

General Counsel's Office Report
61st Legislative Assembly of North Dakota

The 61st Legislative Session – January 6, 2009 to May 6, 2009.

Below are brief descriptions of final bills and resolutions which may be of interest, listed in order of effective dates.

To view a bill or resolution, go to: <http://www.legis.nd.gov/assembly/61-2009/leginfo/index.html>

Those bills passed by both Houses, signed by the Governor, and filed with the Secretary of State will generally become effective August 1, 2009, unless related to appropriations or tax measures, which become effective July 1, 2009. Emergency measures become effective on the date the bill is filed with the Secretary of State. Certain bills may provide a retroactive effective date.

As of July 16, 2009:

Effective Dates

February 5, 2009

SCR 4011 Declared February 6, 2009, "National Wear Red Day" in North Dakota. Senate adopted.

April 9, 2009

HB 1128 Provides immunity and liability exemption for actions in response to emergency management. (Emergency measure.)

April 15, 2009

HB 1023 Deficiency appropriations for various state departments and institutions including NDSU 2000 flood expenditure of \$527,842; the Main Research Center, \$100,499; Central Grasslands, \$13,560; and North Central Research Center, \$22,094. (Emergency measure.)

April 22, 2009

HB 1074 Uniform Prudent Management of Institutional Funds Act would provide more flexibility on how Universities spend dollars from their endowment funds. (Emergency measure.)

April 23, 2009

SB 2131 Permits OMB to begin charging a fee for the disposal of surplus property (determined unsalable), to cover direct and reasonable costs for the service. (Emergency measure.)

SB 2256 A contract between the state and a political subdivision may not contain a provision that requires one party to assume the liability of the other or the liability of a third party or to bear the costs of defense of actions against the other or against a third party. (Emergency measure.)

April 29, 2009

HB 1549 Requires an application to the Ag Commissioner to grow or process industrial hemp for research purposes unless licensed by the U.S. Drug Enforcement Agency to conduct such research. (Emergency measure.)

July 1, 2009

HB 1015 Appropriates \$8,741,543 for 2007-09 Center of Excellence projects not otherwise funded. Except Sections 2, 3, 30, 34, 36 and 41 which are effective 5/11/09; Section 24 which is effective 7/01/09; and Section 36 which is effective 1/01/09. Sections 23, 28, 29, 31 and 32 vetoed.

HB 1027 Upon recommendations of OMB, the budget section of the legislative council may authorize FTE positions in addition to those authorized by the legislature, effective only for the remainder of the biennium. (Emergency measure.)

HB 1330 Updates to chapter on architect and landscape architects including definitions for "practice of architecture" and "practice of landscape architecture."

SB 2003 NDUS appropriations. NDSU general fund \$124,306,701. Provides bond authorization of \$7,000,000 for West Dining Services renovation, and \$20,000,000 for Niskanen student apartments. Except part of Section 1, and all of Sections 3, 4, 11, 12, 26 and 36 which are effective 5/19/09.

SB 2018 Appropriation bill for Department of Commerce which had included: \$200,000 for student-based technology grants up to \$25,000 each; \$200,000 for providing grants to NDSU and UND patent offices; and \$20,000,000 general fund for Centers of Excellence – no longer does in most recent House version. Except part of Section 1 and all of Section 2 which are effective 5/11/09. Section 24 vetoed.

- SB 2020** Research Centers and UGPTI Appropriations. NDSU Extension Service \$22,350,080; Northern Crops Institute \$1,439,221; UGPTI \$1,589,793; Main Research Center \$60,388,875. Except part of Section 1 which is effective 5/19/09.
- SB 2064** Increases allowable employee lodging expense from \$55.00 to \$60.00. See other lodging bills at [HB 1119](#) and [SB 2353](#). Except Section 1 which is effective 8/01/09.
- SB 2155** Appropriations of \$200,000 to the North Dakota School for the Deaf to provide grants to the institutions under SBHE for costs of interpreters and real-time captioning.
- SB 2162** The Department of Human Services may require criminal history checks for new staff members and providers of early childhood services. This provision applies to new, not existing, providers and staff.
- SB 2266** Appropriations to UND to support a simulation lab at nursing education sites in ND. This is to include a basic simulation model, essential equipment, and staff to serve all locations in an integrated way.
- SB 2373** Establishes a grape and wine program committee, and appropriates \$25,000 for the purpose of providing matching funds for grape research.

