

2007 NORTH DAKOTA LEGISLATIVE COUNCIL BILL AND RESOLUTION SUMMARIES

HOUSE

House Bill No. 1025 - Reserved Water Rights Negotiations. This bill authorizes the Governor to negotiate reserved water rights of the United States and federally recognized Indian tribes. (Agriculture and Natural Resources Committee)

House Bill No. 1026 - State Penitentiary Renovation and Expansion. This bill provides an appropriation of \$38 million to the Department of Corrections and Rehabilitation for the renovation and expansion of the State Penitentiary, including replacement of the east cellhouse. (Budget Committee on Government Services)

House Bill No. 1027 - Business Initiative. This bill addresses a broad range of economic development and business climate issues, such as a rural airport economic development fund, Housing Finance Agency mortgage loan financing programs and housing grant programs, the beginning entrepreneur loan guarantee program, the Biodiesel partnership in assisting community expansion (PACE) program, the PACE (flex PACE) program, a rural community tourism enhancement grant program, the image information program, a visitor information center program, a business and tourism acceleration commission, tax expenditure and state business incentive expenditure reports, seed capital investment tax credits, sales tax exemptions for tourism equipment and wireless service provider equipment, tax credits for recruitment and internship program expenses, a Department of Commerce Division of Innovation and Technology, research and technology tax credits, innovation grants, State Board of Higher Education annual performance and accountability reports, higher education program startup grants, centers of excellence, a job listing web site, Department of Commerce Division of Workforce Development duties, attraction of out-of-state workers, agency studies, and Legislative Council studies. (Economic Development Committee)

House Bill No. 1028 - Energy Development and Transmission Committee. This bill creates an Energy Development and Transmission Committee of the Legislative Council to study each facet of the energy industry. (Electric Industry Competition Committee)

House Bill No. 1029 - Home Rule Sales Tax Transfers to School Districts. This bill limits the authority of counties or cities to transfer home rule sales tax revenues to school districts. (Finance and Taxation Committee)

House Bill No. 1030 - Higher Education Special Funds Continuing Appropriation. This bill continues the continuing appropriation of higher education institutions' special revenue funds, including tuition, through June 30, 2009. (Higher Education Committee)

House Bill No. 1031 - North Dakota University System Budget Request and Appropriation. This bill

continues the requirement that the budget request for the North Dakota University System include budget estimates for block grants for a base funding component, an initiative funding component, and an asset funding component, and continues the requirement that the appropriation for the University System include block grants for a base funding appropriation, an initiative funding appropriation, and an asset funding appropriation through June 30, 2009. (Higher Education Committee)

House Bill No. 1032 - North Dakota University System Unspent General Fund Appropriations. This bill continues through June 30, 2009, the North Dakota University System authority to carry over at the end of the biennium unspent general fund appropriations. (Higher Education Committee)

House Bill No. 1033 - Public Improvement Contracts. This bill revises statutory provisions relating to bidding and public improvement contracts and allows state and local governments to use the construction management delivery method. (Industry, Business, and Labor Committee)

House Bill No. 1034 - Uniform Trust Code. This bill provides for the adoption of the Uniform Trust Code. (Judiciary Committee)

House Bill No. 1035 - Uniform Commercial Code Revised Article 1 - General Provisions. This bill provides for the adoption of the Uniform Commercial Code Revised Article 1 - General Provisions. (Judiciary Committee)

House Bill No. 1036 - Administrative Procedure for Driving Without Liability Insurance. This bill replaces the criminal procedure for driving without liability insurance with an administrative procedure. The bill also replaces the 20-day grace period to provide proof of insurance to a law enforcement officer with a defense to the violation by providing proof of insurance before or at the hearing on the violation to the hearing official. The bill provides for a mandatory fee of \$150 and clarifies language relating to point reductions for violation-free driving. The bill requires insurers to issue proof of insurance. In addition, the bill requires license plate impoundment for a second offense for driving without liability insurance. (Transportation Committee)

House Bill No. 1037 - Proof of Insurance Procedure. This bill changes the citation procedure for driving without liability insurance by replacing the 20-day grace period to provide proof of insurance with a defense to the charge by providing proof to the appropriate court. The bill requires insurers to issue proof of insurance. In addition, the bill requires license plate impoundment for a second offense for driving without liability insurance. (Transportation Committee)

