

STATE GOVERNMENT

CHAPTER 364

HOUSE BILL NO. 1456

(Representatives Brandenburg, Kretschmar, Rohr, Schmidt)
(Senators Erbele, Schaible)

AN ACT to create and enact section 54-01-29.1 of the North Dakota Century Code, relating to the encouragement of federal legislation to return lands and mineral rights to the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 54-01-29.1 of the North Dakota Century Code is created and enacted as follows:

54-01-29.1. Federal legislation encouraged to return lands and mineral rights to the state of North Dakota.

Uplands of the Oahe Reservoir in Emmons and Morton Counties in North Dakota above the elevation of 1,620 feet [493.78 meters] are defined as excess lands to the operation of the Oahe Dam. The North Dakota legislative assembly encourages Congress to pass federal legislation to return those lands and mineral rights to the state of North Dakota and the North Dakota legislative assembly encourages the governor of North Dakota to work with the North Dakota congressional delegation and Congress to secure enactment of necessary federal legislation.

Approved April 15, 2015
Filed April 15, 2015

CHAPTER 365

HOUSE BILL NO. 1197

(Representatives Hofstad, D. Anderson, Damschen, D. Johnson, Porter, Seibel)
(Senators Klein, Luick, Wanzek)

AN ACT to provide for a prohibition on the purchase of real property and easements for wildlife or conservation purposes with public funds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Prohibition on the purchase of certain real property and easements with public funds.

A governmental entity may not provide funds through grant, contract, or other agreement to a nongovernmental entity that is a nonprofit organization for the purpose of holding any interest in real property or an easement for wildlife or conservation purposes. This section does not apply to a governmental entity in a partnership with a nongovernmental entity, if the governmental entity derives a benefit from the partnership. In addition, the recipient of these funds is subject to civil action by any person for the return of any public funds used by the recipient for any of the same purposes.

Approved April 13, 2015
Filed April 13, 2015

CHAPTER 366**HOUSE BILL NO. 1199**

(Representatives Hanson, B. Koppelman, Seibel, Streyle, Strinden)
(Senators G. Lee, Murphy, O'Connell)

AN ACT to amend and reenact subsection 4 of section 54-03-20 of the North Dakota Century Code, relating to housing reimbursement for members of the legislative assembly; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁴ **SECTION 1. AMENDMENT.** Subsection 4 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

4. The amount to which each legislator is entitled must be paid following the organizational session in December and ~~following~~ each month upon submission of a voucher and appropriate documentation during a regular or special session, consistent with section 26 of article XI of the Constitution of North Dakota.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 26, 2015

Filed March 26, 2015

¹⁸⁴ Section 54-03-20 was also amended by section 6 of House Bill No. 1001, chapter 1, and section 7 of House Bill No. 1001, chapter 1.

CHAPTER 367

HOUSE BILL NO. 1441

(Representatives K. Koppelman, Brabandt, Dockter, Karls, Klein, Maragos, Owens,
Paur, Schatz)
(Senators Burckhard, Hogue, Larsen)

AN ACT to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to certification of delegates to a convention of the states, called pursuant to article V of the United States Constitution, to amend the United States Constitution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-03 of the North Dakota Century Code is created and enacted as follows:

Certification of delegates to United States convention of the states.

1. If a convention of the states is called pursuant to article V of the United States Constitution, the legislative assembly or an official designated by the legislative assembly shall certify each delegate and alternate delegate from this state to the convention and provide a written copy of the certification to each delegate and alternate delegate and to the convention. If a delegate is ineligible or unwilling to serve as a delegate at the convention, the legislative assembly or the official designated by the legislative assembly shall certify an alternate delegate to replace the delegate and immediately provide a copy of the certification to the delegate and the convention.
2. If a delegate is rendered ineligible to serve under subsection 4, the delegate's certification must provide notice to the convention that any vote or other action taken by that delegate should be considered void.
3. An individual who has not been certified under this section may not serve as a delegate at the convention.
4. As a condition of being eligible for consideration or selection as a delegate or alternate delegate, each delegate and alternate delegate shall execute the following oath:

I do solemnly swear or affirm that I will, to the best of my abilities, support the United States Constitution and the Constitution of North Dakota and I will not vote to allow consideration of or consider or approve any unauthorized amendment proposed for ratification to the United States Constitution. I understand that a violation of this oath will result in my being rendered ineligible to serve as a delegate at the convention as well as subject me to additional penalties under the laws of North Dakota.

5. A delegate at the convention may not vote to allow consideration of or consider or approve any unauthorized amendment. An "unauthorized amendment" means:

- a. A proposed amendment that varies from the exact text of the amendment contained in the application made by the legislative assembly, which limits the convention to approving or disapproving that exact text, or if the legislative assembly did not make the application, the exact text of the amendment contained in the applications relied upon by the United States Congress in calling the convention, if the application contains exact text for a proposed amendment; or
 - b. A proposed amendment that is outside the permitted subject matter of the application made by the legislative assembly, or if the legislative assembly did not make the application, the permitted subject matter of the applications relied upon by the United States Congress in calling the convention and as the subject matter may be further defined by the legislative assembly or an official designated by the legislative assembly, in instructions adopted by the legislative assembly by concurrent resolution and provided to each delegate and alternate delegate.
6. The legislative assembly or an official designated by the legislative assembly shall provide guidance upon the request of any delegate or alternate delegate as to whether a proposed amendment is within the permitted subject matter of the convention.
 7. A delegate casting or attempting to cast a vote at a convention in violation of this section must be rendered ineligible to continue to serve as a delegate and must be immediately removed from office and replaced by an alternate delegate as provided under this section. A vote cast by a delegate at a convention which is in violation of this section is void.

Approved April 9, 2015
Filed April 9, 2015

CHAPTER 368

HOUSE BILL NO. 1403

(Representatives Schneider, Boschee, Guggisberg, Hawken, Hogan, Kading,
Mooney, Oversen, Strinden)
(Senator Nelson)

AN ACT to create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Sick leave for consequences of domestic violence, a sex offense, stalking, or terrorizing.

1. As used in this section:
 - a. "Domestic violence" has the same meaning as provided under section 14-07.1-01.
 - b. "Immediate family member" means a spouse, parent, child, or sibling as provided under section 12.1-17-07.1.
 - c. "Sex offense" means an offense under chapter 12.1-20.
 - d. "Stalking" means an offense under section 12.1-17-07.1.
 - e. "Terrorizing" means an offense under section 12.1-17-04.
2. Under section 54-06-14, an employing unit shall grant an employee's request to use sick leave to:
 - a. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's immediate family members, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, a sex offense, stalking, or terrorizing;
 - b. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, a sex offense, stalking, or terrorizing, or to attend to health care treatment for a victim of such offenses who is the employee's immediate family member;
 - c. Obtain or assist an immediate family member in obtaining services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, a sex offense, stalking, or terrorizing;

- d. Obtain or assist an immediate family member in obtaining mental health counseling related to an incident of domestic violence, sex offense, stalking, or terrorizing, in which the employee or the employee's immediate family member was a victim of domestic violence, a sex offense, stalking, or terrorizing; or
- e. Participate in safety planning, temporary or permanent relocation, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, a sex offense, stalking, or terrorizing.
- f. In the discretion of the employee's supervisor, the sick leave hours may be limited to forty hours per calendar year.

Approved April 16, 2015
Filed April 16, 2015

CHAPTER 369

HOUSE BILL NO. 1387

(Representative Keiser)
(Senator Oban)

AN ACT to create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave and annual leave; and to amend and reenact sections 54-21-18 and 54-52.4-03 of the North Dakota Century Code, relating to parking on the capitol grounds for pregnant employees and employees with infants and state employee use of sick leave.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁵ **SECTION 1.** Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request.

SECTION 2. AMENDMENT. Section 54-21-18 of the North Dakota Century Code is amended and reenacted as follows:

54-21-18. ~~Custody of office building~~ — ~~Considered~~Office building part of capitol building - Director has control of ~~public property~~capitol grounds - Parking for pregnant employees and employees with infants - Rules - Penalty.

1. The director of the office of management and budget shall control, manage, and maintain the state office building. The building must be considered a part of the state capitol building within the meaning of statutes relating to the custody, maintenance, and control of the state capitol building and grounds,

¹⁸⁵ Section 54-06-14.5 was amended by section 1 of House Bill No. 1244, chapter 370.

and within the meaning of statutes requiring state departments or agencies to maintain their offices in the state capitol building.

2. Except as otherwise provided by law, the director of the office of management and budget has charge and control of the executive mansion, the capitol, and the park and public grounds connected therewith. Except as provided by sections 39-10-48, 39-10-50, 44-08-18, and 54-21-17.1, the director may adopt rules to promote the health, safety, and general welfare, to prohibit disturbances and disorderly assemblies, to keep the peace, and to regulate nuisances on the capitol grounds and in any of the buildings located on the capitol grounds. The rules may include regulation of public assemblies and accessibility to the buildings and grounds, obstructions, fees, insurance, forms, indemnification by users, and waiver of insurance and indemnity requirements by the director. A person who violates a rule adopted by the director under this section is guilty of an infraction.
3. The office of management and budget shall provide to a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park, if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, in parking for the mobility impaired, or in a zone for which another permit is required. The special parking authorized under this subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eightyfour hundred eighty~~ hours of leave under this section in any twelve-month period and, ~~upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.~~ The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness.

Approved April 15, 2015
Filed April 15, 2015

CHAPTER 370

HOUSE BILL NO. 1244

(Representatives Haak, Beadle, Kretschmar, Maragos, Muscha, Seibel)
(Senators Davison, Oban, Poolman, Sorvaag)

AN ACT to amend and reenact section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, relating to state employee use of sick leave and annual leave.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁶ **SECTION 1. AMENDMENT.** Section 54-06-14.5 of the North Dakota Century Code as created by section 1 of House Bill No. 1387, as approved by the sixty-fourth legislative assembly, is amended and reenacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six ~~weeks~~months following birth or placement, an employer shall grant an employee's request to use up to ~~one hundred sixty hours~~six weeks of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.
2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request.

Approved April 20, 2015
Filed April 20, 2015

¹⁸⁶ Section 54-06-14.5 was created by section 1 of House Bill No. 1387, chapter 369.

CHAPTER 371

HOUSE BILL NO. 1428

(Representatives Boschee, Beadle, Hawken, Kretschmar, Maragos, Meier, J. Nelson,
Sanford)
(Senators Armstrong, Holmberg, Krebsbach, Sorvaag)

AN ACT to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to state employee harassment policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Harassment policies.

Each state agency, department, and institution shall adopt and enforce a policy on employee harassment, including sexual harassment. The policy must clearly define harassment and specify the responsibilities of the employee, supervisor, and the agency, department, or institution. If an agency, department, or institution does not adopt a harassment policy, the agency, department, or institution must be subject to the policy adopted by the North Dakota human resource management services division.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 372

HOUSE BILL NO. 1330

(Representative Klemin)
(Senator Hogue)

AN ACT to amend and reenact section 50 of chapter 257 of the 2013 Session Laws, relating to the contingent effective date for implementation of the electronic filing system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁷ **SECTION 1. AMENDMENT.** Section 50 of chapter 257 of the 2013 Session Laws is amended and reenacted as follows:

SECTION 50. CONTINGENT EFFECTIVE DATE. Sections 1 through 27 and sections 29 through 47 of this Act become effective August 1, ~~2015~~2016, or earlier if the secretary of state makes a report to the legislative management and to the information technology committee certifying that the information technology components of the electronic filing system are ready for implementation of those provisions of this Act, in which case those sections become effective ninety days following the completion of the certificate requirement.

Approved March 16, 2015
Filed March 16, 2015

¹⁸⁷ Section 35-34-04 was also amended by section 10 of House Bill No. 1111, chapter 126; section 35-34-06 was also amended by section 11 of House Bill No. 1111, chapter 126.

CHAPTER 373

SENATE BILL NO. 2252

(Senators Luick, Anderson)
(Representatives Kretschmar, Maragos)

AN ACT to create and enact two new sections to chapter 54-09 of the North Dakota Century Code, relating to the role of the secretary of state in filing signed documents or records, an agent signing documents, or records filed with the secretary of state; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

Role of secretary of state in filing signed documents and records.

Whenever any provision of law requires or permits a signed document or record to be filed with the secretary of state, the provision may not be construed to require the secretary of state to make any determination the signed document or record filed or to be filed has been properly signed or executed by or on behalf of the filer.

SECTION 2. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

Filing signed documents and records with the secretary of state - Use of agent.

1. A person who signs a document submitted to the secretary of state without authority to sign that document or who signs the document knowing the document is false in any material respect is subject to the penalties of perjury or false statement set forth in chapter 12.1-11.
2. Any document submitted to the office of the secretary of state online may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the application that the person is acting as the agent of the person whose signature would be required and that the person has been authorized to sign on behalf of the applicant. The name of the person signing, entered on the online application, constitutes a valid signature by such an agent.
3. Any document relating to a filing by a business entity or assumed name submitted to the office of the secretary of state on paper may be signed by any person as agent of any person whose signature is required by law. The signing party must indicate on the document that the signing party is acting as the agent of the person whose signature would be required and that the signing party has been authorized to sign on behalf of that person.

Approved March 20, 2015
Filed March 20, 2015

CHAPTER 374

SENATE BILL NO. 2262

(Senators O'Connell, Erbele)
(Representatives D. Anderson, Brandenburg, Hunsakor)

AN ACT to amend and reenact subsection 3 of section 54-10-14 of the North Dakota Century Code, relating to annual reports of certain political subdivisions in lieu of biennial audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

3. In lieu of conducting an audit every two years, the state auditor may require annual reports from school districts with less than one hundred enrolled students; cities with less than five hundred population; and other political subdivisions subject to this section, or otherwise provided by law, with less than ~~two~~three hundred thousand dollars of annual receipts, excluding any federal funds passed through the political subdivision to another entity. If any federal agency performs or requires an audit of a political subdivision that receives federal funds to pass through to another entity, the political subdivision shall provide a copy to the state auditor upon request by the state auditor. The reports must contain the financial information required by the state auditor. The state auditor also may make any additional examination or audit determined necessary in addition to the annual report. When a report is not filed, the state auditor may charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge a political subdivision a fee not to exceed eighty dollars an hour for the costs of reviewing the annual report.

Approved March 25, 2015
Filed March 25, 2015

CHAPTER 375

SENATE BILL NO. 2199

(Senators Dever, Armstrong, Nelson)
(Representatives Haak, Oversen, Sanford)

AN ACT to provide an appropriation to the attorney general for human trafficking victims treatment and support services, to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; to provide for a report to the legislative management; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - REPORTS - LEGISLATIVE MANAGEMENT REPORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the attorney general for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims in non-oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The attorney general may provide grants for the development and implementation of direct care, emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2015-16 interim on the status and results of the grant program. This appropriation is a one-time funding item.

SECTION 2. BOARD OF UNIVERSITY AND SCHOOL LANDS - USE OF OIL AND GAS IMPACT GRANTS - REPORTS. The board of university and school lands funds, from funds designated in House Bill No. 1176 as approved by the sixty-fourth legislative assembly, for grants to law enforcement agencies impacted by oil and gas development, shall make available \$750,000 for grants to organizations involved in providing prevention and treatment services related to human trafficking victims in hub cities located in oil-producing counties for the period beginning with the effective date of this Act and ending June 30, 2017. The board of university and school lands shall award the grants as directed by the attorney general. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program.

SECTION 3. AMENDMENT. Section 54-12-14 of the North Dakota Century Code is amended and reenacted as follows:

54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation.

1. The attorney general assets forfeiture fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts

received through court proceedings as restitution, amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law, and amounts received from a multijurisdictional drug task force as defined in section 54-12-26. The amount of deposits into the fund which do not come from legislative appropriation or from a multijurisdictional drug task force and are not payable to another governmental entity may not exceed two hundred thousand dollars within a biennium and any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:

1. a. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
2. b. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
3. c. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.
4. d. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
5. e. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
6. f. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.
2. The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the director of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund.
3. Notwithstanding subsection 1, the amount of deposits into the fund related to human trafficking are appropriated, as a standing and continuing appropriation, to the attorney general for awarding grants to organizations providing prevention and treatment services for human trafficking victims.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2015
Filed April 23, 2015

CHAPTER 376

HOUSE BILL NO. 1281

(Representatives K. Koppelman, Maragos, Owens)
(Senators Carlisle, Oehlke, Schneider)

AN ACT to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a blue alert notice system; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Blue alert notice system.

