempts an electric bicycle from the certificate of title requirement and provides guidelines for the operation of an electric bicycle.

[House Bill No. 1185](#) prohibits the negligence of a minor driving a motor vehicle on a highway from being imputed to the individual who signed the minor's application for an operator's license for any injury or damage to that individual which was caused by the minor's negligence. The bill exempts the parts of an accident report containing a minor's name, driver identification number, and telephone number, and makes it a Class B misdemeanor if a person forwards an accident report in which a minor party's information is disclosed to a person that is not an authorized requester.

[House Bill No. 1213](#) changes the term "saliva" to "oral fluid" as used for a motor vehicle operator's implied consent to test for the presence of drugs or for determining alcohol concentration.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[House Bill No. 1502](#) removes ambiguity in the difference between registering a motor vehicle as a permanent resident and registering a motor vehicle as an individual working in the state temporarily by separating the two types of registration offenses. The bill changes the time to provide proof of registration and proof of a driver's license to 14 days, adds "of the date the vehicle was purchased" and "of receiving the title" to clarify when the 30-day window to transfer title begins, and changes the penalty for a violation of reciprocal use of highways provision from a criminal offense to a fee of \$50. The bill changes the classification of violations of displaying license plates and tabs, Class D learner's permit restrictions, CDL learner's permit restrictions, reciprocal use of highways, and motorcycle equipment laws, to moving violations. The bill aligns the two-point penalty for violating Class D and CDL instructional permit restrictions with Class M violations and clarifies merging into or from traffic is considered a turn or lane change for the purposes of signaling actions.

[Senate Bill No. 2011](#) repeals the law prohibiting a person from forwarding an accident report in which a minor party's information is disclosed to a person that is not an authorized requester and repeals the penalty associated with the violation.

[Senate Bill No. 2027](#) repeals the law requiring a transportation network to provide the Department of Transportation with a biannual report containing a list of the political subdivisions in which the transportation network company operates, the number of accidents reported to the transportation network company, and the number and types of traffic violations reported to the transportation network company.

[Senate Bill No. 2043](#) increases the state contribution and member contribution to the Highway Patrolmen's retirement system by .5 percent per year, beginning January 2022 and ending in January 2025.

[Senate Bill No. 2044](#) changes the Highway Patrolmen's retirement system's required minimum distribution by increasing the age at which minimum distributions from the retirement plan must begin from age 70 ½ to age 72.

[Senate Bill No. 2056](#) changes the person to whom proof of liability insurance is provided if a driver is unable to provide satisfactory proof of liability insurance to a law enforcement officer during a traffic stop from the office of the court to the prosecutor in the jurisdiction in which the matter is pending.

[Senate Bill No. 2094](#) changes the off-highway vehicle safety certificate issued by the Director of the Department of Transportation to be issued by the Director of the Parks and Recreation Department.

[Senate Bill No. 2097](#) changes the definition of a schoolbus to mean a motor vehicle designed or used to transport more than 10 passengers in addition to the driver, and is used for the purpose of transporting preprimary, primary, or secondary school students from home to school, from school to home, or to and from school-related events. The bill creates a penalty for a driver who operates a commercial motor vehicle in violation of an out-of-service order; provides for limitations on the types of vehicles that can be operated by drivers possessing commercial learner's permits with endorsements; makes a violation of the limitations a moving violation; removes the applicability of the exemption for shifting livestock from federal roads; includes 9 to 15 passenger contract carrier vehicles in the intrastate hours of service regulations; and moves the hours of service exemption for agricultural operations from the commercial driver's license provision to the hours of service provision. The bill repeals Sections 39-06.2-17, 39-12-24, and 39-12-25 relating to the hours of service exemption, excess size and weight restrictions, and funding for an electronic permit system.

[Senate Bill No. 2099](#) removes the requirement for law enforcement to provide a printed envelope to an individual issued a traffic citation to use in mailing bond to the corresponding clerk of district court and provides law enforcement the additional option to provide the individual cited with a website address or a quick response code.

[Senate Bill No. 2112](#) authorizes the Department of Transportation's contracted motor vehicle service offices to conduct driver's license services.

[Senate Bill No. 2113](#) authorizes the Department of Transportation's hearing officers to hold hearings in a telephonic, virtual, or other electronic format, with the licensee's consent.

[Senate Bill No. 2149](#) authorizes a commercial service airport to enter an operational agreement with a transportation network company to authorize operational access to the commercial service airport, including guidelines for entry, pick-up, drop-off, fees, and other airport operational procedures.

[Senate Bill No. 2329](#) adds a vehicle used or operated by governmental search and rescue personnel while performing emergency operations or duties to the definition of a "Class A" authorized emergency vehicle. The bill adds a vehicle used by volunteer search and rescue personnel if performing an emergency operation or duty upon the request of a state entity, political subdivision, or volunteer fire department to the definition of a "Class C" authorized emergency vehicle, and provides a definition for the term "search and rescue."

**TITLE 40**  
**Municipal Government**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 40. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1130](#) creates a process for municipal court judges to convert criminal judgments to civil judgments in the district court.

[House Bill No. 1353](#), which provides for the powers and duties of the newly created Department of Water Resources, updates cross-references from "State Engineer" to "Department of Water Resources."

[House Bill No. 1381](#) requires the governing body of a municipality to include information in the engineer's report describing how a special assessment district is created and requires the assessment list and notice of the time and place where the city auditor will hear objections to be published on the website of the municipality.

[House Bill No. 1419](#) authorizes a city to levy and collect an infrastructure fee to replace a general special assessment on all property for payment of infrastructure maintenance costs through a utility bill issued by a municipality. The bill also limits the projects a municipality may fund using an infrastructure fee.

[Senate Bill No. 2070](#) creates a new chapter in Title 23.1 relating to regulated substances and environmental remediation, and updates cross-references in Title 40 to the new chapter.

[Senate Bill No. 2210](#) removes the requirement that patents filed in matters of commissioned cities be kept in a book.

[Senate Bill No. 2254](#) increases the number of days the governing body is required to send notice to the owner of a parcel of real property for annexation and exclusion from 7 to 15.

**TITLE 41**  
**Uniform Commercial Code**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 41. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 42**  
**Nuisances**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 42. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 43**  
**Occupations and Professions**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 43. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 43 may be classified in these subject areas--chiropractors, cosmetology, dentists, detection of deception examiners, dietetics, home inspectors, integrative health care, nurses, pharmacy, physical therapists, physicians, plumbers, pre-need funeral services, private investigators and security, real estate, and miscellaneous.

**CHIROPRACTORS**

[Senate Bill No. 2060](#) revises the law relating to the regulation of chiropractors by providing the practice of chiropractic includes telehealth, updating who is exempt from the regulation of the State Board of Chiropractic Examiners, clarifying the board shall accept all parts of the National Board Examination, providing the board shall establish by rule the accepted programs for the annual continuing education requirements, updating the disciplinary powers of the board, and increasing the amount of the initial and renewal certification fee from \$50 to \$100.

**COSMETOLOGY**

[Senate Bill No. 2092](#) revises the chapter regulating the practice of cosmetology by updating definitions and exemptions from regulation, clarifying the State Board of Cosmetology shall inspect salons, providing a person may not employ an unlicensed individual to perform cosmetology, decreasing the minimum number of cosmetology training and instruction requirements from 800 to 500 hours, establishing internship and apprenticeship programs, removing the requirement that an individual who fails to pass the practical examination must complete an additional 160 hours of training before sitting for re-examination, clarifying the requirements for licensure of out-of-state practitioners, providing licensure provisions for international applicants, providing how a licensee may acquire master status, updating the license renewal provisions, and updating the disciplinary provisions.

**DENTISTS**

[House Bill No. 1151](#) increases the membership of the State Board of Dental Examiners to include a dentist member who is a maxillofacial surgeon and a dental assistant member, clarifies the consumer member of the board must be independent, and provides the standard of care for dentists practicing dentistry through telehealth.

**DETECTION OF DECEPTION EXAMINERS**

[House Bill No. 1345](#) revises the law regulating detection of deception examiners by updating the law regarding who is qualified for licensure, removing the statutory fee for a licensure examination, and repealing the law relating to internship licenses and exemptions from testing requirements.

**DIETETICS**

[Senate Bill No. 2187](#) revises the law relating to the practice of dietetics, medical nutrition therapy, medical weight control, nonmedical weight control, and nutrition. The bill clarifies the Board of Dietetic Practice may issue interpretive guidance; limits the amount of licensure fees to a maximum of \$250; updates the law regarding the use of titles; revises the initial licensure and renewal requirements for nutritionists, registered dietitians, and dietitians and provides for grandfathering of nutritionists licensed on the effective date of the Act; revises the scope of practice for licensed registered dietitians and licensed nutritionists; expands the scope of practitioners exempt from regulation by the board; terminates the use of limited permits and replaces these permits with provisional licenses; updates the board's authority relating to disciplinary actions such as injunction and assessment of costs; authorizes a foreign practitioner to practice in this state without a license in limited circumstances; and authorizes the board to require applicants to undergo a criminal history record check.

**HOME INSPECTORS**

[Senate Bill No. 2210](#) updates the names of the entities that conduct the home inspection examination required for licensure as a home inspector.

## **INTEGRATIVE HEALTH CARE**

[Senate Bill No. 2061](#) provides a member of the State Board of Integrative Health Care is entitled to receive per diem and mileage reimbursement and that the board may compensate the board secretary.

## **NURSES**

[House Bill No. 1044](#) updates the model language of the Advanced Practice Registered Nurse Licensure Compact.

## **PHARMACY**

[House Bill No. 1032](#), as part of a bill that provides for prescription drug cost transparency, authorizes the State Board of Pharmacy to increase licensure fees for wholesale drug pedigree jobbers or brokers, manufacturers, own label distributors, private label distributors, repackagers, virtual wholesalers or distributors, and wholesalers or distributors.

[House Bill No. 1492](#), as part of the law regulating pharmacists, adds to the list of approved laboratory tests SARS-CoV-2.

[Senate Bill No. 2221](#) amends the law relating to the regulation of pharmacists by expanding the scope of practice of a pharmacist to include immunization of individuals at least 3 years of age and directing the State Board of Pharmacy to establish limited prescriptive authority through a statewide protocol for public health issues.

[Senate Bill No. 2279](#) authorizes the State Board of Pharmacy to adopt rules to establish educational and operational requirements to allow a pharmacy technician to administer a drug under the immediate personal supervision and control of a pharmacist.