House Bill No. 1038 - Workers' Compensation Benefits. This bill increases coverage for specially

equipped motor vehicles for catastrophically injured employees; creates an alternative calculation for additional benefits payable to address employees who were injured before July 1, 1995, but did not receive a determination of permanent and total disability until after July 1, 1995; increases death benefits to cover a catastrophically injured employee who dies more than six years after the date of injury; expands who may qualify for a Workforce Safety and Insurance educational loan and decreases the interest rates for these loans; and decreases the period an injured employee is required to wait before receiving supplementary benefits. (Workers' Compensation Review Committee)

House Concurrent Resolution No. 3001 - Block Grant Hearings. This concurrent resolution authorizes the Budget Section to hold legislative hearings required for receipt of federal block grants. (Budget Section)

House Concurrent Resolution No. 3002 - Judicial Elections and Judicial Selection Study. This concurrent resolution directs the Legislative Council to study judicial election and judicial selection issues. The concurrent resolution also provides that the study should include a public information and education program with the State Bar Association of North Dakota which includes public forums around the state regarding judicial selection methodology and the conduct of judicial elections. (Judicial Process Committee)

SENATE

Senate Bill No. 2025 - Nurse Practices Act Exemptions. This bill provides an exemption from nurse licensure requirements for employees providing medication to inmates within a correctional facility and provides for training requirements for correctional facility staff who are authorized to provide medication to inmates of a correctional facility. (Budget Committee on Government Services)

Senate Bill No. 2026 - Allied Health Professions Board. This bill establishes an allied health professions board and requires a new allied health profession that is not regulated by an existing occupational or professional board of the state or by a state agency to submit a petition to the allied health professions board requesting inclusion as a profession regulated by the board. (Budget Committee on Health Care)

Senate Bill No. 2027 - Acupuncturist Regulation. This bill requires individuals practicing acupuncture in this state, excluding those individuals who practice acupuncture under the scope of a profession for which they are licensed, to register with the State Department of Health. (Budget Committee on Health Care)

Senate Bill No. 2028 - Budget Section Duties and Responsibilities. This bill removes the statutory requirement for reports to the Budget Section regarding the use of the State Forester reserve account, duplicative payments and transfers to the state tuition fund, status of the performance assurance fund, the Department of Commerce's Internet web site for career guidance and job opportunities, and the status of the Workforce Safety and Insurance building maintenance account. The bill also removes the statutory requirement for annual reports to the Legislative Audit and Fiscal Review Committee by the Information Technology Department. (Budget Section)

Senate Bill No. 2029 - Electronic Monitoring. This bill provides standards under which the Department of Corrections and Rehabilitation may implement an electronic home detention and global positioning system monitoring program and requires that before entering an order for commitment for electronic home detention or global positioning system monitoring, a court, the Parole Board, or the department must inform a participant and other individuals residing in the residence of the participant of the nature and extent of the approved electronic monitoring devices by securing the written consent of the participant in the program and ensuring that the approved electronic devices be minimally intrusive upon the privacy of the participant and other individuals residing in the residence. (Commission on Alternatives to Incarceration)

Senate Bill No. 2030 - Education Associations Governed by Joint Powers Agreements. This bill addresses the financial operation and board membership of educational associations governed by joint powers agreements and requires the Superintendent of Public Instruction to report on specific benefits resulting from participation in an association. (Education Committee)

Senate Bill No. 2031 - Expedited Rate Adjustment for Transmission Facility Costs. This bill provides for an expedited rate adjustment to recover transmission facility costs and allows for a change in the tariff to allow the rate adjustment. The Public Service Commission is required to approve a rate adjustment unless the rate adjustment does not comply with the tariff or the incurred costs are not reasonable and prudent. (Electric Industry Competition Committee)

Senate Bill No. 2032 - Property Tax Relief Appropriation and Allocation. This bill appropriates approximately \$74 million for allocation among school districts. The bill requires a reduction of school district property tax authority to reflect the property tax relief allocation for each school district. (Finance and Taxation Committee)

