

General Counsel's Office Report
60th Legislative Assembly of North Dakota

The 60th legislative session began January 3, 2007. Other key dates:

Jan. 15, 2007 - deadline for Representatives to introduce bills.

Jan. 22, 2007 - deadline for Senators to introduce bills.

Feb. 16, 2007 - crossover date for bills (crossover means bill must go over to the other chamber).

April 26, 2007 is the 80th day. The session is limited to 80 legislative days. The 2005 session ended on the 76th day.

Below are brief descriptions of certain bills and resolutions which may be of interest to NDSU personnel and students. The Legislature's web site is located at <http://www.legis.nd.gov/>. To view a bill or resolution see: <http://www.legis.nd.gov/assembly/60-2007/leginfo/bills-res-jour/index.html> .

Abbreviations: HB = House Bill; SB = Senate Bill; SCR, Senate Concurrent Resolution; NDUS= North Dakota University System; SBHE = State Board of Higher Education

Effective Dates: Those bills passed by both houses, signed by the Governor, and filed with the Secretary of State will generally become effective August 1, 2007, unless related to appropriations or tax measures. Those will become effective July 1, 2007. A bill or portions of a bill may be considered an emergency measure in which, if the vote to make the bill or portions thereof an emergency measure pass each house by a 2/3 vote, those emergency measures become effective on the date the bill is filed with the Secretary of State.

As of March 12, 2007:

House Bills

HB 1003 NDUS appropriations. NDSU general fund \$97,939,378. \$12,000,000 bond authority for Living Learning Center West and Ceres Hall. Provides a \$15 million special funds appropriation to NDSU to reauthorize the Bison Sports Arena renovation project. Reduces salary increases from 5% to 4% for each year in the biennium. **Passed House as amended 65-26.**

HB 1014 Industrial Commission Appropriations – Capital bond payments of \$15,822,022 for NDUS plus \$1,491,242 for NDUS energy conservation projects. \$5,407,075 for ConnectND and \$136,152 for Research and Extension Service. **Passed House as amended 83-4.**

HB 1018 Department of Commerce appropriations including Centers of Excellence. Economic development initiatives receive \$1,296,846. **Passed House as amended 84-5.**

- HB 1020** NDSU Extension and Research appropriations. NDSU Extension Service \$18,521,831; Northern Crops Institute\$1,193,392; UGPTI\$1,200,000; Main Research Center\$44,021,622. **Passed House as amended 85-4.**
- HB 1021** Appropriations for the state Information Technology Department. Edutech \$2,722,348. **Passed House as amended 76-16.**
- HB 1027** Economic Development Committee bill. Centers of Excellence designations in commercialization, workforce, and infrastructure; expanded international expertise of NDUS students. SBHE monitor implementation of CCbenefits, Inc. and report to the legislative council by July 1, 2008. The International Business and Trade Office shall work with the SBHE to expand international business expertise of students of higher ed. Div. of Workforce Development to administer higher education internships. Creates internship employment tax credit for qualified employers. **Passed House as amended 93-0.**
- HB 1030** Effective through June 30, 2009, for the flexibility with accountability legislation relating to the appropriations of higher education institutions' special revenue funds. **Passed House 93-0. Passed Senate 45-0. Act declared an emergency measure. Signed by Governor. Filed with Secretary of State 3/8/07.**
- HB 1031** Effective through June 30, 2009, for the flexibility with accountability legislation regarding budget and block grant requests. **Passed House 89-4. Passed Senate 45-1. Act declared an emergency measure. Signed by Governor. Filed with Secretary of State 3/8/07.**
- HB 1032** Effective date changed to June 30, 2009, for the flexibility with accountability legislation relating to the cancellation of unexpended appropriations for NDUS. **Passed House 90-3. Passed Senate 33-13. Act declared an emergency measure. Signed by Governor. Filed with Secretary of State 3/8/07.**
- HB 1033** Creates new chapter (Ch. 48-01.2) regarding public improvements, bidding, construction management and public improvement contracts. Repeal chapters 48-01.1 and 48-02. **Passed House as amended 90-0. Passed Senate 44-0.**
- HB 1052** Licensure of veterinarians. (See also SB 2056 which seeks to repeal section 43-29-01 relating to the statement of purpose for licensure of veterinarians.) **Pass House 92-0. Passed Senate 47-0. Signed by Governor. Filed with Secretary of State 3/7/07.**