## **PHYSICAL THERAPISTS**

[Senate Bill No. 2122](#) expands the scope of practice for physical therapists by providing the practice of physical therapy includes ordering musculoskeletal imaging and using these results to determine if a referral to another health care provider is necessary or indicates the necessary treatment is within the physical therapist's scope of practice.

## **PHYSICIANS**

[Senate Bill No. 2035](#) changes the title of the North Dakota Board of Medicine secretary treasurer to the executive director.

[Senate Bill No. 2128](#) expands the corporate practice of medicine doctrine to allow a nonprofit entity or charitable trust to employ a physician to conduct hyperbaric oxygen therapy.

## **PLUMBERS**

[Senate Bill No. 2051](#) authorizes the State Board of Plumbing to hire an executive director, provides the executive director also may serve as the board secretary or secretary-treasurer, and directs the board to adopt rules setting fees for licensure.

## **PRE-NEED FUNERAL SERVICES**

[Senate Bill No. 2261](#) defines the term "irrevocable itemized funeral contract" as an irrevocable pre-need funeral service contract that is an itemized listing of goods and services that will be received based on the contract and provides the irrevocable itemized funeral services contract to pay for a funeral is recognized as an allowable asset exclusion used for determining eligibility for medical assistance.

## **PRIVATE INVESTIGATORS AND SECURITY**

[House Bill No. 1463](#) authorizes the Private Investigation and Security Board to charge an initial application fee and renewal fee for a certified course instructor for an armed first responder training certification.

[Senate Bill No. 2095](#) amends the law relating to the Private Investigation and Security Board by authorizing the board to seek an injunction, impose administrative fees, or seek an order of abatement through an administrative action or in district court; defining the term "executive director;" and increasing from \$25 to \$30 the annual fee to be issued an armed certificate and to be registered as a private investigative service or private security service.



[Senate Bill No. 2096](#) amends the law relating to the Private Investigation and Security Board by creating a \$400 fee for certification as a course instructor for an armed first responder training certificate and a \$300 renewal fee and directing the board to establish standards equivalent to the South Dakota School Sentinel program.

[Senate Bill No. 2126](#) amends the law relating to the Private Investigation and Security Board by providing when the Governor appoints a member to the board, the Governor shall consider whether there is member representation from the western, central, and eastern geographical regions of the state.

## **REAL ESTATE**

[House Bill No. 1258](#) revises the law regulating real estate brokers and real estate salespersons by removing outdated language, removing the reciprocal language relating to licensure of nonresident brokers, expanding the classes against which discrimination is prohibited, increasing from \$2,500 to \$5,000 the amount of a fine that may be assessed in a disciplinary proceeding, decreasing from 10 to 5 days the time period within which a salesperson shall notify the commission of a change in broker, changing from March 1 to January 15 the date by which a license must be renewed or be canceled, providing the broker shall maintain a record tracking the earnest money associated with all transactions, expanding the commission's authority to enforce the law regulating real estate brokers and salespersons, and repealing the chapter of law regarding real estate broker trust accounts.

## **MISCELLANEOUS**

[House Bill No. 1247](#), as part of a bill that merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services, corrects multiple references to the State Health Officer, Health Council, State Department of Health, and Department of Human Services.

[House Bill No. 1353](#), as part of a bill that changes the title of the State Engineer to the Director of the Department of Water Resources, makes a title reference change to the law relating to the State Board of Water Well Contractors.

[Senate Bill No. 2125](#) expands the health care professional student loan repayment program to include licensed behavior analysts.

[Senate Bill No. 2164](#) revises the law relating to a foreign practitioner practicing in the state without a license. The bill provides the services may be provided in response to a declared disaster or emergency, and provides if a disaster or emergency is declared, an occupational board may adopt emergency rules under the Administrative Agencies Practices Act which are contrary to the board's laws if the rules are necessary to abate an imminent peril that threatens the health, safety, or welfare of the public.

[Senate Bill No. 2175](#) expands the law relating to occupational licensure of military spouses to include licensure of military members.

**TITLE 44**  
**Offices and Officers**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 44. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 44 may be classified in these subject areas--open records and open meetings, and public officials.

**OPEN RECORDS AND OPEN MEETINGS**

[House Bill No. 1127](#) prohibits individuals who report possible violations of statutes governing reimbursement of travel and other expenses to the Attorney General or a state's attorney from divulging the information further until a determination is made regarding whether prosecution for the violations is warranted. The bill also prohibits the State Auditor and State Auditor's employees and agents from divulging information about tax returns, tax reports, or other tax information which was forwarded to the Attorney General or a state's attorney for investigation until a determination regarding whether there is probable cause to believe a violation of law occurred.

[House Bill No. 1349](#) provides updated requirements for remote meetings of public entities, records related to hiring new employees, administration of examinations by licensing boards, fire marshal records, and medical records.

[Senate Bill No. 2276](#) makes telephone numbers and home addresses of prosecutors, Supreme Court justices, district court judges, and judicial referees confidential.

**PUBLIC OFFICIALS**

[House Bill No. 1170](#) exempts township officers from the provisions in Section 44-08-21 for recalling elected officials of political subdivisions.

[House Bill No. 1247](#) combines the State Department of Health and the Department of Human Services. The bill also amends references to the two former departments to the name of the combined entity which is the Department of Health and Human Services.

[House Bill No. 1335](#) provides public officials and employees in North Dakota are not required to carry out or comply with presidential executive orders or federal statutes or regulations that violate the 10<sup>th</sup> Amendment to the United States Constitution.

[House Bill No. 1344](#) changes the mandate for the Attorney General or a state's attorney to investigate alleged violations of statutes and rules governing the expenditure of public funds to a discretionary authorization to investigate the alleged violations.

[House Bill No. 1461](#) provides the Governor may not fill a vacancy in legislative office.

[Senate Bill No. 2048](#) updates a citation to a statute regarding abandoned property.

[Senate Bill No. 2068](#) allows a state's attorney to contract with another state's attorney or other competent attorney to prosecute a matter in which the Governor seeks to remove an official. The bill also allows the state's attorney to ask the Attorney General to prosecute the matter.

**TITLE 45**  
**Partnerships**  
**Summary of Bills Enacted by 2021 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. 2210](#) updates the language relating to the due date for the first annual report for limited partnerships and limited liability partnerships to be based on the effective date rather than the filing date. The bill also streamlines the filing requirements for canceling a fictitious partnership name, trademark, or trade name.

**TITLE 46**  
**Printing Laws**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 46. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 47**  
**Property**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 47. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1079](#) enacts the Uniform Environmental Covenants Act, which provides for the creation of environmental covenants to restrict and regulate the use of contaminated property when transferred from one owner to another.

[House Bill No. 1080](#) removes an exception to the general requirement that operators under an oil and gas lease must pay interest on unpaid royalties at a rate of 18 percent per annum and authorizes the Commissioner of University and School Lands to negotiate an interest rate on unpaid royalties to be no less than the prime rate, as established by the Bank of North Dakota, plus 4 percent per annum with a maximum of 18 percent per annum for unpaid royalties on minerals owned or managed by the Board of University and School Lands. The bill exempts obligations to pay oil and gas royalties under an oil and gas lease on minerals owned or managed by the Board of University and School Lands from the section. The bill also provides new obligations and interest rates to pay under an oil and gas lease to the Board of University and School Lands in Title 15.

[House Bill No. 1221](#) provides an exception to the general prohibition against the severance of the right of access to land for hunting from the surface estate by providing the prohibition against the severance does not apply to deeds, instruments, or interests in property recorded or executed before August 1, 2007.

[Senate Bill No. 2048](#) enacts the Revised Uniform Unclaimed Property Act and repeals the Uniform Unclaimed Property Act.

[Senate Bill No. 2159](#) requires new and existing mobile home park owners to obtain a license; designate an official local office if the park contains at least 26 lots; have a designated telephone number manned on certain days of the week and at certain times; have an emergency contact number manned at all times; designate an individual who has decisionmaking authority for the owner; provide tenants with the required contact information and written notice of a change of ownership within 5 business days after the change becomes effective; acknowledge receipt of tenant inquiries or complaints; provide advance written notice of modifications to park rules and regulations and the implementation of new park rules and regulations; and provide tenants who fail to comply with modified park rules and regulations notice of the failure to comply and an opportunity to remedy the noncompliance or vacate the premises before the owner may begin eviction proceedings. The bill allows new or existing mobile home park owners to purchase utility services on behalf of tenants and include the amount in the rental obligations of the tenant or as a separate charge based on usage. The bill also prohibits owners from charging tenants more than the actual cost per unit amount paid by the owner for utilities except for reasonable administrative fees; prohibits an owner from back charging tenants for utility services as a portion of the monthly rental obligation; prohibits owners from requiring tenants of the park to sell or transfer ownership of the home to the owner of the park; and prohibits increasing the monthly rental obligations for 6 months after the existing mobile home park is purchased by a new owner if the rent was increased within 60 days before the date the new owner acquired ownership of the park. The bill also provides a civil penalty for violations.

[Senate Bill No. 2210](#) requires the Secretary of State to cancel from the register any voluntary trademark or trade name registration cancellation request received by the Secretary of State from the registrant or assignee of record.

[Senate Bill No. 2243](#) amends the definition of the "practice of land surveying" to mirror the definition provided in Section 43-19.1-02.

[Senate Bill No. 2247](#) provides the section on property disclosure requirements for the sale, exchange, and purchase of real property applies to transactions involving property that is a residential dwelling with no more than four units; requires sellers to provide buyers with written disclosure of certain facts regarding the property; requires brokerage firms to retain a copy of the signed written disclosure if a broker, associate, or salesperson associated with the brokerage firm assists in the transaction; and provides exceptions.

**TITLE 48**  
**Public Buildings**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

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

[House Bill No. 1039](#) places the authority over the media room in the Capitol with the North Dakota Newspaper Association and the North Dakota Broadcasters Association. This bill was declared to be an emergency measure.

**TITLE 49**  
**Public Utilities**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 49. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**ENERGY CONVERSION AND TRANSMISSION FACILITIES**

[House Bill No. 1095](#) prohibits a wind energy conversion facility that has not been issued a certificate of site compatibility and which exceeds five megawatts of electricity from repowering the wind energy conversion facility without first having obtained a certificate of site compatibility.