1. Upon the request of a law enforcement agency that is investigating an offense against a law enforcement officer, the bureau of criminal investigation shall activate a blue alert public notice to aid in the apprehension of an individual who is a suspect in an offense if:
 - a. An individual has threatened a law enforcement officer with a deadly weapon, has used a deadly weapon against a law enforcement officer, has caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty;
 - b. The individual has fled the scene of the offense and a description of the individual or the individual's vehicle is available for broadcast;
 - c. The law enforcement agency investigating the offense has determined the individual poses a threat to the public or other law enforcement personnel; and
 - d. Dissemination of available information to the public may help avert further harm or assist in the apprehension of the suspect.
2. The bureau of criminal investigation, in cooperation with the highway patrol and the division of state radio of the department of emergency services, shall prepare an operational plan to prepare for and respond to requests for activation of a blue alert notice.
3. As used in this section, the term "blue alert notice" means a quick response and notice that is issued after an individual has threatened a law enforcement officer with a deadly weapon, used a deadly weapon against a law enforcement officer, caused a law enforcement officer to suffer serious bodily injury or death, or the officer has been abducted or is missing while on duty, and the individual has left the scene of the offense.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 25, 2015

Filed March 25, 2015

CHAPTER 377

SENATE BILL NO. 2219

(Senators Poolman, Casper, Grabinger)
(Representatives Beadle, Hogan, K. Koppelman)

AN ACT to establish a statewide human trafficking commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Human trafficking commission.

1. The attorney general may establish a human trafficking commission, comprised of designees from state, local, and tribal agencies which have contact with victims or perpetrators, nongovernmental organizations that represent or work with victims, and other organizations and individuals, including victims, whose expertise would benefit the commission. The attorney general may establish the commission by appointing an existing statewide coalition.
2. The commission shall:
 - a. Develop a coordinated and comprehensive plan to provide victims with services;
 - b. Collect and evaluate data on human trafficking in this state and submit an annual report to the attorney general, governor, and legislature;
 - c. Promote public awareness about human trafficking, victim remedies and services, and trafficking prevention;
 - d. Create a public-awareness sign that contains the national human trafficking resource center hotline information, and any state or local hotlines that the coalition deems appropriate;
 - e. Coordinate training on human trafficking prevention and victim services for state and local employees who may have recurring contact with victims or perpetrators;
 - f. Coordinate training on human trafficking investigation and prosecution with the North Dakota state's attorney's association, the North Dakota peace officers standards and training board, and state and local law enforcement agencies; and
 - g. Conduct other appropriate activities.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 378

SENATE BILL NO. 2343

(Senators Triplett, Mathern, Warner)
(Representative Onstad)

AN ACT to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to a report on the fiscal impact of certain actions by the industrial commission to the legislative assembly or budget section; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-17 of the North Dakota Century Code is created and enacted as follows:

Report to legislative assembly or budget section on the fiscal impact of certain actions of the industrial commission.

If any order, regulation, or policy of the industrial commission to implement the provisions of chapter 38-08, excluding spacing unit orders, has a fiscal effect or estimated fiscal effect on the state in excess of twenty million dollars in a biennium, the industrial commission shall report to the legislative assembly when in session and otherwise to the budget section of the legislative management on the fiscal impact of the effect of the action on state revenues and expenditures, including any effect on the funds of the industrial commission.

SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to actions of the industrial commission made after July 31, 2013, and applies specifically to the orders of the industrial commission on flaring. The industrial commission shall report on the fiscal impacts of past orders within ninety days of the effective date of this Act.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 379

HOUSE BILL NO. 1409

(Representatives Porter, Carlson, Hunskor, Toman)
(Senators Carlisle, Murphy, Schaible, Unruh)

AN ACT to amend and reenact sections 54-17.8-03 and 54-17.8-05, subdivision c of subsection 1 of section 54-17.8-06, and section 57-51-15 of the North Dakota Century Code, relating to the funding and purposes of the North Dakota outdoor heritage fund and the outdoor heritage advisory board; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-17.8-03 of the North Dakota Century Code is amended and reenacted as follows:

54-17.8-03. North Dakota outdoor heritage fund purposes.

1. The commission shall use the fund to provide grants to state agencies, tribal governments, political subdivisions, and nonprofit organizations, with higher priority given to enhance conservation practices in this state by:
 - a. ~~Provide~~Providing access to private and public lands for sportsmen, including projects that create fish and wildlife habitat and provide access for sportsmen;
 - b. ~~Improve~~Improving, maintainmaintaining, and ~~restore~~restoring water quality, soil conditions, plant diversity, animal systems, and ~~to support~~by supporting other practices of stewardship to enhance farming and ranching;
 - c. ~~Develop~~Developing, enhanceenhancing, conserveconserving, and restorerestoring wildlife and fish habitat on private and public lands; and
 - d. ~~Conserve~~Conserving natural areas and creating other areas for recreation through the establishment and development of parks and other recreation areas.
2. The commission or grantee may not use the fund, in any manner, to finance:
 - a. Litigation;
 - b. Lobbying activities;
 - c. Any activity that would interfere, disrupt, or prevent activities associated with surface coal mining operations; sand, gravel, or scoria extraction activities; oil and gas operations; or other energy facility or infrastructure development;
 - d. The acquisition of land or to encumber any land for a term longer than twenty years; or

- e. Projects outside this state or projects that are beyond the scope of defined activities that fulfill the purposes of this chapter.
3. The commission or a grantee may not use grant funds, except after a finding of exceptional circumstances by the commission, to finance:
 - a. A completed project or project commenced before the grant application;
 - b. A feasibility or research study;
 - c. Maintenance costs;
 - d. A paving project for a road or parking lot;
 - e. A swimming pool or aquatic park;
 - f. Personal property that is not affixed to the land;
 - g. Playground equipment, except that grant funds may be provided for up to twenty-five percent of the cost of the equipment not exceeding ten thousand dollars per project and all playground equipment grants may not exceed five percent of the total grants per year;
 - h. A building, except for a building that is included as part of a comprehensive conservation plan for a new or expanded recreational project; or
 - i. A project in which the applicant is not directly involved in execution and completion of the project.

SECTION 2. AMENDMENT. Section 54-17.8-05 of the North Dakota Century Code is amended and reenacted as follows:

54-17.8-05. Powers and duties of commission.

The commission is granted all the powers necessary or appropriate to carry out and effectuate the purposes of this chapter, including the power to:

1. Make grants to a state agency, a tribal government, a political subdivision, ~~and~~or a nonprofit organization;
2. Place conditions on an offer or a grant including a limit on the duration of an offer, a requirement of matching funds, and limit the source of the matching funds, and the commission shall exclude any money appropriated from the general fund from use as matching funds unless the legislative assembly authorizes the use of general fund money as matching funds;
3. Approve expenditures for staffing or an outside consultant to design and implement an approved project based on the documented need of the applicant and the expenditures may not exceed five percent of the grant to a grantee if the grant exceeds two hundred fifty thousand dollars and expenditures may not exceed ten percent of the grant to a grantee if the grant is two hundred fifty thousand dollars or less;

4. Enter contracts or agreements to carry out the purposes of this chapter, including authority to contract for the administration of the fund and staffing for the advisory board;
- 3-5. Accept donations, grants, contributions, and gifts from any public or private source; and
- 4-6. Adopt policies and rules necessary to effectuate the purposes of this chapter.

SECTION 3. AMENDMENT. Subdivision c of subsection 1 of section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

- c. Four members from the conservation community. The governor shall appoint from a list of nominations ~~one member from ducks unlimited of North Dakota, one member from the North Dakota chapter of pheasants forever, and two~~ the members from the conservation community at large of statewide conservation groups.

¹⁸⁸ **SECTION 4. AMENDMENT.** Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. (Effective for taxable events occurring through June 30, 2015) Gross production tax allocation.

The gross production tax must be allocated monthly as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall:
 - a. Allocate to each hub city a monthly amount that will provide a total allocation of three hundred seventy-five thousand dollars per fiscal year for each full or partial percentage point of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
 - b. Allocate to each hub city school district a monthly amount that will provide a total allocation of one hundred twenty-five thousand dollars per fiscal year for each full or partial percentage point of the hub city's private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
 - c. Credit revenues to the oil and gas impact grant fund, but not in an amount exceeding two hundred forty million dollars per biennium;
 - d. Credit ~~four~~ eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding ~~fifteen~~ twenty million dollars in a state fiscal year and not in an amount exceeding ~~thirty~~ forty million dollars per biennium;
 - e. Credit four percent of the amount available under this subsection to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding five million dollars in a state fiscal year and not in an

¹⁸⁸ Section 57-51-15 was also amended by section 1 of House Bill No. 1032, chapter 465, and section 3 of House Bill No. 1176, chapter 463.

- amount that would bring the balance in the fund to more than seventy-five million dollars; and
- f. Allocate the remaining revenues under subsection 3.
2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:
 - a. The first five million dollars is allocated to the county.
 - b. Of all annual revenue exceeding five million dollars, twenty-five percent is allocated to the county.
 3. After the allocations under subsections 1 and 2, the amount remaining is allocated first to provide for deposit of thirty percent of all revenue collected under this chapter in the legacy fund as provided in section 26 of article X of the Constitution of North Dakota and the remainder must be allocated to the state general fund. If the amount available for a monthly allocation under this subsection is insufficient to deposit thirty percent of all revenue collected under this chapter in the legacy fund, the state treasurer shall transfer the amount of the shortfall from the state general fund share of oil extraction tax collections and deposit that amount in the legacy fund.
 4. For a county that received less than five million dollars of allocations under subsection 2 in the most recently completed state fiscal year, revenues allocated to that county must be distributed by the state treasurer as follows:
 - a. Forty-five percent must be distributed to the county treasurer and credited to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if in a taxable year after 2012 the county is not levying a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.
 - b. Thirty-five percent of all revenues allocated to any county for allocation under this subsection must be apportioned by the state treasurer no less than quarterly to school districts within the county, excluding consideration of and allocation to any hub city school district in the county, on the average daily attendance distribution basis, as certified to the state treasurer by the county superintendent of schools.
 - c. Twenty percent must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. A hub city must be omitted from apportionment under this subdivision. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent.
 5. For a county that received five million dollars or more of allocations under subsection 2 in the most recently completed state fiscal year, revenues allocated to that county must be distributed by the state treasurer as follows:

- a. Sixty percent must be distributed to the county treasurer and credited to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if in a taxable year after 2012 the county is not levying a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.
- b. Five percent must be apportioned by the state treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis for kindergarten through grade twelve students residing within the county, as certified to the state treasurer by the county superintendent of schools. However, a hub city school district must be omitted from consideration and apportionment under this subdivision.
- c. Twenty percent must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. A hub city must be omitted from apportionment under this subdivision. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent.
- d. Three percent must be apportioned no less than quarterly by the state treasurer among the organized and unorganized townships of the county. The state treasurer shall apportion the funds available under this subdivision among townships in the proportion that township road miles in the township bear to the total township road miles in the county. The amount apportioned to unorganized townships under this subdivision must be distributed to the county treasurer and credited to a special fund for unorganized township roads, which the board of county commissioners shall use for the maintenance and improvement of roads in unorganized townships.
- e. Three percent must be allocated by the state treasurer among the organized and unorganized townships in all the counties that received five million dollars or more of allocations under subsection 2 in the most recently completed state fiscal year. The amount available under this subdivision must be allocated no less than quarterly by the state treasurer in an equal amount to each eligible organized and unorganized township. The amount allocated to unorganized townships under this subdivision must be distributed to the county treasurer and credited to a special fund for unorganized township roads, which the board of county commissioners shall use for the maintenance and improvement of roads in unorganized townships.
- f. Nine percent must be allocated by the state treasurer among hub cities. The amount available for allocation under this subdivision must be apportioned by the state treasurer no less than quarterly among hub cities. Sixty percent of funds available under this subdivision must be distributed to the hub city receiving the greatest percentage of allocations to hub cities under subdivision a of subsection 1 for the quarterly period, thirty percent of funds available under this subdivision must be distributed to the hub city

receiving the second greatest percentage of such allocations, and ten percent of funds available under this subdivision must be distributed to the hub city receiving the third greatest percentage of such allocations.

6. Within thirty days after the end of each calendar year, the board of county commissioners of each county that has received an allocation under this section shall file a report for the calendar year with the commissioner, in a format prescribed by the commissioner, including:
 - a. The county's statement of revenues and expenditures; and
 - b. The amount allocated to or for the benefit of townships or school districts, the amount allocated to each organized township or school district and the amount expended from each such allocation by that township or school district, the amount expended by the board of county commissioners on behalf of each unorganized township for which an expenditure was made, and the amount available for allocation to or for the benefit of townships or school districts which remained unexpended at the end of the fiscal year.

Within fifteen days after the time when reports under this subsection were due, the commissioner shall provide the reports to the legislative council compiling the information from reports received under this subsection.

(Effective for taxable events occurring after June 30, 2015) Gross production tax allocation. The gross production tax must be allocated monthly as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall:
 - a. Allocate five hundred thousand dollars per fiscal year to each city in an oil-producing county which has a population of seven thousand five hundred or more and more than two percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota. The allocation under this subdivision must be doubled if the city has more than seven and one-half percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota;
 - b. Credit revenues to the oil and gas impact grant fund, but not in an amount exceeding one hundred million dollars per biennium;
 - c. Credit ~~four~~eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding ~~fifteen~~twenty million dollars in a state fiscal year and not in an amount exceeding ~~thirty~~forty million dollars per biennium;
 - d. Credit four percent of the amount available under this subsection to the abandoned oil and gas well plugging and site reclamation fund, but not in an amount exceeding five million dollars in a state fiscal year and not in an amount that would bring the balance in the fund to more than seventy-five million dollars; and
 - e. Allocate the remaining revenues under subsection 3.

2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:
 - a. The first two million dollars is allocated to the county.
 - b. Of the next one million dollars, seventy-five percent is allocated to the county.
 - c. Of the next one million dollars, fifty percent is allocated to the county.
 - d. Of the next fourteen million dollars, twenty-five percent is allocated to the county.
 - e. Of all annual revenue exceeding eighteen million dollars, ten percent is allocated to the county.
3. After the allocations under subsections 1 and 2, the amount remaining is allocated first to provide for deposit of thirty percent of all revenue collected under this chapter in the legacy fund as provided in section 26 of article X of the Constitution of North Dakota and the remainder must be allocated to the state general fund. If the amount available for a monthly allocation under this subsection is insufficient to deposit thirty percent of all revenue collected under this chapter in the legacy fund, the state treasurer shall transfer the amount of the shortfall from the state general fund share of oil extraction tax collections and deposit that amount in the legacy fund.
4. The amount to which each county is entitled under subsection 2 must be allocated within the county so the first five million three hundred fifty thousand dollars is allocated under subsection 5 for each fiscal year and any amount received by a county exceeding five million three hundred fifty thousand dollars is credited by the county treasurer to the county infrastructure fund and allocated under subsection 6.
5.
 - a. Forty-five percent of all revenues allocated to any county for allocation under this subsection must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.
 - b. Thirty-five percent of all revenues allocated to any county for allocation under this subsection must be apportioned by the county treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis, as certified to the county treasurer by the county superintendent of schools. However, no school district may receive in any single academic year an amount under this subsection greater than the county average per student cost multiplied by seventy percent, then multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Provided, however, that in any county in which the average daily attendance or the school census, whichever is greater, is fewer than four hundred, the county is entitled to one hundred twenty percent of the county average per student cost multiplied by the number of

students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share must be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately preceding the certification by the county superintendent of schools required by this subsection.