- HB 1054** Pharmacy closing and reporting requirements. Pharmacists, including pharmacy interns, state agencies, and law enforcement will be required to report to the state board of pharmacy any action by a pharmacist, pharmacy intern, or tech that would be grounds for disciplinary action. **Passed House as amended 91-1. Passed Senate 46-0. Signed by Governor. Filed with Secretary of State 3/8/07.**
- HB 1065** Adds three new members to the advisory transportation council of UGPTI from the ND Association of Counties, ND League of Cities, and the Lignite Energy Council. **Passed House as amended 93-0. Passed Senate 44-0.**
- HB 1066** Increases the state forester service reserve account balance from \$500,000 to \$1 million. **Passed House 88-0. Passed Senate 46-0. Signed by Governor. Filed with Secretary of State 3/8/07.**
- HB 1067** State Forester may also lend or transfer, fire protection equipment to rural fire departments and protection districts. **Passed House as amended 93-0. Passed Senate 45-0.**
- HB 1087** Includes vehicles of the state forester as authorized emergency vehicles. **Passed House 93-0. Passed Senate 44-0.**
- HB 1091** Creates (individual income) tax deduction of \$5,000 single and \$10,000 joint contributions to higher education savings plan administered by the Bank of ND. **Passed House 89-0.**
- HB 1099** Clarifies meaning of trade secret, proprietary, commercial, and financial information as confidential under Open Records Law. **Passed House as amended 88-1.**
- HB 1101** Relating to services provided by in-plant print shops. New language excludes NDSU and VCSU from the limitations of certain printing services. **Passed House 86-7.**
- HB 1102** Increases bidding exemption from \$10,000 to \$25,000 for architect, engineer, construction management, or land surveying fees. **Passed House 85-8. Passed Senate 43-0.**
- HB 1107** Increases mileage reimbursement from \$0.37 to \$0.45. Relating to mileage and travel expense reimbursement for state officials and employees. **Passed House as amended 87-4.**
- HB 1115** Creates biomass energy center at NDSU. **Withdrawn 1/9/07.**

- HB 1125** Creates loan repayment fund for veterinarians. **Passed House as amended 89-3.**
- HB 1147** Any agreement that requires a lessee of real property to give more than one month notice to termination must specifically state this provision and lessee must initial next to that notice requirement. If the notice isn't initialed at the time the lease is signed, the lessee only needs to give one month notice to terminate lease. **Passed House as amended 88-1.**
- HB 1148** State Board of Pharmacy, appointed by Governor, no longer upon recommendation of the ND Pharmaceutical Association. **Failed to pass 46-47. Motion to reconsider failed.**
- HB 1176** OMB to establish mileage reimbursement rate for state officers and employees. **Failed House 5-86.**
- HB 1216** For any conviction of a class AA felony for a violent sexual offense, the court must impose a minimum of 20 years jail time with lifetime probation supervision. **Passed House 92-0.**
- HB 1219** The Criminal Justice Information Sharing Board may establish and administer a statewide automated victim information and notification system. Legislative Counsel shall consider studying the feasibility and desirability of this during the 2007-08 interim. **Passed House as amended 90-0.**
- HB 1235** North Dakota Scholars Program to include students graduating from a high school in a bordering state. **Passed House 92-0. Passed Senate 45-0.**
- HB 1249** Student loan forgiveness for teachers administered by SBHE for individuals teaching at grade levels or content areas identified as having a teacher shortage. **Passed House as amended 91-0.**
- HB 1302** Maximum security deposit for real property leases if the lessee is housing a pet would not exceed the greater of \$2,500 or "two months rent" replacing the fixed amount of \$1,500. **Passed House as amended 86-6. Passed Senate 40-6. Signed by Governor. Filed with Secretary of State 3/7/07.**
- HB 1322** Requires indemnification language in service contracts with state agencies. **Passed House as amended 89-1.**
- HB 1401** Interest rates for student loans may be fixed or variable. **Failed House as amended 39-54.**