[House Bill No. 1096](#) corrects an incorrect subsection reference in Section 49-22-03 and clarifies the Public Service Commission may provide a waiver of any procedure and time schedule upon a finding a proposed facility is of the length, design, location, or purpose that the facility will produce minimal adverse effects, and upon a finding a demonstrable emergency exists. The bill allows the Public Service Commission to hold a remote hearing if an emergency exists which would prevent an in-person hearing in the county of a project. The bill provides if an application fee is less than \$25,000, an applicant may agree to pay additional fees reasonably necessary for completion of the site, corridor, or route evaluation and designation process. The bill allows the Public Service Commission to limit access to, and release of, information that contains data related to cultural, archaeological, historical, or paleontological sites.

[Senate Bill No. 2263](#) requires an applicant of an electric energy conversion facility or electric transmission project to provide notice of the application to the owner of record of any land located within the site or corridor for the project.

**PUBLIC UTILITIES**

[House Bill No. 1008](#) creates a special fund designated as the Public Service Commission program fund. The revenue that must be deposited into the fund includes fees collected to test or calibrate weighing and measuring devices and licensing of registered service companies and persons, money received from the public utility assessment, and money received from the siting administrative fee. The bill requires the Public Service Commission to assess each electric and gas utility with a fee in proportion to the utility's respective gross operating revenues from the retail sale of gas and electric service within the state during the preceding calendar year. The bill increases the annual salary of a Public Service Commissioner from \$110,829 to \$115,304 over the biennium. The bill requires a siting applicant to pay an administrative fee equal to \$100 for each \$1 million of original investment, not to exceed \$25,000.

[House Bill No. 1060](#) authorizes the Public Service Commission to request a public utility to test, or use a third party to test, meters of public utilities.

[House Bill No. 1067](#) requires an electric utility to submit integrated resource plans to the Public Service Commission and allows the Public Service Commission to assess a fee reasonably necessary for completing an investigation into the integrated resource plans submitted by an electric public utility.

[House Bill No. 1308](#) repeals Section 49-09-14 relating to utility property transfers filed with the Secretary of State and authorizes the Secretary of State to transfer any utility property transfer files submitted under Section 49-09-14 to the state archives.

[House Bill No. 1455](#) requires a utility owner or operator of an electric energy conversion facility to notify the Public Service Commission and the auditor of the county in which the facility is located if the owner or operator considers removing the electric energy conversion facility.

[Senate Bill No. 2091](#) excludes from the definition of "electric public utility" and "rural electric cooperative" a person that uses an electric vehicle charging station to resell electricity to the public if the reseller has procured electricity from an electric service provider authorized to engage in the retail sale of electricity within the service area in which the electric vehicle charging service is provided, and the resale is for the charging of electric vehicles exclusively.

[Senate Bill No. 2206](#) authorizes a public utility with a new or existing facility that uses lignite mined in North Dakota to recover research and development costs to develop carbon dioxide capture and sequestration and provides a financial incentive set at a reasonable rate for power purchase agreements of a dispatchable on-demand generating unit, plant, or facility deemed to protect grid reliability.

[Senate Bill No. 2313](#) establishes the required information of an integrated resource plan, allows the Public Service Commission to consider the qualitative benefits and provide value to a base-load generation and load-following generation resource and its proximity to load, and allows the Public Service Commission to contract or consult with an expert to evaluate qualitative benefits of resources and to review reliability planning. The bill allows the Public Service Commission to require action, assess a disallowance or fine, or provide a penalty if an electric public utility fails to meet the minimum capacity requirement and reserve margin. The bill makes an electric public utility responsible for ensuring reliable service and allows the Public Service Commission to require action, assess disallowances or fines, or provide a penalty if an electric public utility fails to meet its obligation to provide reliable service to customers within the state.

### **MISCELLANEOUS**

[House Bill No. 1059](#) requires an excavator to immediately call 911 emergency services and notify the operator of an underground facility if any damage to that underground facility resulted in a release of flammable, toxic, or corrosive gas or liquid.

[House Bill No. 1158](#) changes the allocation of the money deposited into the environmental impact mitigation fund by the Agriculture Commissioner to mitigate the adverse environmental impacts of a proposed site, corridor, route, or facility to one-half being deposited into the environmental impact mitigation fund and one-half being deposited into the federal environmental law impact review fund.



**TITLE 50**  
**Public Welfare**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 50. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to Title 50 may be classified in these subject areas--children; medical assistance; substance abuse and behavioral health; facilities; Department of Human Services; and miscellaneous.

**CHILDREN**

[House Bill No. 1035](#), as part of a bill that rewrites the juvenile justice system law, redefines "deprived child" as "child in need of protection" and redefines "unruly child" as "child in need of services," corrects statutory cross-references, and directs the Department of Human Services to provide appropriate services to a child referred as a child in need of services and to the person responsible for the child's welfare.

[House Bill No. 1076](#) removes the August 1, 2025, expiration date for the Children's Cabinet and provides the Chairman of the Legislative Management may appoint a member of the Legislative Assembly to serve as chairman of the committee if the Chairman of the Legislative Management does not wish to serve as chairman of the committee.

[House Bill No. 1091](#) directs the Department of Human Services to provide payments to family foster homes for children, supervised independent living programs, and qualified residential treatment program for children providers using an automated clearinghouse to provide for electronic fund transfers; limits the use of nonfederal funds being used to reimburse the costs of shelter care placements if the shelter care services are certified by the department; and expands the foster care licensure requirements to address facilities that had licenses denied or revoked in the past.

[House Bill No. 1347](#) provides it is a Class B misdemeanor for a person to provide early childhood services if the person has been found guilty of, pled guilty to, or pled no contest to a crime of homicide, kidnapping, pornography, human trafficking, assault, reckless endangerment, terrorizing, coercion, stalking, assault or homicide while fleeing a peace officer, gross sexual imposition, sexual abuse of a child, sexual imposition, corruption or solicitation of a minor, luring of a minor, sexual abuse of a ward, sexual assault, arson, robbery, promoting or facilitating prostitution, child procurement, abuse of a child, or a Class B felony of burglary while armed or for inflicting or attempting to afflict harm. The bill provides an exception for the crimes of assault, reckless endangerment, coercion, or stalking if 5 years have passed after final discharge without subsequent conviction.

[House Bill No. 1416](#) authorizes the Department of Human Services to approve an applicant seeking to operate a four-year old program and creates the North Dakota Early Childhood Council.

[House Bill No. 1466](#) defines the term "four-year old program" as an approved child care program operated by a public or private educational entity or an early childhood program designed to serve four-year olds; suspends the early childhood education providers coalition, early childhood education provider grants, and data collection on these grants through June 30, 2025; and temporarily provides for an early childhood grant for best in class four-year old experiences and related data collection during this suspension.

[Senate Bill No. 2002](#), as part of the budget bill for the judicial branch, updates the law regarding access to the Department of Human Services Title IV-D statewide automated data processing system and directs the department to conduct criminal history record checks for children's advocacy centers.

[Senate Bill No. 2083](#) amends the law relating to child abuse and neglect by removing public and private schools from the definition of "a person responsible for the care of a child's welfare;" providing a "neglected child" includes a child who has been exposed to any amount of marijuana; codifying a definition of "child fatality review panel," "confirmed," "confirmed with unknown subject," "impending danger," "indicated," "unable to determine," and "unconfirmed;" providing an entity that employs more than 25 mandated reporters may designate an individual to receive and forward reports of suspected child abuse and neglect; updating the institutional child protection process; revising the decisionmaking matrix for child protection services; providing if a child meets the definition of an abused child or neglected child, a report will be made to the juvenile court; revising the protective services provided following a child protection assessment; and providing who may access a report of institutional child abuse or neglect.

[Senate Bill No. 2088](#) expands the program for assistance for adopted children with special needs by authorizing the Department of Human Services to allow assistance up to age 21, allowing assistance if the department determines the adoptive parents are no longer legally responsible for support of a child who has not attained age 18, and allowing assistance if the department determines the adoptive parents are no longer providing support to the child; clarifies the program for assistance for adopted children with special needs is administered by the department; and provides the department shall provide the adoption assistance payments through an automated clearinghouse to provide for electronic fund transfers.

[Senate Bill No. 2131](#) authorizes the Department of Human Services to perform a criminal history record check for a children's advocacy center that requests the criminal history record check.

## **MEDICAL ASSISTANCE**

[House Bill No. 1288](#) provides medical assistance must include coverage of a continuous glucose monitoring device for a covered individual.

[House Bill No. 1349](#) provides an active investigation record of the Medicaid Fraud Control Unit is an exempt record unless the investigation is closed and not referred for further investigation or adjudication.

[House Bill No. 1407](#) revises the medical assistance tribal health care coordination agreement program by increasing from 60 to 80 percent the amount of excess federal medical assistance funding the Department of Human Services shall deposit in the tribal health care coordination fund; revising the authorized uses for which a tribe may use the tribal share of the excess funds; directing a tribe that receives funds under the program to report to the Legislative Management; and repealing the program if by December 31, 2022, no tribe has used the program.

[Senate Bill No. 2085](#) repeals the law that required medical assistance coverage of remedial eye care for individuals under the age of 65 who are not legally blind, expands the program for Medicaid waivers to provide in-home services to children with an autism spectrum disorder who have extraordinary medical needs from age 14 to age 16, and provides for an automated clearinghouse to provide for electronic fund transfers for payments to medical assistance providers.

[Senate Bill No. 2087](#) revises the medical assistance prior authorization program for drug benefits for adults and children by providing the Department of Human Services may require prior authorization for specified drugs that are considered line extension drugs.

[Senate Bill No. 2133](#) provides medical assistance must cover services provided by community emergency medical services personnel if the services are provided as defined by rule.

[Senate Bill No. 2224](#) provides the medical assistance program must include coverage of a metabolic supplement if specified conditions are met.

## **SUBSTANCE ABUSE AND BEHAVIORAL HEALTH**

[House Bill No. 1402](#) expands the substance use disorder treatment voucher system to include out-of-state licensed substance abuse treatment programs located within a bordering state and directs the Department of Human Services to adopt rules addressing the processes and requirements of coverage of these out-of-state providers.

[Senate Bill No. 2161](#) directs the Department of Human Services to establish and maintain a registry of mental health programs in the state.