The countywide allocation to school districts under this subdivision is subject to the following:

- (1) The first three hundred fifty thousand dollars is apportioned entirely among school districts in the county.
 - (2) The next three hundred fifty thousand dollars is apportioned seventy-five percent among school districts in the county and twenty-five percent to the county infrastructure fund.
 - (3) The next two hundred sixty-two thousand five hundred dollars is apportioned two-thirds among school districts in the county and one-third to the county infrastructure fund.
 - (4) The next one hundred seventy-five thousand dollars is apportioned fifty percent among school districts in the county and fifty percent to the county infrastructure fund.
 - (5) Any remaining amount is apportioned to the county infrastructure fund except from that remaining amount the following amounts are apportioned among school districts in the county:
 - (a) Four hundred ninety thousand dollars, for counties having a population of three thousand or fewer.
 - (b) Five hundred sixty thousand dollars, for counties having a population of more than three thousand and fewer than six thousand.
 - (c) Seven hundred thirty-five thousand dollars, for counties having a population of six thousand or more.
- c. Twenty percent of all revenues allocated to any county for allocation under this subsection must be apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of this subdivision must be increased by eight hundred percent. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited to sixty percent of the amount otherwise determined for that city under this

- subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.
6.
 - a. Forty-five percent of all revenues allocated to a county infrastructure fund under subsections 4 and 5 must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.
 - b. Thirty-five percent of all revenues allocated to the county infrastructure fund under subsections 4 and 5 must be allocated by the board of county commissioners to or for the benefit of townships in the county on the basis of applications by townships for funding to offset oil and gas development impact to township roads or other infrastructure needs or applications by school districts for repair or replacement of school district vehicles necessitated by damage or deterioration attributable to travel on oil and gas development-impacted roads. An organized township is not eligible for an allocation of funds under this subdivision unless during that fiscal year that township levies at least ten mills for township purposes. For unorganized townships within the county, the board of county commissioners may expend an appropriate portion of revenues under this subdivision to offset oil and gas development impact to township roads or other infrastructure needs in those townships. The amount deposited during each calendar year in the county infrastructure fund which is designated for allocation under this subdivision and which is unexpended and unobligated at the end of the calendar year must be transferred by the county treasurer to the county road and bridge fund for use on county road and bridge projects.
 - c. Twenty percent of all revenues allocated to any county infrastructure fund under subsections 4 and 5 must be allocated by the county treasurer no less than quarterly to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited to sixty percent of the amount otherwise determined for that city under this subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.
 7. Within thirty days after the end of each calendar year, the board of county commissioners of each county that has received an allocation under this section shall file a report for the calendar year with the commissioner, in a format prescribed by the commissioner, including:
 - a. The county's statement of revenues and expenditures; and
 - b. The amount available in the county infrastructure fund for allocation to or for the benefit of townships or school districts, the amount allocated to each organized township or school district and the amount expended from each such allocation by that township or school district, the amount expended by the board of county commissioners on behalf of each unorganized township for which an expenditure was made, and the

amount available for allocation to or for the benefit of townships or school districts which remained unexpended at the end of the fiscal year.

Within fifteen days after the time when reports under this subsection were due, the commissioner shall provide the reports to the legislative council compiling the information from reports received under this subsection.

SECTION 5. EFFECTIVE DATE. This Act is effective for taxable events beginning after June 30, 2015.

SECTION 6. EMERGENCY. Subsection 2 of section 54-17.8-05 as amended by section 2 of this Act is declared to be an emergency measure.

Approved April 23, 2015
Filed April 23, 2015

CHAPTER 380

SENATE BILL NO. 2091

(Education Committee)

(At the request of the Superintendent of Public Instruction)

AN ACT to amend and reenact section 54-24.4-01 of the North Dakota Century Code, relating to the membership of the North Dakota library coordinating council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-24.4-01 of the North Dakota Century Code is amended and reenacted as follows:

54-24.4-01. North Dakota library coordinating council - Members - Term.

The North Dakota library coordinating council consists of eleven members. The president of the North Dakota library association, or the president's designee, is an ex officio voting member of the council. The state librarian is an ex officio nonvoting member of the council. The governor shall appoint nine members to the council, one of whom must represent special libraries, one of whom must represent public higher education institution libraries, one of whom must represent private higher education institution libraries, one of whom must represent school libraries, two of whom must represent public libraries, one of whom must represent disabled, economically disadvantaged, and minority populations, and two citizens at large. All appointed members, except citizens at large, must be practicing librarians. The governor shall take into account reasonable geographic considerations when appointing members of the council. The term of each member is three years. If at any time during a member's term the member ceases to possess the qualifications required by this section, the member's office is deemed vacant and the governor shall appoint a qualified representative to complete the term of office. No member may be appointed to serve more than two consecutive three-year terms.

Approved March 13, 2015

Filed March 13, 2015

CHAPTER 381

HOUSE BILL NO. 1093

(Appropriations Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to allocation and distribution of the highway tax distribution fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-27-19 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19. Highway tax distribution fund - State treasurer to make allocation to state, counties, and cities.

A highway tax distribution fund is created as a special fund in the state treasury into which must be deposited the moneys available by law from collections of motor vehicle registration and related fees, fuels taxes, special fuels taxes, use taxes, and special fuels excise taxes. The state treasurer shall transfer the first five million five hundred thousand dollars per biennium from the highway tax distribution fund to the state highway fund for the purpose of providing administrative assistance to other transferees. After the transfer of the first five million five hundred thousand dollars, any moneys in the highway tax distribution fund must be allocated and transferred monthly by the state treasurer, as follows:

1. Sixty-one and three-tenths percent must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. Two and seven-tenths percent must be transferred monthly to the township highway fund.
3. One and five-tenths percent must be transferred monthly to the public transportation fund.
4. Thirty-four and five-tenths percent must be allocated to the counties of this state in proportion to the number of vehicle registrations credited to each county. Each county must be credited with the certificates of title of vehicles registered by residents of the county. The state treasurer shall compute and distribute the counties' share monthly after deducting the incorporated cities' share. All the moneys received by the counties from the highway tax distribution fund must be set aside in a separate fund called the "highway tax distribution fund" and must be appropriated and applied solely for highway purposes in accordance with section 11 of article X of the Constitution of North Dakota. The state treasurer shall compute and distribute monthly the sums allocated to the incorporated cities within each county according to the ~~formula~~formulas in this subsection ~~on the basis of the per capita population of all of the incorporated cities situated within each county~~using the incorporated cities' populations as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to the census.

- a. For counties having no cities with a population of ten thousand or more, a statewide per capita average must be used, as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state. Each city must be paid an amount equal to the product of the statewide per capita and that city's populationtwenty-seven percent of the total county allocation must be distributed to all of the incorporated cities within the county on a countywide per capita basis. The remaining county allocation amount must be transferred into the county highway tax distribution fund.
- b. For each county having a city with a population of ten thousand or more, the amount transferred each month into the county highway tax distribution fund must be the difference between the amount allocated to that county pursuant to this subsection and the total amount allocated and distributed to the incorporated cities in that county as computed according to the following formula:
 - (1) A statewide per capita average as determined by calculating twenty-seven percent of the amount allocated to all of the counties under this subsection divided by the total population of all of the incorporated cities in the state.
 - (2) The share distributed to each city in the county having a population of less than one thousand must be determined by multiplying the population of that city by the product of 1.50 times the statewide per capita average computed under paragraph 1.
 - (3) The share distributed to each city in the county having a population of one thousand to four thousand nine hundred ninety-nine, inclusive, must be determined by multiplying the population of that city by the product of 1.25 times the statewide per capita average computed under paragraph 1.
 - (4) The share distributed to each city in the county having a population of five thousand or more must be determined by multiplying the population of that city by the statewide per capita average for all such cities, which per capita average must be computed as follows: the total of the shares computed under paragraphs 2 and 3 for all cities in the state having a population of less than five thousand must be subtracted from the total incorporated cities' share in the state as computed under ~~subdivision a~~paragraph 1 and the balance remaining must then be divided by the total population of all cities of five thousand or more in the state.
5. The moneys allocated to the incorporated cities must be distributed to them monthly by the state treasurer and must be deposited by the cities in a separate fund and may only be used in accordance with section 11 of article X of the Constitution of North Dakota and an incorporated city may use the fund for the construction, reconstruction, repair, and maintenance of public highways within or outside the city pursuant to an agreement entered into between the city and any other political subdivision as authorized by section 54-40-08.

CHAPTER 382

HOUSE BILL NO. 1085

(Representatives Rick C. Becker, Kasper, Hatlestad)
(Senators Cook, Armstrong, Poolman)

AN ACT to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to federal funds reporting requirements by state agencies and reports to the legislative management; and to amend and reenact section 54-27-27 of the North Dakota Century Code, relating to federal grant applications reporting requirements by state agency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Report on federal funds by state agency - Legislative management report.

1. Biennially, each executive branch state agency, excluding entities under the control of the board of higher education, receiving federal funds, shall report to the office of management and budget a plan to operate the state agency if federal funds are reduced by five percent or more of the total federal funds the state agency receives. The report must include information on whether the agency will request state funds to offset the decrease in federal funds. The report is not required to address a reduction in federal funds received by the agency which is a result of:
 - a. A decrease in caseloads or cost per case;
 - b. A change in the anticipated project completion date for a construction project qualifying for federal fund reimbursement; or
 - c. The completion of a one-time project funded in whole or in part by federal funds.
2. The office of management and budget shall report to the legislative management by October fifteenth of each even-numbered year on the reports received from state agencies under this section. The report must include a summary of the reports received from state agencies on how each agency will operate with the reduction in federal funds.

SECTION 2. AMENDMENT. Section 54-27-27 of the North Dakota Century Code is amended and reenacted as follows:

54-27-27. Report on federal grantsgrant applications by state agency.

Each state agency, excluding entities under the control of the state board of higher education, shall report to the office of management and budget before applying for a federal grant for which the agency may receive estimated funding of twenty-five thousand dollars or more. The report must include the purpose of the grant; the potential amount of the grant; any additional employees that may be required

because of the grant; the time period covered by the grant; and grant requirements, including state matching requirements or maintenance of effort. The state agency shall provide updates on the status of the grant application as required by the office of management and budget. At each meeting of the budget section of the legislative management, the office of management and budget shall report to the budget section on the reports received from state agencies under this section.

Approved April 13, 2015

Filed April 13, 2015

CHAPTER 383

HOUSE BILL NO. 1066

(Appropriations Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact sections 54-27.2-01 and 54-27.2-02 of the North Dakota Century Code, relating to the balance of and transfers to the budget stabilization fund; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-01. Budget stabilization fund.

The budget stabilization fund is a special fund in the state treasury. The state investment board shall supervise investment of the budget stabilization fund in accordance with chapter 21-10. Any interest or other budget stabilization fund earnings must be deposited in the fund. Any amounts provided by law for deposit in the fund and any interest or earnings of the fund which would bring the balance in the fund at the end of any fiscal year to an amount greater than nine and one-half percent of the current biennial state general fund budget, as finally approved by the most recently adjourned special or regular session of the legislative assembly, may not be deposited or retained in the fund but must be deposited instead in the state general fund.

SECTION 2. AMENDMENT. Section 54-27.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-02. Certain general fund revenues to be deposited in the budget stabilization fund.

Notwithstanding any other provision of law except section 54-27.2-01, any amount in the state general fund in excess of sixty-five million dollars at the end of any biennium, after deducting any amounts that would otherwise be transferred to the general fund under section 54-27.2-01, must be transferred by the state treasurer to the budget stabilization fund. For purposes of this section, "at the end of any biennium" means after cancellation of unexpended appropriations under section 54-44.1-11.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 2015.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 26, 2015
Filed March 26, 2015

CHAPTER 384

HOUSE BILL NO. 1061

(Legislative Management)
(Water Topics Overview Committee)

AN ACT to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the water topics overview committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁹ **SECTION 1. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code is amended and reenacted as follows:

54-35-02.7. Water topics overview committee - Duties.

The legislative management, during each interim, shall appoint a water topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly and is responsible for legislative overview of water topics and related matters, the Garrison diversion project, and for any necessary discussions with adjacent states on water topics. The committee shall work collaboratively with the state water commission to develop policies to further define the state role in major flood control projects. The committee shall prepare a schedule of priorities with respect to water projects. The state water commission and state engineer shall assist the committee in developing the schedule of priorities, and the committee may seek input from stakeholders within the state regarding water project priorities. The committee also shall study policies regarding the development and financing of municipal projects, including water treatment plants; pipelines, including pipeline expansion, public and industrial use of water, cost analysis of future project development, and ongoing maintenance cost of current and future projects; and technology, including the use of technology for permitting and electronic metering. During the 2013-14 interim, the committee shall review water supply routes and alternatives for the Red River valley water supply project and may meet with the state water commission. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

Approved March 19, 2015

Filed March 19, 2015

¹⁸⁹ Section 54-35-02.7 was also amended by section 31 of Senate Bill No. 2020, chapter 54.

CHAPTER 385

HOUSE BILL NO. 1052

(Legislative Management)
(Information Technology Committee)

AN ACT to amend and reenact subsection 11 of section 54-35-15.2 and section 54-59-12 of the North Dakota Century Code, relating to information technology reports by the North Dakota university system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 54-35-15.2 of the North Dakota Century Code is amended and reenacted as follows:

11. a. Receive and review information, including a project startup report summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout report summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, from the ~~information technology department and the affected institution~~ state board of higher education regarding any major project of the state board of higher education or any institution under the control of the state board of higher education if the project:
 - (1) Significantly impacts the statewide wide area network, including the campus access routers;
 - (2) Impacts the statewide library system; or
 - (3) Is an administrative project. An administrative project is a project that directly collects, aggregates, modifies, stores, or reports institutional student, financial, or human resources records or data and is provided primarily for administrative purposes.
- b. For the purposes of this subsection, a major project is a project with a total cost of five hundred thousand dollars or more.

SECTION 2. AMENDMENT. Section 54-59-12 of the North Dakota Century Code is amended and reenacted as follows:

54-59-12. Coordination of activities - Reports.

The department shall cooperate with each state entity providing access to any computer database or electronically filed or stored information under subsection 4 of section 44-04-18 to assist in providing economical, efficient, and compatible access. The chief information officer shall conduct conferences and meetings with political subdivisions to review and coordinate information technology. The chief information officer and the ~~commissioner of the board of higher education~~ chief information officer of the North Dakota university system shall meet at least twice each year to plan and coordinate their information technology. The chief information officer and ~~commissioner~~ the chief information officer of the North Dakota university system shall

consider areas in which joint or coordinated information technology may result in more efficient and effective state government operations. Upon request, the chief information officer shall report to the legislative management regarding the coordination of services with political subdivisions, and the chief information officer and ~~commissioner~~the chief information officer of the North Dakota university system shall report to the legislative management regarding their findings and recommendations.

Approved March 26, 2015
Filed March 26, 2015

CHAPTER 386

SENATE BILL NO. 2057

(Legislative Management)
(Taxation Committee)

AN ACT to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the legislative management assignment of regular legislative interim committee review of statutory provisions providing economic development tax incentives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Legislative interim committee review of economic development tax incentives.

The legislative assembly enacts economic development tax incentives with the intent to encourage businesses to locate, grow, and remain in the state; to enhance employment opportunities for citizens; and to foster the most advantageous direction, diversity, and growth of the state economy. The legislative assembly requires systematic, detailed analysis of enacted economic development tax incentives to assure that incentives are, and will continue, serving the intended purposes in a cost-effective and equitable manner consistent with the intent of the legislative assembly. To serve this intent and requirement:

1. During each interim, the legislative management shall assign to a legislative management interim committee study responsibility that includes completing the analysis of economic development tax incentives as provided in this section and reporting its findings and any associated recommended legislation to the legislative management.
2. The legislative management interim committee assigned the study responsibility under this section shall analyze each incentive, applying considerations relevant to the perceived goals of the incentive, including any or all of the following:
 - a. The extent of achievement of the goals of the incentive and whether unintended consequences have developed in its application.
 - b. Whether the design and application of the incentive can be improved.
 - c. The extent of complementary or duplicative effect of other incentives or governmental programs.
 - d. Whether the incentive has a positive influence on business behavior or rewards business behavior that is likely to have occurred without the incentive.

- e. The effect of the incentive on the state economy, including the extent of primary sector operation of the recipient and any competitive disadvantage imposed or benefit conferred on other state businesses, any benefit or burden created for local government, and the extent of the incentive's benefit that flows to out-of-state concerns.
 - f. The employment opportunities generated by the incentive and the extent those represent career opportunities.
 - g. Whether the incentive is the most effective use of state resources to achieve desired goals.
 - h. If the committee's analysis of the incentive is constrained by lack of data, whether statutory or administrative changes should be made to improve collection and availability of data.
3. The legislative management interim committee assigned the study responsibility under this section may examine economic development tax incentives, shall complete analysis of the state-imposed tax aspects of the incentives it designates for analysis during the interim, and shall approve a plan to provide that each of the economic development tax incentives listed in this subsection is subject to a complete analysis within each six-year period. The interim committee may include in its recommendations any amendments to this section, including amendments to add or remove incentives from the list of incentives subject to analysis under this subsection. Analysis must be completed for state-imposed tax aspects of economic development tax incentives, including each of the following:
- a. Renaissance zone credits and exemptions.
 - b. Research expense credit.
 - c. Agricultural commodity processing facility investment credit.
 - d. Biodiesel fuel production facility construction or retrofit credit, biodiesel fuel blending credit, and biodiesel fuel equipment credit.
 - e. Seed capital investment credit.
 - f. Wage and salary credit.
 - g. Internship program credit.
 - h. Microbusiness credit.
 - i. Angel fund investment credit.
 - j. Workforce recruitment credit.
 - k. Soybean or canola crushing facility construction or retrofit credit.
 - l. Manufacturing automation equipment credit.
 - m. New or expanding business exemption.
 - n. Manufacturing and recycling equipment sales tax exemption.