Senate Bill No. 2033 - Property Tax Statement Information. This bill requires property tax statements to include, or be accompanied by, information showing for each taxing district levying taxes against property the amount of taxes levied in dollars and taxes expressed in dollars per \$1,000 of true and full valuation of the property. (Finance and Taxation Committee)

Senate Bill No. 2034 - Return to Employer Fee. This bill establishes a return-to-employer fee for job-attached employees of negative balance employers, provides that 50 percent of any fee collected must be considered as an unemployment contribution, and provides that the remaining 50 percent must be deposited in the federal advance interest repayment fund, to be split evenly between use for reemployment services and for administration. (Industry, Business, and Labor Committee)

Senate Bill No. 2035 - Unemployment Insurance Tax Rate. This bill modifies the unemployment insurance tax rate formula to provide that negative balance employers do not benefit from a reduction in unemployment insurance tax rates when there is a surplus in the unemployment insurance trust fund. (Industry, Business, and Labor Committee)

Senate Bill No. 2036 - Professional Employer Organization Licensing. This bill provides for the licensing of professional employer organizations by the Secretary of State and provides that the Secretary of State may refer complaints against professional employer organizations to the Attorney General for investigation and disposition. The bill also provides requirements for a professional employer organization agreement and the rights and obligations of the parties entering a coemployment relationship. (Industry, Business, and Labor Committee)

Senate Bill No. 2037 - Information Technology Committee and Information Technology Department Powers and Duties, Information Technology Plans, and Information Technology Issues. This bill provides that the Chief Information Officer may require information technology contractors to submit to a criminal history record check; authorizes the Information Technology Committee to receive and review project

startup and project closeout reports for any major information technology project; provides that information technology plans are subject to acceptance by the Information Technology Department; revises the contents of the statewide information technology plan and the Information Technology Department annual report; and provides that only entities approved by the Criminal Justice Information Sharing Board may access the criminal justice system. (Information Technology Committee)

Senate Bill No. 2038 - Information Technology Policies, Standards, and Guidelines and Major Proposed Information Technology Project Prioritization. This bill requires the Information Technology Department to develop policies, standards, and guidelines using a process involving advice from state agencies and institutions. The bill also provides that the State Information Technology Advisory Committee is to review policies, standards, and guidelines developed by the Information Technology Department and prioritize proposed major information technology projects of executive branch state agencies, excluding institutions under the control of the State Board of Higher Education and agencies of the judicial and legislative branches. (Information Technology Committee)

Senate Bill No. 2039 - Eminent Domain. This bill limits the uses of eminent domain. The bill prohibits private property from being taken for use by a private commercial enterprise for economic development or for any other private use without the consent of the owner; defines economic development as any activity to increase tax revenue, tax base, employment, or general economic health; provides that public use does not include the public benefits of economic development, including an increase in the tax base or in tax revenues

or an improvement of general economic health; provides that the question of whether a use is a public use must be determined by a court; and provides that a court is required to try the matter de novo. (Judicial Process Committee)

Senate Bill No. 2040 - Consumer Fraud. This bill prohibits third parties from assisting and facilitating consumer fraud upon consumers in North Dakota. (Judicial Process Committee)

Senate Bill No. 2041 - Marriage License Fees. This bill provides for a \$25 reduction in the marriage license fee for individuals who complete four hours of premarital counseling. The bill provides that the Department of Human Services is responsible for administering the program by using a voucher system and contains an appropriation of \$110,000 from temporary assistance for needy families (TANF) funds for the program. (Judiciary Committee)

Senate Bill No. 2042 - Workers' Compensation Presumption for Firefighters and Law Enforcement Officers. This bill expands the presumption of workers' compensation compensability for full-time paid firefighters and law enforcement officers to provide coverage, not to exceed 56 days, if a medical examination produces a false positive result for a condition covered under the presumption. (Workers' Compensation Review Committee)

Senate Bill No. 2043 - Workers' Compensation Appeal Period for Firefighters and Law Enforcement Officers. This bill provides that for purposes of workers' compensation claims brought under the presumption of compensability of full-time paid firefighters and law enforcement officers, the period to appeal is extended from 30 to 45 days. (Workers' Compensation Review Committee)