[Senate Bill No. 2311](#) revises the law relating to the powers and duties of the Department of Human Services related to the provision of resources on mental health awareness and suicide prevention for schools by directing the department to provide an online virtual mental health and suicide prevention simulation-based training program. This requirement expires July 1, 2025.

## **FACILITIES**

[House Bill No. 1090](#) reforms the nursing facility payment system by removing the statutory time frame for the Department of Human Services to set rates by directing the department to establish price limits for the cost categories for care starting in 2022 which will allow for future inflation based on the skilled market basket, and establishing how property-related costs are assessed and reimbursed. The bill allows providers to choose between the old rate and the new rate for 2022 and 2023, and for 2024, provides for rebasing the rates based on 2023 data.

[House Bill No. 1343](#) expands the rights of residents of health care facilities to include the right to send and receive unopened electronic mail and the right to access and use electronic devices for private conversations.

[Senate Bill No. 2145](#) directs the Department of Human Services to work with the State Department of Health, state long-term care ombudsman, residents and tenants of long-term care facilities and families of these residents and tenants, and long-term care facility representatives to establish basic protocols to allow a resident to designate one or more individuals as an essential caregiver, including during a declaration of disaster or emergency. The bill also provides a person may not arrange for or promote care provided in a facility for unaccompanied undocumented children unless the facility has a license or approval issued by the department.

[Senate Bill No. 2226](#) revises the definition of "assisted living facility" to clarify the term does not include a residential end-of-life facility.

## **DEPARTMENT OF HUMAN SERVICES AND HUMAN SERVICE ZONES**

[House Bill No. 1066](#) directs the Department of Human Services to request appropriations and resources sufficient for accreditation of and to ensure maintenance of the accreditation of the regional human service centers and clarifies the accreditation may be made by the Council on Accreditation or similar national accrediting body accepted by the department and that the department may use the accreditation as a basis for licensing in lieu of rules adopted for the operation of the regional human service centers.

[House Bill No. 1247](#) merges the State Department of Health into the Department of Human Services to create the Department of Health and Human Services and corrects references to the State Department of Health, Department of Human Services, Executive Director of the Department of Human Services, and Health Council.

[Senate Bill No. 2086](#) makes multiple revisions to the laws relating to the human services zones, including clarifying direct and indirect costs of human service zones, authorizing the human service zones to accept gifts and donations, clarifying human service zone board membership, clarifying the Department of Human Services may conduct estate recovery proceedings regarding general assistance claims, authorizing the human service zones to intervene if a child has been placed for adoption in an unsuitable home, providing the Department of Human Services along with the North Dakota Association of Counties and human service zone directors shall develop the process for human service zones to opt in to state employment, and repealing the law regarding foster care parent grievance.

[Senate Bill No. 2089](#) updates the law relating to the powers and duties of the Department of Human Services related to the administration, allocation, and distribution of funds by directing the department to promote cooperation and working agreements with public agencies and private human services agencies. The bill also repeals the law that provides all department programs must be financed out of the welfare special operating fund.

## **MISCELLANEOUS**

[House Bill No. 1012](#), as part of the budget bill for the Department of Human Services, creates a substance use disorder treatment voucher system grant program to provide grants to substance abuse treatment programs; amends the substance use disorder treatment voucher system program by limiting the voucher eligibility for certain institutions for mental diseases and specifying how vouchers are allocated between programs with more than 16 beds and programs with fewer than 17 beds; directs the department to establish and maintain a behavioral health bed management system; authorizes the department to charge reasonable fees for all early childhood services training and development courses; expands the membership of the North Dakota Early Childhood Council to include a special education director; clarifies the medical assistance workers with disabilities coverage program and optional medical assistance for families of children with disabilities program may not require the payment of a premium for failure to pay a premium or enrollment fee during a federally declared emergency; removes the July 31, 2021, expiration date for the Medicaid Expansion program; provides provider reimbursement rate information is an open record; expands medical assistance coverage to include interpreter services; and repeals the law that directs the department to provide a personal care services program for medical assistance recipients.

[Senate Bill No. 2039](#) revises the membership of the Brain Injury Advisory Council by clarifying an appointed member may represent more than one group of stakeholders.

[Senate Bill No. 2210](#) provides the annual charitable organization report filed with the Secretary of State is no longer required to be provided by United States mail.

**TITLE 51**  
**Sales and Exchanges**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 51. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1208](#) increases the civil penalties for antitrust violations from \$50,000 per violation to \$100,000 per violation, provides parens patriae authority for the Attorney General to recover damages sustained by North Dakota consumers as a result of antitrust violations, and increases the statute of limitations for consumer fraud from 2 to 4 years.

[House Bill No. 1368](#) prohibits a lender from requiring a person to install or maintain a global tracking or positioning system or device on a motor vehicle for the purpose of locating or tracking the vehicle to repossess the vehicle in case of loan default without informing the buyer within the financing contract about the installation or placement of the system or device.

[Senate Bill No. 2154](#) increases the amount an auction clerk may deposit and keep in a trust fund from \$100 to \$1,000.

[Senate Bill No. 2156](#) prohibits the mailing or delivering of tobacco products or electronic smoking devices to an individual under the age of 21.

[Senate Bill No. 2259](#) requires a tobacco product manufacturer to submit an annual certification to the Attorney General and requires the Attorney General to develop and maintain a public directory of tobacco product manufacturers that submit current and accurate certifications. The bill provides requirements for the appointment of agents for service of process on tobacco product manufacturers and the requirements for the reporting of information by distributors and tobacco product manufacturers. The bill also authorizes the Attorney General to revoke the license of a distributor under certain circumstances, establishes a process for the seizure and forfeiture of contraband cigarettes, and authorizes the Attorney General to seek injunctive relief to restrain threatened or actual violations of the bill.

[Senate Bill No. 2338](#) changes the due date for auctioneer and auction clerk license renewals from January 31 to December 31 and increases the initial license or renewal fee for an auctioneer or auction clerk license from \$35 to \$50. The bill authorizes the Public Service Commission to request a statewide and nationwide criminal history background check for initial auctioneer and auction clerk license applicants.

**TITLE 52**  
**Social Security**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 52. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1247\*\*](#) as part of a bill that merges the State Department of Health into the Department of Human Services, updates a cross-reference to refer to the newly merged Department of Health and Human Services.

[\*\*House Bill No. 1278\*\*](#) provides an exemption under which a military spouse who voluntarily leaves employment to relocate due to the permanent change of station of the individual's spouse is not disqualified from obtaining unemployment benefits. The bill also adds an exemption to the unemployment benefits paid chargeable to accounts of base-period employers and provides an employer's account may not be charged when unemployment benefits are paid to a military spouse who voluntarily leaves employment to relocate due to a permanent change of station of the individual's spouse.

[\*\*Senate Bill No. 2016\*\*](#), the appropriations bill for Job Service North Dakota, provides an exception to the condition that an individual be unemployed for a waiting period of 1 week to be eligible to receive unemployment benefits by authorizing the Executive Director of Job Service North Dakota to suspend the waiting period when federal reimbursement for benefit charges is made available.

**TITLE 53**  
**Sports and Amusements**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 53. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

The legislation relating to sports and amusements may be classified in these subject areas--charitable gaming and lottery, combative sports, and pari-mutuel horse racing.

**CHARITABLE GAMING AND LOTTERY**

[House Bill No. 1162](#) allows licensed organizations to sell raffle tickets online and accept electronic payment, including by debit or credit card. The bill requires an organization that accepts credit card payments to limit an individual's raffle ticket purchases to \$500 per day, not to exceed \$1,500 per week. The bill also requires the organization to verify the purchaser is at least 18 years old and is physically located in the state.

[House Bill No. 1212](#) creates the charitable gaming operating fund in the state treasury and requires the Attorney General to deposit gaming taxes, fines, interest, and penalties into the fund. The bill appropriates to the Attorney General, on a continuing basis, for quarterly allocations, \$10,000 to the gambling disorder prevention and treatment fund and 5 percent of the money deposited in the charitable gaming operating fund to cities and counties in proportion to the taxes collected from licensed organizations conducting games within each city or county. The bill also imposes the charitable gaming tax on total adjusted gross proceeds and changes the charitable gaming tax to 1 percent of adjusted gross proceeds for a licensed organization with adjusted gross proceeds not exceeding \$50,000, and for a licensed organization with adjusted gross proceeds exceeding \$50,000, the tax is \$500 plus 12 percent of adjusted gross proceeds exceeding \$50,000.

[House Bill No. 1003](#) amends House Bill No. 1212, as approved by the 67<sup>th</sup> Legislative Assembly, and requires the Attorney General to allocate remaining money in the charitable gaming operating fund on a quarterly basis and provides the city and county allocation is subject to legislative appropriations.

[House Bill No. 1247](#), which creates the Department of Health and Human Services, updates a reference from the "Department of Human Services" to the "Department of Health and Human Services."

[House Bill No. 1263](#) provides charitable gaming net proceeds may not be used for property taxes or special assessments of real property owned or leased by an organization unless the real property is used exclusively for an eligible use or by a veterans' organization.

[Senate Bill No. 2251](#) permits a state political party or legislative district party committee to use the net income from a raffle for a political purpose.

[Senate Bill No. 2283](#) removes the requirement the Attorney General provide a copy of the criminal history record check to the individual subject to the record check for employees of a licensed organization or distributor. The bill also provides if a lottery prize claim is paid through an annuitized payment option, each prize payment must be used to set off a delinquent debt owed to or collected through a claimant agency.

**COMBATIVE SPORTS**

[Senate Bill No. 2250](#) updates the law regarding the regulation of combative sports and removes obsolete provisions regarding administrative rules.

**PARI-MUTUEL HORSE RACING**

[Senate Bill No. 2214](#) changes the term "director" to "executive director" for the North Dakota Racing Commission.



**TITLE 54**  
**State Government**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 54. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

**LEGISLATIVE ASSEMBLY AND LEGISLATIVE MANAGEMENT**

[House Bill No. 1031](#) directs the Legislative Management to review state agency fees. This bill was declared to be an emergency measure.

[House Bill No. 1118](#) authorizes the Legislative Management to use any technology or electronic means available to conduct meetings and legislative business upon the call of the Governor for a special session or if the Legislative Assembly reconvenes to address a state of emergency or disaster. This bill was declared to be an emergency measure.

[House Bill No. 1164](#) limits the state, a political subdivision, or any other publicly funded organization from implementing an executive order if the Attorney General issues an opinion the executive order unconstitutionally restricts a person's rights or has been found unconstitutional by a court of competent jurisdiction.