- o. Coal severance and conversion tax exemptions.
 - p. Oil and gas gross production and oil extraction tax exemptions.
 - q. Fuel tax refunds for certain users.
 - r. New jobs credit from income tax withholding.
 - s. Any economic development tax incentive created by the sixty-fourth legislative assembly.
4. By October first of each odd-numbered year, the interim committee assigned the study responsibility under this section shall determine and approve:
- a. The economic development tax incentives under subsection 3 which will be designated for analysis during that interim and a plan to provide for analysis of the remaining economic development tax incentives under subsection 3 within the six-year period.
 - b. The perceived goals of the legislative assembly in creating or altering each incentive designated for analysis, for use as a baseline for committee analysis of the incentive.
 - c. The data and testimony that will be required to conduct an effective analysis of each incentive designated for analysis.
5. The department of commerce, tax commissioner, economic development foundation, and any other state agency or instrumentality shall provide data and analysis as requested by the interim committee conducting the analysis under this section.
- a. If data is not available, the entity requested to provide the information shall advise the committee how the data could be obtained and the estimated cost of obtaining the data.
 - b. If data is available but cannot be shared with the committee, the entity requested to provide the information shall explain the reason and whether there are options that could be used to obtain the data or an adequate substitute for the data.
6. The interim committee conducting the analysis under this section shall report its findings and recommendations together with any legislation required to implement those recommendations to the legislative management.

Approved April 1, 2015
Filed April 1, 2015

CHAPTER 387**HOUSE BILL NO. 1028**

(Legislative Management)
(Agriculture Committee)

AN ACT to require that the legislative management continue its study of laws relating to agriculture.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. The legislative management shall study, during the 2015-16 interim, provisions of the North Dakota Century Code that relate to agriculture, for the purposes of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 12, 2015
Filed March 12, 2015

CHAPTER 388

HOUSE BILL NO. 1035

(Legislative Management)
(Health Care Reform Review Committee)

AN ACT to provide for legislative management studies of the state's health care delivery system and a behavioral health and addiction training initiative.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - HEALTH CARE DELIVERY SYSTEM. During the 2015-16 interim, the legislative management shall consider continuing its ongoing study of the needs and challenges of the North Dakota health care delivery system. The study may include monitoring the implementation of the federal Affordable Care Act, examining medicaid expansion and medicaid reform, reviewing any impact on rural access to primary health care and emergency services, making recommendations to maintain and enhance rural primary health care and emergency services, and considering the feasibility of developing a state-based plan for a health care model that will comply with federal health care reform in a manner that will provide high-quality access and affordable care for North Dakota citizens. The university of North Dakota school of medicine and health sciences advisory council shall make periodic reports to the legislative management on the status of the biennial report developed pursuant to section 15-52-04. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - BEHAVIORAL HEALTH AND ADDICTION TRAINING INITIATIVE. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of pursuing a behavioral health and addiction training initiative in response to concerns described in the behavioral health planning report prepared by Schulte Consulting, LLC, for the legislative management's 2013-14 human services committee and in reports of the steering committee of the behavioral health stakeholders group. The study shall include exploration of opportunities for innovative public-private partnerships, and may include participation by public and private stakeholders, such as the university of North Dakota school of medicine and health sciences and school of law. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 9, 2015
Filed April 9, 2015

CHAPTER 389

HOUSE BILL NO. 1036

(Legislative Management)
(Health Care Reform Review Committee)

AN ACT to provide for the state department of health to study health professional assistance programs and report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. STATE DEPARTMENT OF HEALTH STUDY - HEALTH PROFESSIONAL ASSISTANCE PROGRAMS - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2015-16 interim, the state department of health shall evaluate the state programs to assist health professionals, including behavioral health professionals, with a focus on state loan repayment programs for health professionals. The study must include:
 - a. Identification of state programs to assist health professionals;
 - b. Consideration of whether elements of the identified state programs could be standardized;
 - c. Evaluation of funding and usage of the identified state programs;
 - d. Evaluation of the effectiveness of these identified programs and how these programs could be revised to be more effective; and
 - e. Consideration of whether there are gaps or duplication in programs designed to assist health professionals.
2. During the 2015-16 interim the state department of health shall make periodic reports to the legislative management on the status of the study. Before July 1, 2016, the state department of health shall report to the legislative management on the outcome of the study, including presentation of recommended legislation. The legislative management may introduce legislation recommended by the state department of health as part of the department's study report.

Approved March 12, 2015
Filed March 12, 2015

CHAPTER 390**HOUSE BILL NO. 1037**

(Legislative Management)
(Health Care Reform Review Committee)

AN ACT to provide for a report to the legislative management by the department of human services on the medicaid and medicaid expansion program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPORT TO LEGISLATIVE MANAGEMENT - DEPARTMENT OF HUMAN SERVICES STUDY OF MEDICAID AND MEDICAID EXPANSION COST-SHARING PROVISIONS. During the 2015-16 interim, the department of human services shall study options for implementing income-based cost-sharing provisions for the medicaid and medicaid expansion programs. This study must include consideration of provider recovery rates for copayments, information technology capacity for implementing income-based cost-sharing provisions, consideration of how income-based cost-sharing has been implemented by other states, analysis of the costs and benefits of cost-sharing, and consideration of whether cost-sharing improves the effectiveness of medicaid and medicaid expansion programs. Before July 1, 2016, the department of human services shall report to the legislative management the outcome of the study and the associated legislative recommendations and related draft legislation.

Approved March 12, 2015

Filed March 12, 2015

CHAPTER 391

HOUSE BILL NO. 1048

(Legislative Management)
(Human Services Committee)

AN ACT to provide for behavioral health licensure boards to each develop a plan, in collaboration with the other boards, for the administration and implementation of licensing and reciprocity standards for licensees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BEHAVIORAL HEALTH LICENSURE BOARDS - PLAN FOR ADMINISTRATION AND IMPLEMENTATION OF LICENSING AND RECIPROCITY STANDARDS FOR LICENSEES - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2015-16 interim, the board of addiction counseling examiners, board of counselor examiners, North Dakota board of social work examiners, state board of psychologist examiners, state board of medical examiners, and North Dakota marriage and family therapy licensure board, shall, in collaboration with the other boards, develop a plan for the administration and implementation of licensing and reciprocity standards for licensees. The plan must include a standard for issuance of licenses to qualified applicants in a timely manner. The boards shall evaluate whether regional, national, or international licensing and reciprocity standards are adequate for licensure in the state.
2. Before July 1, 2016, each board shall present its findings, the proposed plan, and any legislative changes necessary to implement the plan, to the legislative management.

Approved March 20, 2015
Filed March 20, 2015

CHAPTER 392

HOUSE BILL NO. 1065

(Representatives Hanson, Rick C. Becker, Beadle, Olson, Mitskog)
(Senator Laffen)

AN ACT to provide for a legislative management study of automated motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall consider studying what, if any, current laws need to be changed to accommodate the introduction or testing of automated motor vehicles in North Dakota and any automated corridors affecting North Dakota. "Automated motor vehicle" means a vehicle capable of operating in a full automation mode where full automation is defined by the Society of Automotive Engineers standard, J3016, section 5.6 issued January 2014, as the unconditional, full-time performance by an automated driving system of all aspects of the dynamic driving task. The study may include research into the degree that automated motor vehicles could reduce traffic fatalities and crashes by reducing or eliminating driver error and the degree that automated motor vehicles could reduce congestion and improve fuel economy through better utilization of existing highway capacity and more efficient operation of the vehicles' acceleration and braking controls. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 20, 2015
Filed March 20, 2015

CHAPTER 393**HOUSE BILL NO. 1073**

(Representative Delzer)

AN ACT to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY OF REQUIRED MOTOR VEHICLE INSURANCE. During the 2015-16 interim, the legislative management shall consider studying required motor vehicle insurance. The study must include a review of the limits on no-fault benefits. The legislative management shall report its findings and recommendations, together with any legislation to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 18, 2015

Filed March 18, 2015

CHAPTER 394

HOUSE BILL NO. 1083

(Representatives Rick C. Becker, Kasper, Hatlestad, Laning)
(Senators Dever, Campbell)

AN ACT to provide for a legislative management study of statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATUTORY AND REGULATORY REQUIREMENTS PLACED ON NORTH DAKOTA STATE GOVERNMENT AGENCIES BY UNITED STATES GOVERNMENT AGENCIES.

During the 2015-16 interim, the legislative management shall study the statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies as a condition of the receipt of federal funding to determine whether there are viable options to meet the needs of our state without having the federal government's oversight and involvement, which state needs can be met if federal funding associated with undesirable regulation or excessive direct and indirect costs is refused, and whether the benefit of accepting certain federal funds outweighs the benefit of participation in the federal programs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 395

HOUSE BILL NO. 1106

(Judiciary Committee)
(At the request of the Adjutant General)

AN ACT to provide for a legislative management study of issues relating to criminal defendants who are veterans or who are currently serving in the armed forces.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMINAL JUSTICE ISSUES RELATING TO DEFENDANTS WHO ARE VETERANS OR SERVING IN ARMED FORCES.

1. The legislative management shall consider studying, during the 2015-16 interim, issues related to criminal defendants who are veterans or who are currently serving in the armed forces, including:
 - a. Whether additional treatment and sentencing options should be considered if a defendant is suspected to have posttraumatic stress disorder or other behavioral health conditions;
 - b. Whether the additional treatment and sentencing options should apply to both misdemeanor and felony offenses and, if applied to misdemeanor offenses, the impact those additional cases would have on the courts and the department of corrections and rehabilitation;
 - c. The point in the criminal proceeding at which the inquiry regarding the defendant's behavioral health condition should be made;
 - d. What actions are being taken by other states' judicial and criminal justice systems to address similar issues regarding criminal defendants who are veterans or who are currently serving in the armed forces; and
 - e. What steps the state needs to take to ensure that veterans and other armed forces personnel with posttraumatic stress disorder or other behavioral health conditions are best handled in the state's criminal justice system.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 22, 2015
Filed April 22, 2015

CHAPTER 396

HOUSE BILL NO. 1165

(Representatives Klemin, Kretschmar, Strinden)
(Senators Carlisle, Grabinger, Hogue)

AN ACT to require the Legislative Management, in conjunction with other stakeholders, to participate in a justice reinvestment study and initiative.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - JUSTICE REINVESTMENT INITIATIVE. During the 2015-16 interim, the legislative management shall study, in conjunction with representatives of the executive and judicial branches and other stakeholders, justice reinvestment reforms. The legislative management shall participate with representatives of the executive and judicial branches and other stakeholders such as judges, prosecutors, defense attorneys, victims' advocates, corrections staff, law enforcement agencies, and service providers to seek cost-effective and evidence-based strategies to enhance public safety and properly manage corrections and supervision populations. The legislative management shall cooperate with representatives of the executive and judicial branches to seek technical assistance as appropriate from the United States bureau of justice assistance, the PEW charitable trusts, and the council of state governments' justice center to conduct the reform initiative. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 15, 2015
Filed April 15, 2015

CHAPTER 397**HOUSE BILL NO. 1168**

(Representatives Pollert, Brandenburg, Kelsh, J. Nelson)
(Senators Dotzenrod, Klein, Wanzek)

AN ACT to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. The legislative management shall consider studying, during the 2015-16 interim, provisions of the North Dakota Century Code that relate to education, for the purposes of determining the requirements for school districts to demonstrate a decline in enrollment. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 12, 2015
Filed March 12, 2015

CHAPTER 398

HOUSE BILL NO. 1184

(Representatives Lefor, Silbernagel, Trottier)
(Senators Heckaman, Miller, Wardner)

AN ACT to provide for a legislative management study regarding the practice of veterinary medicine in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRACTICE OF VETERINARY MEDICINE. During the 2015-16 interim, the legislative management shall consider studying the practice of veterinary medicine in this state, including any statutory and regulatory requirements and limitations, and the appropriateness of such requirements and limitations with respect to small animal, large animal, and research-focused practices. The study, if conducted, may include a review of the state board of veterinary medical examiners, including the board's membership, powers, duties, and governance of the practice. The study may also include recommended changes to applicable laws that are irrelevant, inconsistent, illogically arranged, or unclear in their intent and direction. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 31, 2015
Filed March 31, 2015

CHAPTER 399**HOUSE BILL NO. 1188**

(Representatives Sukut, Hatlestad, Schatz)
(Senator Krebsbach)

AN ACT to create a task force for the purpose of studying school district boundaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. TASK FORCE - SCHOOL DISTRICT BOUNDARIES.**

1. The legislative management shall consider creating a task force to study issues related to school district boundaries, including the feasibility and desirability of maintaining existing boundaries; the parameters currently governing annexation, reorganization, and dissolution processes; and options for instituting boundary changes in the case of significant educational or financial impacts.
2. A task force created under this section is governed by Senate Bill No. 2300, as approved by the sixty-fourth legislative assembly.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 400

HOUSE BILL NO. 1215

(Representatives Owens, Dockter, Haak, Sanford, Silbernagel, Trottier, Weisz)
(Senators Armstrong, J. Lee, Poolman, Rust, Sorvaag)

AN ACT to provide for a legislative management study of individual income tax credits available for qualified care expenses paid for the care of a qualifying family member.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TAX CREDIT FOR CARE OF FAMILY MEMBER. During the 2015-16 interim, the legislative management shall consider studying individual income tax credits available for qualified care expenses paid for the care of a qualifying family member. The study, if conducted, must determine whether the credit provides adequate incentives for individuals to provide care for those who cannot care for their own needs and the degree that care provided by individuals reduces the cost of state and local funding for care services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 2, 2015
Filed April 2, 2015

CHAPTER 401

HOUSE BILL NO. 1279

(Representatives Fehr, D. Anderson, Bellew, Hofstad, Seibel)

AN ACT to provide for a legislative management study of family caregiver supports and services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall consider studying family caregiver supports and services. The study must identify policies, resources, and programs available for family caregivers and encourage additional innovative and creative means to support family caregivers so that they are able to continue to provide in-home support for older adults. The study must include input from stakeholders, including representatives of hospitals, social and clinical providers, advocacy organizations, tribal government, state and local agencies and institutions, and caregivers in this state. The study committee may receive testimony on the needs of family caregivers, including designation of caregivers, training, respite services, medical leave policies, and delegation of tasks to non-medical aides. The study must include an inventory of the resources available to family caregivers and may make any recommendations for administrative actions to support family caregivers. The legislative management may contract for consulting and coordination of study services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 9, 2015
Filed April 9, 2015

CHAPTER 402

HOUSE BILL NO. 1302

(Representatives Mock, Onstad, Oversen, Schneider)

AN ACT to provide for a legislative management study of voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTER REGISTRATION.

During the 2015-16 interim, the legislative management shall consider studying voter registration and policies to implement a system of voter registration, including provisions necessary to allow same day voter registration. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015

Filed April 8, 2015

CHAPTER 403**HOUSE BILL NO. 1374**

(Representatives Maragos, Monson)

AN ACT to provide for a legislative management study of oil and gas put options, swap agreements, or other hedging strategies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PURCHASE OF OIL AND GAS SWAPS. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of authorizing the state investment board to purchase oil and gas put options, enter swap agreements, or utilize any other industrial commission-approved hedging strategies with designated counterparties for the office of management and budget in order to offset reduced state general fund oil and gas tax revenues in the case of decreases in oil and gas prices. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 18, 2015

Filed March 18, 2015

CHAPTER 404

HOUSE BILL NO. 1378

(Representative Keiser)

AN ACT to provide for a legislative management study, decisions, and directive regarding the federal Affordable Care Act and the state's benchmark plan and state-based essential health benefits package for the 2017 plan year and beyond.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY, DECISIONS, AND DIRECTIVE - AFFORDABLE CARE ACT.