- HB 1417** Allows consumer to request a security freeze on consumer credit reports. **Passed House as amended 92-0.**
- HB 1421** “Cruelty” or “torture” relating to humane treatment of animals to exclude certain animal husbandry or science-based agricultural management systems, or scientific research. **Passed House as amended 93-0. Passed Senate as amended 47-0.**
- HB 1455** Criminal history checks relating to pharmacy. **Passed House as amended 94-0.**
- HB 1459** Appropriations for extraordinary repairs – NDSU \$4,209,161. **Passed House as amended 92-0.**
- HB 1461** Higher education information technology – SBHE duties. **Passed House as amended 90-0.**
- HB 1479** Legislative Council shall consider studying the appropriateness of the Administrative Agencies Practice Act and analyze agencies entitled to exemption. **Passed House as amended 85-9.**
- HB 1483** OMB, institutions of higher education, and other state agencies are encouraged to purchase environmentally preferred products. **Passed House as amended 61-32.**
- HB 1487** Creates low interest student loan program. **Passed House as amended 93-0.**
- HB 1521** Prohibits increases in tuition beyond the Spring 2007 tuition level. **Failed House 37-52.**
- HCR 3019** For an amendment to Section 6, Article VIII of the ND Constitution giving NDUS chancellor the control of the state educational institutions rather than the SBHE. **Failed House 42-49.**
- Senate Bills**
- SB 2015** OMB appropriation bill – State employee compensation. Salaries and wages \$13,720,144. Provides for equity pool for classified state employees. **Passed Senate as amended 47-0.**
- SB 2016** Adjutant General appropriations including tuition assistance program funding. Tuition, recruiting, and retention \$2,407,500. **Passed Senate as amended 45-0.**

- SB 2023** Deficiency appropriations for various state departments and institutions including NDSU 2000 flood expenditures of \$289,092. **Passed Senate as amended 46-0.**
- SB 2028** Eliminates budget section approval on state forester reserve account. **Passed Senate 45-0. Passed House 91-0. Signed by Governor. Filed with Secretary of State 3/8/07.**
- SB 2037** Gives ND Information Technology Department oversight of NDUS IT projects. **Passed Senate as amended 43-0.**
- SB 2045** Allows for the combining of spousal benefits under the uniform group insurance program. **Passed Senate 45-0. Passed House as amended 90-0.**
- SB 2047** Provides for automatic enrollment of employees in deferred compensation program of \$25/month. New employees would have 30 days to opt out. **Passed Senate as amended 46-0.**
- SB 2048** PERS final average salary, conversion of sick leave benefits, confidentiality of retirement records. Employees who delay or inadvertently fail to apply for retirement benefits to begin on their normal retirement date may choose to receive either a lump sum payment equal to the missed payments or an actuarial increase to the benefits which reflect the missed payments. Participants become 100% vested in the employer contributions upon reaching age 65. **Passed Senate 45-0. Passed House 91-0.**
- SB 2050** Increases state retiree health benefit fund contributions and increases month credit from \$4.50 to \$5.00. **Passed Senate as amended 45-0. Failed House 44-48.**
- SB 2051** Increases employer's contributions to PERS retirement benefits from 4.12% to 4.76%. **Passed Senate 46-0. Failed House 26-64.**
- SB 2056** Repeals section 43-29-01 relating to the statement of purpose for licensure of veterinarians. **Passed Senate 47-0.**
- SB 2057** Redefines profession of teaching as providing services in an approved school as a teacher, counselor, librarian, curriculum director or supervisor, speech or language therapist, school psychologist, special educator, or administrator. **Passed Senate 43-2.**
- SB 2093** Provides for the reimbursement of travel in advance state officers and employees. **Passed Senate as amended 46-0.**