[House Bill No. 1378](#) authorizes the Legislative Assembly to convene in December following the election to consider and vote on bills and resolutions and conduct any other business the Legislative Assembly is authorized to conduct during a regular session. This bill was vetoed by the Governor on March 31, 2021, and the veto was sustained.

[House Bill No. 1461](#) creates a process to fill vacancies in offices of members of the Legislative Assembly, restricts the Governor from appointing an individual to fill a vacancy in an office of a member of the Legislative Assembly, and removes an obsolete provision that a vacancy caused in an odd-numbered year as a result of redistricting must be filled at the 2012 general election for a term of 2 years.

[Senate Bill No. 2001](#), the appropriation bill for the legislative branch, increases the daily compensation for members of the Legislative Assembly effective July 1, 2021, from \$186 to \$189 during any legislative session; increases the monthly compensation during the biennium for members of the Legislative Assembly from \$518 to \$526; increases the additional monthly compensation during the biennium for the Majority and Minority Leaders and the Chairman of the Legislative Management from \$371 to \$377; and increases the daily compensation for attendance at meetings of the Legislative Management from \$186 to \$189. Effective July 1, 2022, the bill increases the daily compensation for members of the Legislative Assembly from \$189 to \$193 during any legislative session; increases the monthly compensation during the biennium for members of the Legislative Assembly from \$526 to \$537; increases the additional monthly compensation during the biennium for the Majority and Minority Leaders and the Chairman of the Legislative Management from \$377 to \$385; and increases the daily compensation for attendance at meetings of the Legislative Management from \$189 to \$193. This bill was declared to be an emergency measure.

[Senate Bill No. 2130](#) limits the Legislative Management from referring a legislative measure that mandates health insurance coverage or services to a committee of the Legislative Assembly unless a cost-benefit analysis is attached to the measure. The bill was declared to be an emergency measure.

[Senate Bill No. 2290](#) authorizes the Emergency Commission, with approval of the Budget Section if the amount under consideration exceeds \$3 million, to authorize any state officer to receive and expend federal money from the date the money became available until June 30 following the next regular legislative session and limits the aggregate amount of requests to expend funds during each biennium to \$50 million. The bill also authorizes the Emergency Commission with approval of the Budget Section, upon a finding an emergency exists, to authorize a state officer to receive and expend money from gifts, grants, donations, or other sources not otherwise appropriated if the Legislative Assembly has not indicated an intent to reject the money or the program and limits the aggregate amount of requests to expend funds to state officers during each biennium to \$5 million. This bill was declared to be an emergency measure. The Legislative Assembly overrode the Governor's veto of this bill.

**STATE EMPLOYEES AND OFFICERS**

[House Bill No. 1127](#) requires a public officer, employee, or any other individual who has provided information relating to the misuse of public funds to the Attorney General or a state's attorney to keep the information

confidential until a determination is made as to whether a criminal prosecution is warranted and restricts the State Auditor, the auditor's employees, or an agent of the State Auditor from divulging information related to a matter forwarded to the Attorney General or a state's attorney for further investigation.

[Senate Bill No. 2207](#) authorizes a state officer to submit an itemized petition relating to an emergency funding request to the secretary of the Emergency Commission for review. The bill also authorizes the Office of Management and Budget to provide an analysis of an emergency request and requires the Emergency Commission to approve or deny the request before submitting the request to the Budget Section.

[Senate Bill No. 2157](#) revises the membership requirements for the North Dakota Library Coordinating Council to remove the representative for special libraries, reduces the two representatives of public and private higher education to one, and adds two representatives for libraries at large.

## **GOVERNOR'S OFFICE**

[House Bill No. 1276](#) repeals the Governor's authority to appoint a special state auditor to examine any of the state institutions, state industries, departments, or public officers.

## **OFFICE OF MANAGEMENT AND BUDGET**

[House Bill No. 1015](#), the appropriation bill for the Office of Management and Budget, authorizes the Industrial Commission to borrow from the Bank of North Dakota to make loans or loan guarantees under a program developed by the Clean Sustainable Energy Authority and access a line of credit from the Bank to support loans or loan guarantees. The bill requires the Office of Management and Budget to provide a report to the Legislative Management of each executive branch agency that gives any full-time state employee salary increases which cumulatively are 15 percent or more over the employee's base salary and increases the threshold before an agency may transfer surplus funds in the state personnel training and development operating fund to the general fund from \$25,000 to \$100,000. The bill also removes the requirement that the Office of Management and Budget include information submitted by a political subdivision on the agency's website. This bill was declared to be an emergency measure.

[House Bill No. 1035](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing Chapter 27-20 and reorganizing the repealed chapter into three new chapters.

[House Bill No. 1058](#) authorizes the Human Resource Management Services Division of the Office of Management and Budget to establish and administer a state leave sharing program for permanent state employees.

[House Bill No. 1247](#) changes the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[House Bill No. 1429](#) revises the Compact for a Balanced Budget to update the delegates to the convention and clarifies termination of the compact will occur on or before April 12, 2031.

[House Bill No. 1452](#) updates the purchasing exemption for procurements by the Industrial Commission for energy-related programs under the Clean Sustainable Energy Authority.

[Senate Bill No. 2162](#) creates guidelines for a person interested in conducting business with the state and clarifies actual and potential bidders may communicate with state officials and members of the Legislative Assembly. The bill also amends emergency procurement procedures to create a requirement for documentation of the basis for a noncompetitive emergency purchase, specifies a purchasing agency and vendor may negotiate payment terms, and requires the Office of Management and Budget to establish standardized procedures for submission of electronic bids and proposals through the procurement information website.

## **ATTORNEY GENERAL**

[House Bill No. 1140](#) increases the monetary amount relating to the Attorney General's authority to employ a special assistant attorney general in a civil case from \$150,000 to \$1 million.

[Senate Bill No. 2281](#) directs the State Crime Laboratory to develop a statewide sexual assault evidence collection kit tracking system. This bill was declared to be an emergency measure.

[Senate Bill No. 2283](#) authorizes the Attorney General to designate an individual to approve peace officer's applications for access to the criminal justice data information sharing system.



## **STATE AUDITOR**

[House Bill No. 1004](#), the appropriation bill for the State Auditor, increases the fees the State Auditor may charge a political subdivision to \$86 an hour, not to exceed \$750 per review and \$86 an hour for the review of any occupational or professional board's annual report.

[House Bill No. 1453](#) clarifies the duties of the State Auditor, keeps identifiable information and records confidential for anyone who reports potential violations of law, requires the Legislative Audit and Fiscal Review Committee to review updates to government auditing standards to develop guidelines for the contents of state agency reports, and directs the State Auditor to provide a preliminary audit report to the Legislative Audit and Fiscal Review Committee for a 7-day review period before releasing the report to any other person.

[Senate Bill No. 2197](#) expands the information of financial institutions which is protected as confidential to include data created by the Department of Financial Institutions and complaints or comments from the public regarding a financial institution under the department's control and includes protected information as an exception to the information accessible to the State Auditor.

## **COMMISSION ON INDIGENT DEFENSE**

[Senate Bill No. 2174](#) authorizes the Commission on Legal Counsel for Indigents to request the Bureau of Criminal Investigation to conduct criminal history background checks for a volunteer or final applicant for employment.

## **DEPARTMENT OF CORRECTIONS AND REHABILITATION**

[House Bill No. 1112](#) requires the Department of Corrections and Rehabilitation to negotiate the terms of a prison population management plan that includes the use of a local jail or correctional facility with each facility.

[Senate Bill No. 2107](#) classifies internal investigation records relating to alleged misconduct or criminal conduct amongst employees, victims, witnesses, or correctional confidential informants from the Department of Corrections and Rehabilitation as exempt records.

## **DEPARTMENT OF COMMERCE**

[House Bill No. 1050](#) revises the definition of "business incentive" to exempt the Bank of North Dakota's interest rate buydown program from the business incentive reporting requirements in Section 54-60.1-01.

[Senate Bill No. 2018](#) authorizes use of the funds in the unmanned aircraft systems fund to be used to defray the expenses of the operations of an unmanned aircraft systems test site, beyond visual line of sight unmanned aircraft system programs, and an enhanced use lease grant program.

## **STATE DEPARTMENT OF HEALTH**

[Senate Bill No. 2004](#), the appropriation bill for the State Department of Health, removes the requirement that interest earned on the tobacco settlement trust fund must be deposited in the fund and appropriated by the Legislative Assembly. This bill was declared to be an emergency measure.

## **AGRICULTURE COMMISSIONER**

[House Bill No. 1009](#), the appropriation bill for the Agriculture Commissioner, authorizes the Agriculture Commissioner to employ an attorney. This bill was declared to be an emergency measure.

## **ETHICS COMMISSION**

[House Bill No. 1043](#) authorizes the Ethics Commission to dismiss a complaint or to decline to proceed with a complaint if the alleged violation does not fall within the commission's jurisdiction, is insufficient to identify a possible violation, or fails to comply with rules adopted by the commission; allows a complainant to remain confidential; and authorizes the commission to refer a matter to the appropriate law enforcement agency. The bill also eliminates the requirement for registered mail notice and the requirement the identity of the complainant be provided to an accused individual; allows for a rapid resolution of a possible criminal violation; provides the commission with subpoena power; and authorizes the commission to provide advisory opinions.

[House Bill No. 1295](#) authorizes the Ethics Commission to assess civil penalties and limits the authority of the Secretary of State to assess civil penalties when an audit reveals a violation. This bill was declared to be an emergency measure.

[Senate Bill No. 2034](#) authorizes the Ethics Commission to provide written advisory opinions regarding the application of Article XIV of the Constitution of North Dakota or state statutes and Ethics Commission rules related to transparency, corruption, elections, and lobbying.

## **GEOLOGICAL SURVEY**

[House Bill No. 1056](#) removes the responsibility of the State Geological Survey to collect global positioning system data and repeals Section 54-17.4-12 relating to funds collected for the sale of global positioning system community-based station data.

[Senate Bill No. 2066](#) expands the use of funds in the fossil excavation and restoration fund to be used for public fossil dig expenses and fossil exhibit development.

## **INDUSTRIAL COMMISSION**

[Senate Bill No. 2014](#), the appropriation bill for the Industrial Commission, authorizes the Industrial Commission to establish a residential mortgage program and to purchase, service, and sell residential real estate loans secured by a first mortgage lien on real property. The bill also requires 10 percent of the housing incentive fund to be made available to prevent homelessness.