1. During the 2015-16 interim, the legislative management shall assign a committee to study the proposed and final federal rules issued by the federal health and human services department relating to the essential health benefits under the federal Affordable Care Act. Specifically, the study must include a review of the rules relating to the state's ability to participate in defining the state-based essential health benefits package for plan years 2017 and beyond, how the state may be authorized to select a benchmark plan for plan years 2017 and beyond, and the deadlines related to these rules and related decisions.
2. Based on the committee's findings, the legislative management may issue a directive to the governor to notify the federal government of the state's decisions relating to the state's benchmark plan and state-based essential health benefits package for the 2017 plan year and beyond.
 - a. A directive issued by the legislative management under this section may not direct the federal government to modify the state's state-based essential health benefits for the 2017 plan year and beyond to include benefits that were not in one or more of the state's benchmark plan options for plan year 2014, the state's 2014 state-based essential health benefits package, or the state's benchmark plan options for plan years 2017 and beyond.
 - b. A directive issued by the legislative management under this section may not result in state liability due to state reimbursement requirements under the federal Affordable Care Act.
3. If during the course of the committee's study under this section, all or a portion of the federal Affordable Care Act is repealed, the committee shall consider whether the repeal impacts the state's decisions relating to the state's benchmark plan and state-based essential health benefits package for the 2017 plan year and beyond.
4. The legislative management shall report its findings, decisions, directives, and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 405

HOUSE BILL NO. 1389

(Representative Rick C. Becker)

AN ACT to provide for a legislative management study relating to verification of citizenship status for voting and for obtaining driver's licenses and nondriver photo identification cards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VERIFICATION OF CITIZENSHIP STATUS FOR VOTING AND FOR OBTAINING DRIVER'S LICENSES AND NONDRIVER IDENTIFICATION CARDS. During the 2015-16 interim, the legislative management shall consider studying issues relating to verification of citizenship status for the purpose of voting, including absentee and mail ballot voting. The study also must address the process through which the department of transportation verifies citizenship status in the issuance of driver's licenses and nondriver identification cards and the feasibility and desirability of requiring the department of transportation to include on a driver's license or nondriver identification card of a noncitizen a notation indicating the individual is not a citizen of the United States. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 30, 2015

Filed March 31, 2015

CHAPTER 406

HOUSE BILL NO. 1395

(Representatives J. Nelson, D. Johnson, Maragos)
(Senator Oehlke)

AN ACT to provide for a legislative management study of an emergency information program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE EMERGENCY INFORMATION PROGRAM. During the 2015-16 interim, the legislative management shall consider studying the benefit a statewide emergency information program would have on the current 911 and emergency services communication systems. An emergency information program is a supplemental 911 and emergency management database that would be used in emergency scenarios and allow for the collection of a variety of formatted data relevant to 911, emergency management, and other public safety agencies. The study must include a review of any gap in the efficiency and services provided by the current 911 and emergency services communication systems employed in this state, and the technological advances and the needs of the residents of this state. The study may include research into the degree that a statewide emergency information program could benefit the current 911 and emergency services communication systems by filling current gaps, addressing school safety concerns and the unique challenges presented by the rapidly expanding western portion of our state due to oil activity, and promoting the health and welfare of our state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 407**HOUSE BILL NO. 1401**

(Representatives Weisz, Dockter, J. Nelson, Owens)
(Senators Dotzenrod, Klein, Unruh)

AN ACT to provide for a legislative management study of sales and use taxation application for purchases by contractors on behalf of an exempt entity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TAXATION OF PURCHASES MADE ON BEHALF OF EXEMPT ENTITIES. During the 2015-2016 interim, the legislative management shall consider studying sales and use taxation application for purchases by contractors on behalf of an exempt entity. The legislative management shall report its findings and recommendations, to the sixty-fifth legislative assembly.

Approved April 2, 2015
Filed April 2, 2015

CHAPTER 408

HOUSE BILL NO. 1455

(Representatives D. Anderson, B. Anderson, Hofstad, Kreidt, J. Nelson)
(Senator O'Connell)

AN ACT to provide for a legislative management study regarding contract nursing agencies in the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONTRACT NURSING AGENCIES. The legislative management shall consider studying, during the 2015-16 interim, issues related to contract nursing agencies in the state. The study shall consider the desirability and feasibility of enacting contract nursing agencies legislation similar to legislation in Minnesota, Maryland, and Illinois. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 2, 2015
Filed April 2, 2015

CHAPTER 409

HOUSE BILL NO. 1469

(Representatives Boschee, Amerman, Klein, Laning, Schneider)
(Senator Dotzenrod)

AN ACT to provide for a legislative management study regarding the provision of transportation services to veterans and the impact on transportation service providers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall consider studying the provision of transportation services to veterans and the impact on those who provide or will provide free transportation services to veterans. The study may include a determination of cities that have public transportation systems, the availability of transportation services for veterans, feedback from transportation providers regarding the provision of free transportation services to veterans, and the impact on cities that have public transportation systems. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 13, 2015
Filed April 13, 2015

CHAPTER 410**SENATE BILL NO. 2049**

(Legislative Management)
(Human Services Committee)

AN ACT to provide for a department of human services study and report to the legislative management regarding statutory references to mental health professionals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. STATUTORY REFERENCES TO MENTAL HEALTH PROFESSIONALS - REPORT TO LEGISLATIVE MANAGEMENT. During the 2015-16 interim, the department of human services, in consultation with the state department of health and other stakeholders, shall study statutory references to mental health professionals to determine whether changes in the law may help to more fully utilize these professionals within their scope of practice, as it relates to the responsibilities of the department of human services to provide services or license facilities. In addition, the department of human services shall study statutory language and report recommended changes in alignment with the most current professional standard or with most current diagnostic and statistical manual. Before August 1, 2016, the department of human services shall report to the legislative management the outcome of the study together with any recommendations.

Approved March 25, 2015

Filed March 25, 2015

CHAPTER 411**SENATE BILL NO. 2119**

(Agriculture Committee)

(At the request of the Public Service Commission)

AN ACT to provide for a legislative management study of requirements for the submission of financial statements by public warehouses and grain buyers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SUBMISSION OF FINANCIAL STATEMENTS BY PUBLIC WAREHOUSES AND GRAIN BUYERS. During the 2015-16 interim, the legislative management shall consider studying requirements for the submission of financial statements, to the public service commission, by public warehouses and grain buyers in this state, including the time and manner in which the statements must be submitted and confidentiality protections for the information contained therein. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015

Filed April 8, 2015

CHAPTER 412

SENATE BILL NO. 2167

(Senators Rust, Burckhard, Warner)
(Representatives B. Anderson, Froseth, Onstad)

AN ACT to provide for a legislative management study of the one-call system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ONE-CALL EXCAVATION NOTICE SYSTEM. During the 2015-16 interim, the legislative management shall consider studying the one-call excavation notice system. The study must include the financial and operational impact on the underground facilities owners from the tremendous increase in the number of locates, a review of who should be responsible for the expenses associated with locating underground facilities in certain situations, the appropriateness of penalties for one-call excavation notice system violators, and the enforcement of penalties by the appropriate state agencies. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-fifth legislative assembly.

Approved March 13, 2015
Filed March 13, 2015

CHAPTER 413

SENATE BILL NO. 2174

(Senators Mathern, J. Lee)
(Representatives Glassheim, Keiser, M. Nelson)

AN ACT to provide for a legislative management study of the state's health care delivery system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - HEALTH CARE DELIVERY SYSTEM.

1. During the 2015-16 interim, the legislative management shall consider continuing its ongoing study of the needs and challenges of the North Dakota health care delivery system. The study may include:
 - a. Monitoring the implementation of the federal Affordable Care Act;
 - b. Examining medicaid expansion and medicaid reform;
 - c. Considering the feasibility of developing a state-based plan for a health care model that will comply with the federal Affordable Care Act in a manner that will provide high-quality access and affordable care for North Dakota citizens;
 - d. Considering changing from a federally facilitated marketplace to a state-based or state partnership marketplace;
 - e. Considering the feasibility of coordinating with neighboring states to create a regional marketplace; and
 - f. Considering the feasibility of offering to the public via the marketplace a qualified public employees retirement system uniform group health plan.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 18, 2015
Filed March 18, 2015

CHAPTER 414

SENATE BILL NO. 2234

(Senators Dever, Axness, Mathern, Oban, Wanzek)
(Representative Brandenburg)

AN ACT to provide for a department of human services study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. DEPARTMENT OF HUMAN SERVICES STUDY - REPORT TO LEGISLATIVE MANAGEMENT. The department of human services shall study eligibility for developmental disability waivers and report to the legislative management by January 1, 2016.

Approved March 25, 2015

Filed March 25, 2015

CHAPTER 415

SENATE BILL NO. 2245

(Senators Marcellais, Schneider, Warner)
(Representatives Mock, M. Nelson, Onstad)

AN ACT to provide for a legislative management study of making provisions for Indian veterans' service representatives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - INDIAN VETERANS' SERVICE REPRESENTATIVES STUDY. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of funding Indian veterans' service representatives to provide equivalent services to those provided by county veterans' service officers. The study must include an evaluation of the number of Indian veterans in each county and where the Indian veterans' service representatives should be located. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 20, 2015
Filed March 20, 2015

CHAPTER 416

SENATE BILL NO. 2276

(Senators Klein, G. Lee, Murphy)
(Representatives Holman, Silbernagel, Weisz)

AN ACT to provide for a legislative management study related to providing natural gas service to underserved communities in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - NATURAL GAS SERVICE IN UNDERSERVED COMMUNITIES. The legislative management shall consider studying, during the 2015-16 interim, issues related to providing natural gas service to underserved communities in this state from available natural gas not otherwise committed in main gas transmission lines near those underserved communities. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 417

SENATE BILL NO. 2356

(Senators Miller, Rust, Warner)
(Representatives Damschen, M. Nelson, Zubke)

AN ACT to provide for a legislative management study of abandoned gravel pit reclamation practices and standards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RECLAMATION PRACTICES. During the 2015-16 interim, the legislative management shall consider studying abandoned gravel pit reclamation practices. The study may address the feasibility and desirability of utilizing state funds for the reclamation of abandoned gravel pits and financially difficult reclamation projects on state and county lands, for the purpose of restoring land for farming, ranching, or other economic enterprises. The study may emphasize consideration of the potential economic benefit of restored land. The study may include consideration of current reclamation practices and standards for all North Dakota industries; use of the North Dakota outdoor heritage fund or other funds for financing; and input from departments, organizations, and associations with interest in reclamation practices. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved April 20, 2015
Filed April 20, 2015

CHAPTER 418**SENATE BILL NO. 2372**

(Senators Unruh, Oban)
(Representatives Boe, Delzer, Porter, Seibel)

AN ACT to provide for a legislative management study of environmental protection agency regulations regarding carbon dioxide emissions for new and existing electric generation units.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ENVIRONMENTAL PROTECTION AGENCY REGULATIONS ON CARBON DIOXIDE EMISSIONS.**

During the 2015-16 interim, the legislative management shall consider studying the impacts and costs of environmental protection agency regulations on carbon dioxide emissions for new and existing electric generation units. The study must include the regulations' estimated compliance costs on the industry, estimated impacts on regional grid reliability, estimated economic impact to ratepayers in this state, and the feasibility of implementing the regulations, including the proposed timeline. The study must also include an update on the status of technologies related to reduction of carbon dioxide emissions. The legislative management may consult with the lignite energy council, state department of health, public service commission, attorney general, and other state and federal agencies as needed. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 25, 2015
Filed March 25, 2015

CHAPTER 419**SENATE BILL NO. 2375**

(Senators Bekkedahl, Unruh)
(Representatives Hatlestad, Steiner, Streyle, Zubke)

AN ACT to provide for a legislative management study of the formation of community facilities districts for public improvements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - COMMUNITY FACILITIES DISTRICTS. During the 2015-16 interim, the legislative management shall consider studying the formation of community facilities districts for public improvements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

Approved March 30, 2015
Filed March 31, 2015

CHAPTER 420

SENATE BILL NO. 2300

(Senators Unruh, Cook, Poolman)
(Representatives Delzer, Guggisberg, Headland)

AN ACT to amend and reenact sections 54-35.2-01, 54-35.2-02, 54-35.2-03, 54-35.2-04, and 54-35.2-05 of the North Dakota Century Code, relating to transforming the advisory commission on intergovernmental relations into legislative management appointed task forces on intergovernmental issues.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-35.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-01. ~~Advisory~~ Task force on intergovernmental ~~relations~~issues - Membership - ~~Terms~~ - Meetings.

1. ~~The advisory commission~~ legislative management may appoint task forces on intergovernmental relations ~~consists of twelve members:~~
 - a. ~~The North Dakota league of cities executive committee shall appoint two members of the commission.~~
 - b. ~~The North Dakota association of counties executive committee shall appoint two members of the commission.~~
 - c. ~~The North Dakota township officers association executive board of directors shall appoint one member of the commission.~~
 - d. ~~The North Dakota recreation and park association executive board shall appoint one member of the commission.~~
 - e. ~~The North Dakota school boards association board of directors shall appoint one member of the commission.~~
 - f. ~~The governor or the governor's designee is a member of the commission.~~
 - g. The legislative management shall appoint four members of the legislative assembly as members of the commission ~~issues assigned by the legislative management based on a study directive of a legislative bill or resolution and may appoint to each task force representatives of political subdivisions, the governor or the governor's designee, and members of the legislative assembly. The majority of the members of any task force appointed must be members of the legislative assembly. Task force appointees as representatives of political subdivisions may be selected from nominees of the North Dakota league of cities, association of counties, township officers association, recreation and park association, and school boards association.~~

2. ~~The legislative management shall designate the chairman and vice chairman and the study directive of the commission each task force.~~
3. ~~All members of the commission shall serve for a term of two years, beginning July first of each odd-numbered year, and may be reappointed for additional terms.~~
4. ~~If any member of the commission resigns or ceases to be a member of the class the member represents, that person's membership on the commission ceases immediately and the appropriate appointing authority may appoint a new member for the remainder of the term.~~
5. ~~The commission~~Each task force shall meet at least semiannually ~~at the call of its chairman.~~

SECTION 2. AMENDMENT. Section 54-35.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-02. Functions and duties.

~~The advisory commission~~Each task force on intergovernmental relations ~~issues~~ shall:

1. ~~Serve~~ serve as a forum for the discussion of resolution of intergovernmental ~~problems~~ issues relating to its study directive.
2. Engage in activities and studies relating to the following subjects:
 - a. ~~Local governmental structure.~~
 - b. ~~Fiscal and other powers and functions of local governments.~~
 - c. ~~Relationships between and among local governments and the state or any other government.~~
 - d. ~~Allocation of state and local resources.~~
 - e. ~~Interstate issues involving local governments, including cooperation with appropriate authorities of other states.~~
 - f. ~~Statutory changes required to implement commission recommendations.~~
3. ~~Present reports and recommended legislative bills to the legislative management for consideration in the same manner as legislative management interim committees.~~
4. ~~Prepare model ordinances or resolutions for consideration by officials of political subdivisions.~~

SECTION 3. AMENDMENT. Section 54-35.2-03 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-03. Staff services.

~~The advisory commission~~Each task force on intergovernmental relations ~~issues~~ may request provision of appropriate staff services from the legislative council.

SECTION 4. AMENDMENT. Section 54-35.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-04. Finances Compensation and expenses.

1. A member of the ~~advisory commission~~task force on intergovernmental ~~relations~~issues who is a member of the legislative assembly is entitled to receive, from funds available to the ~~commission~~task force, compensation per day for each day spent in attendance at ~~commission~~task force meetings in the same amount as provided for members of interim committees of the legislative management and reimbursement for travel and other necessary expenses incurred in the performance of official duties in the amounts provided by law for other state officers. Members of the ~~advisory commission~~task force on intergovernmental ~~relations~~issues who are ~~appointed by an organization representing~~represent political subdivisions may be reimbursed for attendance at ~~commission~~task force meetings by the organization by ~~which they were appointed~~they represent.

2. ~~The commission may apply for, contract for, receive, and expend for its purposes any appropriation or grant from any public or private source.~~
3. ~~Political subdivisions of the state may appropriate funds to the commission to share in the cost of its operations.~~

SECTION 5. AMENDMENT. Section 54-35.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-35.2-05. Reports.

~~The advisory commission~~Each task force on intergovernmental ~~relations~~issues shall report its findings and recommendations and any proposed legislation necessary to implement the recommendations to the legislative management ~~at the time and in the manner reports are made by interim committees of the legislative management.~~ ~~The legislative management may accept, reject, or amend the report of the advisory commission on intergovernmental relations. The legislative management shall include the report, or any portion of it, as accepted, rejected, or amended, in the legislative management's final report. Copies of the report of the advisory commission on intergovernmental relations, as accepted, rejected, or amended by the legislative management, must be available to counties, cities, townships, appropriate state departments and agencies, and the public~~by the deadline provided by the legislative management when the task force was appointed. A majority of the members of each task force and a majority of the legislative assembly members of each task force must vote in favor of any proposed legislation before the proposed legislation may be recommended to the legislative management.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 421

SENATE BILL NO. 2226

(Senators Schaible, Bekkedahl, Marcellais)
(Representatives D. Anderson, Froseth, D. Johnson)

AN ACT to amend and reenact sections 54-40.2-04, 54-40.2-05, 57-51.2-01, and 57-51.2-02 of the North Dakota Century Code, relating to legislative confirmation of state-tribal tax collection agreements and the authority of the governor to enter agreements relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation, Standing Rock Sioux Tribe Reservation, or Turtle Mountain Band of Chippewa Indians Reservation and on certain trust properties outside reservation boundaries; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-40.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-40.2-04. Approval of agreement by governor and tribes - Approval by legislative assembly for tax collection agreements.