August 1, 2009

- HB 1029** Each agency, department or institution may establish rules or policies for employee recognition and service award programs; to provide employer-paid costs of training or educational courses, including tuition and fees, within budgetary constraints; may pay employee membership dues for professional organizations and membership dues for service clubs when required to do business or if the membership is primarily for the benefit of the state. Does not require, but permits NDUS to adopt its own policies.
- HB 1030** Upon a showing of special circumstances, ND human resource services may approve pay bonuses above the 25% limitation; these exceptions must be reported to the budget section of the legislative council.
- HB 1031** Defines "hard-to-fill" occupations for the purpose of recruitment and retention bonus programs.
- HB 1091** Each pharmacist must complete at least 15 hours of approved continuing pharmaceutical education each year as a condition for renewal of a certificate of licensure.

- HB 1104** Records relating to state risk management, including incident reports and investigation reports in the possession of OMB or a public entity would be exempt from open records.
- HB 1121** Adds to the “primary insurance benefit” calculation for retiree benefits \$1,007.94.
- HB 1122** With the approval of OMB and the Attorney General, an agency may agree to limit the liability of a contractor for purchases, lease or services related to software, communication or electronic equipment.
- HB 1123** Leases of state-owned property will no longer require the approval of the industrial commission.
- HB 1124** Governor may execute participation in a multi-state compact for prevention and control of wildfires.
- HB 1138** Clarifies the National Guard tuition grants not to exceed the cost of tuition and fees.
- HB 1460** State institutions to explore opportunities for alternative use for state property or institutions to be reviewed by OMB.
- HB 1487** Federal funds made available through the American Recovery and Reinvestment Act of 2009 may be accepted but may be spent only by appropriation authority of the legislative assembly or the approval of the emergency commission and budget section. (Emergency measure.)
- HB 1500** Lowers the minimum age required from 19 to 18 for restaurant employees who can serve and collect money for alcoholic beverages. Those employees must be under the direct supervision of an individual 21 or over.
- HB 1510** Adds requirement to notify job applicant denied veterans preference, including appeal process.
- HB 1534** Special punishment for causing injury or death while under the influence of alcohol while operatinbg a vehicle. If convicted of homicide, the sentence must include at least one year in prison if the driver was an adult at the time of the offense.
- HB 1562** Legislative Council to study an administrative leave program for state employees attending certain hearings and meetings.
- HB 1566** Requires NDUS to study ways to improve interaction between NDUS and tribal colleges.
- HCR3001** Legislative Council to study the NDCC provisions relating to agriculture and recommend changes to law that are found to be irrelevant, inconsistent, illogically arranged or unclear in intent and direction.

- HCR 3016** Urges school districts to offer students a course in financial literacy to provide students with the ability to make sound money management decisions.
- HCR3022** Urges Congress not to enact any unfunded education mandates.
- HCR3025** Recognizes economic impact the Red River Valley Research Corridor has had on the North Dakota economy due to North Dakota researchers and research institutions involved in cutting-edge projects.
- HCR3026** Urges the U.S. Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming, under existing state laws, without requiring federal applications, licenses, or fees.
- SB 2038** Appropriation of the higher education institutions' special revenue funds and budget requests and block grant appropriations for the North Dakota University System. Requires SBHE report to Legislative Council, and Legislative Council study of higher education.
- SB 2082** "Resident student" definition for tuition purposes expanded to include a veteran as defined in NDCC 37-01-40.
- SB 2128** Adds a new member to UGPTI's Advisory Transportation Council from the Dakota Transit Association.
- SB 2142** Updates IT department powers/duties and removes the requirement that IT department request and review project start-up information from institutions under the control of SBHE.
- SB 2143** If a collective bargaining agreement, employment contract, or public employee rights, provides a process for recourse for discriminatory acts, that process must be exercised to its completion before commencing an action under the ND Human Rights Act.
- SB 2154** Increases the PERS retiree health care credit from \$4.50 to \$5.00 and employer contributions from 1% to 1.14%.
- SB 2166** Expands state grant participation to include for-profit institutions offering at least a two-year program.
- SB 2267** Whistleblower protection for public employees. See also [SB 2258](#).
- SB 2322** A notary may not notarize a document without proper identification of the signer, unless the signer is personally known to the notary.
- SB 2353** In-state lodging rate to be set by OMB and not to exceed 90% of GSA rate.

- SB 2372** The Commerce Commissioner shall promote the development of life science industries (biotechnology, biomedical sciences, and biopharmaceuticals) in the state.
- SB 2389** Name change. Replaces the “school of forestry at Bottineau” with the “Dakota college at Bottineau.”
- SB 2390** Legislative Council to consider studying the establishment and development of certified technology parks.
- SB 2401** Legislative Council to study requirements for plans, specifications and bids for public improvement.