## **INFORMATION TECHNOLOGY DEPARTMENT**

[House Bill No. 1314](#) creates a new chapter relating to cybersecurity incident reporting and requires any executive branch agency or political subdivision to disclose to the Information Technology Department an identified or suspected cybersecurity incident that affects the confidentiality, integrity, or availability of information systems, data, or services.

[House Bill No. 1417](#) authorizes the Information Technology Department to enter a memorandum of understanding with other state, local, tribal, or territorial governments for the purpose of ensuring cybersecurity and authorizes the department to enter mutual aid agreements with other state, local, tribal, or territorial governments for the reciprocal exchange of resources and services related to cybersecurity.

[Senate Bill No. 2007](#), the appropriation bill for the Veterans' Home, creates an exception to the authority of the Information Technology Department to provide, supervise, and regulate information technology for the Veterans' Home; directs the Information Technology Department to consult with the Attorney General on cybersecurity strategy for the Veterans' Home; and creates an exemption for the Veterans' Home from obtaining electronic mail, file and print server administration, database administration, application server, and hosting services from the Information Technology Department.

[Senate Bill No. 2021](#) removes the Veterans' Home from consulting with the Information Technology Department on cybersecurity strategy and requires the Chief Information Officer to serve as co-chairman of the State Information Technology Advisory Committee. This bill was declared to be an emergency measure.

## **OFFICE OF ADMINISTRATIVE HEARINGS**

[House Bill No. 1353](#), which creates the Department of Water Resources, updates cross-references from "State Engineer" to "Department of Water Resources" in Title 54.

## **PUBLIC EMPLOYEES RETIREMENT SYSTEM**

[House Bill No. 1029](#) removes the requirement the Public Employees Retirement System Board obtain stop-loss insurance for self-insured pharmacy coverage. This bill was declared to be an emergency measure.

[House Bill No. 1041](#) expands the list of statutory violations for which the Public Employees Retirement System can assess a penalty against a governmental unit.

[House Bill No. 1042](#) creates an exception to audit and disclosure requirements for Medicare part D plans for contracts directly with a pharmacy benefits manager or through a self-insurance plan.

[House Bill No. 1435](#) requires the Public Employees Retirement System Board to offer health and pharmacy insurance coverage to the surviving spouse and dependents of an emergency responder who dies in the line of duty at no cost to the surviving spouse or dependents.

[Senate Bill No. 2044](#) provides several technical corrections to make the statutes consistent with how programs are administered by clarifying if a beneficiary passes away before a benefit is paid, the payment is made to the individual's named beneficiary of estate; reduces the amount of time the Public Employees Retirement System is required to wait before publishing the name of a missing member in an effort to locate

the member; and updates the state law to be consistent with the Internal Revenue Code regarding the required minimum distribution age for the main Public Employees Retirement System plan.

[Senate Bill No. 2341](#) authorizes the Public Employees Retirement System to provide de-identified health insurance information to political subdivisions for use in obtaining bids for a separate health insurance plan and to prospective bidders in the Public Employees Retirement System's requests for proposals for bids. This bill was declared to be an emergency measure.

### **SECRETARY OF STATE**

[House Bill No. 1253](#) authorizes the Secretary of State to request the Bureau of Criminal Investigation to conduct criminal history record checks for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure.

### **STATE WATER COMMISSION**

[Senate Bill No. 2035](#) updates various statutory provisions and removes the reference to the State Water Pollution Control Board that was repealed by Senate Bill No. 2327 (2017).

### **STATE TREASURER**

[Senate Bill No. 2048](#) updates cross-references in Title 54 relating to the creation of the Revised Uniform Unclaimed Property Act in Chapter 47-30.2.

**TITLE 55**  
**State Historical Society and State Parks**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 55. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1018](#), the appropriations bill for the State Historical Society, requires the State Historical Society to display, maintain, and protect Lewis and Clark artifacts in a climate-controlled environment.

[House Bill No. 1097](#) allows the Director of the Parks and Recreation Department to seek and accept all gifts, grants, trusts, bequests of money, and monetary donations to further the objectives of the department; requires the funds be deposited in the state parks gift fund; and provides an exception to the requirement that the funds be used in accordance with the terms of the donation. The bill provides expenditures in excess of \$50,000 from funds not designated or conditioned for by the donor are subject to approval by the Emergency Commission and the Legislative Assembly or the Budget Section.

[House Bill No. 1285](#) creates the America 250 commission within the State Historical Society to represent the state in official dealings with the America 250 Foundation and the United States Semiquincentennial Commission, and requires the commission to develop and promote plans for the statewide recognition of the 250 years since America's founding.

[House Bill No. 1357](#) in addition to the \$35 charge for the first annual permit issued to permitholders for motor vehicle access to state parks and recreation areas, authorizes a permitholder to purchase a second annual permit for use by members of the permitholder's household for an additional \$20, and authorizes the Director of the Parks and Recreation Department to discount subsequent annual permits for state residents over the age of 65.

[Senate Bill No. 2062](#) authorizes the State Historical Society to require volunteers and applicants for employment to submit to statewide and nationwide criminal history record checks.

[Senate Bill No. 2093](#) permits the Director of the Parks and Recreation Department to allow for the sale of food to the public through the use of food vendors and food trucks within state parks, state campgrounds, state recreation areas, and reserves.

**TITLE 57**  
**Taxation**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 57. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**PROPERTY TAXES**

[House Bill No. 1028](#) allows the board of a school district to transfer any money transferred from the general fund of the school district to the building fund after March 13, 2020, and before July 1, 2020, back to the general fund of the school district through June 30, 2021.

[House Bill No. 1099](#) removes sales to or from a government or governmental agency from the list of items that must be excluded from a sales ratio study prepared by the Tax Department. The change makes the language regarding preparation of sales ratio studies by the Tax Department consistent with the language regarding preparation of sales ratio studies by counties. The bill revises provisions relating to sales tax, which are described in the sales tax section of this title summary.

[House Bill No. 1116](#) adds road projects as an allowable use of the county capital projects levy and permits a county to dedicate the capital project levy and the county road and bridge levy for the payment of general obligation bonds issued by the county. The bill also allows the board of county commissioners to issue evidences of indebtedness with a maximum term of 20 years for loans issued from the infrastructure revolving loan fund or the legacy infrastructure loan fund.

[House Bill No. 1157](#) allows a township to levy the number of mills necessary to address natural disasters or other emergency conditions upon approval of a majority of electors of the township voting on the question. The increased levy authority may be effective for up to 5 taxable years.

[House Bill No. 1186](#) makes a grammatical correction to the financial reporting requirement provisions applicable to taxing entities.

[House Bill No. 1199](#) modifies the manner in which excess proceeds from a sale resulting from a tax lien foreclosure are disbursed. Rather than being deposited in the county general fund, excess proceeds from a tax sale are distributed to the owner of record if the owner submits an undisputed claim for the proceeds; to the clerk of the district court in the county in which the property is located if the county receives multiple or disputed claims for the proceeds; or to the unclaimed property administrator if a claim for the proceeds was not submitted within 90 days after the date of the sale.

[House Bill No. 1214](#) defines an air carrier transportation company, for purposes of taxation, as an air carrier that shares a flight designator code with the air carrier transportation company, operates under the same trade name as the air carrier transportation company, or operates under the same livery as the air carrier transportation company.

[House Bill No. 1353](#) replaces a reference to the State Engineer with a reference to the Director of the Department of Water Resources in regard to the individual responsible for developing funding sources for the wetlands property tax exemption. The bill also replaces a reference to the State Engineer with the Department of Water Resources for purposes of directing the county auditor to issue tax deeds to the state in instances in which property is foreclosed upon for nonpayment of an assessment levied by the department.

[House Bill No. 1445](#) adjusts the timelines associated with the township board of equalization meetings to allow the board to meet anytime in the month of April of each year, rather than within the first 15 days of April of each year. The bill also modifies the deadline by which the assessor shall return the assessment books to the county auditor from the fourth Monday in April of each year to the second Monday in May of each year.

[House Bill No. 1471](#) expands the property tax exemption for church property to include the land and buildings on which a church building is located if the property is predominantly used for religious purposes, the land and buildings located on contiguous parcels if the contiguous parcels are used predominantly for religious purposes, the parsonage, and up to 20 acres of undeveloped land owned by a religious organization for purposes of erecting a future church building.

[Senate Bill No. 2041](#) changes the definition of "gross income," for purposes of determining whether a farmer meets the income requirements to qualify for the farm residence property tax exemption, by excluding gains realized from the sale or exchange of farm machinery. The changes are effective for taxable years beginning after December 31, 2021.

[Senate Bill No. 2202](#) expands the property tax exemption available for owners of property used primarily to provide early childhood services or adult day care to those that rent or lease the property and use the property for those purposes.

[Senate Bill No. 2213](#) increases the value to which the property tax credit for disabled veterans may be applied from the first \$6,750 of taxable valuation to the first \$8,100 of taxable valuation.

[Senate Bill No. 2280](#) allows the board of county commissioners to reappraise property acquired by tax deed after the initial appraisal is conducted and the annual tax sale is held.

## **INCOME TAXES**

[House Bill No. 1082](#) expands electronic filing and payment requirements relating to income tax to require employers and payers to electronically file annual returns, W-2s, and 1099s; require passthrough entities with 10 or more owners or partners to file income tax returns electronically; increase the income tax withholding threshold under which an employer may file annually, rather than quarterly, wage withholding returns from \$500 to \$1,000; and require electronic payment of quarterly wage withholding returns for employers that withheld \$1,000 or more in income tax from wages in the prior year. The bill is effective for taxable years beginning after December 31, 2021.

[House Bill No. 1137](#) reinstates provisions relating to the income tax credit for contributions to nonprofit private institutions of primary, secondary, or higher education which expired at the end of the 2020 tax year. The reinstated provisions include allowing an individual to receive an income tax credit for direct contributions to nonprofit private schools and increasing the maximum amount of credits a taxpayer may receive for contributions to an amount not exceeding 50 percent of the taxpayer's total income tax liability, rather than the previous limit of 25 percent of the taxpayer's total income tax liability, or \$2,500, whichever is less.