As a condition precedent to an agreement made under this chapter becoming effective, it must have the approval of the governor of North Dakota and the governing bodies of the tribes involved. If the agreement is a tax collection agreement between the tax commissioner and one or more tribes, the agreement also is subject to confirmation by a majority of members elected to the house of representatives and the senate and does not become effective until its legislative confirmation date or the effective date in the agreement, whichever is later. Each tax collection agreement presented for legislative confirmation must contain an expiration date not more than sixteen years after its effective date and the expiration date must be March thirty-first of an odd-numbered year. If the agreement so provides obtains the approvals under this section and, if required, legislative confirmation under this section, it may be submitted to the secretary for approval.

SECTION 2. AMENDMENT. Section 54-40.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-40.2-05. Filing of agreement.

~~Within ten days after a declaration of~~ After approval by the governor and ~~following approval of the agreement by the tribe or tribes affected by the agreement and, if required, legislative confirmation,~~ and prior to commencement of its performance, an agreement made pursuant to this chapter must be filed with:

1. The secretary.
2. The clerk of court of each county where the principal office of one of the parties to the agreement is located.
3. The secretary of state.

4. The affected tribal government.

SECTION 3. AMENDMENT. Section 57-51.2-01 of the North Dakota Century Code is amended and reenacted as follows:

57-51.2-01. Authority to enter agreements.

The governor, in consultation with the tax commissioner, may enter separate agreements with the Three Affiliated Tribes, Standing Rock Sioux Tribe, and Turtle Mountain Band of Chippewa Indians, relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation, Standing Rock Sioux Tribe Reservation, or Turtle Mountain Band of Chippewa Indians Reservation and on trust properties outside reservation boundaries. Each tribal governing body is entitled to enter a separate agreement that conforms with the requirements of this chapter.

Each agreement under this chapter is subject to confirmation by a majority of members elected to the house of representatives and the senate and does not become effective until its confirmation date or the effective date in the agreement, whichever is later. Each agreement presented for confirmation must contain an expiration date not more than sixteen years after its effective date and the expiration date must be March thirty-first of an odd-numbered year.

SECTION 4. AMENDMENT. Section 57-51.2-02 of the North Dakota Century Code is amended and reenacted as follows:

57-51.2-02. Agreement requirements.

An agreement under this chapter is subject to the following:

1. The only taxes subject to agreement are the state's oil and gas gross production and oil extraction taxes attributable to production from wells located within the exterior boundaries of the ~~Fort Berthold Reservation~~reservation and wells located on trust properties outside reservation boundaries. For purposes of this chapter, "trust properties outside reservation boundaries" means land in this state located outside the exterior boundaries of a reservation which are held in trust by the United States for any Indian tribe or owned by an Indian tribe or tribal member subject to a restriction against alienation imposed by the United States.
2. The state's oil and gas gross production tax under chapter 57-51 must apply to all wells located within the ~~Fort Berthold Reservation~~reservation and on trust properties outside reservation boundaries.
3. The state's oil extraction tax under chapter 57-51.1 as applied to oil and gas production attributable to trust lands on the ~~Fort Berthold Reservation~~reservation and on trust properties outside reservation boundaries may not exceed six and one-half percent but may be reduced through negotiation between the governor and the ~~Three Affiliated Tribes~~tribal governing body.
4. Any exemptions for oil and gas production from trust lands under chapters 57-51 and 57-51.1 do not apply to production within the boundaries of the ~~Fort Berthold Reservation~~reservation and on trust properties outside reservation boundaries except as otherwise provided in the agreement.

5. The allocation of revenue from oil and gas gross production and oil extraction taxes on the ~~Fort Berthold Reservation~~reservation must be as follows:
 - a. Production attributable to trust lands. All revenues and exemptions from all oil and gas gross production and oil extraction taxes attributable to production from trust lands on the ~~Fort Berthold Reservation~~reservation and on trust properties outside reservation boundaries must be evenly divided between the tribe and the state.
 - b. All other production. The tribe must receive fifty percent of the total oil and gas gross production and oil extraction taxes collected from all production attributable to nontrust lands on the ~~Fort Berthold Reservation~~reservation in lieu of the application of the ~~Three Affiliated Tribes'~~tribal fees and taxes related to production on such lands. The state must receive the remainder.
 - c. The state's share of the oil and gas gross production tax revenue as divided in subdivisions a and b is subject to distribution among political subdivisions as provided in chapter 57-51.
6. An oil or gas well that is drilled and completed during the time of an agreement under this chapter must be subject to the terms of the agreement for the life of the well.
7. The ~~Three Affiliated Tribes~~tribal governing body must agree not to impose a tribal tax or any fee on future exploration and production of oil and gas on the ~~Fort Berthold Reservation~~reservation and on trust properties outside reservation boundaries during the term of the agreement.
8. To address situations in which the tax commissioner refunds taxes to a taxpayer, the agreement must allow the tax commissioner to offset future distributions to the tribe.
9. The tax commissioner must retain authority to administer and enforce chapters 57-51 and 57-51.1 as applied to wells subject to any agreement authorized by this chapter.
10. An oil or gas well that is drilled and completed during the time an agreement under this chapter is in effect is subject to state regulatory provisions for the life of the well in addition to any other applicable regulatory provisions.
11. The federal district court for the ~~western~~northwestern division of North Dakota is the venue for any dispute arising from a revenue-sharing agreement between the state and the Three Affiliated Tribes or between the state and the Turtle Mountain Band of Chippewa Indians. The federal district court for the southwestern division of North Dakota is the venue for any dispute arising from a revenue-sharing agreement between the state and the Standing Rock Sioux Tribe.
12. The agreement must require that the ~~Three Affiliated Tribes~~tribal governing body report annually to the budget section of the legislative management and that the report:
 - a. Identifies projects totaling investment of at least ten percent of tribal oil and gas gross production and oil extraction tax receipts of the tribe for that year in essential infrastructure.

- b. At a minimum, informs the budget section of tribal investments in essential infrastructure and fees, expenses, and charges the tribe imposes on the oil industry.

SECTION 5. EFFECTIVE DATE. This Act is effective for agreements entered after July 31, 2015.

Approved April 29, 2015

Filed April 30, 2015

CHAPTER 422

SENATE BILL NO. 2024

(Legislative Management)
(Advisory Commission on Intergovernmental Relations)

AN ACT to amend and reenact section 54-40.5-04 of the North Dakota Century Code, relating to reclaiming township or city zoning authority previously relinquished to the county; and to repeal section 11-33-20 of the North Dakota Century Code, relating to relinquishing township or city zoning authority to the county.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-40.5-04 of the North Dakota Century Code is amended and reenacted as follows:

54-40.5-04. Revocation of transfer.

An agreement may be amended by further agreement of the parties in the same manner as the original agreement was made. An agreement may be terminated as provided in the agreement or, if no provision is made for the termination, by joint action of all parties, or by an individual party not less than one year after its notice in writing to all other parties. If a political subdivision that is a party to the agreement is dissolved, the agreement may be terminated as provided in this section by the governing body of the political subdivision upon its reincorporation or reestablishment, by a petition submitted to the county and signed by a majority of the electors residing within the previous territorial jurisdiction of the dissolved political subdivision, or in some other manner specified in the agreement.

A township or city that unilaterally transferred its zoning authority to the county may reacquire that zoning authority by mutual agreement between the board of county commissioners and the board of township supervisors or city governing body.

SECTION 2. REPEAL. Section 11-33-20 of the North Dakota Century Code is repealed.

Approved March 12, 2015
Filed March 12, 2015

CHAPTER 423

HOUSE BILL NO. 1034

(Legislative Management)
(Government Finance Committee)

AN ACT to amend and reenact section 54-44.1-12 of the North Dakota Century Code, relating to the allotment of appropriations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-44.1-12 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-12. Control over rate of expenditures.

1. The director of the budget shall exercise continual control over the execution of the budget affecting the departments and agencies of state government, with the exception of the legislative and judicial branches. Execution means the analysis and approval of all commitments for conformity with the program provided in the budget, frequent comparison of actual revenues and budget estimates, and on the basis of these analyses and comparisons control the rate of expenditures through a system of allotments. The allotment must be made by specific fund and all departments and agencies that receive moneys from that fund must be allotted on a uniform percentage basis, except that appropriations to the department of public instruction for foundationstate school aid, transportation aid, and special education aid may only be allotted to the extent that the allotment can be offset by transfers from the foundation aid stabilization fund as follows:
 - a. The first two and one-half percent allotment from the general fund must be offset with a transfer from the foundation aid stabilization fund.
 - b. Any general fund allotment in excess of two and one-half percent that is necessary, after all moneys available in the budget stabilization fund have been transferred to the general fund under section 54-27.2-03, may be offset with a transfer from the foundation aid stabilization fund.
2. Before an allotment is made which will reduce the amount of funds which can be disbursed pursuant to an appropriation or before an allotment disallowing a specific expenditure is made, the director shall find one or more of the following circumstances to exist:
 4. a. The moneys and estimated revenues in a specific fund from which the appropriation is made are insufficient to meet all legislative appropriations from the fund.
 2. b. The payment or the obligation incurred is not authorized by law.
 3. c. The expenditure or obligation is contrary to legislative intent as recorded in any reliable legislative records, including:

-
- a. (1) Statements of legislative intent expressed in enacted appropriation measures or other measures enacted by the legislative assembly; and
 - b. (2) Statements of purpose of amendment explaining amendments to enacted appropriation measures, as recorded in the journals of the legislative assembly.
4. d. Circumstances or availability of facts not previously known or foreseen by the legislative assembly which make possible the accomplishment of the purpose of the appropriation at a lesser amount than that appropriated.

Approved April 15, 2015
Filed April 15, 2015

CHAPTER 424

SENATE BILL NO. 2102

(Government and Veterans Affairs Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 54-52-06.2, 54-52-06.4, and 54-52-06.5, and subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to state employee retirement plans and retirement contributions by national guard security officers and firefighters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-52-06.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.2. Contribution by national guard security officers or firefighters - Employer contribution.

Each national guard security officer or firefighter who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Member contributions increase by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2014. Effective August 1, 2015, each national guard security officer or firefighter who is a participating member of the plan under this section becomes a participating member of the plan under section 54-52-06.4 and the board shall thereafter manage any account balance associated with those participating members under section 54-52-06.4. After July 31, 2015, a new eligible employee may not become a participating member of the plan under this section. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The national guard security officer's or firefighter's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the security officer's or firefighter's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required national guard security officer's or firefighter's assessment.

SECTION 2. AMENDMENT. Section 54-52-06.4 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.4. Contribution by peace officers employed by the bureau of criminal investigation or security officers employed by the national guard - Employer contribution.

Each peace officer employed by the bureau of criminal investigation who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. Peace officer contributions increase by one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and with an additional increase of one percent, beginning with the reporting period of January 2013. Effective August 1, 2015, each

national guard security officer who is a member of the public employee's retirement system is assessed and monthly shall pay six percent of the employee's monthly salary. National guard security officer contributions decrease by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2016. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's or security officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's or security officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's or security officer's assessment.

SECTION 3. AMENDMENT. Section 54-52-06.5 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.5. Reduction in member and employer contributions.

The required increase in the amount of member and employer contributions under sections 54-52-02.9, 54-52-05, 54-52-06, 54-52-06.1, ~~54-52-06.2~~, 54-52-06.3, 54-52.6-02, and 54-52.6-09 must be reduced to the rate in effect on July 1, 2013, effective on the July first that follows the first valuation of the public employees retirement system main system showing a ratio of the actuarial value of assets to the actuarial accrued liability of the public employees retirement system main system that is equal to or greater than one hundred percent.

¹⁹⁰ **SECTION 4. AMENDMENT.** Subsection 3 of section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

3. Retirement dates are defined as follows:

- a. Normal retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, is:

- (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or
- (2) When the member has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.

- b. Normal retirement date for a national guard security officer or firefighter is ~~the~~:

- (1) ~~The~~ first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty-five years and has completed at least three eligible years of employment ~~as a; or~~

¹⁹⁰ Section 54-52-17 was also amended by section 6 of House Bill No. 1062, chapter 259, section 27 of Senate Bill No. 2015, chapter 49, and section 28 of Senate Bill No. 2015, chapter 49.

- (2) When the national guard security officer or firefighter has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- c. Normal retirement date for a peace officer or correctional officer employed by a political subdivision is:
- (1) The first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty-five years and has completed at least three eligible years of employment as a peace officer or correctional officer; or
 - (2) When the peace officer or correctional officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- d. Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
- (1) The first day of the month next following the month in which the peace officer attains the age of fifty-five years and has completed at least three eligible years of employment as a peace officer; or
 - (2) When the peace officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
- e. Postponed retirement date is the first day of the month next following the month in which the member, on or after July 1, 1977, actually severs or has severed the member's employment after reaching the normal retirement date.
- f. Early retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, is the first day of the month next following the month in which the member attains the age of fifty-five years and has completed three years of eligible employment. For a national guard security officer or firefighter, early retirement date is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty years and has completed at least three years of eligible employment. For a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
- g. Disability retirement date is the first day of the month after a member becomes permanently and totally disabled, according to medical evidence called for under the rules of the board, and has completed at least one hundred eighty days of eligible employment. For supreme and district court judges, permanent and total disability is based solely on a judge's inability to perform judicial duties arising out of physical or mental impairment, as determined pursuant to rules adopted by the board or as provided by

subdivision a of subsection 3 of section 27-23-03. A member is eligible to receive disability retirement benefits only if the member:

- (1) Became disabled during the period of eligible employment; and
- (2) Applies for disability retirement benefits within twelve months of the date the member terminates employment.

A member is eligible to continue to receive disability benefits as long as the permanent and total disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. If the board determines that a member no longer meets the eligibility definition, the board may discontinue the disability retirement benefit. The board may pay the cost of any medical testing or rehabilitation services it deems necessary and these payments are appropriated from the retirement fund for those purposes.

Approved March 13, 2015
Filed March 13, 2015

CHAPTER 425

HOUSE BILL NO. 1038

(Legislative Management)
(Health Care Reform Review Committee)

AN ACT to create and enact section 54-52.1-04.13 of the North Dakota Century Code, relating to public employees retirement system uniform group insurance coverage of telehealth; to require a report regarding coverage of telehealth; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 54-52.1-04.13 of the North Dakota Century Code is created and enacted as follows:

54-52.1-04.13. Insurance coverage of telehealth services.

1. As used in this section:

- a. "Distant site" means a site at which a health care provider or health care facility is located while providing medical services by means of telehealth.
- b. "Health care facility" means any office or institution at which health services are provided. The term includes hospitals; clinics; ambulatory surgery centers; outpatient care facilities; nursing homes; nursing, basic, long-term, or assisted living facilities; laboratories; and offices of any health care provider.
- c. "Health care provider" includes an individual licensed under chapter 43-05, 43-06, 43-12.1 as a registered nurse or as an advanced practice registered nurse, 43-13, 43-15, 43-17, 43-26.1, 43-28, 43-32, 43-37, 43-40, 43-41, 43-42, 43-44, 43-45, 43-47, 43-58, or 43-60.
- d. "Originating site" means a site at which a patient is located at the time health services are provided to the patient by means of telehealth.
- e. "Policy" means health benefits coverage under a contract for insurance pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2.
- f. "Store-and-forward technology" means electronic information, imaging, and communication that is transferred, recorded, or otherwise stored in order to be reviewed at a distant site at a later date by a health care provider or health care facility without the patient present in real time. The term includes telehome monitoring and interactive audio, video, and data communication.
- g. "Telehealth":
 - (1) Means the use of interactive audio, video, or other telecommunications technology that is used by a health care provider or health care facility

- at a distant site to deliver health services at an originating site; and that is delivered over a secure connection that complies with the requirements of state and federal laws.
- (2) Includes the use of electronic media for consultation relating to the health care diagnosis or treatment of a patient in real time or through the use of store-and-forward technology.
- (3) Does not include the use of audio-only telephone, email, or facsimile transmissions.
2. For all policies that become effective after June 30, 2015, and which do not extend past June 30, 2017, the board shall provide health benefits coverage under a policy that provides coverage for health services delivered by means of telehealth which is the same as the coverage for health services delivered by in-person means.
3. Payment or reimbursement of expenses for covered health services delivered by means of telehealth under this section may be established through negotiations conducted by the board or the board's contractor with the health services providers in the same manner as the board establishes payment or reimbursement of expenses for covered health services that are delivered by in-person means.
4. Coverage under this section may be subject to deductible, coinsurance, and copayment provisions.
5. This section does not require:
- a. A policy to provide coverage for health services that are not medically necessary, subject to the terms and conditions of the policy;
- b. A policy to provide coverage for health services delivered by means of telehealth if the policy would not provide coverage for the health services if delivered by in-person means;
- c. A policy to reimburse a health care provider or health care facility for expenses for health services delivered by means of telehealth if the policy would not reimburse that health care provider or health care facility if the health services had been delivered by in-person means; or
- d. A health care provider to be physically present with a patient at the originating site unless the health care provider who is delivering health services by means of telehealth determines the presence of a health care provider is necessary.

SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF TELEHEALTH SERVICES. Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-fifth legislative assembly to repeal the expiration date for section 1 of this Act and to extend the coverage of telehealth services to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the telehealth coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage, and a recommendation regarding whether the coverage should continue.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2017, and after that date is ineffective.

Approved April 9, 2015

Filed April 9, 2015

CHAPTER 426

SENATE BILL NO. 2277

(Senators Armstrong, Hogue)
(Representatives Hawken, Karls)

AN ACT to amend and reenact section 54-55-01 of the North Dakota Century Code, relating to membership on the commission on uniform state laws.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-55-01 of the North Dakota Century Code is amended and reenacted as follows:

54-55-01. Commission on uniform state laws - Membership.

The commission on uniform state laws consists of an individual engaged in the practice of law in this state, the dean or a full-time member of the faculty of the law school of the university of North Dakota, a law-trained judge of a court of record in this state, a member of the house of representatives and a member of the senate of the legislative assembly, and a member of the legislative council. The attorney general may appoint a member of the commission. The commission also consists of any residents of this state who, because of long service in the cause of uniformity of state legislation, have been elected life members of the national conference of commissioners on uniform state laws, and may also consist of any residents of this state who have been previously appointed to at least five years of service on the commission. Except for the member appointed by the attorney general, the members of the legislative assembly, the member of the legislative council, and life members, ~~commissioners first appointed after July 21, 2011, must be residents of the state,~~ must be appointed by the governor for terms of four years each, commencing on the first day of September following each presidential election, and shall serve until their respective successors are appointed. Commissioners first appointed after July 21, 2011, must be residents of the state. The members of the legislative assembly on the commission must be appointed by the legislative management for a term not to exceed four years as prescribed by the legislative management, and the member of the legislative council must be appointed by the chairman of the legislative management. The term of the member appointed by the attorney general may not extend beyond the term of that attorney general.

Approved April 8, 2015
Filed April 8, 2015

CHAPTER 427

SENATE BILL NO. 2364

(Senator J. Lee)

AN ACT to amend and reenact subsections 1 and 2 of section 54-59-25, subsections 1 and 2 of section 54-59-26, and section 54-59-29 of the North Dakota Century Code, relating to the health information technology loan fund and confidential health information; and to repeal section 6-09-42 of the North Dakota Century Code, relating to the health information technology loan fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹¹ **SECTION 1. AMENDMENT.** Subsection 1 of section 54-59-25 of the North Dakota Century Code is amended and reenacted as follows:

1. The health information technology advisory committee consists of the state chief information officer or the chief information officer's designee, the state health officer or the state health officer's designee, the governor or the governor's designee, the executive director of the department of human services or the executive director's designee, the chairman of the house human services committee and the chairman of the senate human services committee or if either or both of them are unwilling or unable to serve then the chairman of the legislative management shall appoint a replacement who is a member of the same legislative chamber as the individual being replaced, and individuals appointed by the governor to represent a broad range of public and private health information technology stakeholders. A committee member who is not an ex officio member, designee of an ex officio member, state employee, or legislator is entitled to mileage and expenses as provided by law for state officers and employees, to be paid by the health information technology office. A committee member who is an ex officio member, designee of an ex officio member, state employee, or legislator is entitled to receive that member's regular salary and receive mileage and expenses, to be paid by the employing agency.

¹⁹² **SECTION 2. AMENDMENT.** Subsection 2 of section 54-59-25 of the North Dakota Century Code is amended and reenacted as follows:

2. The health information technology advisory committee shall collaborate with and make recommendations to the health information technology office, as provided under sections 6-09-42, 6-09-43, 54-59-26, and 54-59-27.

¹⁹³ **SECTION 3. AMENDMENT.** Subsection 1 of section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

¹⁹¹ Section 54-59-25 was also amended by section 2 of Senate Bill No. 2364, chapter 427.

¹⁹² Section 54-59-25 was also amended by section 1 of Senate Bill No. 2364, chapter 427.

¹⁹³ Section 54-59-26 was also amended by section 4 of Senate Bill No. 2364, chapter 427.

1. The health information technology office is created in the department. The health information technology advisory committee shall make recommendations to the health information technology office for implementing ~~a statewide~~ interoperable health information infrastructure that is consistent with emerging national standards; promote the adoption and use of electronic health records and other health information technologies; and promote interoperability of health information systems for the purpose of improving health care quality, patient safety, and the overall efficiency of health care and public health services.

¹⁹⁴ **SECTION 4. AMENDMENT.** Subsection 2 of section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

2. The health information technology office director, in collaboration with the health information technology advisory committee, shall:
 - a. Apply for federal funds that may be available to assist the state and health care providers in implementing and improving health information technology.
 - b. Implement and administer a health information exchange that utilizes information infrastructure and systems in a secure and cost-effective manner to facilitate the collection, storage, and transmission of health records.
 - c. Adopt rules under chapter 28-32 for the use of health information, use of the health information exchange, and participation in the health information exchange.
 - d. Adopt rules under chapter 28-32 for accessing the health information exchange to ensure appropriate and required privacy and security protections and relating to the authority of the director to suspend, eliminate, or terminate the right to participate in the health information exchange.
 - e. ~~Establish a health information technology loan program to provide loans to health care providers for the purpose of purchasing and upgrading certified electronic health record technology, training personnel in the use of such technology, and improving the secure electronic exchange of health information, and for any other purpose under section 6-09-42.~~
 - f. Establish a health information technology planning loan program to provide low-interest loans to health care entities to assist those entities in improving their health information technology infrastructure under section 6-09-43.
 - ~~g-f.~~ Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.
 - ~~h-g.~~ Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e, f, and g. The eligibility criteria must be consistent with federal requirements associated with federal funds received under subdivision a. The eligibility

¹⁹⁴ Section 54-59-26 was also amended by section 3 of Senate Bill No. 2364, chapter 427.

criteria for loans under subdivision f must include a requirement that the recipient's approved health information technology be strategically aligned with the state's health information technology plan and the associated federal standards and that the recipient has passed an onsite electronic medical record readiness assessment conducted by an assessment team determined by the health information technology advisory committee and the health information technology office director.

- i-h. Determine fees and charges for access and participation in the health information exchange. Any moneys collected under this subdivision must be deposited in the electronic health information exchange fund.
- j.i. Consult and coordinate with the state department of health and the department of human services to facilitate the collection of health information from health care providers and state agencies for public health purposes, including identifiable health information that may be used by state agencies, departments, or institutions to comply with applicable state or federal laws.

SECTION 5. AMENDMENT. Section 54-59-29 of the North Dakota Century Code is amended and reenacted as follows:

54-59-29. Health information exchange - Confidential and exempt records.

~~Any individually identifiable health information, as defined under the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191], information submitted to, stored in, or transmitted by the health information exchange under this chapter and any such data or record in the possession of the health information technology office is an exempt record under chapter 44-04 unless the information is confidential under applicable federal or state law. Any other information relating to patients, individuals, or individually identifiable demographic information contained in a master client index submitted to, stored in or transmitted by the health information exchange or in the possession of the health information technology office is an exempt record.~~

SECTION 6. REPEAL. Section 6-09-42 of the North Dakota Century Code is repealed.

Approved March 27, 2015
Filed March 27, 2015

CHAPTER 428

SENATE BILL NO. 2136

(Industry, Business and Labor Committee)
(At the request of the Department of Commerce)

AN ACT to amend and reenact section 54-60.1-05 of the North Dakota Century Code, relating to business incentive accountability reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-60.1-05 of the North Dakota Century Code is amended and reenacted as follows:

54-60.1-05. State grantor recipient reports.

1. The department shall create state grantor recipient report forms that include:
 - a. The name and address of the recipient;
 - b. The type, public purpose, and value of the business incentive;
 - c. The number of new jobs to be created or retained in association with the business incentive;
 - d. The average compensation of all jobs to be created or retained in association with the business incentive, including identification of the average benefits and the average earnings provided by the employer on all jobs created or retained in association with the business incentive;
 - e. The date the job and average compensation goals are expected to be reached;
 - f. A statement of goals identified in the business incentive agreement and an update on achievement of these goals, including the actual number of jobs created or retained and the average compensation of jobs created or retained at that point, including identification of the average benefits actually provided and the average earnings actually provided by the employer on all jobs created or retained;
 - g. The location of the recipient prior to receiving the business incentive;
 - h. The name and address of the parent corporation of the recipient, if any;
 - i. A list of business incentives by all grantors for the project; and
 - j. Other information the department and grantor may request.
2. Each state grantor shall use recipient report forms created by the department to monitor the progress by each state grantor recipient in achieving business incentive agreement goals. At a minimum, each of these recipients shall provide the state grantor with an annual recipient report for two years following

the benefit date or until the goals are met, whichever is later. If the business incentive agreement goals are not met, the state grantor recipient shall continue to provide recipient reports to the state grantor until the incentive is repaid. A state grantor shall file with the department a copy of each completed recipient report.

3. ~~Before March 1, 2007, and each March first thereafter~~sixty days after the anniversary of the benefit date, a state grantor recipient shall file with the state grantor the recipient report for the previous ~~calendar year~~twelve months. If a state grantor recipient fails to file a recipient report before ~~March eighth~~the sixtieth day after the anniversary of the benefit date, the state grantor shall mail the recipient a warning letter. If a noncompliant state grantor recipient fails to file the recipient report within fourteen days of the postmarked date of the warning letter, the recipient shall pay to the state grantor a penalty of one hundred dollars for each subsequent day until the report is filed. The maximum penalty under this section may not exceed one thousand dollars.

Approved March 19, 2015

Filed March 19, 2015

CHAPTER 429

HOUSE BILL NO. 1129

(Industry, Business and Labor Committee)
(At the request of the Department of Commerce)

AN ACT to amend and reenact section 54-60.2-02 of the North Dakota Century Code, relating to workforce development grants for tribally controlled community colleges; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-60.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-60.2-02. Purpose of grants.

1. Any grant awarded under section 54-60.2-01 may be used at the discretion of the college:
4.
 - a. For development or enhancement of programs that assist in providing certificates or degrees to North Dakota students attending the college that qualify the student to obtain jobs for which applicants are being sought within the state, as identified by the department of commerce, job service North Dakota, or any of the federally recognized Indian tribes within North Dakota; or
 2.
 - b. To assist any North Dakota student attending the college to establish, or to assist in establishing, a new business operating within North Dakota that will employ North Dakota citizens.
2. Any funds provided to tribally controlled community colleges must be used to supplement, not supplant, any existing program or funding source of the college.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2017, and after that date is ineffective.

Approved March 12, 2015
Filed March 12, 2015

CHAPTER 430

HOUSE BILL NO. 1138

(Representatives Skarphol, Thoreson, Klemin, Rick C. Becker, Kasper, Streyle,
Monson, Pollert)
(Senators Hogue, Carlisle, Armstrong, Larsen)

AN ACT providing for the adoption of an interstate compact entitled "Compact for a Balanced Budget".

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Adoption of compact.

The state of North Dakota enacts, adopts, and agrees to be bound by the Compact for a Balanced Budget with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I - DECLARATION OF POLICY, PURPOSE, AND INTENT

Whereas, every state enacting, adopting and agreeing to be bound by this compact intends to ensure that their respective legislature's use of the power to originate a Balanced Budget Amendment under Article V of the Constitution of the United States will be exercised conveniently and with reasonable certainty as to the consequences thereof.

Now, therefore, in consideration of their expressed mutual promises and obligations, be it enacted by every state enacting, adopting and agreeing to be bound by this compact, and resolved by each of their respective legislatures, as the case may be, to exercise herewith all of their respective powers as set forth herein notwithstanding any law to the contrary.

ARTICLE II - DEFINITIONS

1. "Compact" means this "Compact for a Balanced Budget".
2. "Convention" means the convention for proposing amendments organized by this compact under Article V of the Constitution of the United States and, where contextually appropriate to ensure the terms of this compact are not evaded, any other similar gathering or body, which might be organized as a consequence of Congress receiving the application set out in this compact and claim authority to propose or effectuate any amendment, alteration or revision to the Constitution of the United States. This term does not encompass a convention for proposing amendments under Article V of the Constitution of the United States that is organized independently of this compact based on the separate and distinct application of any state.
3. "State" means one of the several states of the United States. Where contextually appropriate, the term "state" shall be construed to include all of its

branches, departments, agencies, political subdivisions, and officers and representatives acting in their official capacity.

4. "Member state" means a state that has enacted, adopted, and agreed to be bound to this compact. For any state to qualify as a member state with respect to any other state under this compact, each such state must have enacted, adopted, and agreed to be bound by substantively identical compact legislation.
5. "Compact notice recipients" means the archivist of the United States, the president of the United States, the president of the United States Senate, the office of the secretary of the United States Senate, the speaker of the United States House of Representatives, the office of the clerk of the United States House of Representatives, the chief executive officer of each state, and the presiding officers of each house of the legislatures of the several states.
6. Notice. All notices required by this compact shall be by United States certified mail, return receipt requested, or an equivalent or superior form of notice, such as personal delivery documented by evidence of actual receipt.
7. "Balanced Budget Amendment" means the following:

"Article _____

Section 1. Total outlays of the government of the United States shall not exceed total receipts of the government of the United States at any point in time unless the excess of outlays over receipts is financed exclusively by debt issued in strict conformity with this article.

Section 2. Outstanding debt shall not exceed authorized debt, which initially shall be an amount equal to 105 percent of the outstanding debt on the effective date of this article. Authorized debt shall not be increased above its aforesaid initial amount unless such increase is first approved by the legislatures of the several states as provided in Section 3.

Section 3. From time to time, Congress may increase authorized debt to an amount in excess of its initial amount set by Section 2 only if it first publicly refers to the legislatures of the several states an unconditional, single subject measure proposing the amount of such increase, in such form as provided by law, and the measure is thereafter publicly and unconditionally approved by a simple majority of the legislatures of the several states, in such form as provided respectively by state law; provided that no inducement requiring an expenditure or tax levy shall be demanded, offered or accepted as a quid pro quo for such approval. If such approval is not obtained within sixty (60) calendar days after referral then the measure shall be deemed disapproved and the authorized debt shall thereby remain unchanged.

Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by Section 2, the President shall enforce said limit by publicly designating specific expenditures for impoundment in an amount sufficient to ensure outstanding debt shall not exceed the authorized debt. Said impoundment shall become effective thirty (30) days thereafter, unless Congress first designates an alternate impoundment of the same or greater amount by concurrent resolution, which shall become immediately

effective. The failure of the President to designate or enforce the required impoundment is an impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess of the debt limit set by Section 2 is void.

Section 5. No bill that provides for a new or increased general revenue tax shall become law unless approved by a two-thirds roll call vote of the whole number of each House of Congress. However, this requirement shall not apply to any bill that provides for a new end user sales tax which would completely replace every existing income tax levied by the government of the United States; or for the reduction or elimination of an exemption, deduction, or credit allowed under an existing general revenue tax.

Section 6. For purposes of this article, "debt" means any obligation backed by the full faith and credit of the government of the United States; "outstanding debt" means all debt held in any account and by any entity at a given point in time; "authorized debt" means the maximum total amount of debt that may be lawfully issued and outstanding at any single point in time under this article; "total outlays of the government of the United States" means all expenditures of the government of the United States from any source; "total receipts of the government of the United States" means all tax receipts and other income of the government of the United States, excluding proceeds from its issuance or incurrence of debt or any type of liability; "impoundment" means a proposal not to spend all or part of a sum of money appropriated by Congress; and "general revenue tax" means any income tax, sales tax, or value-added tax levied by the government of the United States excluding imposts and duties.

Section 7. This article is immediately operative upon ratification, self-enforcing, and Congress may enact conforming legislation to facilitate enforcement."