- SB 2094** Public printing resident bidder preference. **Passed Senate 45-1.**
- SB 2103** Attorney General would reimburse the health care facility for the cost of the forensic medical exam on a victim of sexual assault. **Passed Senate as amended 46-0.**
- SB 2115** National Guard tuition grants. **Passed Senate 45-0.**
- SB 2139** Legislative Council to report to 61st Legislature its findings of irrelevant, duplicate, inconsistent, or unclear provision in the ND Century code relating to agriculture. **Passed Senate 43-0.**
- SB 2160** Fundraising and donor records of SBHE and affiliated nonprofit organizations exempt from Open Records. **Passed Senate as amended 45-0.**
- SB 2161** Legislative Council to study the feasibility of implementing a system of computerized registration sites for certain criminal offenders. **Passed Senate as amended 46-0.**
- SB 2164** Would require signs to be posted in every public place and place of employment where smoking is prohibited by law and removes bars from the smoking exception. **Failed Senate 15-30.**
- SB 2189** State Employee compensation appropriation \$5,000,000 for statewide salary equity pool. Agency employees to receive 4% increase for each year of the 2007-09 biennium. **Passed Senate 45-0. Passed House 90-0. Signed by the Governor and filed with the Secretary of State 2/7/07.**
- SB 2192** Legal recognition of electronic signatures as it relates to financial institutions. **Passed Senate 44-0. Passed House 91-1.**
- SB 2204** Provides immunity for seeking medical help for a individual who needs medical assistance due to alcohol consumption. **Passed Senate 39-2. Passed House as amended 61-31.**
- SB 2245** Income tax credit for higher education costs. **Passed Senate as amended 42-3. Failed House 33-56.**
- SB 2246** Increases reimbursements for lodging and meals for state employees as follows: 6:00 am to noon meals from \$5 to \$6; noon to 6:00 pm meals from \$7.50 to \$8.50; 6:00 pm to midnight meals \$12.50 to \$14.50; and midnight to 6:00 am lodging from \$50 to \$55. **Passed Senate 37-9.**

- SB 2259** The term “sexual offender” to include those found guilty in juvenile delinquent adjudications. Increases the ten year registration requirement to 15 years. Creates a 25 year registration requirement provision if the offender is assigned a moderate risk by the Attorney General. An assignment as a high risk offender by the Attorney General would require lifetime registration. **Passed Senate as amended 45-0.**
- SB 2260** Expands the list of authorized agencies, that can request and receive information from a statewide and nationwide criminal history records check. These include areas, among others, of nursing, pharmacy, and the ND University System. The NDUS Chancellor can designate categories of employees or students that must have background checks. Students applying for or admitted in a specified field of study as designated by the SBHE Chancellor would be covered by this required records check as well. Adds provision for fingerprints to be part of records check. **Passed Senate 46-0.**
- SB 2269** Prohibits alcohol drink specials such as serving an unlimited number of drinks for a set time and fixed price; serving two drinks to one individual at one time; or selling drinks at no charge or a reduced price before 8:00 am or after 11:00 pm. **Failed Senate 13-34.**
- SB 2306** Creates matching grants from SBHE for endowed merit or needs based scholarships. SBHE may grant 1/3 of amount needed to endow the scholarship if a donor provides 2/3 of the amount. Reported out of the Education Committee with a do not pass. Passed Senate 25-20. Request to rerefer bill to the Appropriations Committee was granted. **Failed Senate 9-37.**
- SB 2344** Institution of higher education may contract to cater events outside their institutions provided the institution first establishes a policy regarding such services and addresses issues related to competition with the private sector. **Passed Senate as amended 40-4.**
- SB 2347** ND Promise Grant Program. Tuition grants for eligible ND high school graduates. Starting in school year 2012-2013, the grant would be for 65% of tuition. The grant amounts go up each year. By school year 2017-2018, the grant will be for 100% tuition charged. **Passed Senate as amended 40-7.**
- SB 2353** Updates the definitions of “veteran” and “wartime veteran”. With regards to Veteran’s Preference, adds the requirement of the employer to pay backpay and benefits to the veteran from the date the appointment should have been made less amounts otherwise earnable

through due diligence if the hearing officer finds in favor of the veteran.
Passed Senate as amended 46-0.

SB 2360 Nonprofit organization's number license plates. Increases fee for unique license plates to \$1,500. **Passed Senate as amended 46-0. Passed House 64-28.**

SB 2362 Income tax reduction for higher education tuition and related expenses. **Failed Senate as amended 11-34.**

SB 2363 Individual and corporate tax credits for planned gifts to nonprofits. **Passed Senate as amended 42-4.**

SB 2393 A student loan reduction of 25% for eligible individuals who remain in the state for a three year period after graduating from an institution of higher education. **Failed Senate 19-24.**

SB 2394 ND resident bidder preference for purchase of motor vehicles. **Failed Senate 1-44.**

SB 2398 New reports required relating to the performance and accountability of the SBHE. **Failed Senate 0-47.**