[House Bill No. 1405](#) reinstates expired provisions relating to the income tax credit available to corporate taxpayers for employing individuals with developmental disabilities or severe mental illness. The reinstated provisions include expanding the credit to all taxpayers, rather than just corporate income taxpayers, and increasing the allowable credit amount from 5 to 25 percent of up to \$6,000 in wages paid annually by the taxpayer for each employee with a developmental disability or severe mental illness. The bill requires a taxpayer to apply for and receive a certified letter from the Department of Human Services' Vocational Rehabilitation Division verifying the employee has a significant disability, is eligible for services, and requires customized employment to obtain employment. The reinstated provisions of the credit are effective for the first 2 taxable years beginning after December 31, 2020.

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

[House Bill No. 1099](#) allows the Tax Commissioner to disclose information contained in county lodging tax and county lodging and restaurant tax returns, which otherwise would be confidential, to no more than two members of a county governing body upon request. The bill makes the disclosure of information from county returns consistent with the disclosure allowed to members of the city governing body in regard to city lodging tax and city lodging and restaurant tax information. The bill also makes changes to provisions relating to property tax which are described in the property tax section of this title summary.

[House Bill No. 1148](#) clarifies the term "motor vehicle" does not include an electric bicycle for purposes of imposing motor vehicle excise tax.

[House Bill No. 1195](#) increases the threshold at which a promoter or organizer of a special event is required to report to the Tax Commissioner the identifying information for the vendors attending the event from 10 or more vendors to 25 or more vendors. The bill also exempts a promoter or organizer from reporting the identifying information for a vendor if the promoter or organizer included the vendor on a list submitted to the Tax Commissioner within the previous 6 months.

[House Bill No. 1309](#) exempts a contractor or subcontractor from paying use tax on tangible personal property installed by the contractor or subcontractor unless the contractor or subcontractor enters a contract for the purchase of the tangible personal property.



[House Bill No. 1351](#) provides a sales and use tax exemption for purchases made by a qualifying senior citizen organization that provides information, health, welfare, counseling, and referral services for senior citizens.

[House Bill No. 1379](#) changes the timing of state aid distribution fund allocations to cities and counties from the first month after each quarterly period to monthly. The bill also requires the State Treasurer to determine revenue allocations to cities and counties for each month of the fiscal year based on the population of counties and cities before the first day of the fiscal year using the most recent actual or estimated census data.

[House Bill No. 1449](#) creates the county aid distribution fund, which is effective through June 30, 2023. The fund consists of a portion of sales, gross receipts, use, and motor vehicle excise tax collections, which are allocated by the State Treasurer on a quarterly basis to the county with the lowest ratio of taxable property per capita and a population of more than 10,000 according to the most recent actual or estimated census data.

[Senate Bill No. 2137](#) provides a sales and use tax exemption for enterprise information technology equipment and computer software purchased for use by a qualified business in a qualified data center. The bill requires a data center owner that qualified for the exemption to file an annual report stating the amount of the exemption claimed, the number of jobs created or retained by the qualified data center, and the type and value of any local incentives provided to the qualified data center. The exemption applies retroactively to purchases made after December 31, 2020.

[Senate Bill No. 2152](#) provides a sales and use tax exemption for sales of carbon dioxide used for secure geologic storage.

[Senate Bill No. 2226](#) provides a sales tax exemption for sales to residential end-of-life facilities by expanding the definition of an "eligible facility" to include residential end-of-life facilities.

[Senate Bill No. 2277](#) provides a motor vehicle excise tax exemption for motor vehicles transferred from an individual to a former spouse as the result of a divorce decree.

## **MINERAL TAXES**

[House Bill No. 1015](#), in addition to making the changes included in Senate Bill No. 2249, modifies distribution of the state's share of oil and gas tax revenue by removing the \$30,375,000 distribution to the municipal infrastructure fund, removing an equivalent distribution to the township infrastructure fund, and adding an additional \$60,750,000 in distributions for infrastructure development in non-oil-producing counties. The bill also prohibits the State Treasurer from distributing grants from the municipal infrastructure fund to cities for essential infrastructure projects and grants from the county and township infrastructure fund to counties for road and bridge infrastructure projects unless the fund balance of each respective fund is at least 10 percent of the amount needed for the distributions.

[House Bill No. 1179](#) removes the requirement for schools and counties that receive oil and gas gross production tax allocations to report to the Tax Commissioner information regarding revenues and expenditures, ending fund balances, and the amount and purposes of oil and gas gross production tax allocation expenditures.

[House Bill No. 1412](#) imposes a lignite research tax in lieu of the state's portion of tax imposed on coal conversion facilities. The bill provides a county the option of exempting the county's portion of the coal conversion tax. The lignite research tax imposed in lieu of the state's portion of the coal conversion tax is deposited in the lignite research fund and any coal conversion tax not exempted by the counties is allocated to the counties. The bill also provides the board of county commissioners the option of exempting up to 70 percent of the coal severance tax. The bill is effective through June 30, 2026.

[Senate Bill No. 2014](#) extends the sunset date on the State Energy Research Center fund from June 30, 2023, to June 30, 2027.

[Senate Bill No. 2035](#), as part of a bill relating to technical corrections, corrects an erroneous cross-reference regarding the manner in which gross production tax revenue is allocated within counties under certain circumstances.

[Senate Bill No. 2249](#) increases the state's share of oil and gas tax revenue that may be deposited in the state disaster relief fund from \$15 million to \$20 million, but not in an amount that would bring the unobligated balance in the fund to more than \$20 million. The same change also is included in House Bill No. 1015.

[Senate Bill No. 2319](#) provides for the distribution of oil and gas tax revenue from straddle wells. The bill defines a straddle well as a well located outside the exterior boundaries of a reservation which has one or more laterals penetrating a reservation boundary. The bill requires the Industrial Commission to certify to the Tax Commissioner the spacing unit acreage associated with straddle wells and the Tax Commissioner to certify to the State Treasurer the total oil and gas gross production and oil extraction taxes attributable to production from straddle wells. The State Treasurer provides a monthly distribution of oil and gas tax revenue to tribes with straddle well spacing unit acreage. For wells drilled before July 1, 2019, a tribe receives 50 percent of the straddle well tax revenue multiplied by the associated spacing unit acreage located within the reservation boundaries. For wells drilled on or after July 1, 2019, the tribe receives 80 percent of the straddle well tax revenue multiplied by the associated trust land spacing unit acreage located within the reservation boundaries and 20 percent of the straddle well tax revenue multiplied by the associated nontrust land spacing unit acreage located within the reservation boundaries. The bill applies to oil and gas tax revenue collections allocated by the State Treasurer after September 1, 2021.

[Senate Bill No. 2328](#) provides a producer employing a flare mitigation system installed on a qualifying well on or after June 30, 2021, a temporary credit against oil extraction tax. The credit is equal to 75 cents per one million British thermal units of flare mitigation resulting from the onsite flare mitigation system. The credit may be claimed for up to 12 months per well and may not exceed \$6,000 per well per month. The credit does not apply to production from wells located within the exterior boundaries of the Fort Berthold Reservation unless the Chairman of the Tribe submits to the Tax Commissioner a written request for the credit to apply. The credit is effective through June 30, 2023.

## FUELS TAXES

[House Bill No. 1008](#) extends the expiration of the period during which a portion of special fuels excise tax revenue collected on sales of diesel fuel to a railroad must be deposited in the rail safety fund from June 30 2021, to June 30, 2025. The bill also increases the maximum annual amount that may be deposited in the fund from \$294,509 per year to \$297,362 per year.

## EMERGENCY SERVICES COMMUNICATION FEES

[House Bill No. 1206](#) updates emergency services communications systems provisions to coincide with the state's transition to Next Generation 9-1-1. The bill defines a 911 service provider as an entity providing systems and support for either enhanced 911 or Next Generation 9-1-1 and updates outdated wire line telephone references. The bill clarifies fees collected on assessed communications services must be used by a city or county governing body in accordance with the guidelines established by the emergency services communications coordinating committee. The bill changes references to "address" to "location" to recognize the shift from landlines associated with a physical home address to more modern technology which provides latitude and longitude coordinates rather than an address. The bill requires a public safety answering point to develop written procedures to address the handling of text-initiated communications. The bill modifies public safety answering point reporting requirements and removes the requirement the Bureau of Criminal Investigation obtain contact information from wireless service providers for purposes of obtaining call location information and providing that information to public service answering points. The bill also removes the temporary and expired full compensation initially provided to retailers for collecting the fees on prepaid wireless services.

## MISCELLANEOUS TAX PROVISIONS

[House Bill No. 1006](#) increases the salary of the Tax Commissioner from \$117,087 to \$121,814 beginning July 1, 2021, and to \$124,250 effective July 1, 2022.

[House Bill No. 1247](#) changes references to the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[Senate Bill No. 2048](#) replaces citations to the repealed Uniform Unclaimed Property Act with citations to the newly created Revised Uniform Unclaimed Property Act in sections allowing the disclosure of taxpayer information to the Unclaimed Property Division of the Board of University and School Lands for purposes of locating the owner of unclaimed property.



**TITLE 58**  
**Townships**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

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

[House Bill No. 1170](#) creates an exemption for the removal of a township official through the recall provisions in Section 44-08-21 and creates a process for the removal of an elected township officer at a special meeting.

[Senate Bill No. 2070](#), which creates a new chapter in Title 23.1 relating to regulated substances, updates cross-references to the new chapter.

[Senate Bill No. 2216](#) clarifies when setbacks need to be implemented when animal feeding operations are being developed.