ARTICLE III - COMPACT MEMBERSHIP AND WITHDRAWAL

1. This compact governs each member state to the fullest extent permitted by their respective constitutions, superseding and repealing any conflicting or contrary law.
2. By becoming a member state, each such state offers, promises, and agrees to perform and comply strictly in accordance with the terms and conditions of this compact, and has made such offer, promise, and agreement in anticipation and consideration of, and in substantial reliance upon, such mutual and reciprocal performance and compliance by each other current and future member state, if any. Accordingly, in addition to having the force of law in each member state upon its respective effective date, this compact and each of its articles shall also be construed as contractually binding each member state when:
 - a. At least one other state has likewise become a member state by enacting substantively identical legislation adopting and agreeing to be bound by this compact; and
 - b. Notice of such state's member state status is or has been seasonably received by the compact administrator, if any, or otherwise by the chief executive officer of each other member state.

3. For purposes of determining member state status under this compact, as long as all other provisions of the compact remain identical and operative on the same terms, legislation enacting, adopting, and agreeing to be bound by this compact shall be deemed and regarded as "substantively identical" with respect to such other legislation enacted by another state notwithstanding:
 - a. Any difference in subsection 2 of article IV with specific regard to the respectively enacting state's own method of appointing its member to the commission;
 - b. Any difference in subsection 5 of article IV with specific regard to the respectively enacting state's own obligation to fund the commission;
 - c. Any difference in subsections 1 and 2 of article VI with specific regard to the number and identity of each delegate respectively appointed on behalf of the enacting state, provided that no more than three delegates may attend and participate in the Convention on behalf of any state; or
 - d. Any difference in subsection 7 of article X with specific regard to the respectively enacting state as to whether subsection 1 of article V of this compact shall survive termination of the compact, and thereafter become a continuing resolution of the legislature of such state applying to Congress for the calling of a convention of the states under Article V of the Constitution of the United States, under such terms and limitations as may be specified by such state.
4. When fewer than three-fourths of the states are member states, any member state may withdraw from this compact by enacting appropriate legislation, as determined by state law, and giving notice of such withdrawal to the compact administrator, if any, or otherwise to the chief executive officer of each other member state. A withdrawal shall not affect the validity or applicability of the compact with respect to remaining member states, provided that there remain at least two such states. However, once at least three-fourths of the states are member states, then no member state may withdraw from the compact prior to its termination absent unanimous consent of all member states.

ARTICLE IV - COMPACT COMMISSION AND COMPACT ADMINISTRATOR

1. Nature of the compact commission. The compact commission ("commission") is hereby established. It has the power and duty:
 - a. To appoint and oversee a compact administrator;
 - b. To encourage states to join the compact and Congress to call the Convention in accordance with this compact;
 - c. To coordinate the performance of obligations under the compact;
 - d. To oversee the Convention's logistical operations as appropriate to ensure this compact governs its proceedings;
 - e. To oversee the defense and enforcement of the compact in appropriate legal venues;

- to each other member state provided that a copy of said notice is seasonably delivered by the compact administrator to each other member state's respective chief executive officer.
7. Notice of key events. Upon the occurrence of each of the following described events, or otherwise as soon as possible, the compact administrator shall immediately send the following notices to all compact notice recipients, together with certified conforming copies of the chaptered version of this compact as maintained in the statutes of each member state:
- a. Whenever any state becomes a member state, notice of that fact shall be given:
 - b. Once at least three-fourths of the states are member states, notice of that fact shall be given together with a statement declaring that the legislatures of at least two-thirds of the several states have applied for a convention for proposing amendments under Article V of the Constitution of the United States, petitioning Congress to call the Convention contemplated by this compact, and further requesting cooperation in organizing the same in accordance with this compact;
 - c. Once Congress has called the Convention contemplated by this compact, and whenever the date, time, and location of the Convention has been determined, notice of that fact shall be given together with the date, time, and location of the Convention and other essential logistical matters;
 - d. Upon approval of the Balanced Budget Amendment by the Convention, notice of that fact shall be given together with the transmission of certified copies of such approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths of the legislatures of the several states under Article V of the Constitution of the United States. However, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted; and
 - e. When any article of this compact prospectively ratifying the Balanced Budget Amendment is effective in any member state, notice of the same shall be given together with a statement declaring such ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the Constitution of the United States. However, whenever any member state enacts appropriate legislation, as determined by the laws of the respective state, withdrawing from this compact, the compact administrator shall immediately send certified conforming copies of the chaptered version of such withdrawal legislation as maintained in the statutes of each such withdrawing member state, solely to each chief executive officer of each remaining member state, giving notice of such withdrawal.
8. Cooperation. The commission, member states, and compact administrator shall cooperate with each other and give each other mutual assistance in enforcing this compact and shall give the chief law enforcement officer of each other member state any information or documents that are reasonably necessary to facilitate the enforcement of this compact.
9. This article does not take effect until there are at least two member states.

ARTICLE V - RESOLUTION APPLYING FOR CONVENTION

1. Be it resolved, as provided for in Article V of the Constitution of the United States, the legislature of each member state herewith applies to Congress for the calling of a convention for proposing amendments limited to the subject matter of proposing for ratification the Balanced Budget Amendment.
2. Congress is further petitioned to refer the Balanced Budget Amendment to the states for ratification by three-fourths of their respective legislatures.
3. This article does not take effect until at least three-fourths of the several states are member states.

ARTICLE VI - DELEGATE APPOINTMENT, LIMITATIONS, AND INSTRUCTIONS

1. Number of delegates. Each member state shall be entitled to one delegate as its sole and exclusive representative at the Convention as set forth in this article.
2. Identity of delegates. Each member state's chief executive officer, who is serving on the enactment date of this compact, is appointed in an individual capacity to represent his or her respective state at the Convention as its sole and exclusive delegate.
3. Replacement or recall of delegates. A delegate appointed hereunder may be replaced or recalled by the legislature of his or her respective state at any time for good cause, such as criminal misconduct or the violation of this compact. If replaced or recalled, any delegate previously appointed hereunder must immediately vacate the Convention and return to their respective state's capital.
4. Oath. The power and authority of a delegate under this article may only be exercised after the Convention is first called by Congress in accordance with this compact and such appointment is duly accepted by such appointee publicly taking the following oath or affirmation: "I do solemnly swear (or affirm) that I accept this appointment and will act strictly in accordance with the terms and conditions of the compact for a balanced budget, the constitution of the state I represent, and the Constitution of the United States. I understand that violating this oath (or affirmation) forfeits my appointment and may subject me to other penalties as provided by law."
5. Term. The term of a delegate hereunder commences upon acceptance of appointment and terminates upon the permanent adjournment of the Convention, unless shortened by recall, replacement, or forfeiture under this article. Upon expiration of such term, any person formerly serving as a delegate must immediately withdraw from and cease participation at the Convention, if any is proceeding.
6. Delegate authority. The power and authority of any delegate appointed hereunder is strictly limited:
 - a. To introducing, debating, voting upon, proposing, and enforcing the Convention rules specified in this compact, as needed to ensure those rules govern the Convention; and

- b. To introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment. All actions taken by any delegate in violation of this section are void ab initio.
7. Delegate authority. No delegate of any member state may introduce, debate, vote upon, reject, or propose for ratification any constitutional amendment at the Convention unless:
 - a. Convention rules specified in this compact govern the Convention and their actions; and
 - b. The constitutional amendment is the Balanced Budget Amendment.
8. Delegate authority. The power and authority of any delegate at the Convention does not include any power or authority associated with any other public office held by the delegate. Any person appointed to serve as a delegate shall take a temporary leave of absence, or otherwise shall be deemed temporarily disabled, from any other public office held by the delegate while attending the Convention, and may not exercise any power or authority associated with any other public office held by the delegate, while attending the Convention. All actions taken by any delegate in violation of this section are void ab initio.
9. Order of business. Before introducing, debating, voting upon, rejecting, or proposing for ratification any constitutional amendment at the Convention, each delegate of every member state must first ensure the Convention rules in this compact govern the Convention and their actions. Every delegate and each member state must immediately vacate the Convention and notify the compact administrator by the most effective and expeditious means if the Convention rules in this compact are not adopted to govern the Convention and their actions.
10. Forfeiture of appointment. If any member state or delegate violates any provision of this compact, then every delegate of that member state immediately forfeits his or her appointment, and shall immediately cease participation at the Convention, vacate the Convention, and return to his or her respective state's capital.
11. Expenses. A delegate appointed hereunder is entitled to reimbursement of reasonable expenses for attending the Convention from his or her respective member state. No delegate may accept any other form of remuneration or compensation for service under this compact.

ARTICLE VII - CONVENTION RULES

1. Nature of the Convention. The Convention shall be organized, construed, and conducted as a body exclusively representing and constituted by the several states.
2. Agenda of the Convention. The agenda of the Convention shall be entirely focused upon and exclusively limited to introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment under the Convention rules specified in this article and in accordance with the compact. It shall not be in order for the Convention to consider any matter that is outside the scope of this agenda.

3. Delegate identity and procedure. States shall be represented at the Convention through duly appointed delegates. The number, identity, and authority of delegates assigned to each state shall be determined by this compact in the case of member states or, in the case of states that are not member states, by their respective state laws. However, to prevent disruption of proceedings, no more than three delegates may attend and participate in the Convention on behalf of any state. A certified chartered conforming copy of this compact, together with government-issued photographic proof of identification, shall suffice as credentials for delegates of member states. Any commission for delegates of states that are not member states shall be based on their respective state laws, but it shall furnish credentials that are at least as reliable as those required of member states.
4. Voting. Each state represented at the Convention shall have one vote, exercised by the vote of that state's delegate in the case of states represented by one delegate, or, in the case of any state that is represented by more than one delegate, by the majority vote of that state's respective delegates.
5. Quorum. A majority of the several states of the United States, each present through its respective delegate in the case of any state that is represented by one delegate, or through a majority of its respective delegates, in the case of any state that is represented by more than one delegate, shall constitute a quorum for the transaction of any business on behalf of the Convention.
6. Action by the Convention. The Convention shall only act as a committee of the whole, chaired by the delegate representing the first state to have become a member state, if that state is represented by one delegate, or otherwise by the delegate chosen by the majority vote of that state's respective delegates. The transaction of any business on behalf of the Convention, including the designation of a secretary, the adoption of parliamentary procedures, and the rejection or proposal of any constitutional amendment, requires a quorum to be present and a majority affirmative vote of those states constituting the quorum.
7. Emergency suspension and relocation of the Convention. In the event that the chair of the Convention declares an emergency due to disorder or an imminent threat to public health and safety prior to the completion of the business on the agenda, and a majority of the states present at the Convention do not object to such declaration, further Convention proceedings shall be temporarily suspended, and the commission shall subsequently relocate or reschedule the Convention to resume proceedings in an orderly fashion in accordance with the terms and conditions of this compact with prior notice given to the compact notice recipients.
8. Parliamentary procedure. In adopting, applying, and formulating parliamentary procedure, the Convention shall exclusively adopt, apply, or appropriately adapt provisions of the most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians Standard Code of Parliamentary Procedure. In adopting, applying, or adapting parliamentary procedure, the Convention shall exclusively consider analogous precedent arising within the jurisdiction of the United States. Parliamentary procedures adopted, applied, or adapted pursuant to this section shall not obstruct, override, or otherwise conflict with this compact.

9. Transmittal. Upon approval of the Balanced Budget Amendment by the Convention to propose for ratification, the chair of the Convention shall immediately transmit certified copies of such approved proposed amendment to the compact administrator and all compact notice recipients, notifying them respectively of such approval and requesting Congress to refer the same for ratification by the states under Article V of the Constitution of the United States. However, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted as aforesaid.
10. Transparency. Records of the Convention, including the identities of all attendees and detailed minutes of all proceedings, shall be kept by the chair of the Convention or secretary designated by the Convention. All proceedings and records of the Convention shall be open to the public upon request subject to reasonable regulations adopted by the Convention that are closely tailored to preventing disruption of proceedings under this article.
11. Adjournment of the Convention. The Convention shall permanently adjourn upon the earlier of twenty-four hours after commencing proceedings under this article or the completion of the business on its agenda.

ARTICLE VIII - PROHIBITION ON ULTRA VIRES CONVENTION

1. Member states shall not participate in the Convention unless:
 - a. Congress first calls the Convention in accordance with this compact; and
 - b. The Convention rules of this compact are adopted by the Convention as its first order of business.
2. Any proposal or action of the Convention is void ab initio and issued by a body that is conducting itself in an unlawful and ultra vires fashion if that proposal or action:
 - a. Violates or was approved in violation of the Convention rules or the delegate instructions and limitations on delegate authority specified in this compact;
 - b. Purports to propose or effectuate a mode of ratification that is not specified in Article V of the Constitution of the United States; or
 - c. Purports to propose or effectuate the formation of a new government. All member states are prohibited from advancing or assisting in the advancement of any such proposal or action.
3. Member states shall not ratify or otherwise approve any proposed amendment, alteration, or revision to the Constitution of the United States, which originates from the Convention, other than the Balanced Budget Amendment.

ARTICLE IX - RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

1. Each member state, by and through its respective legislature, hereby adopts and ratifies the Balanced Budget Amendment.

2. This article does not take effect until Congress effectively refers the Balanced Budget Amendment to the states for ratification by three-fourths of the legislatures of the several states under Article V of the Constitution of the United States.

ARTICLE X - CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

1. To the extent that the effectiveness of this compact or any of its articles or provisions requires the alteration of local legislative rules, drafting policies, or procedure to be effective, the enactment of legislation enacting, adopting, and agreeing to be bound by this compact shall be deemed to waive, repeal, supersede, or otherwise amend and conform all such rules, policies, or procedures to allow for the effectiveness of this compact to the fullest extent permitted by the constitution of any affected member state.
2. Date and location of the Convention. Unless otherwise specified by Congress in its call, the Convention shall be held in Dallas, Texas, and commence proceedings at 9:00 a.m. central standard time on the sixth Wednesday after the latter of the effective date of article V of this compact or the enactment date of the Congressional resolution calling the Convention.
3. In addition to all other powers and duties conferred by state law which are consistent with the terms and conditions of this compact, the chief law enforcement officer of each member state is empowered to defend the compact from any legal challenge, as well as to seek civil mandatory and prohibitory injunctive relief to enforce this compact; and shall take such action whenever the compact is challenged or violated.
4. The exclusive venue for all actions in any way arising under this compact shall be in the United States District Court for the northern district of Texas or the courts of the state of Texas within the jurisdictional boundaries of the foregoing district court. Each member state shall submit to the jurisdiction of said courts with respect to such actions. However, upon written request by the chief law enforcement officer of any member state, the commission may elect to waive this provision for the purpose of ensuring an action proceeds in the venue that allows for the most convenient and effective enforcement or defense of this compact. Any such waiver shall be limited to the particular action to which it is applied and not construed or relied upon as a general waiver of this provision. The waiver decisions of the commission under this provision shall be final and binding on each member state.
5. The effective date of this compact and any of its articles is the latter of:
 - a. The date of any event rendering the same effective according to its respective terms and conditions; or
 - b. The earliest date otherwise permitted by law.
6. Article VIII of this compact is hereby deemed nonseverable prior to termination of the compact. However, if any other phrase, clause, sentence, or provision of this compact, or the applicability of any other phrase, clause, sentence, or provision of this compact to any government, agency, person, or circumstance, is declared in a final judgment to be contrary to the Constitution of the United States, contrary to the state constitution of any member state, or is otherwise held invalid by a court of competent jurisdiction, such phrase,

clause, sentence, or provision shall be severed and held for naught, and the validity of the remainder of this compact and the applicability of the remainder of this compact to any government, agency, person, or circumstance shall not be affected. Furthermore, if this compact is declared in a final judgment by a court of competent jurisdiction to be entirely contrary to the state constitution of any member state or otherwise entirely invalid as to any member state, such member state shall be deemed to have withdrawn from the compact, and the compact shall remain in full force and effect as to any remaining member state. Finally, if this compact is declared in a final judgment by a court of competent jurisdiction to be wholly or substantially in violation of Article I, Section 10, of the Constitution of the United States, then it shall be construed and enforced solely as reciprocal legislation enacted by the affected member states.

7. Termination. This compact shall terminate and be held for naught when the compact is fully performed and the Constitution of the United States is amended by the Balanced Budget Amendment. However, notwithstanding anything to the contrary set forth in this compact, in the event such amendment does not occur within seven years after the first state passes legislation enacting, adopting, and agreeing to be bound to this compact, the compact shall terminate as follows:
 - a. The commission shall dissolve and wind up its operations within ninety days thereafter, with the compact administrator giving notice of such dissolution and the operative effect of this section to the compact notice recipients; and
 - b. Upon the completed dissolution of the commission, this compact shall be deemed terminated, repealed, void ab initio, and held for naught.

Approved April 1, 2015
Filed April 1, 2015