**TITLE 59**  
**Trusts**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 59. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

**TITLE 60**  
**Warehousing and Deposits**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 60. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1026](#) creates new provisions to and amends various provisions in the chapters addressing grain and seed warehouses, grain buyers, insolvent grain warehousemen, and credit-sale contract indemnity. The bill adds definitions of "deferred-payment contract," "grain broker," and "grain processor;" amends the definition of a "grain buyer" to include grain brokers, grain processors, and roving grain buyers; and removes the definition of and references to "facility-based grain buyers." The bill requires grain buyers to obtain a license to do business in the state if the grain buyers purchase, solicit, merchandise, or take possession of grain in the state; removes biennial licensing for warehouses and returns all warehouses to annual licensing requirements; amends fee amounts for warehouse and grain buyer licenses and bases the licensing fees on the value of the grain held rather than the volume; provides language indicating when the Agriculture Commissioner may refuse to issue or renew grain buyer licenses; provides reporting, notification, and bonding requirements of at least \$100,000 for grain buyer licenses; authorizes the Agriculture Commissioner to suspend, close, or take control of grain buyer and warehouse trust assets and begin liquidating the assets if the commissioner determines it necessary to halt the loss of assets to receipt holders by a grain buyer or warehouseman; removes previously required court action for the Agriculture Commissioner to act as trustee of a trust fund if a grain buyer or grain warehouseman becomes insolvent; requires grain warehouse and grain buyer license applicants to meet certain financial criteria, submit financial documentation to the Agriculture Commissioner, and satisfy other conditions such as passing a background check and having a satisfactory credit score to be eligible to receive a license to operate in the state; increases the minimum bonding requirement for warehousemen from \$5,000 to \$100,000 based on the value of the grain purchased; reduces the time a producer has to convert a scale ticket from 45 to 30 days and provides a producer will lose trust fund and credit-sale contract indemnity protection for failing to convert a scale ticket within the 30-day time frame; provides the Agriculture Commissioner fining authority up to \$5,000 for violations of Chapters 60-02 and 60-02.1; allows e-signatures to satisfy credit-sale contract signing requirements and requires unsigned contracts be considered unconverted scale tickets; requires warehouses that use deferred-payment contracts to offer producers bond protection; and allows a licensed grain buyer to be joined as a party to a grain insolvency proceeding if the buyer takes part in questionable grain transactions that result in an insolvency. The bill repeals provisions relating to notice procedures for resolving grain disputes, roving grain buyers licenses and fees, the transfer of grain buying facilities, the closure of grain buying facilities, the filing of reports to the court by the trustee upon the insolvency of a grain warehouseman, and unlicensed facility-based grain buyers.

[Senate Bill No. 2048](#), a bill that adopts the Revised Uniform Unclaimed Property Act, updates a cross-reference relating to individuals who find lost items being a depository for the owner of the items.

**TITLE 61**  
**Waters**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 61. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[House Bill No. 1020](#), the appropriations bill for the State Water Commission, requires the commission to report quarterly to the Legislative Management regarding carryover projects, and restricts the commission's line of credit at the Bank of North Dakota for the Northwest Area Water Supply Project. The bill also authorizes the Western Area Water Supply Authority to issue revenue bonds and provides for a basinwide water planning pilot project.

[House Bill No. 1063](#) changes the membership of the Northwest Area Water Supply Advisory Committee, requires the committee to develop recommendations regarding the Northwest Area Water Supply Project, requires the State Water Commission to consult with the committee regarding specified activities regarding the project, and changes the service area of the project.

[House Bill No. 1088](#) changes the list of water basins in which meetings led by a member of the State Water Commission must be held each biennium as part of the State Water Commission's comprehensive water development planning process. The basins are the upper Missouri River, lower Missouri River, James River, upper Red River, lower Red River, Mouse River, Devils Lake, Little Missouri River, upper Heart river, and upper Cannonball River drainage basins.

[House Bill No. 1216](#) increases the maximum level of compensation for members of water resource boards from \$135 per day to the same amount as provided to members of the Legislative Assembly.

[House Bill No. 1247](#) combines the State Department of Health and the Department of Human Services into a new Department of Health and Human Services and updates references to the two former departments, including in Title 61, to the name of the new department.

[House Bill No. 1353](#) changes the structure of the State Engineer's office and renames it the Department of Water Resources. The bill requires the Governor to appoint the Director of the Department of Water Resources subject to the approval of the State Water Commission, and requires the Director to hire a State Engineer. The bill amends many references to the State Engineer in Title 61 to references to the Department of Water Resources or the Director to reflect a new division of authority and responsibility. The bill also updates a significant amount of obsolete language.

[House Bill No. 1431](#) repeals the section establishing the infrastructure revolving loan fund within the resources trust fund. The infrastructure revolving loan fund provided loans for water supply, flood protection, and other water development and water management projects.

[House Bill No. 1437](#) amends the process for permitting subsurface water management systems comprising at least 80 acres of land area. The bill provides a person installing a system meeting those criteria still must obtain a permit from the appropriate water resource district. The bill specifies the information that must be included in the permit application, amends the conditions a district may place on an approved permit, and exempts some systems from the permit requirement. The bill also requires persons who install subsurface water management systems comprising less than 80 acres to notify the relevant water resource district by providing specified information about the system. The notification requirement for these systems expires after December 31, 2022.

[Senate Bill No. 2004](#) eliminates the water development trust fund and removes the water development trust fund from the lists of funding sources for the statewide water development program, which provides grants for several types of water projects, and for the repayment of the principal and interest on bonds used for flood control or flood reduction projects under Chapter 61-02.1.

[Senate Bill No. 2035](#) requires water permit fees collected by the State Engineer to be deposited in the resources trust fund.

[Senate Bill No. 2081](#) changes the requirement for determining and permitting acceptable uses within a floodway delineated under the National Flood Insurance Program and provides means for approving exceptions to the requirements.

**TITLE 62.1**  
**Weapons**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 62.1. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1035\*\*](#) updates the Uniform Juvenile Court Act references throughout the Century Code as a result of repealing Chapter 27-20 and reorganizing the repealed chapter into three new chapters.

[\*\*House Bill No. 1248\*\*](#) authorizes a person restricted from purchasing, selling, owning, possessing, transferring, registering, or licensing firearms or ammunition by an unlawful ordinance to bring a civil action against a political subdivision.

[\*\*House Bill No. 1293\*\*](#) authorizes an individual who has a valid concealed weapons license, has reciprocity, or is not otherwise precluded from possessing a Class 2 firearm and dangerous weapon license and has possessed for at least 30 days a valid driver's license or nondriver identification card issued by the Department of Transportation to possess a loaded rifle or shotgun in the individual's car unless the individual is in the field hunting or trapping. The bill also decreases the time an individual is required to possess a valid driver's license or nondriver identification card issued by the Department of Transportation from 1 year to 30 days to carry a firearm concealed.

[\*\*House Bill No. 1297\*\*](#) provides an individual may not possess a firearm or dangerous weapon at a school or school-sponsored event on school property and provides a violation of the section is an infraction.

[\*\*House Bill No. 1383\*\*](#) limits an agency or political subdivision of the state and a law enforcement officer or individual employed by an agency or political subdivision of the state from providing assistance to a federal agency or official with respect to the investigation, prosecution, or enforcement of a violation of a federal statute, order, rule, or regulation purporting to regulate a firearm, firearm accessory, or firearm ammunition if the federal statute, order, rule, or regulation is more restrictive than state law. This measure was declared to be an emergency.

[\*\*House Bill No. 1450\*\*](#) removes alcohol treatment from the list of documentation an applicant for a Class 1 concealed firearm and dangerous weapon license is required to provide to the Bureau of Criminal Investigation.

[\*\*House Bill No. 1463\*\*](#) creates an exception to the restriction on possessing a firearm at a public gathering for an individual who is on an ambulance or firelighter crew while on duty and authorizes the North Dakota Private Investigative and Security Board to certify or license course instructors for the Armed First Responders in Schools program. The bill also updates the course requirement to require an equivalent program to the South Dakota Sentinel program without referencing a specific date.

[\*\*House Bill No. 1498\*\*](#) authorizes an individual to brandish a dangerous weapon while on property owned or leased by the individual.

[\*\*Senate Bill No. 2096\*\*](#) authorizes the North Dakota Private Investigative and Security Board to certify or license course instructors for the Armed First Responders in Schools program and updates the course requirements to require an equivalent program to the South Dakota Sentinel program without referencing a specific date.

**TITLE 63**  
**Weeds**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

There was no 2021 legislation enacted which primarily affected North Dakota Century Code Title 63. Bills primarily affecting other titles also may affect this title, but those bills are not summarized in this memorandum.

**TITLE 64**  
**Weights, Measures, and Grades**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 64. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

[\*\*House Bill No. 1008\*\*](#) amends the fee amounts the Public Service Commission is required to collect to test or calibrate weighing and measuring devices, requires fees collected by the Public Service Commission be paid into the Public Service Commission program fund, requires registered service companies to pay an annual registration fee of \$100 and a licensing fee of \$50 for each registered service person, and allows the Public Service Commission to assess registered service people a testing fee of up to \$25 per test.

**TITLE 65**  
**Workforce Safety and Insurance**  
**Summary of Bills Enacted by 2021 Legislative Assembly**

This memorandum summarizes 2021 legislation primarily affecting North Dakota Century Code Title 65. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

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

**OPERATIONS AND BENEFITS**

[House Bill No. 1040](#) extends the time period to appeal a decision from Workforce Safety and Insurance from 30 to 45 days.

[House Bill No. 1051](#) allows attorney's fees to be paid for claims occurring outside North Dakota, allows the money in the Workforce Safety and Insurance fund stemming from fees paid to Workforce Safety and Insurance through credit or debit card to be appropriated on a continuing basis, and provides audit findings only apply to the audited period and the subsequent payroll period. The bill allows Workforce Safety and Insurance to retain counsel on an hourly basis and to settle a dispute between an employer and an employee.

[House Bill No. 1084](#) adds the use of recreational marijuana as an impairment that would result in a noncompensable injury caused by the use of intoxicants or the illegal use of controlled substances, allows Workforce Safety and Insurance to charge a fee not exceeding \$20 for the first 25 pages and \$.75 per page after 25 pages when providing an outgoing file copy, and allows Workforce Safety and Insurance provide a claim file to and communicate with relevant interested parties to properly adjudicate benefits if the injured employee is deceased or is unable to communicate with Workforce Safety and Insurance. The bill adds an omission as an act constituting fraudulent activity as it relates to filing a false claim and clarifies the definition of average weekly wage.

[House Bill No. 1139](#) prohibits Workforce Safety and Insurance from paying for opioid therapy exceeding 90 morphine milligram equivalents of opioid medication per day, or more than a 7-day supply of an opioid medication within any single outpatient transaction during the initial 30-day period of opioid therapy. The bill establishes a cap on the strength of the opioids prescribed and provides exemptions to the limitations, including situations in which there is direct supervision of the administration and for end-of-life care.

**MISCELLANEOUS**

[House Bill No. 1247](#) changes the name of the Department of Human Services to the Department of Health and Human Services throughout the Century Code as a result of merging the State Department of Health with the Department of Human Services.

[Senate Bill No. 2148](#) adds physical therapist to the definition of a health care provider.